File No. 230446 **Committee Item No.** 7
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS

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Cmte Board

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Prepared by: John Carroll **Date:** October 12, 2023
Prepared by: _____ **Date:** _____
Prepared by: _____ **Date:** _____

AMENDED IN COMMITTEE
10/2/2023

FILE NO. 230446 ORDINANCE NO.

[Planning and Subdivision Codes, Zoning Map - Housing Production]

Ordinance amending the Planning Code to encourage housing production by ~~(~~1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations, and areas outside RH (Residential House) Districts within the Family Housing Opportunity Special Use District; ~~(~~2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots in areas outside the Priority Equity Geographies Special Use District, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; ~~(~~3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; ~~(~~4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; ~~(~~5) expanding the eligibility for the Housing Opportunities Mean Equity – San Francisco (HOME – SF) program and density exceptions in residential districts; ~~(~~6) exempting certain affordable housing projects from certain development fees; ~~(~~7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and ~~(~~8) making conforming amendments to other sections

of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; amending the Subdivision Code to update the condominium conversion requirements for projects utilizing residential density exceptions in RH Districts; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

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

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

Section 1. Environmental and Land Use 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 Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 230446 and is incorporated herein by reference. The Board affirms this determination.

(b) On June 29, 2023, the Planning Commission, in Resolution No. 21342, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors in File No. 230446, and is incorporated herein by reference.

(c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 21342, and the Board adopts such reasons as its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. 230446 and is incorporated herein by reference.

Section 2. General Background and Findings.

(a) California faces a severe crisis of housing affordability and availability, prompting the Legislature to declare, in Section 65589.5 of the Government Code, that the state has "a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of a chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives."

(b) This crisis of housing affordability and availability is particularly severe in San Francisco. It is characterized by dramatic increases in rent and home sale prices over recent years.

(c) According to the Planning Department's 2020 Housing Inventory, the cost of housing in San Francisco has increased dramatically since the Great Recession of 2008-2009, with the median sale price for a two-bedroom house more than tripling from 2011 to 2021, from $493,000 to $1,580,000. This includes a 9% increase from 2019 to 2020 alone, even in the face of the COVID-19 pandemic. The median rental price for a two-bedroom apartment saw similar although slightly smaller increases, nearly doubling from $2,570 to $4,500 per month, from 2011 to 2019, before declining in 2020 due to the pandemic.

(d) These housing cost trends come after decades of underproduction of housing in the Bay Area, according to the Planning Department's 2019 Housing Affordability Strategies

Report. The City's Chief Economist has estimated that approximately 5,000 new market-rate housing units per year would be required to keep housing prices in San Francisco constant with the general rate of inflation.

(e) Moreover, San Francisco will be challenged to meet increased Regional Housing Needs Allocation ("RHNA") goals in this 2023-2031 Housing Element cycle, which total 82,069 units over eight years~~,~~ (46,598 of which must be affordable to extremely-low, very-low, low-, and moderate-income households), more than 2.5 times the goal of the previous eight-year cycle. The importance of meeting these goals to address housing needs is self-evident. In addition, under relatively new State laws like Senate Bill 35 (2017), failure to meet the 2023-2031 RHNA housing production goals would result in limitations on San Francisco's control and discretion over certain projects.

(f) On January 31, 2023, the City adopted the 2022 Update of the Housing Element of the General Plan ("2022 Housing Element"), as required by state law. The 2022 Housing Element is San Francisco's first housing plan that is centered on racial and social equity. It articulates San Francisco's commitment to recognizing housing as a right, increasing housing affordability for low-income households and communities of color, opening small and mid-rise multifamily buildings across all neighborhoods, and connecting housing to neighborhood services like transportation, education, and economic opportunity.

(g) The 2022 Housing Element includes goals, objectives, policies and implementing programs that seek to guide development patterns and the allocation of resources to San Francisco neighborhoods. Generally, it intends to shift an increased share of the San Francisco's projected future housing growth to transit corridors and low-density residential districts within "Well-Resourced Neighborhoods" (which are areas identified by the state as neighborhoods that provide strong economic, health, and educational outcomes for its residents), while aiming to prevent the potential displacement and adverse racial and social

equity impacts of zoning changes, planning processes, or public and private investments for populations and in areas that may be vulnerable to displacement, such as “Priority Equity Geographies” (identified in the Department of Public Health’s Community Health Needs Assessment as Areas of Vulnerability).

(h) Among other policies, the 2022 Housing Element commits the City to remove governmental constraints on housing development, maintenance and improvement, specifically in Well-Resourced Neighborhoods and in areas outside of Priority Equity Geographies, as well as to reduce costs and administrative processes for affordable housing projects, small and multifamily housing, and to simplify and standardize processes and permit procedures. Among many other obligations, the 2022 Housing Element requires that the City remove Conditional Use Authorization requirements for code compliant projects, eliminate hearing requirements, and modify standards and definitions to permit more types of housing across the City, in Well-Resourced Neighborhoods and outside of Priority Equity Geographies. This ordinance advances those goals.

Section 3. The Planning Code is hereby amended by deleting Sections 121.1, 121.3, 132.2, ~~253,~~ 253.1, 253.2, and 253.3, revising Sections 102, 121, 121.7, 132, 134, 135, 140, 145.1, 202.2, 204.1, 206.3, 206.6, 207, 209.1, 209.2, 209.3, 209.4, 210.3, 253, 305.1, 311, 317, 406, 710, 711, 713, 714, 722, 723, 750, 754, 810, 811, and 812, and adding new Sections 121.1 and 121.3, and Section 249.97, to read as follows:

SEC. 102.DEFINITIONS.

*** * * ***

Dwelling Unit. A Residential Use defined as a room or suite of two or more rooms that is designed for, or is occupied by, one family doing its own cooking therein and having only one

kitchen. *A Dwelling Unit shall also include "employee housing" when providing accommodations for six or fewer employees, as provided in State Health and Safety Code §17021.5.* A housekeeping room as defined in the Housing Code shall be a Dwelling Unit for purposes of this Code. For the purposes of this Code, a Live/Work Unit, as defined in this Section, shall not be considered a Dwelling Unit.

*** * * ***

Height (of a building or structure). The vertical distance by which a building or structure rises above a certain point of measurement. See Section 260 of this Code for how height is measured.

Historic Building. *A Historic Building is a building or structure that meets at least one of the following criteria:*

- *It is individually designated as a landmark under Article 10;*
- *It is listed as a contributor to an historic district listed in Article 10;*
- *It is a Significant or Contributory Building under Article 11, with a Category I, II, III or IV rating;*
- *It has been listed or has been determined eligible for listing in the California Register of Historical Resources; or,*
- *It has been listed or has been determined eligible for listing in the National Register of Historic Places.*

*** * * ***

SEC. 121. MINIMUM LOT WIDTH AND AREA.

*** * * ***

(b) **Subdivisions and Lot Splits**. Subdivisions and lot splits shall be governed by the Subdivision Code of the City and County of San Francisco and by the Subdivision Map Act of California. In all such cases the procedures and requirements of said Code and said Act shall be followed, including the requirement for consistency with the General Plan of the City and County of San Francisco. ~~*Where the predominant pattern of residential development in the immediate vicinity exceeds the minimum standard for lot width or area, or the minimum standards for both lot width and area, set forth below in this Section, any new lot created by a subdivision or lot split under the Subdivision Code shall conform to the greater established standards, provided that in no case shall the required lot width be more than 33 feet or the required lot area be more than 4,000 square feet.*~~ In RH districts in the Family Housing Opportunity Special Use District, where the predominant pattern of residential development in the immediate vicinity exceeds the minimum standard for lot width or area, or exceeds the minimum standards for both lot width and area, set forth below in this Section 121, any new lot created by a subdivision or lot split under the Subdivision Code shall conform to the greater established standard(s), provided that in no case shall the required lot width be more than 33 feet or the required lot area be more than 4,000 square feet.

*** * * ***

(d) **Minimum Lot Width**. The minimum lot width shall be ~~20 feet.*as follows:*~~ as follows:

~~*(1) In RH-1(D) Districts: 33 feet;*~~

~~*(2) In all other zoning use districts: 25 feet.*~~

1) In RH-1(D) Districts in the Family Housing Opportunity Special Use District (Section 249.94): 33 feet;

(2) In all other RH Districts in the Family Housing Opportunity Special Use District: 25 feet;

(3) In all other zoning use districts: 20 feet.

(e) **Minimum Lot Area**. The minimum lot area shall be ~~1,200 sq. ft.~~ ~~*as follows:*~~ as follows:

~~*(1) In RH-1(D) Districts: 4,000 square feet;*~~

~~*(2) In all other zoning use districts: 2,500 square feet; except that the minimum lot area for any lot having its street frontage entirely within 125 feet of the intersection of two streets that intersect at an angle of not more than 135 degrees shall be 1,750 square feet.*~~

(1) In RH-1(D) Districts in the Family Housing Opportunity Special Use District (Section 249.94): 4,000 square feet;

(2) In all other RH Districts in the Family Housing Opportunity Special Use District: 2,500 square feet; except that the minimum lot area for any lot having its street frontage entirely within 125 feet of the intersection of two streets that intersect at an angle of not more than 135 degrees shall be 1,750 square feet.

(3) In all other zoning use districts: 1,200 square feet.

~~*(f) Conditional Uses. Notwithstanding the foregoing requirements of this Section 121 as to lot width, lot area and width of lot frontage, in any zoning use district other than an RH-1(D) District the City Planning Commission may permit one or more lots of lesser width to be created, with each lot containing only a one-family dwelling and having a lot area of not less than 1,500 square feet, according to the procedures and criteria for conditional use approval in Section 303 of this Code.*~~

(f) **Conditional Uses**. Notwithstanding the foregoing requirements of this Section 121 as to lot width, lot area, and width of lot frontage, in any RH District in the Family Housing Opportunity Special Use District, other than an RH-1(D) District, the Planning Commission may permit one or more lots of lesser width to be created, with each lot containing only a one-family dwelling and having a lot area of not less than 1,500 square feet, according to the procedures and criteria for conditional use approval in Section 303 of this Code.

~~***SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL DISTRICTS.***~~

~~*(a) **Purpose.** In order to promote, protect, and maintain a scale of development that is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in the table below shall be permitted only as Conditional Uses.*~~

~~*District*~~	~~*Lot Size Limits*~~
~~*North Beach*~~	~~*2,500 sq. ft.*~~
~~*Pacific Avenue*~~	
~~*Polk Street*~~	
~~*NC-1, NCT-1*~~	~~*5,000 sq. ft.*~~
~~*24th Street-Mission*~~	
~~*24th Street-Noe Valley*~~	
~~*Broadway*~~	
~~*Castro Street*~~	
~~*Cole Valley*~~	
~~*Glen Park*~~	
~~*Haight Street*~~	
~~*Inner Clement Street*~~	
~~*Inner Sunset*~~	
~~*Irving Street*~~	
~~*Judah Street*~~	

~~*Lakeside Village*~~	
~~*Noriega Street*~~	
~~*Outer Clement Street*~~	
~~*Sacramento Street*~~	
~~*Taraval Street*~~	
~~*Union Street*~~	
~~*Upper Fillmore Street*~~	
~~*West Portal Avenue*~~	
~~*NC-2, NCT-2*~~	~~*10,000 sq. ft.*~~
~~*NC-3, NCT-3*~~	
~~*Bayview*~~	
~~*Cortland Avenue*~~	
~~*Divisadero Street*~~	
~~*Excelsior Outer Mission Street*~~	
~~*Fillmore Street*~~	
~~*Folsom Street*~~	
~~*Geary Boulevard*~~	
~~*Hayes-Gough*~~	
~~*Inner Balboa Street*~~	
~~*Inner Taraval Street*~~	
~~*Japantown*~~	

~~*Lower Haight Street*~~	
~~*Lower Polk Street*~~	
~~*Mission Bernal*~~	
~~*Mission Street*~~	
~~*Ocean Avenue*~~	
~~*Outer Balboa Street*~~	
~~*Regional Commercial District*~~	
~~*San Bruno Avenue*~~	
~~*SoMa*~~	
~~*Upper Market Street*~~	
~~*Valencia Street*~~	
~~*NC-S*~~	~~*Not Applicable*~~

~~*(b) **Design Review Criteria.** In addition to the criteria of Section 303(c) of this Code, the City Planning Commission shall consider the extent to which the following criteria are met:*~~

~~*(1) The mass and facade of the proposed structure are compatible with the existing scale of the district.*~~

~~*(2) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.*~~

~~*(3) Where 5,000 or more gross square feet of Non-Residential space is proposed, that the project provides commercial spaces in a range of sizes, including one or more spaces of 1,000 gross square feet or smaller, to accommodate a diversity of neighborhood business types and business sizes.*~~

SEC. 121.1. DEVELOPMENT OF LARGE LOTS IN NEIGHBORHOOD COMMERCIAL DISTRICTS LOCATED IN THE PRIORITY EQUITY GEOGRAPHIES SPECIAL USE DISTRICT.

(a) Purpose. In order to promote, protect, and maintain a scale of development that is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in the Neighborhood Commercial Districts located in the Priority Equity Geographies Special Use District established under Section 249.97 shown in the table below shall be permitted only as Conditional Uses.

District	**Lot Size Limits**
North Beach (*)	2,500 sq. ft.
Polk Street (*)	
NC-1, NCT-1 (*)	5,000 sq. ft.
24th Street-Mission	
NC-2, NCT-2 (*)	10,000 sq. ft.
NC-3, NCT-3 (*)	
Bayview	
Divisadero Street (*)	
Excelsior Outer Mission Street	
Fillmore Street (*)	
Folsom Street	
Hayes-Gough	

Lower Polk Street	
Mission Street	
San Bruno Avenue	
SoMa	
Upper Market Street	
Valencia Street (*)	

(*) These districts are located at least partially in the Priority Equity Geographies Special Use District established under Section 249.97. The controls in this Section 121.1 shall apply to those areas of these districts that are within the Priority Equity Geographies SUD. The controls in this Section 121.1 shall not apply to portions of any Neighborhood Commercial District that are outside the Priority Equity Geographies SUD.

(b) **Design Review Criteria**. In addition to the criteria of Section 303(c) of this Code, the Planning Commission shall consider the extent to which the following criteria are met:

(1) The mass and facade of the proposed structure are compatible with the existing scale of the district.

(2) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

(3) Where 5,000 or more gross square feet of Non-Residential space is proposed, the project provides commercial spaces in a range of sizes, including one or more spaces of 1,000 gross square feet or smaller, to accommodate a diversity of neighborhood business types and business sizes.

~~***SEC. 121.3. DEVELOPMENT OF LARGE LOTS, CHINATOWN MIXED USE DISTRICTS.***~~

~~*In order to promote, protect, and maintain a scale of development which is appropriate to each Mixed Use District and complementary to adjacent buildings, new construction or enlargement of existing buildings on lots larger than the square footage stated in the table below shall be permitted as conditional uses subject to the provisions set forth in Section 303.*~~

-

~~***District***~~	~~***Lot Size Limits***~~
~~*Chinatown Community Business*~~	~~*5,000 sq. ft.*~~
~~*Chinatown Residential/Neighborhood Commercial*~~	
~~*Chinatown Visitor Retail*~~	

~~*In addition to the criteria of Section 303(c), the Planning Commission shall consider the following criteria:*~~

~~*(1) The mass and facade of the proposed structure are compatible with the existing scale of the district.*~~

~~*(2) The facade of the proposed structure is consistent with design features of adjacent facades that contribute to the positive visual quality of the district.*~~

SEC. 121.3. DEVELOPMENT OF LARGE LOTS, CHINATOWN MIXED USE DISTRICTS.

(a) In order to promote, protect, and maintain a scale of development which is appropriate to each Mixed Use District and complementary to adjacent buildings, new construction or enlargement of existing buildings on lots larger than the square footage stated in the table below shall be permitted as conditional uses subject to the provisions set forth in Section 303.

District	Lot Size Limits
Chinatown Community Business	5,000 sq. ft.
Chinatown Residential/Neighborhood Commercial	
Chinatown Visitor Retail	

(b) In addition to the criteria of Section 303(c), the Planning Commission shall consider the following criteria:

(1) The mass and facade of the proposed structure are compatible with the existing scale of the district.

(2) The facade of the proposed structure is consistent with design features of adjacent facades that contribute to the positive visual quality of the district.

SEC. 121.7. RESTRICTION OF LOT MERGERS IN CERTAIN DISTRICTS AND ON PEDESTRIAN-ORIENTED STREETS.

*** * * ***

(b) **Controls.** Merger of lots is regulated as follows:

~~*(1) **RTO Districts.** In RTO Districts, merger of lots creating a lot greater than 5,000 square feet shall not be permitted except according to the procedures and criteria in subsection (d) below.*~~

(1) **RTO Districts**. In RTO Districts within the Priority Equity Geographies Special Use District established under Section 249.97, merger of lots creating a lot greater than 5,000 square feet shall not be permitted except according to the procedures and criteria in subsection (d) below.

(~~21~~2) **NCT, NC, and Mixed-Use Districts.** In those NCT, NC, and Mixed Use Districts listed below, merger of lots resulting in a lot with a single street frontage greater than that stated in the table below on the specified streets or in the specified Districts is prohibited except according to the procedures and criteria in subsections (c) and (d) below.

(~~32~~3) **WMUO District.** Merger of lots in the WMUO zoning district resulting in a lot with a street frontage between 100 and 200 feet along Townsend Street is permitted so long as a publicly-accessible through-block pedestrian alley at least 20 feet in width and generally conforming to the design standards of Section 270.2(e)(5)-(12) of this Code is provided as a result of such merger.

(~~43~~4) **Mission Street NCT District.** In the Mission Street NCT District, projects that propose lot mergers resulting in street frontages on Mission Street greater than 50 feet shall provide at least one non-residential space of no more than 2,500 square feet on the ground floor fronting Mission Street.

(~~54~~5) **Ocean Avenue NCT District.** In the Ocean Avenue NCT District, projects that propose lot mergers resulting in street frontages greater than 50 feet are permitted to create corner lots only, and shall require a conditional use authorization.

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SEC. 132. FRONT SETBACK AREAS IN RTO, RH, AND RM DISTRICTS AND FOR REQUIRED SETBACKS FOR PLANNED UNIT DEVELOPMENTS.

The following requirements for minimum front setback areas shall apply to every building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the existing front setbacks of adjacent buildings. Buildings in RTO Districts which have more than 75 feet of street frontage are additionally subject to the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission. Planned Unit

Developments or PUDs, as defined in Section 304, shall also provide landscaping in required setbacks in accord with Section 132(g).

(a) **Basic Requirement.** Where one or both ~~*of the*~~ buildings adjacent to the subject property have front setbacks along a Street or Alley, any building or addition constructed, reconstructed, or relocated on the subject property shall be set back as follows:

(1) In RH Districts in the Family Housing Opportunity Special Use District (Section 249.94): the average of the two adjacent front setbacks, except as provided in subsection (d) below. If only one of the adjacent buildings has a front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building;

(2) In all other zoning use districts: *no less than the depth of the adjacent building with the shortest front setback, except as provided in subsection (c).* ~~*the average of the two adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building.*~~

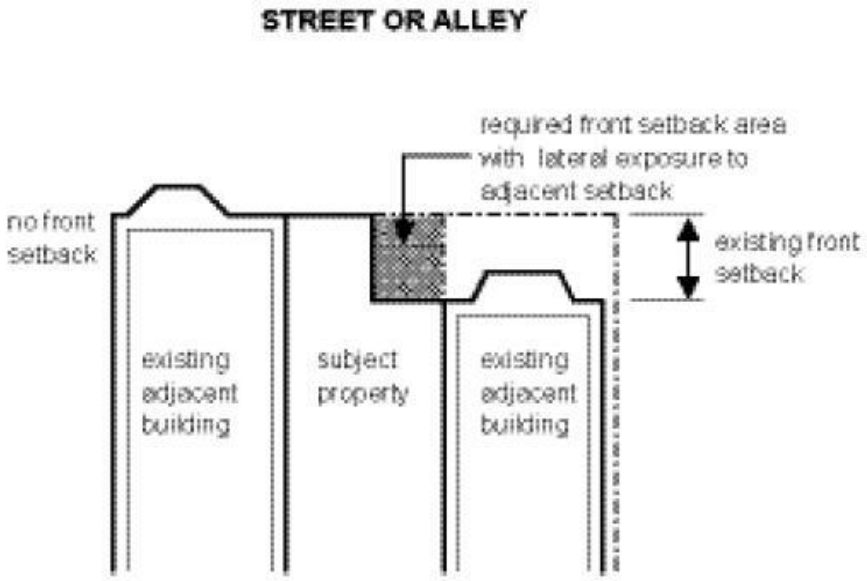
(3) In any case in which the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less parallel to the Street or Alley, such nearest building shall be deemed to be an "adjacent building," but a building on a lot so separated for a greater distance shall not be deemed to be an "adjacent building." ~~[Note to publisher: Delete diagram that follows this text].~~

~~*(b) **Alternative Method of Averaging.** If, under the rules stated in subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged in an irregular manner within the depth between the setbacks of the two adjacent buildings, provided that the area of the resulting setback shall be at least equal to the product*~~

~~*of the width of the subject property along the Street or Alley times the setback depth required by subsections (a) and (c) of this Section 132; and provided further, that all portions of the resulting setback area on the subject property shall be directly exposed laterally to the setback area of the adjacent building having the greater setback. In any case in which this alternative method of averaging has been used for the subject property, the extent of the front setback on the subject property for purposes of subsection (c) below relating to subsequent development on an adjacent site shall be considered to be as required by subsection (a) above, in the form of a single line parallel to the Street or Alley*~~ ~~[Note to publisher: Delete diagram that follows this text].~~

(b) **Alternative Method of Averaging**. If, under the rules stated in subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged in an irregular manner within the depth between the setbacks of the two adjacent buildings, provided that the area of the resulting setback shall be at least equal to the product of the width of the subject property along the Street or Alley times the setback depth required by subsections (a) and (c) of this Section 132; and provided further, that all portions of the resulting setback area on the subject property shall be directly exposed laterally to the setback area of the adjacent building having the greater setback. In any case in which this alternative method of averaging has been used for the subject property, the extent of the front setback on the subject property for purposes of subsection (c) below relating to subsequent development on an adjacent site shall be considered to be as required by subsection (a) above, in the form of a single line parallel to

the Street or Alley. [Note to publisher: The diagram that follows is a reproduction of the diagram that appears below Section 132(b) in the current version of the Planning Code.]



(*b*e) **Method of Measurement.** The extent of the front setback of each adjacent building shall be taken as the horizontal distance from the property line along the Street or Alley to the building wall closest to such property line, excluding all projections from such wall, all decks and garage structures and extensions, and all other obstructions.

(*c*d) **Applicability to Special Lot Situations.**

* * * *

(*d*e) **Maximum Requirements.** The maximum required front setback in any of the cases described in this Section 132 shall be as follows:

(1) In RH Districts in the Family Housing Opportunity Special Use District (Section 249.94): 15 feet from the property line along the Street or Alley, or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement. Where a lot faces on a Street or Alley less than or equal to 40 feet in width, the maximum

required setback shall be 10 feet from the property line or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement.

(2) In all other zoning use districts, except as otherwise provided in this Code: ~~*15*~~ *10* feet from the property line along the Street or Alley, except in cases where more than 75% of the properties on the subject block face have a setback of 15 feet or greater, and both parcels adjacent to the parcel property have a front setback of 15 feet or greater, in which case the maximum front setback shall be 15 feet.*~~., or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement~~*. *~~Where a lot faces on a Street or Alley less than or equal to 40 feet in width, the maximum required setback shall be ten feet from the property line or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement.~~*

(3) The required setback for lots located within the Bernal Heights Special Use District is set forth in Section 242 of this Code.

*** * * ***

~~SEC. 132.2. SETBACKS IN THE NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.~~

~~(a) General.~~ *~~In order to maintain the continuity of a predominant street wall along the street, setbacks of the upper portion of a building which abuts a public sidewalk may be required of buildings located within the boundaries of the North of Market Residential Special Use District, as shown on Sectional Map 1SUb of the Zoning Map, as a condition of approval of conditional use authorization otherwise required by Section 253 of this Code for building in RC Districts which exceed 50 feet in height.~~*

~~***(b) Procedures.*** *A setback requirement may be imposed in accordance with the provisions set forth below pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code.*~~

~~***(c) Setback Requirement.*** *In order to maintain the continuity of the prevailing streetwall along a street or alley, a setback requirement may be imposed as a condition of approval of an application for conditional use authorization for a building in excess of 50 feet in height, as required by Section 253 of this Code. If the applicant can demonstrate that the prevailing streetwall height on the block on which the proposed project is located, as established by existing cornice lines, is in excess of 50 feet, then the Commission may impose a maximum setback of up to 20 feet applicable to the portion of the building which exceeds the established prevailing streetwall height; provided, however, that if the applicant demonstrates that the prevailing streetwall height is in excess of 68 feet, the maximum setback requirement which may be imposed is 16 feet. If the applicant can demonstrate that a building without a setback would not disrupt the continuity of the prevailing streetwall along the street, then the Planning Commission may grant approval of the conditional use authorization without imposing a setback requirement as a condition thereof.*~~

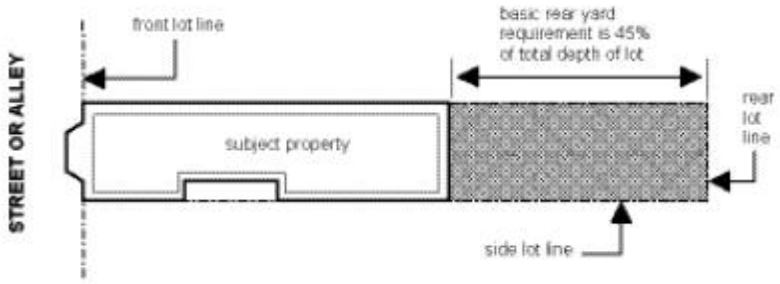
SEC. 134. REAR YARDS IN R, RC, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU, RED, AND RED-MX DISTRICTS.

*** * * ***

(c) Basic Requirements. The basic rear yard requirements shall be as follows for the districts indicated:

(1) In RH, RM-1, RM-2, RTO, RTO-M Zoning Districts, the basic rear yard shall be equal to 30% of the total depth of the lot on which the building is situated, but in no case less than 15 feet~~.~~, unless otherwise provided in subsection (c)(2).

(2) In RH-2 and RH-3 Districts in the Family Housing Opportunity Special Use District (Section 249.94), the minimum rear yard depth shall be equal to 45% of the total depth of the lot on which the building is situated, unless a reduction in this requirement is permitted by subsection (k) below or otherwise provided in Section 249.94(d). [Note to publisher: The diagram that follows is a reproduction of the diagram that appears below Section 134(c)(3) in the current Planning Code.]



(~~2~~3) In all other Zoning Districts not listed in subsection (c)(1), the rear yard shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

(d) Rear Yard Location Requirements.

~~***(1) RH-1(D), RH-1, and RH-1(S) Districts.*** *For buildings that submit a development application on or after January 15, 2019, the minimum rear yard depth shall be equal to 30% of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Exceptions are permitted on Corner Lots and through lots abutting properties with buildings fronting both streets, as described in subsection (f) below. For buildings that submitted a development application prior to January 15, 2019, the minimum rear yard depth shall be determined based on the applicable law on the date of submission.~~

~~*(2) RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD Districts.*~~ ~~*Except as specified in this subsection (c), the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet.*~~

~~*(A) For buildings containing only SRO Units in the Eastern Neighborhoods Mixed Use Districts, the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced in specific situations as described in subsection (e) below.*~~

~~*(B) To the extent the lot coverage requirements of Section 249.78 apply to a project, those requirements shall control, rather than the requirements of this Section 134.*~~

(~~*C*~~*1*) **RH**~~*-1(D), RH-1, RH-1(S)*~~**, RM**~~*-3, RM-4*~~**, *RTO,* NC-1, NCT-1, Inner Sunset, Outer Clement Street, Cole Valley, Haight Street, Lakeside Village, Sacramento Street, 24th Street-Noe Valley, *Pacific Avenue,* and West Portal Avenue Districts.** Rear yards shall be provided at grade level and at each succeeding level or story of the building.

(~~*D*~~*2*) **NC-2, NCT-2, Ocean Avenue, Inner Balboa Street, Outer Balboa Street, Castro Street, Cortland Avenue, Divisadero Street NCT, Excelsior-Outer Mission Street, Inner Clement Street, Upper Fillmore Street, Lower Haight Street, Judah Street, Noriega Street, North Beach, San Bruno Avenue, Taraval Street, Inner Taraval Street, Union Street, Valencia Street, 24th Street-Mission, Glen Park, Regional Commercial District and Folsom Street Districts.** Rear yards shall be provided at the second story, and at each succeeding story of the building, and at the First Story if it contains a Dwelling Unit.

* * * *

(~~*E*~~*3*) **RC-3, RC-4, NC-3, NCT-3, Bayview, Broadway, Fillmore Street, Geary Boulevard, Hayes-Gough, Japantown, SoMa NCT, Mission Bernal, Mission Street, Polk Street, Lower Polk Street, Pacific Avenue, C, M, SPD, MUR, MUG, MUO, and UMU**

Districts. Rear yards shall be provided at the lowest story containing a Dwelling Unit, and at each succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M, N, R, S, T, U, and V) are not required to provide rear yards at any level of the building, provided that the project fully meets the usable open space requirement for Dwelling Units pursuant to Section 135 of this Code, the exposure requirements of Section 140, and gives adequate architectural consideration to the light and air needs of adjacent buildings given the constraints of the project site.

(~~F~~4) Upper Market Street NCT. Rear yards shall be provided at the grade level, and at each succeeding story of the building. For buildings in the Upper Market Street NCT that do not contain Residential Uses and that do not abut adjacent lots with an existing pattern of rear yards or mid-block open space, the Zoning Administrator may waive or reduce this rear yard requirement pursuant to the procedures of subsection (h).

(~~G~~5) RED, RED-MX and WMUG Districts. Rear yards shall be provided at the ground level for any building containing a Dwelling Unit, and at each succeeding level or story of the building.

~~*(3) RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts, and the Pacific Avenue NC District. The minimum rear yard depth shall be equal to 45% of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by subsection (e) below. Rear yards shall be provided at grade level and at each succeeding level or story of the building. In RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2 Districts, exceptions are permitted on Corner Lots and through lots abutting a property with buildings fronting on both streets, as described in subsection (f) below.*~~ [Note to publisher: delete diagram that follows this text]

(~~d~~e) Permitted Obstructions. Only those obstructions specified in Section 136 of this Code shall be permitted in a required rear yard, and no other obstruction shall be constructed,

placed, or maintained within any such yard. No motor vehicle, trailer, boat, or other vehicle shall be parked or stored within any such yard, except as specified in Section 136.

~~***(e) Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1,,2 and RM-2 Districts.*** *The rear yard requirement stated in subsection subsection2 (c)(3) above and as stated in subsection subsection2 (c)(2)(A) above for SRO buildings located in the Eastern Neighborhoods Mixed Use Districts not exceeding a height of 65 feet, shall be reduced in specific situations as described in this subsection (e), based upon conditions on adjacent lots. Except for those SRO buildings referenced above in this subsection (e) whose rear yard can be reduced in the circumstances described in subsection (e) to a 15-foot minimum, under no circumstances shall the minimum rear yard be thus reduced to less than a depth equal to 25% of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever is greater.*~~

~~***(1) General Rule.*** *In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. Except for SRO buildings, in any case in which a rear yard requirement is thus reduced, the last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.*~~

~~***(2) Alternative Method of Averaging.*** *If, under the rule stated in subsection (e)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by subsection (e)(1) above times the reduction in depth of rear yard permitted by subsection (e)(1); and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.*~~

~~***(3) Method of Measurement.*** *For purposes of this subsection (e), an "adjacent building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least one-half the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two Stories, whichever is less, excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no Dwelling or Group Housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, RED-MX, MUG, WMUG, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC, C, M, or P District, such adjoining lot shall, for purposes of the calculations in this subsection (e), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75% of the total depth of the subject lot.*~~

~~***(4) Applicability to Special Lot Situations.*** *In the following special lot situations, the general rule stated in subsection (e)(1) above shall be applied as provided in this subsection (e)(4), and the required rear yard shall be reduced if conditions on the adjacent lot or lots so indicate and if all other requirements of this Section 134 are met.*~~ [Note to publisher: delete the three diagrams that follow this text]

~~***(A) Corner Lots and Lots at Alley Intersections.*** *On a Corner Lot as defined in Section 102 of this Code, or a lot at the intersection of a Street and an Alley or two Alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.*~~

~~***(B) Lots Abutting Properties with Buildings that Front on Another Street or Alley.*** *In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another Street or Alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same Street or Alley. In the case of any*~~

~~*lot that abuts along both its side lot lines upon lots with buildings that front on another Street or Alley, both lots on which it so abuts shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to 25% of the total depth of the subject lot, or 15 feet, whichever is greater.*~~ [Note to publisher: delete the two diagrams that follow this text]

(f) **Second Building on Corner Lots and Through Lots** ~~***Abutting Properties with Buildings Fronting on Both Streets***~~ **in RH, RTO, RTO-M, RM-1, and RM-2 Districts.** Where a lot is a Corner Lot, or is a through lot having both its front and its rear lot line along Streets, Alleys, or a Street and an Alley~~*, and where an adjoining lot contains a residential or other lawful structure that fronts at the opposite end of the lot*~~, the subject ~~*through*~~ lot may ~~*also*~~ have two buildings ~~*according to such established pattern*~~, each fronting at one end of the lot, provided that all the other requirements of this Code are met. In such cases, the rear yard required by this Section 134 for the subject lot shall be located in the central portion of the lot, between the two buildings on such lot~~*, and the depth of the rear wall of each building from the Street or Alley on which it fronts shall be established by the average of the depths of the rear building walls of the adjacent buildings fronting on that Street or Alley, or where there is only one adjacent building, by the depth of that building.*~~ In no case shall the total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 30% of the total depth of the subject lot or to less than 15 feet, whichever is greater; provided, however, that the Zoning Administrator may reduce the total depth to 20% pursuant to Section 307(l) of this Code if the reduction is for the sole purpose of constructing an Accessory Dwelling Unit under Section 207(c)(4), and provided further that the reduction/waiver is in consideration of the property owner entering into a Regulatory Agreement pursuant to Section 207(c)(4)(H) subjecting the ADU to the San Francisco Rent Stabilization and Arbitration Ordinance. For buildings fronting on a Narrow Street as defined in Section 261.1 of this Code, the additional height limits of Section 261.1 shall apply. Furthermore, in all cases in which this subsection (f) is applied, the requirements

of Section 132 of this Code for front setback areas shall be applicable along both Street or Alley frontages of the subject through lot.

(g) Reduction of Requirements in C-3 Districts. In C-3 Districts, an exception to the rear yard requirements of this Section 134 may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.

* * * *

*(h) **Corner Lots and Lots at Alley Intersections.** On a Corner Lot as defined in Section 102 of this Code, or on a lot at the intersection of a Street and an Alley of at least 25 feet in width, the required rear yard may be substituted with an open area equal to the basic rear yard requirement outlined in subsection (c) above at the same levels as the required rear yard in an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning Administrator determines that all of the criteria described below in this Section 134 are met.*

(1) Each horizontal dimension of the open area shall be a minimum of 15 feet.

(2) The open area shall be wholly or partially contiguous to the existing midblock open space formed by the rear yards of adjacent properties.

(3) The open area will provide for the access to light and air to and views from adjacent properties.

(4) The proposed new or expanding structure will provide for access to light and air from any existing or new residential uses on the subject property.

The provisions of this subsection (h) shall not restrict the discretion of the Zoning Administrator from imposing such additional conditions as the Zoning Administrator deems necessary to further the purposes of this Section 134.

~~*(h) **Modification of Requirements in NC Districts**. The rear yard requirements in NC Districts may be modified or waived in specific situations as described in this subsection (h).*~~

~~*(1) **General.** The rear yard requirement in NC Districts may be modified or waived by the Zoning Administrator pursuant to the procedures which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2, if all of the following criteria are met:*~~

~~*(A) Residential Uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and*~~

~~*(B) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and*~~

~~*(C) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.*~~

~~*(2) **Corner Lots and Lots at Alley Intersections**. On a Corner Lot as defined in Section 102 of this Code, or on a lot at the intersection of a Street and an Alley of at least 25 feet in width, the required rear yard may be substituted with an open area equal to 25% of the lot area which is located at the same levels as the required rear yard in an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning Administrator determines that all of the criteria described below in this subsection (h)(2) are met.*~~

~~*(A) Each horizontal dimension of the open area shall be a minimum of 15 feet.*~~

~~*(B) The open area shall be wholly or partially contiguous to the existing midblock open space formed by the rear yards of adjacent properties.*~~

~~*(C) The open area will provide for the access to light and air to and views from adjacent properties.*~~

~~*(D) The proposed new or expanding structure will provide for access to light and air from any existing or new residential uses on the subject property.*~~

~~*The provisions of this subsection (h)(2) shall not preclude such additional conditions as are deemed necessary by the Zoning Administrator to further the purposes of this Section 134.*~~

* * * *

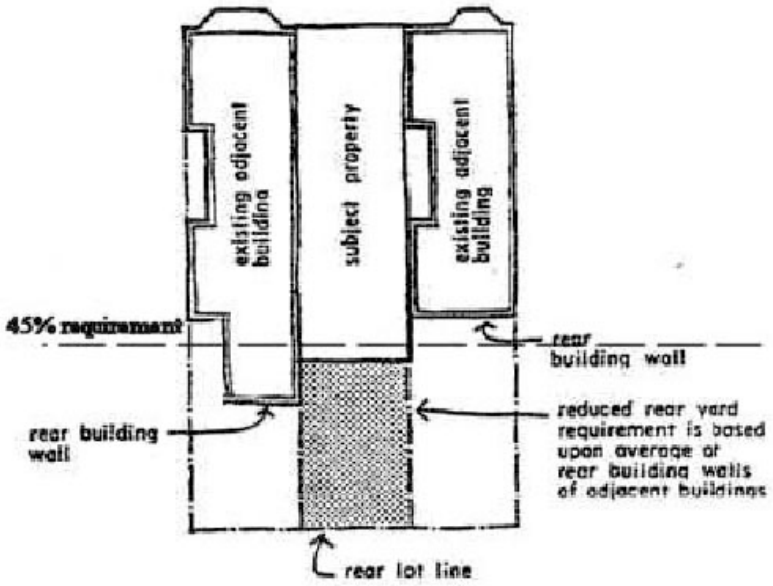
(k) **Reduction of Requirements in RH-2 and RH-3 Districts in the Family Housing Opportunity Special Use District**. The rear yard requirement stated in subsection (c)(2) above shall be reduced in specific situations as described in this subsection (k), based upon conditions on adjacent lots. Under no circumstances shall the minimum rear yard be thus reduced to less than a depth equal to 25% of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever is greater.

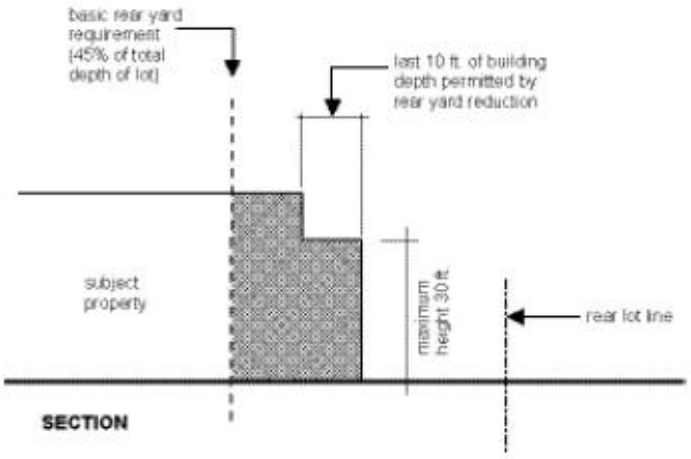
(1) **General Rule**. In RH-2 and RH-3 Districts in the Family Housing Opportunity Special Use District, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. The last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.

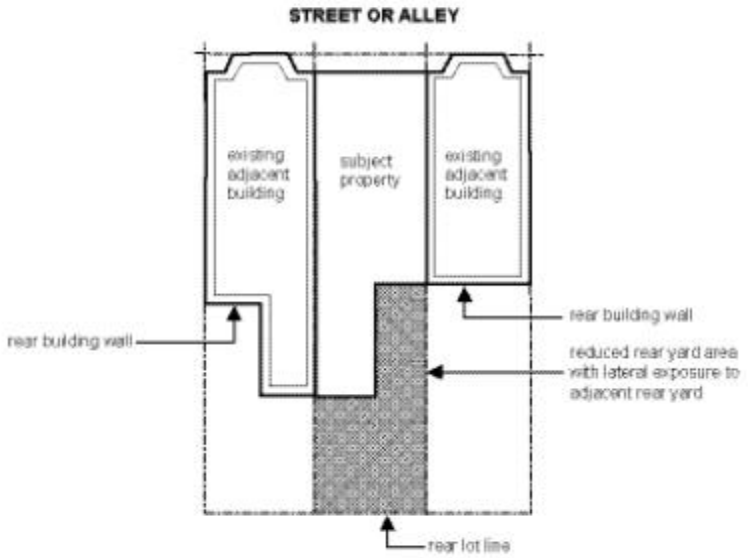
(2) **Alternative Method of Averaging**. If, under the rule stated in subsection (k)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by subsection (k)(1) above times the reduction in depth of rear yard permitted by subsection (k)(1); and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.

(3) **Method of Measurement**. For purposes of this subsection (k), an "adjacent building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases, the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least one-half the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two Stories, whichever is less, excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no Dwelling or Group Housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, RED-MX, MUG, WMUG, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC, C, M, or P District, such adjoining lot shall, for purposes of the calculations in this subsection (k), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75% of the total depth of the subject lot.

(4) **Applicability to Special Lot Situations**. In the following special lot situations, the general rule stated in subsection (k)(1) above shall be applied as provided in this subsection (k)(4), and the required rear yard shall be reduced if conditions on the adjacent lot or lots so indicate and if all other requirements of this Section 134 are met. [Note to publisher: The three diagrams that follow are reproductions of the three diagrams that appear below subsection 134(e)(4) of the current Planning Code.]


existing adjacent building
subject property
existing adjacent building
45% requirement
rear building wall
rear building wall
reduced rear yard requirement is based upon average of rear building walls of adjacent buildings
rear lot line

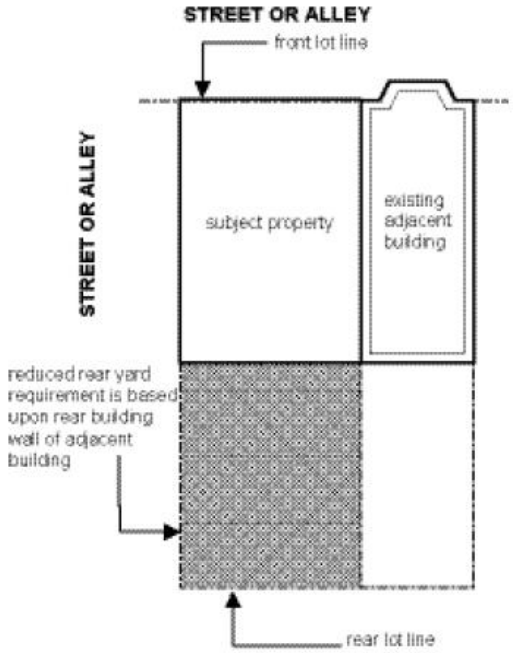

basic rear yard requirement (45% of total depth of lot)
last 10 ft. of building depth permitted by rear yard reduction
subject property
maximum height 30 ft.
rear lot line
SECTION

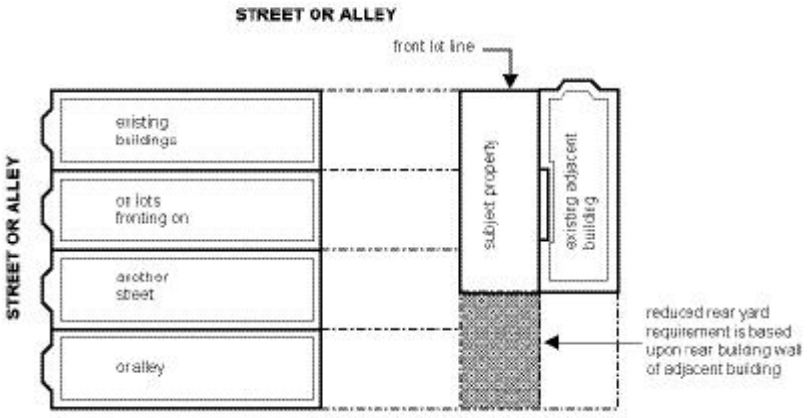


(A) **Corner Lots and Lots at Alley Intersections**. On a Corner Lot as defined in Section 102 of this Code, or a lot at the intersection of a Street and an Alley or two Alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.

(B) **Lots Abutting Properties with Buildings that Front on Another Street or Alley**. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another Street or Alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same Street or Alley. In the case of any lot that abuts along both its side lot lines upon lots with buildings that front on another Street or Alley, both lots on which it so abuts shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to 25% of the

total depth of the subject lot, or 15 feet, whichever is greater. [Note to publisher: The two diagrams that follow are reproductions of the two diagrams that appear below subsection 134(e)(4)(B) of the current Planning Code.]





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

* * * *

(f) **Private Usable Open Space: Additional Standards.**

(1) **Minimum Dimensions and Minimum Area.** Any space credited as private usable open space shall have a minimum horizontal dimension ~~of~~ as follows:

(A) In RH Districts in the Family Housing Opportunity Special Use District (Section 249.94): six feet and a minimum area of 36 feet if located on a deck, balcony, porch, or roof, and a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace, or the surface of an inner or outer court, except as otherwise provided in Section 249.94(d).

(B) In all other zoning use districts: *three* ~~*six*~~ feet and a minimum area of ~~*36*~~ *27* square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

(2) **Exposure.** ~~*In order t*~~*T*o be credited as private usable open space, an area must be kept open in the following manner:

(A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must be unobstructed except for necessary railings.

(B) In addition, the area credited on a deck, balcony, porch or roof must either face a street, face or be within a rear yard, or face or be within some other space which at the level of the private usable open space meets the minimum dimension and area requirements for common usable open space as specified in Paragraph 135(g)(1) below.

* * * *

(C) Areas within inner and outer courts, as defined by this Code, must either conform to the standards of ~~*Subparagraph* s~~*ubsection* (f)(2)(B) ~~*above*~~ or ~~s~~*ubsection (g)(2).* ~~*be so arranged that the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection 135(c) above*~~.

* * * *

(g) **Common Usable Open Space: Additional Standards.**

(1) **Minimum Dimensions and Minimum Area.** Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

(2) **Use of Inner Courts.** The area of an inner court, as defined by this Code, may be credited as common usable open space, if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area~~*; and if (regardless of the permitted obstructions referred to in Subsection 135(c) above) the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court*~~. Exceptions from these requirements for certain qualifying historic buildings may be permitted, subject to the requirements and procedures of Section 307(h) of this Code.

* * * *

SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE ON AN OPEN AREA.

(a) Requirements for Dwelling Units. In each Dwelling Unit in any use district, the required windows (as defined by Section 504 of the San Francisco Housing Code) of at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code shall face directly onto an open area of one of the following types:

(1) A public street, public alley at least 20 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of this Code; provided, that if such windows are on an outer court whose width is less than 25 feet, the depth of such court shall be no greater than its width; or

(2) An open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed (except for fire escapes not projecting more than necessary for safety and in no case more than four feet six inches, chimneys, and those obstructions permitted in ~~S~~*subs*ections 136(c)(14), (15), (16), (19), (20) and (29) of this Code) and is no less than 25 feet in every horizontal dimension for the floor at which the Dwelling Unit in question is located. In RH Districts in the Family Housing Special Use District (Section 249.94), such horizontal dimension shall increase by five feet at each subsequent floor, except as otherwise provided in Section 249.94(d). ~~*and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor, except for SRO buildings in the Eastern Neighborhoods Mixed Use Districts, which are not required to increase five feet in every horizontal dimension until the fifth floor of the building*~~.

* * * *

SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.

* * * *

(b) Definitions.

* * * *

(2) **Active Use**. An "active use" shall mean any principal, conditional, or accessory use that by its nature does not require non-transparent walls facing a public street or involves the storage of goods or vehicles.

(A) Residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission.

(B) Spaces accessory to residential uses, such as fitness *rooms*, ~~*or*~~ community rooms*, laundry rooms, lobbies, mail rooms, or bike rooms*, are considered active uses only if they meet the intent of this section and ~~*have access*~~ directly *face* ~~*to*~~ the public sidewalk or street.

(C) Building lobbies are considered active uses, so long as they do not exceed 40 feet or 25 percent of building frontage, whichever is larger.

(D) Public Uses defined in Section 102 are considered active uses except utility installations.

* * * *

SEC. 202.2. LOCATION AND OPERATING CONDITIONS.

* * * *

(f) Residential Uses. The Residential Uses listed below shall be subject to the corresponding conditions:

(1) Senior Housing. ~~*In order to*~~ To qualify as Senior Housing, as defined in Section 102 of this Code, the following definitions shall apply and shall have the same meaning as the definitions in California Civil Code Sections 51.2, 51.3, and 51.4, as amended from time to time. These definitions shall apply as shall all of the other provisions of Civil Code Sections 51.2, 51.3, and 51.4. Any Senior Housing must also be consistent with the Fair Housing Act, 42 U.S.C. §§ 3601-3631 and the Fair Employment and Housing Act, California Government Code Sections 12900-12996.

* * * *

(D) Requirements. ~~*In order to*~~ To qualify as Senior Housing, the proposed project must meet all of the following conditions:

* * * *

~~***(iv) Location.*** *The proposed project must be within a ¼ of a mile from a NC-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including named Neighborhood Commercial districts, and must be located in an area with adequate access to services, including but not limited to transit, shopping, and medical facilities;*~~

(iv) Recording. The project sponsor must record a Notice of Special Restriction with the Assessor-Recorder that states all of the above restrictions and any other conditions that the Planning Commission or Department places on the property; and

(v~~*i*~~) Covenants, Conditions, and Restrictions. If the property will be condominiumized, the project sponsor must provide the Planning Department with a copy of the Covenants, Conditions, and Restrictions ("CC&R") that will be filed with the State.

* * * *

SEC. 204.1. ACCESSORY USES FOR DWELLINGS IN ALL DISTRICTS.

No use shall be permitted as an accessory use to a dwelling unit in any District that involves or requires any of the following:

(a) Any construction features or alterations not residential in character;

(b) The use of more than one-third of the total floor area of the dwelling unit, except in the case of accessory off-street parking and loading or Neighborhood Agriculture as defined by Section 102;

(c) The employment of *more than two people who do* ~~*any person*~~ not reside~~*nt*~~ in the dwelling unit, *excluding* ~~*other than*~~ a domestic *worker* ~~*servant*~~, gardener, *or* janitor~~*, or other person concerned in the operation or maintenance of the dwelling unit except in the case of a Cottage Food Operation, which allows the employment of one employee, not including a family member or household members of the Cottage Food Operation*~~;

*** * * ***

SEC. 206.3. HOUSING OPPORTUNITIES MEAN EQUITY - SAN FRANCISCO PROGRAM.

*** * * ***

(c) HOME-SF Project Eligibility Requirements. To receive the development bonuses granted under this Section 206.3, a HOME-SF Project must meet all of the following requirements:

(1) Except as limited in application by subsection (f): Provide 30% of units in the HOME-SF Project as HOME-SF Units, as defined herein. The HOME-SF Units shall be restricted for the Life of the Project and shall comply with all of the requirements of the Procedures Manual authorized in Section 415 except as otherwise provided herein. Twelve percent of HOME-SF Units that are Owned Units shall have an average affordable purchase price set at 80% of Area Median Income; 9% shall have an average affordable purchase price

set at 105% of Area Median Income; and 9% shall have an average affordable purchase price set at 130% of Area Median Income. Twelve percent of HOME-SF Units that are rental units shall have an average affordable rent set at 55% of Area Median Income; 9% shall have an average affordable rent set at 80% of Area Median Income; and 9% shall have an average affordable rent set at 110% of Area Median Income. All HOME-SF Units must be marketed at a price that is at least 20% less than the current market rate for that unit size and neighborhood, and MOHCD shall reduce the Area Median Income levels set forth herein in order to maintain such pricing. As provided ~~*for*~~ in subsection (e), the Planning Department and MOHCD shall amend the Procedures Manual to provide policies and procedures for the implementation, including monitoring and enforcement, of the HOME-SF Units;

~~*(2) Demonstrate to the satisfaction of the Environmental Review Officer that the HOME-SF Project does not:*~~

~~*(A) cause a substantial adverse change in the significance of an historic resource as defined by California Code of Regulations, Title 14, Section 15064.5;*~~

~~*(B) create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas; and*~~

~~*(C) alter wind in a manner that substantially affects public areas;*~~

(~~*3*~~*2*) All HOME-SF units shall be no smaller than the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May 16, 2017. In addition, notwithstanding any other provision of this Code, HOME-SF projects shall provide a minimum dwelling unit mix of (A) at least 40% two and three bedroom units, including at least 10% three bedroom units, or (B) any unit mix which includes some three bedroom or larger units such that 50% of all bedrooms within the HOME-SF Project are provided in units with more than one bedroom. Larger units should be distributed on all floors, and prioritized in spaces adjacent to open spaces or play yards. Units with two or three bedrooms are encouraged to

incorporate family friendly amenities. Family friendly amenities shall include, but are not limited to, bathtubs, dedicated cargo bicycle parking, dedicated stroller storage, open space and yards designed for use by children. HOME-SF Projects are not eligible to modify this requirement under Planning Code Section 328 or any other provision of this Code;

(~~4~~3) Does not demolish, remove or convert ~~*any*~~ *more than one* residential unit~~s~~; and

(~~5~~4) Includes at the ground floor level active uses, as defined in Section 145.1, at the same square footages as any neighborhood commercial uses demolished or removed, unless the Planning Commission has granted an exception under Section 328.

*** * * ***

SEC. 206.6. STATE DENSITY BONUS PROGRAM: INDIVIDUALLY REQUESTED.

* * * *

(c) **Development Bonuses**. Any Individually Requested Density Bonus Project shall, at the project sponsor's request, receive any or all of the following:

* * * *

(3) **Request for Concessions and Incentives**. In submitting a request for Concessions or Incentives that are not specified in ~~S~~*subs*ection 206.5(c)(4), an applicant for an Individually Requested Density Bonus Project must provide documentation described in subsection (d) below in its application. *Provided that the Planning Commission delegates authority to review and approve applications for Individually Requested Density Bonus projects, t*~~T~~he Planning *Director* ~~*Commission shall hold a hearing and*~~ shall approve the Concession or Incentive requested unless ~~*it*~~ *the Director* makes written findings, based on substantial evidence that:

* * * *

(e) **Review Procedures**. *Except as provided in Section 317 or where a Conditional Use Authorization is required to permit a non-residential use, an application for any Individually Requested Density Bonus project shall not be subject to any other underlying entitlement approvals related to the proposed housing, such as a Conditional Use Authorization or a Large Project Authorization. If an entitlement is otherwise required, ~~A~~an* application for a Density Bonus, Incentive, Concession, or waiver shall be acted upon concurrently with the application *for the required entitlement* ~~*other permits related to the Housing Project*~~.

(1) Before approving an application for a Density Bonus, Incentive, Concession, or waiver, for any Individually Requested Density Bonus Project, the Planning Commission *or Director* shall make the following findings as applicable.

* * * *

(2) If the findings required by subsection (~~*a*~~*e)(1)* of this Section cannot be made, the Planning Commission *or Director* may deny an application for a Concession, Incentive, waiver or modification only if ~~*it*~~ *the Director* makes one of the following written findings, supported by substantial evidence:

* * * *

SEC. 207. DWELLING UNIT DENSITY LIMITS.

*** * * ***

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

*** * * ***

(3) **Double Density for Senior Housing in RH, RM, RC, and NC Districts.** Senior Housing, as defined in and meeting all the criteria and conditions defined in

Section 102 of this Code, is permitted up to twice the dwelling unit density otherwise permitted for the District.

~~*(A) Projects in RC Districts or within one-quarter of a mile from an RC or NC-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including Named Commercial Districts, and located in an area with adequate access to services including but not limited to transit, shopping and medical facilities, shall be principally permitted.*~~

~~*(B) Projects in RH and RM Districts located more than one-quarter of a mile from an RC or NCD-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including Named Commercial Districts, shall require Conditional Use authorization.*~~

*** * * ***

(8) Residential Density Exception in RH Districts.

(A) Density Exception. Projects located in RH Districts that are not seeking or receiving a density bonus under the provisions of Planning Code Section~~s~~ 206.5 or 206.6 shall receive an exception from residential density limits *in the following amounts* ~~*for up to four dwelling units per lot, excluding Corner Lots, or up to six dwelling units per lot in Corner Lots,*~~ not inclusive of any Accessory Dwelling Units as permitted under this Section 207, provided that the *project* ~~*dwelling units*~~ meet*s* the requirements set forth in this subsection (c)(8)~~.~~*:*

(i) Up to four units per lot, excluding Corner Lots.

(ii) Up to six units for Corner Lots

(iii) Up to one Group Housing Room per 415 sq. ft. of lot area in RH-1, RH-1(D), and RH-1(S) zoning districts.

(B) Eligibility of Historic Resources. To receive the density exception authorized under this subsection (c)(8), a project must demonstrate to the satisfaction of the Environmental Review Officer that it does not cause a substantial adverse change in the

significance of an historic resource as defined by California Code of Regulations, Title 14, Section 15064.5, as may be amended from time to time. Permit fees for pre-application Historic Resource Assessments shall be waived for property owners who apply to obtain a density exception under this subsection (c)(8), if they sign an affidavit stating their intent to reside on the property for a period of three years after the issuance of the Certificate of Final Completion and Occupancy for the new dwelling units. Permit fees for Historic Resource Determinations shall not be waived.

(C) Applicable Standards. ~~*Projects utilizing the density exception of this subsection (c)(8) and that provide at least four dwelling units shall be subject to a minimum Rear Yard requirement of the greater of 30% of lot depth or 15 feet.*~~ All ~~*other*~~ building standards shall apply in accordance with the applicable zoning district as set forth in Section 209.1.

(D) Unit Replacement Requirements. Projects utilizing the density exception of this subsection (c)(8) shall comply with the requirements of Section 66300(d) of the California Government Code, as may be amended from time to time, including but not limited to requirements to produce at least as many dwelling units as the projects would demolish; to replace all protected units; and to offer existing occupants of any protected units that are lower income households relocation benefits and a right of first refusal for a comparable unit, as those terms are defined therein. *In the case of Group Housing, projects utilizing this density exception shall provide at least as many bedrooms as the project would demolish.*

(E) Applicability of Rent Ordinance; Regulatory Agreements. Project sponsors of projects utilizing the density exception of this subsection (c)(8) shall enter into a regulatory agreement with the City, subjecting the new units *or Group Housing rooms* created pursuant to the exception to the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code), as a condition of approval of the density exception ("Regulatory Agreement"). At a minimum, the Regulatory Agreement shall contain

the following: (i) a statement that the new units created pursuant to the density exception are not subject to the Costa-Hawkins Rental Housing Act (California Civil Code Sections 1954.50 *et seq.*) because, under Section 1954.52(b), the property owner has entered into and agreed to the terms of this agreement with the City in consideration of an exception from residential density limits of up to four dwelling units per lot, or up to six units per lot in Corner Lots, or other direct financial contribution or other form of assistance specified in California Government Code Sections 65915 *et seq.*; (ii) a description of the exception of residential density or other direct financial contribution or form of assistance provided to the property owner; and (iii) a description of the remedies for breach of the agreement and other provisions to ensure implementation and compliance with the agreement. The property owner and the Planning Director (or the Director's designee), on behalf of the City, will execute the Regulatory Agreement, which shall be reviewed and approved by the City Attorney's Office. The Regulatory Agreement shall be executed prior to the City's issuance of the First Construction Document for the project, as defined in Section 107A.13.1 of the San Francisco Building Code. Following execution of the Regulatory Agreement by all parties and approval by the City Attorney, the Regulatory Agreement or a memorandum thereof shall be recorded to the title records in the Office of the Assessor-Recorder against the property and shall be binding on all future owners and successors in interest.

(F) Unit Sizes. At least one of the dwelling units resulting from the density exception shall have two or more bedrooms or shall have a square footage equal to no less than 1/3 of the floor area of the largest unit on the lot. *This provision does not apply to projects where all of the units qualify as Group Housing.*

~~*(G) **Eligibility.** To receive the density exception authorized under this subsection (c)(8), property owners must demonstrate that they have owned the lot for which they are seeking the density exception for a minimum of one year prior to the time of the submittal of their*~~

~~*application. For the purposes of establishing eligibility to receive a density exception according to subsection (c)(8)(B), a property owner who has inherited the subject lot, including any inheritance in or through a trust, from a blood, adoptive, or step family relationship, specifically from either (i) a grandparent, parent, sibling, child, or grandchild, or (ii) the spouse or registered domestic partner of such relations, or (iii) the property owner's spouse or registered domestic partner (each an "Eligible Predecessor"), may add an Eligible Predecessor's duration of ownership of the subject lot to the property owner's duration of ownership of the same lot.*~~

(~~*H*~~*G*) Annual Report on Housing Affordability, Racial Equity, and Language Access Goals. To help the City evaluate whether the implementation of this Section 207(c)(8) comports with the City's housing affordability, racial equity, and language access goals, each year the Planning Department, in consultation with other City departments including the Department of Building Inspection, the Rent Board, and the Office of the Assessor-Recorder, shall prepare a report addressing the characteristics and demographics of the applicants to and participants in the program established in said section; the number of units permitted and constructed through this program; the geographic distribution, affordability, and construction costs of those units; and the number of tenants that vacated or were evicted from properties as a result of the permitting or construction of units through this program ("Affordability and Equity Report"). The Affordability and Equity Report shall be included and identified in the annual Housing Inventory Report. The Planning Department shall prepare the report utilizing applicant data that has been provided by program applicants voluntarily and anonymously, and separate from the submittal of an application for a density exception. An applicant's decision to provide or decline to provide the information requested by the Planning Department in order to prepare the report shall have no bearing on the applicant's receipt of a density exception.

* * * *

SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.

* * * *

Table 209.1

ZONING CONTROL TABLE FOR RH DISTRICTS

Zoning Category	**§ References**	**RH-1(D)**	**RH-1**	**RH-1(S)**	**RH-2**	**RH-3**
BUILDING STANDARDS						
Massing and Setbacks						
* * * *						
Front Setback in the Family Housing Opportunity Special Use District	§§ 130, 131, 132	Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 feet.				
Front Setback in all other Zoning Use Districts	§§ 130, 131, 132	Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than ~~*15*~~ *10* feet.				
~~*Rear Yard (10)*~~	~~*§§ 130, 134*~~	~~*30% of lot depth, but in no case less than 15 feet.*~~			~~*45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% or 15 feet, whichever is greater.*~~	
Rear Yard in the Family Housing Opportunity Special Use District (12)	§§ 130, 134, 249.94	30% of lot depth, but in no case less than 15 feet.			45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% or 15 feet, whichever is greater.	
Rear Yard in all other Zoning Use Districts	*§§ 130, 134*	*30% of lot depth, but in no case less than 15 feet.*				

* * * *						
Miscellaneous						
~~*Large Project Review*~~	~~*§ 253*~~	~~*C required for projects over 40 feet in height.*~~				
Large Project Review	§ 253	C required for projects over 40 feet in height in RH Districts in the Family Housing Opportunity Special Use District (Section 249.94), except as otherwise provided in Section 249.94(f).				
* * * *						
RESIDENTIAL STANDARDS AND USES						
* * * *						
Residential Uses						
Residential Density, Dwelling Units in the Family Housing Opportunity Special Use District (12)	§§ 102, 207, 249.94	P up to one unit per lot.	P up to one unit per lot, C up to one unit per 3,000 square feet of lot area, with no more than three units per lot;	P up to two units per lot, if the second unit is 600 sq. ft. or less, C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.	P up to two units per lot, C up to one unit per 1,500 square feet of lot area.	P up to three units per lot, C up to one unit per 1,000 square feet of lot area.
Residential Density, Dwelling Units in all other Zoning Use Districts (6) (11)	§§ 102, 207	*P up to one* unit per lot~~.~~, *or one unit per 3,000 square feet of lot*	P up to one unit per lot~~.~~,*or* ~~C~~ up to one unit per 3,000	P up to two units per lot, if the second unit is 600 sq. ft. or less~~.~~, *or* ~~C~~	P up to two units per lot~~.~~, *or* ~~C~~ up to one unit per 1,500 square feet of lot area.	P up to three units per lot~~.~~, *or* ~~C~~ up to one unit per 1,000 square feet of lot area.

		area, with no more than three units per lot.	square feet of lot area~~, with no more than three units per lot~~.	up to one unit per 3,000 square feet of lot area, with no more than three units per lot.		
* * * *						
Residential Density, Group Housing in the Family Housing Opportunity Special Use District (12)	§ 208, 249.94	NP	NP	NP	C, up to one bedroom for every 415 square feet of lot area.	C, up to one bedroom for every 275 square feet of lot area.
Residential Density, Group Housing in all other Zoning Use Districts	§ 208	NP*(10)*	NP*(10)*	NP*(10)*	~~C~~P, up to one bedroom for every 415 square feet of lot area.	~~C~~P, up to one bedroom for every 275 square feet of lot area.
Homeless Shelter	§§ 102, 208	~~N~~P	~~N~~P	~~N~~P	~~C~~P	~~C~~P
* * * *						

(10) ~~*Projects utilizing the density exception of Section 207(c)(8) and that provide at least four dwelling units shall be subject to a minimum Rear Yard requirement of 30% of lot depth, but in no case less than 15 feet.*~~ *Group Housing permitted at one room per 415 sq. ft. of lot area according to the provisions in Planning Code Section 207(c)(8).*

*** * * ***

(12) Except as otherwise provided in Section 249.94(d).

SEC. 209.2. RM (RESIDENTIAL, MIXED) DISTRICTS.

*** * * ***

Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS

Zoning Category	**§ References**	**RM-1**	**RM-2**	**RM-3**	**RM-4**
BUILDING STANDARDS					
Massing and Setbacks					
*** * * ***					
Front Setback	§§ 130, 131, 132	Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than ~~*15*~~ *10* feet.			
Rear Yard	§§ 130, 134	~~*45*~~*30*% of lot depth *but in no case less than 15 feet.*~~*or average of adjacent neighbors. If averaged, no less than 25% of lot depth or 15 feet, whichever is greater.*~~		25% of lot depth, but in no case less than 15 feet.	
*** * * ***					
Miscellaneous					

~~*Large Project Review*~~	~~*§ 253*~~	~~*C required for buildings over 50 feet in height.*~~
* * * *		

SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.

*** * * ***

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	**§ References**	**RC-3**	**RC-4**
BUILDING STANDARDS			
Massing and Setbacks			
* * * *			
~~*Upper Floor Setbacks*~~	~~*§§ 132.2, 253.2*~~	~~*Upper floor setbacks may be required in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2).*~~	
* * * *			
Miscellaneous			
~~*Large Project Review-Buildings Over 50 Feet in Height*~~	~~*§ 253*~~	~~*C*~~	~~*C Additional conditions apply in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2)*~~

* * * *

SEC. 209.4. RTO (RESIDENTIAL TRANSIT ORIENTED) DISTRICTS.

* * * *

Table 209.4

ZONING CONTROL TABLE FOR RTO DISTRICTS

Zoning Category	§ References	RTO	RTO-M
BUILDING STANDARDS			
Massing and Setbacks			
* * * *			
Rear Yard	§§ 130, 134	~~*45% of lot depth or average of adjacent neighbors. If averaged,* no less than 25%~~ *30%* of lot depth *but in no case less than 15 feet* ~~*or 15 feet, whichever is greater*~~.	
* * * *			
Miscellaneous			
* * * *			
~~*Restriction of Lot Mergers*~~	~~*§ 121.7*~~	~~*Merger of lots creating a lot greater than 5,000 square feet requires Conditional Use authorization.*~~	
* * * *			

SEC. 210.3. PDR DISTRICTS.

* * * *

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

Zoning Category	***§ References***	***PDR-1-B***	***PDR-1-D***	***PDR-1-G***	***PDR-2***
* * * *					
RESIDENTIAL STANDARDS AND USES					
* * * *					
Residential Uses					
* * * *					
Homeless Shelter	§§ 102, 208	~~*C (19)*~~*P*	~~*C (19)*~~*P*	~~*C (19)*~~*P*	~~*C (19)*~~*P*
* * * *					

~~*(19) During a declared shelter crisis, Homeless Shelters that satisfy the provisions of California Government Code Section 8698.4(a)(1) shall be P, principally permitted and may be permanent. Otherwise, Homeless Shelter uses are permitted only with Conditional Use authorization and only if each such use (a) would operate for no more than four years, and (b) would be owned or leased by, operated by, and/or under the management or day-to-day control of the City and County of San Francisco. If such a use is to be located within a building or structure, the building or structure must be either (a) preexisting, having been completed and previously occupied by a use other than a Homeless Shelter, or (b) temporary. Other than qualifying Homeless Shelters constructed during a declared*~~

~~*shelter crisis, construction of a permanent structure or building to be used as a Homeless Shelter is not permitted.*~~

SEC. 249.97. PRIORITY EQUITY GEOGRAPHIES SPECIAL USE DISTRICT.

(a) General. *A Special Use District entitled the Priority Equity Geographies Special Use District (SUD) is hereby established, the boundaries of which are designated on Sectional Maps SU01, SU02, SU07, SU08, SU09, SU10, SU11, SU12, and SU13, of the Zoning Maps of the City and County of San Francisco.*

(b) Purpose. *The Priority Equity Geographies SUD is comprised of areas or neighborhoods with a higher density of vulnerable populations. The 2022 Update of the Housing Element of the General Plan (2022 Housing Element) identifies several neighborhoods in the City that qualify as Priority Equity Geographies, based on the Department of Public Health's Community Health Needs Assessment. The 2022 Housing Element encourages targeted direct investment in these areas, and identifies them as requiring improved access to well-paid jobs and business ownership; where the City needs to expand permanently affordable housing investment; where zoning changes must be tailored to serve the specific needs of the communities that live there; and where programs that stabilize communities and meet community needs need to be prioritized. The purpose of the Priority Equity Geographies SUD is to help implement the goals and policies outlined in the 2022 Housing Element.*

(c) Controls. *In addition to all other applicable provisions of the Planning Code, the specific controls applicable in the Priority Equity Geographies SUD are set forth in Sections 311 and 317.*

~~***SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC DISTRICTS.***~~

~~*(a) Notwithstanding any other provision of this Code to the contrary, in any RH, RM, or RC District, established by the use district provisions of Article 2 of this Code, wherever a height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, is prescribed by the height and bulk district in which the property is located, any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code; provided, however, that a building over 40 feet in height in a RM or RC District with more than 50 feet of street frontage on the front façade is subject to the conditional use requirement.*~~

~~*(b) **Commission Review of Proposals**.*~~

~~*(1) In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.*~~

~~*(2) In reviewing a proposal for a building exceeding 50 feet in RM and RC districts, the Planning Commission may require that the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.*~~

SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A HEIGHT OF 40 FEET IN RH DISTRICTS IN THE FAMILY HOUSING OPPORTUNITY SPECIAL USE DISTRICT.

(a) Notwithstanding any other provision of this Code to the contrary, in any RH District in the Family Housing Opportunity Special Use District (Section 249.94), established by the use district provisions of Article 2 of this Code, wherever a height limit of more than 40 feet is prescribed by the height and bulk district in which the property is located, any building or structure exceeding 40 feet in height shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code.

(b) **Commission Review of Proposals.** In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District in the Family Housing Opportunity Special Use District, the Planning Commission shall consider the expressed purposes of this Code, of the RH Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies, and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.

~~***SEC. 253.1. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.***~~

~~*(a) In the 65-A-1 Height and Bulk District, as designated on Sectional Map HT-01 of the Zoning Map, any new or expanding building or structure exceeding 40 feet in height shall be permitted as a Conditional Use only upon approval by the Planning Commission. The height of the building or structure so approved by the Planning Commission shall not exceed 65 feet.*~~

~~*(b) In authorizing any such proposal for a building or structure exceeding 40 feet in height, the City Planning Commission shall find, in addition to the criteria of Section 303(c), that the proposal is consistent with the expressed purposes of this Code, of the Broadway Neighborhood Commercial District, and of the height and bulk districts, set forth in Sections 101, 714, and 251 of this Code, and that the following criteria are met:*~~

~~*(1) The height of the new or expanding development will be compatible with the individual neighborhood character and the height and scale of the adjacent buildings.*~~

~~*(2) The height and bulk of the new or expanding development will be designed to allow maximum sun access to nearby parks, plazas, and major pedestrian corridors.*~~

~~*(3) The architectural and cultural character and features of existing buildings shall be preserved and enhanced. The Historic Preservation Commission or its staff shall review any proposed alteration of historic resources and must determine that such alterations comply with the Secretary of Interior's Standards for the Treatment of Historic Properties before the City approves any permits to alter such buildings. For purposes of this section, "historic resources" shall include Article 10 Landmarks and buildings located within Article 10 Historic Districts, buildings and districts identified in surveys adopted by the City, buildings listed or potentially eligible for individual listing on the National or California Registers, and buildings located within listed or potentially eligible National Register or California Register historic districts. The Planning Department shall also consult materials available through the California Historical Resources Information System (CHRIS) and Inventory to determine eligibility.*~~

~~***SEC. 253.2. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE VAN NESS SPECIAL USE DISTRICT.***~~

~~*(a) **Setbacks**. In the Van Ness Special Use District, as designated on Sectional Map 2SU of the Zoning Map, any new construction exceeding 50 feet in height or any alteration that would cause a*~~

~~*structure to exceed 50 feet in height shall be permitted only as a conditional use upon approval by the Planning Commission according to Section 303 of this Code. When acting on any conditional use application pursuant to this Section, the City Planning Commission may impose the following requirements in addition to any others deemed appropriate:*~~

~~*(1) **On Van Ness Avenue**. The Planning Commission may require a setback of up to 20 feet at a height of 50 feet or above for all or portions of a building if it determines that this requirement is necessary in order to maintain the continuity of the prevailing street wall height established by the existing buildings along Van Ness Avenue within two blocks of the proposed building.*~~

~~*(2) **On Pine, Sacramento, Clay, Washington and California Streets**. The Planning Commission may require a setback of up to 15 feet for all or a portion of a building on any lot abutting Pine, Sacramento, Clay, California and Washington Streets which lot is located within the Van Ness Special Use District in order to preserve the existing view corridors.*~~

~~*(3) **On Narrow Streets and Alleys**. The Planning Commission may require that the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.*~~

~~***SEC. 253.3. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES ABOVE 26 FEET NOT EXCEEDING 40 FEET IN THE NC-S/LAKESHORE PLAZA SPECIAL USE DISTRICT.***~~

~~*(a) In the 26-40-X Height and Bulk District, as designated on Sectional Map HT13 of the Zoning Map, any new or expanding building or structure exceeding 26 feet in height shall be permitted as a Conditional Use only upon approval by the Planning Commission. The height of any building or structure so approved by the Planning Commission shall not exceed 40 feet.*~~

~~*(b) In authorizing any such proposal for a building or structure exceeding 26 feet in height, the Planning Commission shall find that, in addition to the criteria of Section 303(c), the proposal is*~~

~~*consistent with the expressed purposes of this Code, the NC-S District, the Lakeshore Plaza Special Use District, and the height and bulk districts as set forth respectively in Sections 101, 713, 780 and 251 of this Code.*~~

SEC. 305.1. REQUESTS FOR REASONABLE MODIFICATION – RESIDENTIAL USES.

*** * * ***

(d) ~~***Request for*** **Administrative** ***Review*** ***Reasonable Modification – No Hearing***~~. ~~*In an effort to*~~ To expedite the processing and resolution of reasonable modification requests, any request *under Section 305.1* ~~*that is consistent with the criteria in this section*~~ may receive administrative review and approval *and* ~~*. Requests for modifications that meet the requirements for administrative review*~~ do*es* not require public notice under Section 306 of this Code.

~~*(1) **Parking, Where No Physical Structure Is Proposed**. One parking space may be considered for an administrative reasonable modification provided that the parking space is necessary to achieve the accommodation and that property does not already include a parking space. Exceptions may be considered from rear yard and the front setback requirements if necessary to accommodate the parking space. In reviewing an administrative reasonable modification request for parking, the Zoning Administrator is authorized to allow the parking space for up to five years, at the end of which period the applicant may renew the temporary use for additional five-year periods.*~~

~~*(2) **Access Ramps**. One or more access ramps, defined in Building Code Section 1114A may be considered for an administrative reasonable modification provided that the access ramp is designed and constructed to meet the accessibility provisions in either the California Building Code or the California Historical Building Code and is easily removable when the ramp(s) are no longer needed for the requested modification.*~~

~~*(3) **Elevators.** One elevator, with dimensions defined in Building Code Section 1124A, may be considered for an administrative reasonable modification provided that the elevator structure is not visible from the public right of way and is set back a minimum of 10 feet from the property line, and that the elevator is necessary to access residential uses of the building and to achieve the accommodation requested.*~~

~~*(4) **Additional Habitable Space**. Additional habitable space may be considered for an administrative reasonable modification provided that the additional habitable space does not result in the addition of a new dwelling unit or require expansion beyond the permitted building envelope.*~~

~~*(e) **All Other Requests for Reasonable Modification – Zoning Administrator Review and Approval.***~~

~~*(1) **Standard Variance Procedure – With Hearing**. Requests for reasonable modifications that do not fall within subsection (d) shall be considered by the Zoning Administrator, who will make the final decision through the existing variance process described in Section 305.*~~

~~*(2) **Public Notice of a Request for Reasonable Modification**. Notice for reasonable modifications that fall with subsection (e)(1) are subject to the notice requirements of Section 333 of this Code. If the request for reasonable modification is part of a larger application, then the noticing can be combined.*~~

(~~f~~e) **Determination.**

(1) **Zoning Administrator Authority**. The Zoning Administrator is authorized to consider and act on requests for reasonable modification~~, whether under Subsection (d) or Subsection (e)~~. The Zoning Administrator may conditionally approve or deny a request. In considering requests for reasonable modification under this Section 305.1, the Zoning Administrator shall consider the factors in ~~S~~subsection (~~f~~e)(2).

(2) **Criteria for Modification**. When reviewing a request for reasonable modification, the Zoning Administrator shall consider whether:

(A) the requested modification is requested by or on the behalf of one or more individuals with a disability protected under federal and state fair housing laws;

(B) the requested modification will directly enable the individual to access the individual's residence;

(C) the requested modification is necessary to provide the individual with a disability an equal opportunity to use and enjoy a dwelling;

(D) there are alternatives to the requested modification that would provide an equivalent level of benefit;

(E) the requested modification will not impose an undue financial or administrative burden on the City as "undue financial or administrative burden" is defined under federal and state fair housing laws.

(F) the requested modification will, under the specific facts of the case, result in a fundamental alteration in the nature of the Planning Code or General Plan, as "fundamental alteration" is defined under federal and state fair housing laws.

(G) the requested modification will, under the specific facts of the case, result in a direct threat to the health or safety of others or cause substantial physical damage to the property of others.

(3) **Residential Design Guideline Review**. If the proposed project is in a zoning district that requires residential design guideline review, the Department shall complete the design review and make appropriate recommendations, while also accommodating the reasonable modification. Approvals are subject to compliance with all other applicable zoning or building regulations.

(4) **Historic Resource Review**. If the proposed project would affect a building that is listed in or eligible for listing in a local, state, or federal historic resource register, then the modifications, either through the administrative reasonable modification process or the

standard reasonable modification variance procedure, will be reviewed by the Planning Department's Historic Preservation Technical Specialists to ensure conformance with the Secretary of the Interior Standards for the Rehabilitation of Historic Properties.

(5) **Written Decision**. Upon issuing a written decision either granting or denying the requested modification in whole or in part, the Zoning Administrator shall forthwith transmit a copy thereof to the applicant. The action of the Zoning Administrator shall be final and shall become effective 10 days after the date of the written decision except upon the filing of a valid appeal to the Board of Appeals as provided in Section 308.2.

(g) **Fees**. The Department may charge time and materials costs incurred if required to recover the Department's costs for providing services. ~~The fee for a reasonable modification request is the fee for a variance set forth in Section 352(b) of this Code.~~ If an applicant can demonstrate financial hardship, the Department may waive or reduce the fee pursuant to Section 350(j) ~~352(e)(2)~~ of this Code.

SEC. 311. PERMIT REVIEW PROCEDURES.

(a) Purpose. The purpose of this Section 311 is to establish procedures for reviewing building permit applications *within the Priority Equity Geographies SUD* (Section 249.97) and RH Districts in the Family Housing Opportunity Special Use District (Section 249.94) to determine compatibility of the proposal with the neighborhood and for providing notice to property owners and residents on the site and neighboring the site of the proposed project and to interested neighborhood organizations, so that concerns about a project may be identified and resolved during the review of the permit.

(b) Applicability. *Within the Priority Equity Geographies SUD* and RH Districts in the Family Housing Opportunity Special Use District~~*Except as indicated in this subsection (b)*~~, all building permit applications in Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for ~~*a change of use; establishment of a Micro Wireless Telecommunications Services Facility;*~~

~~*establishment of a Formula Retail Use;*~~ demolition, new construction, or alteration of buildings~~*; and the removal of an authorized or unauthorized residential unit,*~~ shall be subject to the notification and review procedures required by this Section 311. ~~*In addition, with the exception of Grandfathered MCDs converting to Cannabis Retail use pursuant to Section 190(a), all building permit applications that would establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district, shall be subject to the notification and review procedures required by this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a Child Care Facility, as defined in Section 102, shall not be subject to the review requirements of this Section 311.*~~ Notwithstanding the foregoing or any other requirement of this Section 311, building permit applications to construct an Accessory Dwelling Unit pursuant to Section 207(c)(6) shall not be subject to the notification or review requirements of this Section 311. ~~*Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a principally permitted use in an NC or NCT District, or in a limited commercial use or a limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be subject to the review or notice requirements of this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, building permit applications to change any existing Automotive Use to an Electric Vehicle Charging Location shall not be subject to the review or notification requirements of this Section 311.*~~

~~*(1) Change of Use. Subject to the foregoing provisions of subsection (b), for the purposes of this Section 311, a change of use is defined as follows:*~~

~~*(A) Residential, NC, and NCT Districts. For all Residential, NC, and NCT Districts, a change of use is defined as a change to, or the addition of, any of the following land uses as defined in Section 102 of this Code: Adult Business, Bar, Cannabis Retail, General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Massage Establishment, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity Area, Post-Secondary Educational Institution, Private Community Facility, Public Community Facility, Religious Institution, Residential Care*~~

~~*Facility, Restaurant, School, Tobacco Paraphernalia Establishment, Trade School, and Wireless Telecommunications Facility. A change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions of this Section 311. Any accessory massage use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the provisions of this Section 311. A change of use to a principally permitted use in an NC or NCT District, or in a limited commercial use or a limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be subject to the provisions of this Section 311.*~~

~~*(i) Exception. Notwithstanding subsection 311(b)(1)(A), in the geographic areas identified in subsection 311(b)(1)(A)(ii), building permit applications for a change of use to the following uses shall be excepted from the provisions of subsections 311(d) and 311(e): Bar, General Entertainment, Limited Restaurant, Liquor Store, Massage Establishment, Nighttime Entertainment, Outdoor Activity Area, Private Community Facility, Public Community Facility, Restaurant, and Tobacco Paraphernalia Establishment.*~~

~~*(ii) Subsection 311(b)(1)(A)(i) shall apply to Neighborhood Commercial Districts and Limited Commercial Uses in the following geographic areas:*~~

~~*Area 1: shall comprise all of that portion of the City and County commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th Avenue, and proceeding southerly along 17th Avenue to Judah Street, and proceeding westerly along Judah Street to 19th Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding westerly along Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific Ocean and proceeding northerly along said line to the point of commencement.*~~

~~*Area 2: shall comprise all of that portion of the City and County commencing at the point of the intersection of Junipero Serra Boulevard and Brotherhood Way, and proceeding northerly along the eastern edge of Junipero Serra Boulevard to Garfield Street, and*~~

~~*proceeding easterly along Garfield Street to Grafton Avenue, and continuing easterly along Grafton Avenue to Mount Vernon Avenue, and proceeding easterly along Mount Vernon Avenue to Howth Street, and proceeding northerly along Howth Street to Geneva Avenue, and proceeding easterly along Geneva Avenue to Interstate 280, and proceeding northerly along Interstate 280 to the straight-line extension of Tingley Street, and proceeding southerly along said line to Tingley Street, and proceeding southerly along Tingley Street to Alemany Boulevard, and proceeding easterly along Alemany Boulevard to Congdon Street, and proceeding southerly along Congdon Street to Silver Avenue, and proceeding easterly along Silver Avenue to Madison Street, and proceeding southerly along Madison Street to Burrows Street, and proceeding westerly along Burrows Street to Prague Street, and proceeding southerly along Prague Street to Persia Avenue, and proceeding westerly along Persia Avenue to Athens Street, and proceeding southerly along Athens Street to Geneva Avenue, and proceeding easterly along Geneva Avenue to the intersection of Geneva Avenue and Carter Street, and proceeding westerly along the southeastern boundary of Census Tract 0263.02, Block 3005 to the San Francisco/San Mateo county border, and proceeding westerly along the San Francisco/San Mateo county border to Saint Charles Avenue, and proceeding northerly along Saint Charles Avenue to Interstate 280, and proceeding northeasterly along Interstate 280 to a northerly straight-line extension to Orizaba Avenue, and proceeding northerly along said line to Alemany Boulevard, and proceeding westerly along Alemany Boulevard to Brotherhood Way, and proceeding westerly along Brotherhood Way to the point of commencement.*~~

~~*(iii) Exception for the Ocean Avenue Neighborhood Commercial Transit District. Notwithstanding subsection 311(b)(1)(A), building permit applications in the Ocean Avenue Neighborhood Commercial Transit District for a change of use to the following uses shall be excepted from the provisions of subsections 311(d) and 311(e): General Entertainment, Limited Restaurant, Nighttime Entertainment, Outdoor Activity Area, Private Community Facility, Public Community Facility, Restaurant, and Tobacco Paraphernalia Establishment.*~~

~~*(B) Eastern Neighborhood Mixed Use Districts. In all Eastern Neighborhood Mixed Use Districts a change of use shall be defined as a change in, or addition of, a new land use category. A "land use category" shall mean those categories used to organize the individual land uses that appear in the use tables, immediately preceding a group of individual land uses, including but not limited to the following: Residential Use; Institutional Use; Retail Sales and Service Use; Assembly, Recreation, Arts and Entertainment Use; Office Use; Live/Work Units Use; Motor Vehicle Services Use; Vehicle Parking Use; Industrial Use; Home and Business Service Use; or Other Use.*~~

(2) **Alterations.** For the purposes of this Section *311*, an alteration shall be defined as an increase to the exterior dimensions of a building except those features listed in Section 136(c)(1) through ~~*Section 136(c)(24) and*~~ 136(c)(26), *regardless of whether the feature is located in a required setback*. ~~*In addition, an alteration in RH, RM, and RTO Districts shall also include the removal of more than 75% of a residential building's existing interior wall framing or the removal of more than 75% of the area of the existing framing.*~~

~~*(3) Micro Wireless Telecommunications Services Facilities. Building permit applications for the establishment of a Micro Wireless Telecommunications Services Facility, other than a Temporary Wireless Telecommunications Services Facility, shall be subject to the review procedures required by this Section. Pursuant to Section 205.2, applications for Temporary Wireless Telecommunications Facilities to be operated for commercial purposes for more than 90 days shall also be subject to the review procedures required by this Section.*~~

* * * *

SEC. 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH DEMOLITION, MERGER, AND CONVERSION.

* * * *

(c) **Applicability; Exemptions.**

(1) *Within the Priority Equity Geographies Special Use District* (Section 249.97) and RH Districts in the Family Housing Opportunity Special Use District (Section 249.94), ~~A~~a*n*y application for a permit that would result in the Removal of one or more Residential Units or Unauthorized Units is required to obtain Conditional Use authorization.

(2) Outside the Priority Equity Geographies Special Use District and RH Districts in the Family Housing Opportunity Special Use District, *any application for a permit that would result in the Removal of one or more Residential Units or Unauthorized Units is required to obtain Conditional Use authorization unless it meets all the following criteria:*

(A) The units to be demolished are not tenant occupied and are without a history of evictions under Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) within the *last* ~~5~~five *years*, and have not been vacated within the past five years pursuant to a Buyout Agreement, as defined in Administrative Code Section 37.9E, as it may be amended from time to time;

(B) No more than two units ~~that are required to be replaced per subsection (E) of this Section 317~~ *would be removed or demolished* that are:~~;~~

(i) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower- or very low-income within the past five years; or

(ii) subject to limits on rent increases under the Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) within the past five years; or

(iii) rented by lower- or very low-income households within the past five years;

(C) The building proposed for demolition is not an Historic Building as defined in Section 102. For the purposes of this subsection (c)(2)(C), an "Historic Building" shall also include any building located in an historic district listed in Article 10*;*

(D) The proposed project is adding at least one more unit than would be demolished; ~~and~~

(E) The proposed project complies with the requirements of Section 66300(d) of the California Government Code, as may be amended from time to time, including but not limited to requirements to replace all protected units, and to offer existing occupants of any protected units that are lower income households relocation benefits and a right of first refusal for a comparable unit, as those terms are defined therein~~.~~;

(F) The project sponsor certifies under penalty of perjury that any units to be demolished are not tenant occupied and are without a history of evictions under Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) within last five years, and have not been vacated within the past five years pursuant to a Buyout Agreement, as defined in Administrative Code Section 37.9E, as it may be amended from time to time, regardless of whether the Buyout Agreement was filed with the Rent Board pursuant to Administrative Code Section 37.9E(h);

(G) The project sponsor has conducted one pre-application meeting prior to filing a development application. The Planning Department shall not accept a development application without confirmation that the project sponsor has held at least one pre-application meeting conforming to the requirements of this subsection (c)(2)(G) and any additional procedures the Planning Department may establish. The project sponsor shall provide mailed notice of the pre-application meeting to the individuals and neighborhood organizations specified in Planning Code Section 333(e)(2)(A) and (C); and

(H) If the proposed project is located in a Residential, House (RH) zoning district, the project's resulting units will meet the unit configuration requirements of Section 249.94(c)(4).

(*3~~1~~*) For Unauthorized Units, this Conditional Use authorization will not be required for Removal if the Zoning Administrator has determined in writing that the unit cannot be legalized under any applicable provision of this Code. The application for a replacement building or alteration permit shall also be subject to Conditional Use requirements.

(*4~~2~~*) The Conditional Use requirement of ~~S~~*subs*ubsection*s* (c)(1) *and (c)(2)* shall apply to (A) any building or site permit issued for Removal of an Unauthorized Unit on or after March 1, 2016, and (B) any permit issued for Removal of an Unauthorized Unit prior to March 1, 2016 that has been suspended by the City or in which the applicant's rights have not vested.

(*5~~3~~*) The Removal of a Residential Unit that has received approval from the Planning Department through administrative approval or the Planning Commission through a Discretionary Review or Conditional Use authorization prior to the effective date of the Conditional Use requirement of ~~S~~subsections (c)(1) *or (c)(2)* is not required to apply for an additional approval under *this Section 317.* ~~*Subsection (c)(1).*~~

(*6~~4~~*) ***Exemptions for Unauthorized Dwelling Units.*** The Removal of an Unauthorized Unit does not require a Conditional Use authorization pursuant to ~~S~~subsection*s* (c)(1) *or (c)(2)* if the Department of Building Inspection has determined that there is no path for legalization under Section 106A.3.1.3 of the Building Code.

(*7~~5~~*) ***Exemptions for Single-Family Residential Buildings.*** The Demolition of a Single-Family Residential Building that meets the requirements of ~~S~~*subs*ubsection (d)(3) below may be approved by the Department without requiring a Conditional Use authorization *pursuant to in subsection (c)(1) or (c)(2)*.

(*8*) **Exception for Certain Permits Filed Before February 11, 2020.** An application to demolish a Single-Family Residential Building on a site in a RH-1 or RH-1(D) District that is demonstrably not affordable or financially accessible housing, meaning housing that has a value greater than 80% than the combined land and structure values of single-family homes in San Francisco as determined by a credible appraisal made within six months of the application to demolish, is exempt from the Conditional Use authorization requirement of Ssubsections (c)(1) *or (c)(2)*, provided that a complete Development Application was submitted prior to February 11, 2020.

* * * *

SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT PROJECT REQUIREMENTS.

*** * * ***

(b) Waiver or Reduction, Based on Housing Affordability.

(1) An affordable housing unit shall receive a waiver from the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, the Visitacion Valley Community Facilities and Infrastructure Impact Fee, the Transportation Sustainability Fee, the Residential Child Care Impact Fee, the Central South of Market Infrastructure Impact Fee, and the Central South of Market Community Facilities Fee if *the affordable housing unit*:

(A) *the affordable housing unit* is affordable to a household *earning up to 120%* *at or below 80%* of the Area Median Income (as published by HUD), including units that qualify as replacement Section 8 units under the HOPE SF program;

(B) the affordable housing unit will maintain its affordability for a term of no less than 55 years, as evidenced by a restrictive covenant recorded on the property's title;

(C) the Project sponsor demonstrates to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary, and

(D) all construction workers employed in the construction of the development that includes the affordable housing unit are paid at least the general prevailing rate of per diem wages for the type of work and geographic location of the development, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate under the terms and conditions of Labor Code Section 1777.5.

~~*(B) is subsidized, MOHCD, the San Francisco Housing Authority, the Department of Homelessness and Supportive Housing, and/or the Office of Community Investment and Infrastructure or any future successor agency to those listed herein; and*~~

~~*(C) is subsidized in a manner which maintains its affordability for a term no less than 55 years, whether it is a rental or ownership opportunity. Project sponsors must demonstrate to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary.*~~

*** * * ***

(5) This waiver clause shall not be applied to units built as part of a developer's efforts to meet the requirements of the Inclusionary Affordable Housing Program, Sections 415 or 419 of this Code ~~*or any units that trigger a Density Bonus under California Government Code Sections 65915-65918*~~.

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SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.

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Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1

ZONING CONTROL TABLE

		NC-1
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~ Lot Size (Per Development)	~~*§§ 102, 121.1*~~ §§ 102, 121.1	~~*P up to 4,999 square feet; C 5,000 square feet and above*~~ P(2)
* * * *		

*** * * ***

(2) ~~[Note deleted.]~~ C for 5,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

*** * * ***

SEC. 711. NC-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2

ZONING CONTROL TABLE

		NC-2
Zoning Category	**§ References**	**Controls**

BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~ Lot Size (Per Development)	~~*§§ 102, 121.1*~~ §§ 102, 121.1	~~*P up to 9,999 square feet; C 10,000 square feet and above*~~ P(2)
* * * *		

* * * *

(2) ~~[Note deleted.]~~ C for 10,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

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SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.

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Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT

NC-S

ZONING CONTROL TABLE

		NC-S
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
Massing and Setbacks		

Height and Bulk Limits.	§§ 102, 105, 106, 250–252, ~~*253.3,*~~ 260, 261.1, 270, 271. See also Height and Bulk District Maps	Varies, but generally 40-X. ~~*Lakeshore Plaza SUD requires C for buildings above 26 feet (1).*~~ See Height and Bulk Map Sheets HT02-05, HT07, and HT10-13 for more information. Height sculpting required on Alleys per § 261.1.
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SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

		Broadway NCD
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
Massing and Setbacks		
Height and Bulk Limits.	§§ 102, 105, 106, 250–252, ~~*253.1,*~~ 260, 261.1, 270, 271. See also Height and Bulk District Maps	40-X and 65-A. ~~*In 65-A Districts, P up to 40 ft., C 40 to 65 feet*~~ See Height and Bulk Map Sheet HT01 for more

		information. Height sculpting required on Alleys per § 261.1.
* * * *		

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

		North Beach NCD
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		
Lot Size (Per Development)	§§ 102, 121.1	P ~~up to 2,499 square feet; C 2,500 square feet and above~~(16)

* * * *

(15) P where existing use is any Automotive Use.

(16) C for 2,500 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

		Polk Street NCD
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		
Lot Size (Per Development)	§§ 102, 121.1	P ~~up to 2,499 square feet; C 2,500 square feet and above~~(12)

*** * * ***

(11) P where existing use is any Automotive Use.

(12) C for 2,500 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

SEC. 750. NCT-1 – NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT.

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Table 750. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1

ZONING CONTROL TABLE

		NCT-1
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		

Lot Size (Per Development)	§§ 102, 121.1	P ~~up to 4,999 square feet; C 5,000 square feet and above~~ (12)

*** * * ***

(11) P where existing use is any Automotive Use.

(12) C for 5,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

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Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

		Mission Street NCT
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
Massing and Setbacks		
Height and Bulk Limits.	§§ 102, 105, 106, 250–252, ~~*253.4,*~~ 260, 261.1, 270, 271. See also Height and Bulk District Maps	Varies. See Height and Bulk Map Sheet HT07 for more information. ~~*Buildings above 65 feet require C.*~~ Height sculpting required on Alleys per § 261.1.

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SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.

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Table 810

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

		Chinatown Community Business District
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~ Lot Size (Per Development)	~~*§ 121.3*~~ § 121.3	~~*P up to 5,000 sq. ft.; C 5,001 sq. ft. & above (1)*~~ P up to 5,000 sq. ft.; C 5,001 sq. ft. & above (1)
* * * *		

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

* * * *

Table 811

CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

		Chinatown Visitor Retail District
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		

* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~ Lot Size (Per Development)	~~*§ 121.3*~~ § 121.3	~~*P up to 5,000 sq. ft.; C 5,001 sq. ft. & above*~~ P up to 5,000 sq. ft.; C 5,001 sq. ft. & above
* * * *		

SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 812

CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

		Chinatown Residential Neighborhood Commercial District
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~	~~*§ 121.3*~~ § 121.3	~~*P up to 5,000 sq. ft.; C 5,001 sq. ft. & above*~~ P up to 5,000 sq. ft.; C 5,001 sq. ft. & above

Lot Size (Per Development)		
* * * *		

Section 4. Amendment to Specific Zoning Control Tables. Zoning Controls Tables 714, 715, 716, 717, 718, 719, 724, 725, 727, 728, 729, 730, 742, and 756 are hereby amended identically to the amendment of Zoning Control Table 710 in Section 3 of this ordinance, to remove the zoning control under Miscellaneous, Lot Size (Per Development) as follows:

*** * * ***

ZONING CONTROL TABLE

Zoning Category	§ References	Controls
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~	~~*§§ 102, 121.1*~~	~~*P up to 4,999 square feet; C 5,000 square feet and above*~~
* * * *		

Section 5. Amendment to Specific Zoning Control Tables. Zoning Controls Tables ~~712, 720,~~ 721, 731, 732, 733, 734, 735, 736, ~~737,~~ 738, 739, 740, ~~741,~~ 743, ~~744,~~ 745, ~~751, 752, 753, 754,~~ 755~~, 757~~, and 758~~, 759, 760, 761, 762, and 764~~ are hereby amended

identically to the amendment of Zoning Control Table 711 in Section 3 of this ordinance, to remove the zoning control under Miscellaneous, Lot Size (Per Development), as follows:

*** * * ***

ZONING CONTROL TABLE

Zoning Category	§ References	Controls
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~	~~*§§ 102, 121.1*~~	~~*P up to 9,999 square feet; C 10,000 square feet and above*~~
* * * *		

Section 6. Amendment to Specific Zoning Control Tables. Zoning Controls Tables 712, 751, 752, 759, 760, and 762 are hereby amended identically to the amendment of Zoning Control Table 711 in Section 3 of this ordinance, to amend the zoning control under Miscellaneous, Lot Size (Per Development) to identify "P" as the zoning control and include the note ("C for 10,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97."), as shown below, provided that the note shall be numbered as appropriate for each table, as follows:

ZONING CONTROL TABLE

Zoning Category	§ References	Controls
BUILDING STANDARDS		

* * * *		
Miscellaneous		
Lot Size (Per Development)	§§ 102, 121.1	P(1)
* * * *		

(1) C for 10,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

Zoning Control Table	**Note #**
712	14
751	10
752	11
759	11
760	7
762	10

Section 7~~6~~. Pursuant to Sections 106 and 302(c) of the Planning Code, Sheets SU01, SU02, SU07, SU08, SU09, SU10, SU11, SU12SU13 of the Zoning Map of the City and County of San Francisco are hereby amended, as follows:

Description of Property	Special Use District Hereby Approved
Area 1 of the SUD is comprised of the following boundaries: Starting at the southwestern corner of the City and County	Priority Equity Geographies Special Use District

of San Francisco heading north along the Pacific Ocean to Sloat Blvd.; Sloat Blvd. to Skyline Blvd.; Skyline Blvd. to Lake Merced Blvd.; Lake Merced Blvd. to Middlefield Dr~~Rd~~.; Middlefield Dr~~Rd~~. to Eucalyptus Dr.; Eucalyptus Dr. to 19th Ave.; 19th Ave. south until the intersection of Cardenas Ave and Cambon Dr., then flowing Cambon Dr. south to Felix Ave.; following a straight line from Felix Ave. to 19th Ave. and then following a line north to Junipero Serra Blvd.; Junipero Serra Blvd to Holloway Ave.; Holloway Ave. to Ashton Ave.; Ashton Ave. to Lake View Ave.; Lake View Ave. to Capitola Ave.; Capitola Ave. to Grafton Ave.; Grafton Ave. to Mt. Vernon Ave.; Mt. Vernon Ave. to Howth St.; Howth St. to Ocean Ave.; Ocean Ave. to Alemany Blvd.; the northern most portion of Alemany Blvd. until Industrial St.; Industrial St. to Oakdale Ave.; Oakdale Ave. to Phelps St.; Phelps St. to Jerrold Ave.; Jerrold Ave. to 3rd St.; 3rd St. to Evans Ave.; Evans Ave. to Newhall St.; Newhall St. to Fairfax Ave.; Fairfax Ave. to Keith St.; Keith St. to Evans Ave.; Evan Ave. to Jennings	

St.; following Jennings St. in a north easterly direction to its end and then a straight line to the shoreline; following the shoreline south until Arelious Walker Dr.; Arelious Walker Dr. to Gilman Ave.; Gilman Ave. to Bill Walsh Way; Bill Walsh Way to Ingerson Ave.; Ingerson Ave. to Hawes St.; Hawes St. to Jamestown Ave.; Jamestown Ave. to 3rd. St.; 3rd St. to Bayshore Blvd.; Bayshore Blvd. to southernmost boundary of the City and County of San Francisco. The above area shall exclude the following area: Starting at the intersection of Harvard St. and Burrow St. heading east to Cambridge St.; Cambridge St. to Felton St.; Felton St. to Hamilton St.; Hamilton St. to Woolsey St.; Woolsey St. to Goettingen St.; Goettingen St. to Mansell St.; Mansell St. to Brussels St.; Brussels St. to Ward St.; Ward St. to Ankeny St.; Ankeny St. to Hamilton St.; Hamilton St. to Mansell St.; Mansell St. to University St.; University St. to Wayland St.; Wayland St. to Yale St.; Yale St. to McLaren Park; a straight line from Yale St. to Cambridge St.; Cambridge St. to Wayland	

St.; Wayland St. to Oxford St.; Oxford St. to Bacon St.; Bacon St. to Harvard St.; Harvard St. to Burrows St. Area 2 of the SUD is comprised of the following boundaries: Starting on Cesar Chavez St. at the intersection of Valencia Street, heading eastward to ~~Harrison St.; Harrison St. to 23rd St.; 23rd St. to Highway 101; following Highway 101 south to Cesar Chaves St.; Cesar Chavez St. to~~ Vermont St.; Vermont St. to 26th St.; 26th St. to Connecticut St.; Connecticut St. to 25th St.; 25th St. to Highway 280; following Highway 280 north to 20th St.; 20th St. to Arkansas St.; Arkansas St. to 22nd St.; 22nd St to the western side of Highway 101; following the western side of Highway 101 north to 17th St.; 17th St. to Vermont St.; Vermont St. to Division St.; Division St. to Townsend St.; Townsend St. to 6th St.; 6th St. to Brannan St.; Brannan St. to 5th St.; 5th St. to Townsend St.; Townsend St. to 3rd St.; 3rd St. to Howard St.; Howard St. to 4th St.; 4th St. to Market St.; Market St. to Drumm St.;	

Drumm St. to Sacramento St.; Sacramento St. to Battery St.; Battery St. to Pacific AveSt.; Pacific AveSt. to Sansome St.; Sansome St. to Vallejo St.; Vallejo St. to Kearny St.; Kearny St. to Filbert St.; Filbert St. to Columbus Ave.; Columbus Ave. to Mason St.; Mason St. to Washington St.; Washington St. to Powell St.; Powell St. to California St.; California St. to Stockton St.; Stockton St. to Bush St.; Bush St. to Van Ness Ave.; Van Ness Ave. to O'Farrell St./Starr King Way; Starr King Way to Geary Blvd.; Geary Blvd. to Laguna St.; Laguna St. to Bush St.; Bush St. to Webster St.; Webster St. to Post St.; Post St. Filmore St.; Filmore St. to Geary Blvd.; Geary Blvd. to St Joseph's Ave.; St. Joseph's Ave. to Turk Blvd.; Turk Blvd. to Scott St.; Scott St. to McAllister St.; McAllister St. to Steiner St.; Steiner St. to Fulton St.; Fulton St. to Gough St.; Gough St. to McAllister St.; Mc Allister St. to Van Ness Ave.; Van Ness Ave. to Market St.; Market St. to Dolores St.; Dolores St. to 17th St.; 17th St. to Valencia St.; Valencia St. to Cesar Chavez St.	

Area 3 of the SUD is comprised of the following boundaries: Starting on Chestnut St. at the intersection of Columbus Ave, heading eastward to the Embarcadero; The Embarcadero to Taylor St.; Taylor St. to Jefferson St.; Jefferson St. to Leavenworth St.; Leavenworth St. to North Point St.; North Point St. to Columbus AveSt.; Columbus AveSt. to Chestnut St.	

Section 87. Article 9 of the Subdivision Code is hereby amended by amending Section 1396.6, to read as follows:

SEC. 1396.6. CONDOMINIUM CONVERSION ASSOCIATED WITH PROJECTS THAT UTILIZE THE RESIDENTIAL DENSITY EXCEPTION IN RH DISTRICTS TO CONSTRUCT NEW DWELLING UNITS PURSUANT TO PLANNING CODE SECTION 207(C)(8).

(a) **Findings**. The findings of Planning Code Section 415.1 concerning the City's inclusionary affordable housing program are incorporated herein by reference and support the basis for charging the fee set forth herein as it relates to the conversion of dwelling units into condominiums.

(b) **Definition**. "Existing Dwelling Unit" shall refer tomean the dwelling unit in existence on a lot at the time of the submittal of an application to construct a new dwelling unit pursuant to Planning Code Section 207(c)(8).

(c) Notwithstanding Section 1396.4 of this Code and Ordinance No. 117-13, a subdivider of a one-unit building that has obtained a permit to build one or more new dwelling units by utilizing the exception to residential density in RH districts set forth in Planning Code Section 207(c)(8), which results in two or more dwelling units, and that has signed an affidavit stating the subdivider's intent to reside in one of those resulting dwelling units, or in the Existing Dwelling Unit, for a period of three years after the approval of the Certificate of Final Completion and Occupancy for the new dwelling units, shall (1) be exempt from the annual lottery provisions of Section 1396 of this Code with respect to the dwelling units built as part of the Project ~~Units~~ and (2) be eligible to submit a condominium conversion application for the Existing Dwelling Unit and/or include the Existing Dwelling Unit in a condominium map application for the project approved pursuant to Planning Code Section 207(c)(8). Notwithstanding the foregoing sentence, no property or applicant subject to any of the prohibitions on conversions set forth in Section 1396.2~~, in particular~~ of this Code, including but not limited to a property with the eviction(s) set forth in Section 1396.2(b), shall be eligible for condominium conversion under this Section 1396.6. Eligible buildings as set forth in this subsection (c) may exercise their option to participate in this program according to the following requirements:

(1) The applicant(s) for the subject building seeking to convert dwelling units to condominiums or subdivide dwelling units into condominiums under this subsection shall pay the fee specified in Section 1315 of this Code.

(2) In addition to all other provisions of this Section 1396.6, the applicant(s) shall comply with all of the following:

(A) The requirements of Subdivision Code Article 9, Sections 1381, 1382, 1383, 1386, 1387, 1388, 1389, 1390, 1391(a) and (b), 1392, 1393, 1394, and 1395.

(B) The applicant(s) must certify under penalty of perjury that within the 60 months preceding the date of the subject application, no tenant resided at the property.

(C) The applicant(s) must certify under penalty of perjury that to the extent any tenant vacated their unit after March 31, 2013, and before recordation of the final parcel or subdivision map, such tenant did so voluntarily or if an eviction or eviction notice occurred it was not pursuant to Administrative Code Sections 37.9(a)(8)-(12) and 37.9(a)(14)-(16). ~~If an eviction has taken place under Sections 37.9(a)(11) or 37.9(a)(14), then the applicant(s) shall certify~~ The applicant must also certify under penalty of perjury that to the extent any tenant vacated their unit after March 31, 2013, and before recordation of the final parcel or subdivision map, such tenant did not vacate the unit pursuant to a Buyout Agreement, pursuant to the requirements of Administrative Code Section 37.9E, as it may be amended from time to time, regardless of whether the Buyout Agreement was filed and registered with the Rent Board pursuant to Administrative Code Section 37.9E(h). If a temporary eviction occurred under Sections 37.9(a)(11) or 37.9(a)(14), then the applicant(s) shall certify under penalty of perjury that the original tenant reoccupied the unit after the temporary eviction.

(3) If the Department finds that a violation of this Section 1396.6 occurred prior to recordation of the final map or final parcel map, the Department shall disapprove the application or subject map. If the Department finds that a violation of this Section occurred after recordation of the final map or parcel map, the Department shall take such enforcement actions as are available and within its authority to address the violation.

(4) This Section 1396.6 shall not prohibit a subdivider who has lawfully exercised the subdivider's rights under Administrative Code Section 37.9(a)(13) from submitting a condominium conversion application under this Section 1396.6.

(d) Decisions and Hearing on the Application.

(1) The applicant shall obtain a final and effective tentative map or tentative parcel map approval for the condominium subdivision or parcel map within one year of paying the fee specified in subsection (e) of this Section1396.6. The Director of the Department of Public Works or the Director's designee is authorized to waive the time limits set forth in this subsection (d)(1) as it applies to a particular building due to extenuating or unique circumstances. Such waiver may be granted only after a public hearing and in no case shall the time limit extend beyond two years after submission of the application.

(2) No less than 20 days prior to the Department's proposed decision on a tentative map or tentative parcel map, the Department shall publish the addresses of buildings being considered for approval and post such information on its website, post notice that such decision is pending at the affected buildings, and provide written notice of such pending decision to the applicant, all tenants of such buildings, and any member of the public who interested party who has requested such notice. During this time, any interested party may file a written objection to an application and submit information to the Department contesting the eligibility of a building. In addition, the Department may elect to hold a public hearing on said tentative map or tentative parcel map to consider the information presented by the public, other City department, or an applicant. If the Department elects to hold such a hearing it shall post notice of such hearing, including posting notice at the subject building, and provide written notice to the applicant, all tenants of such building, any member of the public who submitted information to the Department, and any interested party who has requested such notice. In the event that an objection to the conversion application is filed in accordance with this subsection (d)(2), and based upon all the facts available to the Department, the Department shall approve, conditionally approve, or disapprove an application and state the reasons in support of that decision.

(3) Any map application subject to a Departmental public hearing on the subdivision or a subdivision appeal shall receive a six-month extension on ~~have~~ the time limit set forth in subsection (d)(1) of this Section 1396.6~~extended for another six months~~.

(e) Should the subdivision application be denied or be rejected as untimely in accordance with the dates specified in subsection (d)(1) of this Section 1396.6, or should the tentative subdivision map or tentative parcel map be disapproved, the City shall refund the entirety of the application fee.

(f) Conversion of buildings pursuant to this Section 1396.6 shall have no effect on the terms and conditions applicable to such buildings under Section ~~1341A,~~ 1385A~~,~~ or 1396 of this Code.

Section 9~~87~~. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 10~~98~~. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

Section 11~~10~~. Clarification of existing law. The amendments to Planning Code Section 305.1(g) in Section 3 of this ordinance do not constitute a change in, but are declaratory of,

existing law with regard to the Planning Department's authorization to collect fees for time and materials spent reviewing application materials.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Andrea Ruiz-Esquide
ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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FILE NO. 230446

REVISED LEGISLATIVE DIGEST
(Amended in Committee – October 2, 2023)

[Planning and Subdivision Codes, Zoning Map - Housing Production]

Ordinance amending the Planning Code to encourage housing production by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations, and areas outside RH (Residential House) Districts within the Family Housing Opportunity Special Use District; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots in areas outside the Priority Equity Geographies Special Use District, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity – San Francisco (HOME – SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain development fees; 7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and 8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; amending the Subdivision Code to update the condominium conversion requirements for projects utilizing residential density exceptions in RH Districts; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

Existing Law

The Planning Code sets forth different zoning districts throughout the City, where different uses are permitted, conditionally permitted, or prohibited, and where various controls (such as height, bulk, setbacks, etc.) apply. It also contains permit application, noticing, and hearing requirements, as well as appeal procedures, as applicable, for different permits and entitlements. The Planning Code also contains Special Use Districts ("SUD"), such as the

Family Housing Opportunity SUD, which contain additional use restrictions and development controls (Section 249.94).

The Zoning Map is a component of the Planning Code, and it contains maps and figures that depict zoning regulations spatially, showing how land can be used in areas of San Francisco called "zoning districts" (also known as "zones" or "use districts").

The Subdivision Code provides condominium conversion procedures for projects utilizing the Citywide Fourplex Program (Planning Code Section 207(c)(8)) and the development incentives in the Family Housing Opportunity SUD.

Amendments to Current Law

This ordinance amends the Planning Code to implement a series of process reforms with the goal to encourage housing production. For instance:

- The ordinance creates a new Priority Equity Geographies Special Use District (SUD) and amends the Zoning Map to map that SUD. Priority Equity Geographies are areas that have been identified in the San Francisco Department of Public Health's Community Health Needs Assessment as Areas of Vulnerability.
- The ordinance exempts housing demolition citywide, but outside of Priority Equity Geographies and RH Districts in the Family Housing Opportunity SUD, from the existing Conditional Use (CU) authorization requirement, if conditions regarding notice, tenant protections, unit configuration, and historic buildings are met.
- It exempts expansion and new construction projects from neighborhood notice in areas outside of the Priority Equity Geographies SUD and RH Districts in the Family Housing Opportunity SUD.
- It deletes the Planning Code requirement for a CU authorization for large lot developments in certain zoning districts (usually 10,000 sq. ft. or greater).
- It deletes the CU authorization requirement for projects to exceed a specified height in certain districts, even if the height limit allows for a greater height. By removing the CU requirement, the ordinance allows construction of buildings to the permitted height limit.
- It provides that if the Planning Commission delegates approval authority to the Planning Director, State Density Bonus (SDB) projects can be approved without a Commission hearing, regardless of any other requirements in the Planning Code.
- In certain zoning districts, it allows construction of more units than currently principally permitted in larger lots in residential (RH-1, RH-2, and RH-3) districts, based on the lot area, removing the current CU requirement.
- It deletes the requirement that in order for senior housing projects to take advantage of double density allowances, they must be located within a quarter mile of a mid-sized Neighborhood Commercial District, or obtain a CU authorization.

- It expands development fee waivers to apply to 100% affordable housing projects with units affordable to up to 120% of the Area Medium Income, regardless of the funding source, and to 100% affordable SDB projects.
- It reduces and standardizes rear yard, front setback, lot frontage, and minimum lot size requirements in certain zoning districts.
- It simplifies residential open space requirements.
- It allows additional uses on the ground floor in residential buildings.
- It makes homeless shelters and group housing permitted in residential districts.
- It expands the eligibility for the Housing Opportunities Mean Equity – San Francisco (HOME – SF) program and density exceptions in residential districts, by removing some of the applicability thresholds for each of these programs.
- It allows for administrative review of reasonable accommodations.

Background Information

The ordinance contains findings explaining its intent to implement some of the goals, objectives, policies and implementing programs of the 2022 Housing Element Update.

This ordinance is the result of amendments made on October 2, 2023 at the Land Use and Transportation Committee to the ordinance in Board File No. 230446, version 3. Those amendments:

- Added more conditions for projects outside the Priority Equity Geographies SUD to be exempt from the currently existing conditional use requirement for demolition, such as:
    - A prohibition on tenant buyouts;
    - Notice requirements;
    - The signing of an affidavit;
    - Pre-application meeting;
    - If the project is located in a Residential, House (RH) district, a requirement that the resulting projects meet the unit configuration of Planning Code Section 249.94(c)(4);
    - Expanded restriction on demolition of historic buildings to include any buildings located in an Article 10 historic district; and
    - Project cannot be located in an RH District in the Family Housing Opportunity SUD, unless the terms of that SUD would otherwise provide for a waiver of the conditional use requirement.
- Slightly modified the boundaries of the Priority Equity Geographies;
- Implemented Planning Commission recommendations regarding front setbacks;
- Limited changes regarding large lots and lot mergers to the areas outside the Priority Equity Geographies SUD;
- Restored the conditional use requirement for development of large lots in Chinatown Mixed Use Districts;
- Made minor changes to the findings;

- Made clean-up changes to the reasonable accommodations language;
- Restored the following existing standards in RH Districts in the Family Housing Opportunity SUD:
    - Subdivisions and lot splits
    - Minimum lot width
    - Minimum lot area
    - Conditional use process to create smaller lot in non-RH-1(D) districts
    - Front setback averaging
    - Alternative method of front setback averaging
    - Maximum front setback requirements
    - Basic rear-yard requirements
    - Reduction of basic rear yard requirements
    - Private open space minimum dimensions
    - Dwelling unit exposure for open area or inner courts
    - Residential and group housing density limits
- Restored the conditional use requirement for projects exceeding 40 ft in RH Districts in the Family Housing Opportunity SUD;
- Restored requirement of Section 311 notice for projects in RH Districts in the Family Housing Opportunity SUD, unless the terms of that SUD would otherwise provide for a waiver of Section 311 notice; and
- Amended Subdivision Code to conform tenant protection and notice provisions of condominium conversion process for Citywide Fourplex program (Planning Code Section 207(C)(8) to the condominium conversion process in the Family Housing Opportunity SUD.

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FILE NO. ORDINANCE NO.

October 2, 2023
Amendments are highlighted below.

* Planning/Mayor's requested amends in YELLOW
* Melgar's amends in GREEN

[Planning and Subdivision Codes, Zoning Map - Housing Production]

Ordinance amending the Planning Code to encourage housing production by ~~(~~1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations, and areas outside RH (Residential House) Districts within the Family Housing Opportunity Special Use District; ~~(~~2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots in areas outside the Priority Equity Geographies Special Use District, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; ~~(~~3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts, subject to certain exceptions in RH Districts in the Family Housing Opportunity Special Use District; ~~(~~4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; ~~(~~5) expanding the eligibility for the Housing Opportunities Mean Equity – San Francisco (HOME – SF) program and density exceptions in residential districts; ~~(~~6) exempting certain affordable housing projects from certain development fees; ~~(~~7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and ~~(~~8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity

Geographies Special Use District; amending the Subdivision Code to update the condominium conversion requirements for projects utilizing residential density exceptions in RH Districts; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1.

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

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

Section 1. Environmental and Land Use 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 Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. ___ and is incorporated herein by reference. The Board affirms this determination.

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

(c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code

amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. _____, and the Board adopts such reasons as its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File No. _____ and is incorporated herein by reference.

Section 2. General Background and Findings.

(a) California faces a severe crisis of housing affordability and availability, prompting the Legislature to declare, in Section 65589.5 of the Government Code, that the state has "a housing supply and affordability crisis of historic proportions. The consequences of failing to effectively and aggressively confront this crisis are hurting millions of Californians, robbing future generations of a chance to call California home, stifling economic opportunities for workers and businesses, worsening poverty and homelessness, and undermining the state's environmental and climate objectives."

(b) This crisis of housing affordability and availability is particularly severe in San Francisco. It is characterized by dramatic increases in rent and home sale prices over recent years.

(c) According to the Planning Department's 2020 Housing Inventory, the cost of housing in San Francisco has increased dramatically since the Great Recession of 2008-2009, with the median sale price for a two-bedroom house more than tripling from 2011 to 2021, from $493,000 to $1,580,000. This includes a 9% increase from 2019 to 2020 alone, even in the face of the COVID-19 pandemic. The median rental price for a two-bedroom apartment saw similar although slightly smaller increases, nearly doubling from $2,570 to $4,500 per month, from 2011 to 2019, before declining in 2020 due to the pandemic.

(d) These housing cost trends come after decades of underproduction of housing in the Bay Area, according to the Planning Department's 2019 Housing Affordability Strategies Report. The City's Chief Economist has estimated that approximately 5,000 new market-rate

housing units per year would be required to keep housing prices in San Francisco constant with the general rate of inflation.

(e) Moreover, San Francisco will be challenged to meet increased Regional Housing Needs Allocation ("RHNA") goals in this 2023-2031 Housing Element cycle, which total 82,069 units over eight years~~,~~ (46,598 of which must be affordable to extremely-low, very-low, low-, and moderate-income households), more than 2.5 times the goal of the previous eight-year cycle. The importance of meeting these goals to address housing needs is self-evident. In addition, under relatively new State laws like Senate Bill 35 (2017), failure to meet the 2023-2031 RHNA housing production goals would result in limitations on San Francisco's control and discretion over certain projects.

(f) On January 31, 2023, the City adopted the 2022 Update of the Housing Element of the General Plan ("2022 Housing Element"), as required by state law. The 2022 Housing Element is San Francisco's first housing plan that is centered on racial and social equity. It articulates San Francisco's commitment to recognizing housing as a right, increasing housing affordability for low-income households and communities of color, opening small and mid-rise multifamily buildings across all neighborhoods, and connecting housing to neighborhood services like transportation, education, and economic opportunity.

(g) The 2022 Housing Element includes goals, objectives, policies and implementing programs that seek to guide development patterns and the allocation of resources to San Francisco neighborhoods. Generally, it intends to shift an increased share of the San Francisco's projected future housing growth to transit corridors and low-density residential districts within "Well-Resourced Neighborhoods" (which are areas identified by the state as neighborhoods that provide strong economic, health, and educational outcomes for its residents), while aiming to prevent the potential displacement and adverse racial and social equity impacts of zoning changes, planning processes, or public and private investments for

populations and in areas that may be vulnerable to displacement, such as “Priority Equity Geographies” (identified in the Department of Public Health’s Community Health Needs Assessment as Areas of Vulnerability).

(h) Among other policies, the 2022 Housing Element commits the City to remove governmental constraints on housing development, maintenance and improvement, specifically in Well-Resourced Neighborhoods and in areas outside of Priority Equity Geographies, as well as to reduce costs and administrative processes for affordable housing projects, small and multifamily housing, and to simplify and standardize processes and permit procedures. Among many other obligations, the 2022 Housing Element requires that the City remove Conditional Use Authorization requirements for code compliant projects, eliminate hearing requirements, and modify standards and definitions to permit more types of housing across the City, in Well-Resourced Neighborhoods and outside of Priority Equity Geographies. This ordinance advances those goals.

Section 3. The Planning Code is hereby amended by deleting Sections 121.1, 121.3, 132.2, ~~253,~~ 253.1, 253.2, and 253.3, revising Sections 102, 121, 121.7, 132, 134, 135, 140, 145.1, 202.2, 204.1, 206.3, 206.6, 207, 209.1, 209.2, 209.3, 209.4, 210.3, 253, 305.1, 311, 317, 406, 710, 711, 713, 714, 722, 723, 750, 754, 810, 811, and 812, and adding new Sections 121.1 and 121.3, and Section 249.97, to read as follows:

SEC. 102.DEFINITIONS.

* * * *

Dwelling Unit. A Residential Use defined as a room or suite of two or more rooms that is designed for, or is occupied by, one family doing its own cooking therein and having only one kitchen. *A Dwelling Unit shall also include “employee housing” when providing accommodations for*

six or fewer employees, as provided in State Health and Safety Code §17021.5. A housekeeping room as defined in the Housing Code shall be a Dwelling Unit for purposes of this Code. For the purposes of this Code, a Live/Work Unit, as defined in this Section, shall not be considered a Dwelling Unit.

* * * *

Height (of a building or structure). The vertical distance by which a building or structure rises above a certain point of measurement. See Section 260 of this Code for how height is measured.

Historic Building. *A Historic Building is a building or structure that meets at least one of the following criteria:*

- *It is individually designated as a landmark under Article 10;*
- *It is listed as a contributor to an historic district listed in Article 10;*
- *It is a Significant or Contributory Building under Article 11, with a Category I, II, III or IV rating;*
- *It has been listed or has been determined eligible for listing in the California Register of Historical Resources; or,*
- *It has been listed or has been determined eligible for listing in the National Register of Historic Places.*

* * * *

SEC. 121. MINIMUM LOT WIDTH AND AREA.

* * * *

(b) **Subdivisions and Lot Splits**. Subdivisions and lot splits shall be governed by the Subdivision Code of the City and County of San Francisco and by the Subdivision Map Act of

California. In all such cases the procedures and requirements of said Code and said Act shall be followed, including the requirement for consistency with the General Plan of the City and County of San Francisco. ~~*Where the predominant pattern of residential development in the immediate vicinity exceeds the minimum standard for lot width or area, or the minimum standards for both lot width and area, set forth below in this Section, any new lot created by a subdivision or lot split under the Subdivision Code shall conform to the greater established standards, provided that in no case shall the required lot width be more than 33 feet or the required lot area be more than 4,000 square feet.*~~ In RH districts in the Family Housing Opportunity Special Use District, where the predominant pattern of residential development in the immediate vicinity exceeds the minimum standard for lot width or area, or exceeds the minimum standards for both lot width and area, set forth below in this Section 121, any new lot created by a subdivision or lot split under the Subdivision Code shall conform to the greater established standard(s), provided that in no case shall the required lot width be more than 33 feet or the required lot area be more than 4,000 square feet.

* * * *

(d) **Minimum Lot Width**. The minimum lot width shall be ~~20 feet.*as follows:*~~ as follows:

~~*(1) In RH-1(D) Districts: 33 feet;*~~

~~*(2) In all other zoning use districts: 25 feet.*~~

1) In RH-1(D) Districts in the Family Housing Opportunity Special Use District (Section 249.94): 33 feet;

(2) In all other RH Districts in the Family Housing Opportunity Special Use District: 25 feet;

(3) In all other zoning use districts: 20 feet.

(e) **Minimum Lot Area**. The minimum lot area shall be ~~1,200 sq. ft. *as follows:*~~ as follows:

~~*(1) In RH-1(D) Districts: 4,000 square feet;*~~

~~*(2) In all other zoning use districts: 2,500 square feet; except that the minimum lot area for any lot having its street frontage entirely within 125 feet of the intersection of two streets that intersect at an angle of not more than 135 degrees shall be 1,750 square feet.*~~

(1) In RH-1(D) Districts in the Family Housing Opportunity Special Use District (Section 249.94): 4,000 square feet;

(2) In all other RH Districts in the Family Housing Opportunity Special Use District: 2,500 square feet; except that the minimum lot area for any lot having its street frontage entirely within 125 feet of the intersection of two streets that intersect at an angle of not more than 135 degrees shall be 1,750 square feet.

(3) In all other zoning use districts: 1,200 square feet.

~~*(f) Conditional Uses. Notwithstanding the foregoing requirements of this Section 121 as to lot width, lot area and width of lot frontage, in any zoning use district other than an RH-1(D) District the City Planning Commission may permit one or more lots of lesser width to be created, with each lot containing only a one-family dwelling and having a lot area of not less than 1,500 square feet, according to the procedures and criteria for conditional use approval in Section 303 of this Code.*~~

(f) **Conditional Uses**. Notwithstanding the foregoing requirements of this Section 121 as to lot width, lot area, and width of lot frontage, in any RH District in the Family Housing Opportunity Special Use District, other than an RH-1(D) District, the Planning Commission may permit one or more lots of lesser width to be created, with each lot containing only a one-family dwelling and having a lot area of not less than 1,500 square feet, according to the procedures and criteria for conditional use approval in Section 303 of this Code.

~~***SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL DISTRICTS.***~~

~~*(a)* **Purpose.** *In order to promote, protect, and maintain a scale of development that is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in the table below shall be permitted only as Conditional Uses.*~~

~~*District*~~	~~*Lot Size Limits*~~
~~*North Beach*~~	~~*2,500 sq. ft.*~~
~~*Pacific Avenue*~~	
~~*Polk Street*~~	
~~*NC-1, NCT-1*~~	~~*5,000 sq. ft.*~~
~~*24th Street-Mission*~~	
~~*24th Street-Noe Valley*~~	
~~*Broadway*~~	
~~*Castro Street*~~	
~~*Cole Valley*~~	
~~*Glen Park*~~	
~~*Haight Street*~~	
~~*Inner Clement Street*~~	
~~*Inner Sunset*~~	
~~*Irving Street*~~	
~~*Judah Street*~~	
~~*Lakeside Village*~~	
~~*Noriega Street*~~	

~~*Outer Clement Street*~~	
~~*Sacramento Street*~~	
~~*Taraval Street*~~	
~~*Union Street*~~	
~~*Upper Fillmore Street*~~	
~~*West Portal Avenue*~~	
~~*NC-2, NCT-2*~~	~~*10,000 sq. ft.*~~
~~*NC-3, NCT-3*~~	
~~*Bayview*~~	
~~*Cortland Avenue*~~	
~~*Divisadero Street*~~	
~~*Excelsior Outer Mission Street*~~	
~~*Fillmore Street*~~	
~~*Folsom Street*~~	
~~*Geary Boulevard*~~	
~~*Hayes-Gough*~~	
~~*Inner Balboa Street*~~	
~~*Inner Taraval Street*~~	
~~*Japantown*~~	
~~*Lower Haight Street*~~	
~~*Lower Polk Street*~~	

~~*Mission Bernal*~~	
~~*Mission Street*~~	
~~*Ocean Avenue*~~	
~~*Outer Balboa Street*~~	
~~*Regional Commercial District*~~	
~~*San Bruno Avenue*~~	
~~*SoMa*~~	
~~*Upper Market Street*~~	
~~*Valencia Street*~~	
~~*NC-S*~~	~~*Not Applicable*~~

~~*(b) **Design Review Criteria.** In addition to the criteria of Section 303(c) of this Code, the City Planning Commission shall consider the extent to which the following criteria are met:*~~

~~*(1) The mass and facade of the proposed structure are compatible with the existing scale of the district.*~~

~~*(2) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.*~~

~~*(3) Where 5,000 or more gross square feet of Non-Residential space is proposed, that the project provides commercial spaces in a range of sizes, including one or more spaces of 1,000 gross square feet or smaller, to accommodate a diversity of neighborhood business types and business sizes.*~~

SEC. 121.1. DEVELOPMENT OF LARGE LOTS IN NEIGHBORHOOD COMMERCIAL DISTRICTS LOCATED IN THE PRIORITY EQUITY GEOGRAPHIES SPECIAL USE DISTRICT.

(a) Purpose. In order to promote, protect, and maintain a scale of development that is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in the Neighborhood Commercial Districts located in the Priority Equity Geographies Special Use District established under Section 249.97 shown in the table below shall be permitted only as Conditional Uses.

District	**Lot Size Limits**
North Beach (*)	2,500 sq. ft.
Polk Street (*)	
NC-1, NCT-1 (*)	5,000 sq. ft.
24th Street-Mission	
NC-2, NCT-2 (*)	10,000 sq. ft.
NC-3, NCT-3 (*)	
Bayview	
Divisadero Street (*)	
Excelsior Outer Mission Street	
Fillmore Street (*)	
Folsom Street	
Hayes-Gough	

Lower Polk Street	
Mission Street	
San Bruno Avenue	
SoMa	
Upper Market Street	
Valencia Street (*)	

(*) These districts are located at least partially in the Priority Equity Geographies Special Use District established under Section 249.97. The controls in this Section 121.1 shall apply to those areas of these districts that are within the Priority Equity Geographies SUD. The controls in this Section 121.1 shall not apply to portions of any Neighborhood Commercial District that are outside the Priority Equity Geographies SUD.

(b) **Design Review Criteria**. In addition to the criteria of Section 303(c) of this Code, the Planning Commission shall consider the extent to which the following criteria are met:

(1) The mass and facade of the proposed structure are compatible with the existing scale of the district.

(2) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

(3) Where 5,000 or more gross square feet of Non-Residential space is proposed, the project provides commercial spaces in a range of sizes, including one or more spaces of 1,000 gross square feet or smaller, to accommodate a diversity of neighborhood business types and business sizes.

~~***SEC. 121.3. DEVELOPMENT OF LARGE LOTS, CHINATOWN MIXED USE DISTRICTS.***~~

~~*In order to promote, protect, and maintain a scale of development which is appropriate to each Mixed Use District and complementary to adjacent buildings, new construction or enlargement of existing buildings on lots larger than the square footage stated in the table below shall be permitted as conditional uses subject to the provisions set forth in Section 303.*~~

~~***District***~~	~~***Lot Size Limits***~~
~~*Chinatown Community Business*~~	~~*5,000 sq. ft.*~~
~~*Chinatown Residential/Neighborhood Commercial*~~	
~~*Chinatown Visitor Retail*~~	

~~*In addition to the criteria of Section 303(c), the Planning Commission shall consider the following criteria:*~~

~~*(1) The mass and facade of the proposed structure are compatible with the existing scale of the district.*~~

~~*(2) The facade of the proposed structure is consistent with design features of adjacent facades that contribute to the positive visual quality of the district.*~~

SEC. 121.3. DEVELOPMENT OF LARGE LOTS, CHINATOWN MIXED USE DISTRICTS.

(a) In order to promote, protect, and maintain a scale of development which is appropriate to each Mixed Use District and complementary to adjacent buildings, new construction or enlargement of existing buildings on lots larger than the square footage stated in the table below shall be permitted as conditional uses subject to the provisions set forth in Section 303.

District	Lot Size Limits
Chinatown Community Business	5,000 sq. ft.
Chinatown Residential/Neighborhood Commercial	
Chinatown Visitor Retail	

(b) In addition to the criteria of Section 303(c), the Planning Commission shall consider the following criteria:

(1) The mass and facade of the proposed structure are compatible with the existing scale of the district.

(2) The facade of the proposed structure is consistent with design features of adjacent facades that contribute to the positive visual quality of the district.

SEC. 121.7. RESTRICTION OF LOT MERGERS IN CERTAIN DISTRICTS AND ON PEDESTRIAN-ORIENTED STREETS.

* * * *

(b) **Controls.** Merger of lots is regulated as follows:

~~*(1) **RTO Districts.** In RTO Districts, merger of lots creating a lot greater than 5,000 square feet shall not be permitted except according to the procedures and criteria in subsection (d) below.*~~

(1) **RTO Districts**. In RTO Districts within the Priority Equity Geographies Special Use District established under Section 249.97, merger of lots creating a lot greater than 5,000 square feet shall not be permitted except according to the procedures and criteria in subsection (d) below.

(~~2~~1~~2~~) **NCT, NC, and Mixed-Use Districts.** In those NCT, NC, and Mixed Use Districts listed below, merger of lots resulting in a lot with a single street frontage greater than that stated in the table below on the specified streets or in the specified Districts is prohibited except according to the procedures and criteria in subsections (c) and (d) below.

(~~3~~2~~3~~) **WMUO District.** Merger of lots in the WMUO zoning district resulting in a lot with a street frontage between 100 and 200 feet along Townsend Street is permitted so long as a publicly-accessible through-block pedestrian alley at least 20 feet in width and generally conforming to the design standards of Section 270.2(e)(5)-(12) of this Code is provided as a result of such merger.

(~~4~~3~~4~~) **Mission Street NCT District.** In the Mission Street NCT District, projects that propose lot mergers resulting in street frontages on Mission Street greater than 50 feet shall provide at least one non-residential space of no more than 2,500 square feet on the ground floor fronting Mission Street.

(~~5~~4~~5~~) **Ocean Avenue NCT District.** In the Ocean Avenue NCT District, projects that propose lot mergers resulting in street frontages greater than 50 feet are permitted to create corner lots only, and shall require a conditional use authorization.

* * * *

SEC. 132. FRONT SETBACK AREAS IN RTO, RH, AND RM DISTRICTS AND FOR REQUIRED SETBACKS FOR PLANNED UNIT DEVELOPMENTS.

The following requirements for minimum front setback areas shall apply to every building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the existing front setbacks of adjacent buildings. Buildings in RTO Districts which have more than 75 feet of street frontage are additionally subject to the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission. Planned Unit

Developments or PUDs, as defined in Section 304, shall also provide landscaping in required setbacks in accord with Section 132(g).

(a) **Basic Requirement.** Where one or both ~~*of the*~~ buildings adjacent to the subject property have front setbacks along a Street or Alley, any building or addition constructed, reconstructed, or relocated on the subject property shall be set back as follows:

(1) In RH Districts in the Family Housing Opportunity Special Use District (Section 249.94): the average of the two adjacent front setbacks, except as provided in subsection (d) below. If only one of the adjacent buildings has a front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building;

(2) In all other zoning use districts: *no less than the depth of the adjacent building with the shortest front setback, except as provided in subsection (c).* ~~*the average of the two adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building.*~~

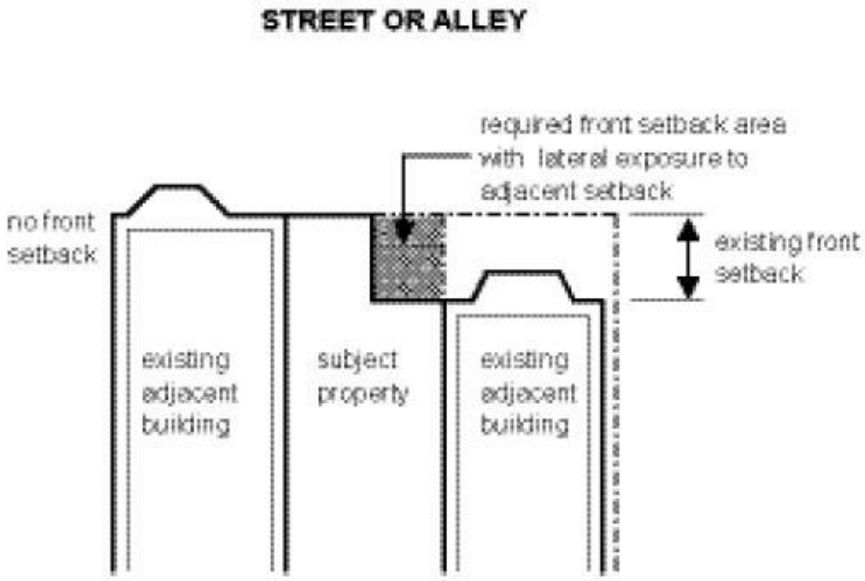
(3) In any case in which the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less parallel to the Street or Alley, such nearest building shall be deemed to be an "adjacent building," but a building on a lot so separated for a greater distance shall not be deemed to be an "adjacent building." ~~[Note to publisher: Delete diagram that follows this text].~~

~~*(b) **Alternative Method of Averaging.** If, under the rules stated in subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged in an irregular manner within the depth between the setbacks of the two adjacent buildings, provided that the area of the resulting setback shall be at least equal to the product*~~

~~*of the width of the subject property along the Street or Alley times the setback depth required by subsections (a) and (c) of this Section 132; and provided further, that all portions of the resulting setback area on the subject property shall be directly exposed laterally to the setback area of the adjacent building having the greater setback. In any case in which this alternative method of averaging has been used for the subject property, the extent of the front setback on the subject property for purposes of subsection (c) below relating to subsequent development on an adjacent site shall be considered to be as required by subsection (a) above, in the form of a single line parallel to the Street or Alley*~~ ~~[Note to publisher: Delete diagram that follows this text].~~

(b) **Alternative Method of Averaging**. If, under the rules stated in subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged in an irregular manner within the depth between the setbacks of the two adjacent buildings, provided that the area of the resulting setback shall be at least equal to the product of the width of the subject property along the Street or Alley times the setback depth required by subsections (a) and (c) of this Section 132; and provided further, that all portions of the resulting setback area on the subject property shall be directly exposed laterally to the setback area of the adjacent building having the greater setback. In any case in which this alternative method of averaging has been used for the subject property, the extent of the front setback on the subject property for purposes of subsection (c) below relating to subsequent development on an adjacent site shall be considered to be as required by subsection (a) above, in the form of a single line parallel to

the Street or Alley. [Note to publisher: The diagram that follows is a reproduction of the diagram that appears below Section 132(b) in the current version of the Planning Code.]



(be) **Method of Measurement.** The extent of the front setback of each adjacent building shall be taken as the horizontal distance from the property line along the Street or Alley to the building wall closest to such property line, excluding all projections from such wall, all decks and garage structures and extensions, and all other obstructions.

(cd) **Applicability to Special Lot Situations.**

* * * *

(de) **Maximum Requirements.** The maximum required front setback in any of the cases described in this Section 132 shall be as follows:

(1) In RH Districts in the Family Housing Opportunity Special Use District (Section 249.94): 15 feet from the property line along the Street or Alley, or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement. Where a lot faces on a Street or Alley less than or equal to 40 feet in width, the maximum

required setback shall be 10 feet from the property line or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement.

(2) In all other zoning use districts, except as otherwise provided in this Code: ~~*15*~~ *10* feet from the property line along the Street or Alley, except in cases where more than 75% of the properties on the subject block face have a setback of 15 feet or greater, and both parcels adjacent to the parcel property have a front setback of 15 feet or greater, in which case the maximum front setback shall be 15 feet.~~*, or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement*~~. *Where a lot faces on a Street or Alley less than or equal to 40 feet in width, the maximum required setback shall be ten feet from the property line or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement.*~~

(3) The required setback for lots located within the Bernal Heights Special Use District is set forth in Section 242 of this Code.

* * * *

~~***SEC. 132.2. SETBACKS IN THE NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.***~~

~~***(a) General.*** *In order to maintain the continuity of a predominant street wall along the street, setbacks of the upper portion of a building which abuts a public sidewalk may be required of buildings located within the boundaries of the North of Market Residential Special Use District, as shown on Sectional Map 1SUb of the Zoning Map, as a condition of approval of conditional use authorization otherwise required by Section 253 of this Code for building in RC Districts which exceed 50 feet in height.*~~

~~***(b) Procedures.*** *A setback requirement may be imposed in accordance with the provisions set forth below pursuant to the procedures for conditional use authorization set forth in Section 303 of this Code.*~~

~~***(c) Setback Requirement.*** *In order to maintain the continuity of the prevailing streetwall along a street or alley, a setback requirement may be imposed as a condition of approval of an application for conditional use authorization for a building in excess of 50 feet in height, as required by Section 253 of this Code. If the applicant can demonstrate that the prevailing streetwall height on the block on which the proposed project is located, as established by existing cornice lines, is in excess of 50 feet, then the Commission may impose a maximum setback of up to 20 feet applicable to the portion of the building which exceeds the established prevailing streetwall height; provided, however, that if the applicant demonstrates that the prevailing streetwall height is in excess of 68 feet, the maximum setback requirement which may be imposed is 16 feet. If the applicant can demonstrate that a building without a setback would not disrupt the continuity of the prevailing streetwall along the street, then the Planning Commission may grant approval of the conditional use authorization without imposing a setback requirement as a condition thereof.*~~

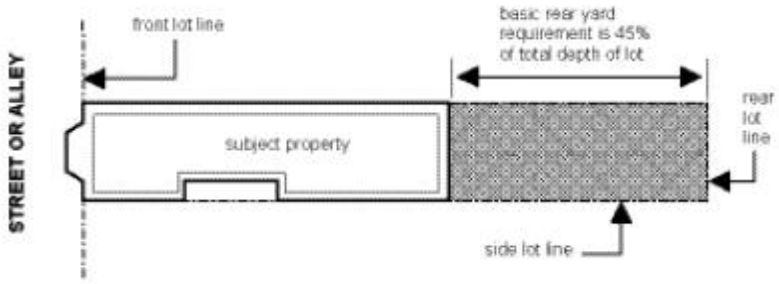
SEC. 134. REAR YARDS IN R, RC, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU, RED, AND RED-MX DISTRICTS.

* * * *

(c) Basic Requirements. The basic rear yard requirements shall be as follows for the districts indicated:

(1) In RH, RM-1, RM-2, RTO, RTO-M Zoning Districts, the basic rear yard shall be equal to 30% of the total depth of the lot on which the building is situated, but in no case less than 15 feet~~.~~ unless otherwise provided in subsection (c)(2).

(2) In RH-2 and RH-3 Districts in the Family Housing Opportunity Special Use District (Section 249.94), the minimum rear yard depth shall be equal to 45% of the total depth of the lot on which the building is situated, unless a reduction in this requirement is permitted by subsection (k) below or otherwise provided in Section 249.94(d). [Note to publisher: The diagram that follows is a reproduction of the diagram that appears below Section 134(c)(3) in the current Planning Code.]



(~~2~~3) In all other Zoning Districts not listed in subsection (c)(1), the rear yard shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet.

(d) Rear Yard Location Requirements.

~~***(1) RH-1(D), RH-1, and RH-1(S) Districts.*** *For buildings that submit a development application on or after January 15, 2019, the minimum rear yard depth shall be equal to 30% of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Exceptions are permitted on Corner Lots and through lots abutting properties with buildings fronting both streets, as described in subsection (f) below. For buildings that submitted a development application prior to January 15, 2019, the minimum rear yard depth shall be determined based on the applicable law on the date of submission.~~

~~*(2) RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD Districts.*~~ ~~*Except as specified in this subsection (c), the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet.*~~

~~*(A) For buildings containing only SRO Units in the Eastern Neighborhoods Mixed Use Districts, the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced in specific situations as described in subsection (e) below.*~~

~~*(B) To the extent the lot coverage requirements of Section 249.78 apply to a project, those requirements shall control, rather than the requirements of this Section 134.*~~

(~~*C*~~*1*) **RH**~~*-1(D), RH-1, RH-1(S)*~~**, RM**~~*-3, RM-4*~~**, *RTO,* NC-1, NCT-1, Inner Sunset, Outer Clement Street, Cole Valley, Haight Street, Lakeside Village, Sacramento Street, 24th Street-Noe Valley, *Pacific Avenue,* and West Portal Avenue Districts.** Rear yards shall be provided at grade level and at each succeeding level or story of the building.

(~~*D*~~*2*) **NC-2, NCT-2, Ocean Avenue, Inner Balboa Street, Outer Balboa Street, Castro Street, Cortland Avenue, Divisadero Street NCT, Excelsior-Outer Mission Street, Inner Clement Street, Upper Fillmore Street, Lower Haight Street, Judah Street, Noriega Street, North Beach, San Bruno Avenue, Taraval Street, Inner Taraval Street, Union Street, Valencia Street, 24th Street-Mission, Glen Park, Regional Commercial District and Folsom Street Districts.** Rear yards shall be provided at the second story, and at each succeeding story of the building, and at the First Story if it contains a Dwelling Unit.

* * * *

(~~*E*~~*3*) **RC-3, RC-4, NC-3, NCT-3, Bayview, Broadway, Fillmore Street, Geary Boulevard, Hayes-Gough, Japantown, SoMa NCT, Mission Bernal, Mission Street, Polk Street, Lower Polk Street, Pacific Avenue, C, M, SPD, MUR, MUG, MUO, and UMU**

Districts. Rear yards shall be provided at the lowest story containing a Dwelling Unit, and at each succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M, N, R, S, T, U, and V) are not required to provide rear yards at any level of the building, provided that the project fully meets the usable open space requirement for Dwelling Units pursuant to Section 135 of this Code, the exposure requirements of Section 140, and gives adequate architectural consideration to the light and air needs of adjacent buildings given the constraints of the project site.

(~~F~~4) Upper Market Street NCT. Rear yards shall be provided at the grade level, and at each succeeding story of the building. For buildings in the Upper Market Street NCT that do not contain Residential Uses and that do not abut adjacent lots with an existing pattern of rear yards or mid-block open space, the Zoning Administrator may waive or reduce this rear yard requirement pursuant to the procedures of subsection (h).

(~~G~~5) RED, RED-MX and WMUG Districts. Rear yards shall be provided at the ground level for any building containing a Dwelling Unit, and at each succeeding level or story of the building.

~~*(3) RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts, and the Pacific Avenue NC District. The minimum rear yard depth shall be equal to 45% of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by subsection (e) below. Rear yards shall be provided at grade level and at each succeeding level or story of the building. In RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2 Districts, exceptions are permitted on Corner Lots and through lots abutting a property with buildings fronting on both streets, as described in subsection (f) below.*~~ [Note to publisher: delete diagram that follows this text]

(~~d~~e) Permitted Obstructions. Only those obstructions specified in Section 136 of this Code shall be permitted in a required rear yard, and no other obstruction shall be constructed,

placed, or maintained within any such yard. No motor vehicle, trailer, boat, or other vehicle shall be parked or stored within any such yard, except as specified in Section 136.

~~***(e) Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1,,2 and RM-2 Districts.*** *The rear yard requirement stated in subsection subsection2 (c)(3) above and as stated in subsection subsection2 (c)(2)(A) above for SRO buildings located in the Eastern Neighborhoods Mixed Use Districts not exceeding a height of 65 feet, shall be reduced in specific situations as described in this subsection (e), based upon conditions on adjacent lots. Except for those SRO buildings referenced above in this subsection (e) whose rear yard can be reduced in the circumstances described in subsection (e) to a 15-foot minimum, under no circumstances shall the minimum rear yard be thus reduced to less than a depth equal to 25% of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever is greater.*~~

~~***(1) General Rule.*** *In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. Except for SRO buildings, in any case in which a rear yard requirement is thus reduced, the last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.*~~

~~***(2) Alternative Method of Averaging.*** *If, under the rule stated in subsection (e)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by subsection (e)(1) above times the reduction in depth of rear yard permitted by subsection (e)(1); and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.*~~

~~***(3) Method of Measurement.*** *For purposes of this subsection (e), an "adjacent building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least one-half the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two Stories, whichever is less, excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no Dwelling or Group Housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, RED-MX, MUG, WMUG, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC, C, M, or P District, such adjoining lot shall, for purposes of the calculations in this subsection (e), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75% of the total depth of the subject lot.*~~

~~***(4) Applicability to Special Lot Situations.*** *In the following special lot situations, the general rule stated in subsection (e)(1) above shall be applied as provided in this subsection (e)(4), and the required rear yard shall be reduced if conditions on the adjacent lot or lots so indicate and if all other requirements of this Section 134 are met.*~~ [Note to publisher: delete the three diagrams that follow this text]

~~***(A) Corner Lots and Lots at Alley Intersections.*** *On a Corner Lot as defined in Section 102 of this Code, or a lot at the intersection of a Street and an Alley or two Alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.*~~

~~***(B) Lots Abutting Properties with Buildings that Front on Another Street or Alley.*** *In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another Street or Alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same Street or Alley. In the case of any*~~

~~*lot that abuts along both its side lot lines upon lots with buildings that front on another Street or Alley, both lots on which it so abuts shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to 25% of the total depth of the subject lot, or 15 feet, whichever is greater.*~~ [Note to publisher: delete the two diagrams that follow this text]

(f) **Second Building on Corner Lots and Through Lots** ~~***Abutting Properties with Buildings Fronting on Both Streets***~~ **in RH, RTO, RTO-M, RM-1, and RM-2 Districts.** Where a lot is a Corner Lot, or is a through lot having both its front and its rear lot line along Streets, Alleys, or a Street and an Alley~~*, and where an adjoining lot contains a residential or other lawful structure that fronts at the opposite end of the lot*~~, the subject ~~*through*~~ lot may ~~*also*~~ have two buildings ~~*according to such established pattern*~~, each fronting at one end of the lot, provided that all the other requirements of this Code are met. In such cases, the rear yard required by this Section 134 for the subject lot shall be located in the central portion of the lot, between the two buildings on such lot.~~*, and the depth of the rear wall of each building from the Street or Alley on which it fronts shall be established by the average of the depths of the rear building walls of the adjacent buildings fronting on that Street or Alley, or where there is only one adjacent building, by the depth of that building.*~~ In no case shall the total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 30% of the total depth of the subject lot or to less than 15 feet, whichever is greater; provided, however, that the Zoning Administrator may reduce the total depth to 20% pursuant to Section 307(l) of this Code if the reduction is for the sole purpose of constructing an Accessory Dwelling Unit under Section 207(c)(4), and provided further that the reduction/waiver is in consideration of the property owner entering into a Regulatory Agreement pursuant to Section 207(c)(4)(H) subjecting the ADU to the San Francisco Rent Stabilization and Arbitration Ordinance. For buildings fronting on a Narrow Street as defined in Section 261.1 of this Code, the additional height limits of Section 261.1 shall apply. Furthermore, in all cases in which this subsection (f) is applied, the requirements

of Section 132 of this Code for front setback areas shall be applicable along both Street or Alley frontages of the subject through lot.

(g) Reduction of Requirements in C-3 Districts. In C-3 Districts, an exception to the rear yard requirements of this Section 134 may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.

* * * *

*(h) **Corner Lots and Lots at Alley Intersections.** On a Corner Lot as defined in Section 102 of this Code, or on a lot at the intersection of a Street and an Alley of at least 25 feet in width, the required rear yard may be substituted with an open area equal to the basic rear yard requirement outlined in subsection (c) above at the same levels as the required rear yard in an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning Administrator determines that all of the criteria described below in this Section 134 are met.*

(1) Each horizontal dimension of the open area shall be a minimum of 15 feet.

(2) The open area shall be wholly or partially contiguous to the existing midblock open space formed by the rear yards of adjacent properties.

(3) The open area will provide for the access to light and air to and views from adjacent properties.

(4) The proposed new or expanding structure will provide for access to light and air from any existing or new residential uses on the subject property.

The provisions of this subsection (h) shall not restrict the discretion of the Zoning Administrator from imposing such additional conditions as the Zoning Administrator deems necessary to further the purposes of this Section 134.

~~*(h) **Modification of Requirements in NC Districts**. The rear yard requirements in NC Districts may be modified or waived in specific situations as described in this subsection (h).*~~

~~*(1) **General.** The rear yard requirement in NC Districts may be modified or waived by the Zoning Administrator pursuant to the procedures which are applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2, if all of the following criteria are met:*~~

~~*(A) Residential Uses are included in the new or expanding development and a comparable amount of usable open space is provided elsewhere on the lot or within the development where it is more accessible to the residents of the development; and*~~

~~*(B) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and*~~

~~*(C) The proposed new or expanding structure will not adversely affect the interior block open space formed by the rear yards of adjacent properties.*~~

~~*(2) **Corner Lots and Lots at Alley Intersections**. On a Corner Lot as defined in Section 102 of this Code, or on a lot at the intersection of a Street and an Alley of at least 25 feet in width, the required rear yard may be substituted with an open area equal to 25% of the lot area which is located at the same levels as the required rear yard in an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning Administrator determines that all of the criteria described below in this subsection (h)(2) are met.*~~

~~*(A) Each horizontal dimension of the open area shall be a minimum of 15 feet.*~~

~~*(B) The open area shall be wholly or partially contiguous to the existing midblock open space formed by the rear yards of adjacent properties.*~~

~~*(C) The open area will provide for the access to light and air to and views from adjacent properties.*~~

~~*(D) The proposed new or expanding structure will provide for access to light and air from any existing or new residential uses on the subject property.*~~

~~*The provisions of this subsection (h)(2) shall not preclude such additional conditions as are deemed necessary by the Zoning Administrator to further the purposes of this Section 134.*~~

* * * *

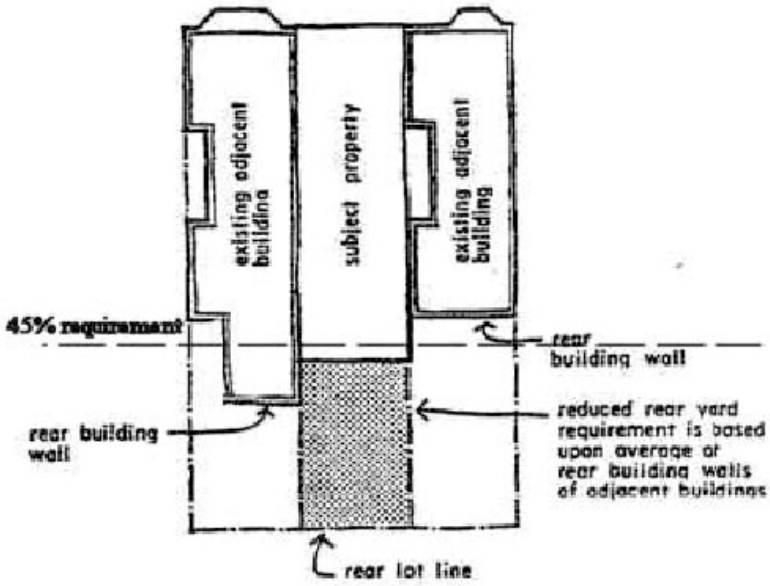
(k) **Reduction of Requirements in RH-2 and RH-3 Districts in the Family Housing Opportunity Special Use District**. The rear yard requirement stated in subsection (c)(2) above shall be reduced in specific situations as described in this subsection (k), based upon conditions on adjacent lots. Under no circumstances shall the minimum rear yard be thus reduced to less than a depth equal to 25% of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever is greater.

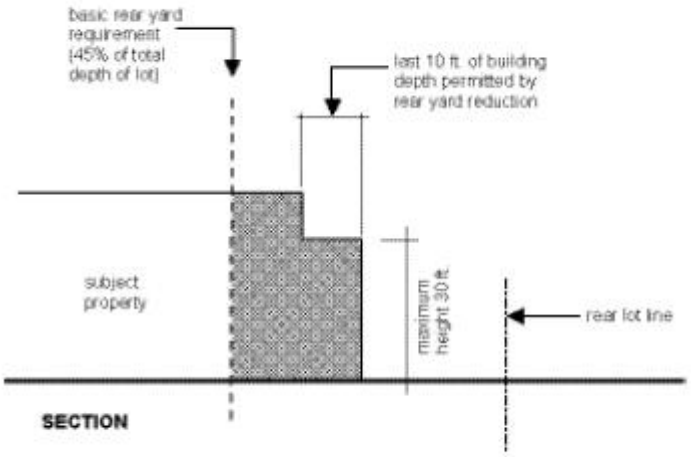
(1) **General Rule**. In RH-2 and RH-3 Districts in the Family Housing Opportunity Special Use District, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. The last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.

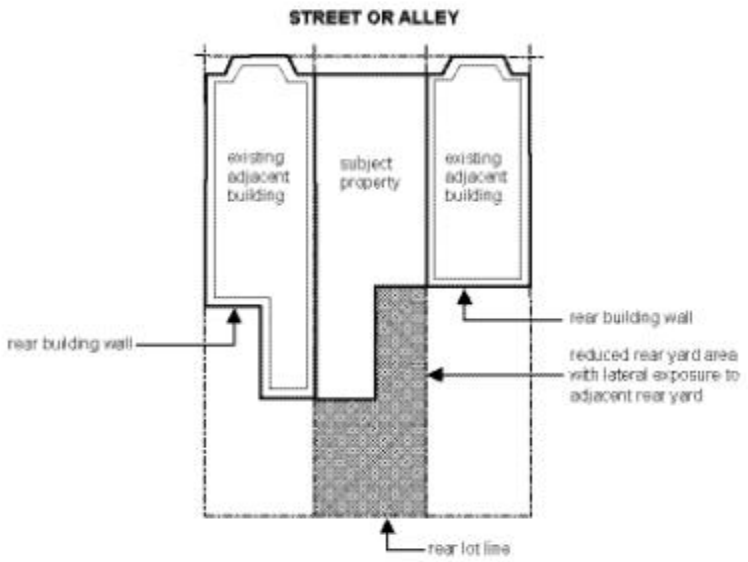
(2) **Alternative Method of Averaging**. If, under the rule stated in subsection (k)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of the width of the subject lot along the line established by subsection (k)(1) above times the reduction in depth of rear yard permitted by subsection (k)(1); and provided further that all portions of the open area on the part of the lot to which the rear yard reduction applies shall be directly exposed laterally to the open area behind the adjacent building having the lesser depth of its rear building wall.

(3) **Method of Measurement**. For purposes of this subsection (k), an "adjacent building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all cases, the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least one-half the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two Stories, whichever is less, excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no Dwelling or Group Housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, RED-MX, MUG, WMUG, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC, C, M, or P District, such adjoining lot shall, for purposes of the calculations in this subsection (k), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75% of the total depth of the subject lot.

(4) **Applicability to Special Lot Situations**. In the following special lot situations, the general rule stated in subsection (k)(1) above shall be applied as provided in this subsection (k)(4), and the required rear yard shall be reduced if conditions on the adjacent lot or lots so indicate and if all other requirements of this Section 134 are met. [Note to publisher: The three diagrams that follow are reproductions of the three diagrams that appear below subsection 134(e)(4) of the current Planning Code.]


existing adjacent building
subject property
existing adjacent building
45% requirement
rear building wall
rear building wall
reduced rear yard requirement is based upon average of rear building walls of adjacent buildings
rear lot line

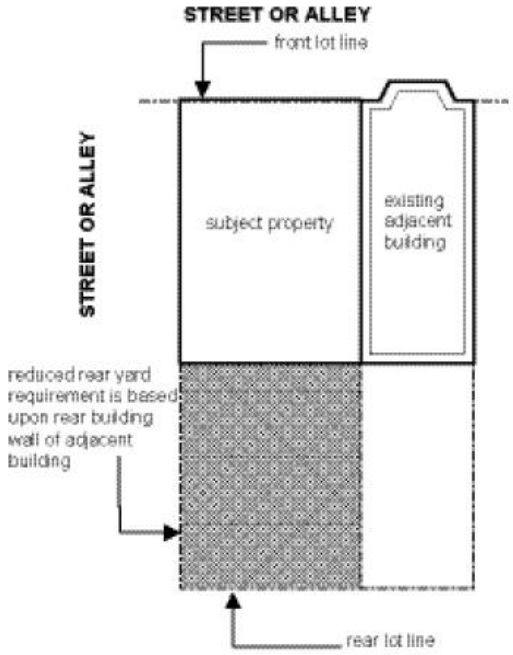

basic rear yard requirement (45% of total depth of lot)
last 10 ft. of building depth permitted by rear yard reduction
subject property
maximum height 30 ft.
rear lot line
SECTION

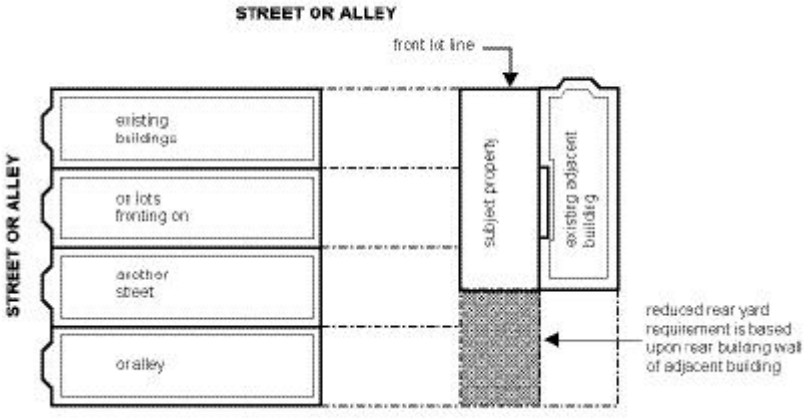


(A) **Corner Lots and Lots at Alley Intersections**. On a Corner Lot as defined in Section 102 of this Code, or a lot at the intersection of a Street and an Alley or two Alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.

(B) **Lots Abutting Properties with Buildings that Front on Another Street or Alley**. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another Street or Alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same Street or Alley. In the case of any lot that abuts along both its side lot lines upon lots with buildings that front on another Street or Alley, both lots on which it so abuts shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to 25% of the

total depth of the subject lot, or 15 feet, whichever is greater. [Note to publisher: The two diagrams that follow are reproductions of the two diagrams that appear below subsection 134(e)(4)(B) of the current Planning Code.]





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

* * * *

(f) **Private Usable Open Space: Additional Standards.**

(1) **Minimum Dimensions and Minimum Area.** Any space credited as private usable open space shall have a minimum horizontal dimension ~~of~~ as follows:

(A) In RH Districts in the Family Housing Opportunity Special Use District (Section 249.94): six feet and a minimum area of 36 feet if located on a deck, balcony, porch, or roof, and a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace, or the surface of an inner or outer court, except as otherwise provided in Section 249.94(d).

(B) In all other zoning use districts: *three* ~~*six*~~ feet and a minimum area of ~~*36*~~ *27* square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

(2) **Exposure.** ~~*In order t*~~*T*o be credited as private usable open space, an area must be kept open in the following manner:

(A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must be unobstructed except for necessary railings.

(B) In addition, the area credited on a deck, balcony, porch or roof must either face a street, face or be within a rear yard, or face or be within some other space which at the level of the private usable open space meets the minimum dimension and area requirements for common usable open space as specified in Paragraph 135(g)(1) below.

* * * *

(C) Areas within inner and outer courts, as defined by this Code, must either conform to the standards of ~~*Subparagraph* s~~S*ubsection* (f)(2)(B) ~~*above*~~ or ~~s~~S*ubsection (g)(2).* ~~*be so arranged that the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection 135(c) above*~~.

* * * *

(g) **Common Usable Open Space: Additional Standards.**

(1) **Minimum Dimensions and Minimum Area.** Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

(2) **Use of Inner Courts.** The area of an inner court, as defined by this Code, may be credited as common usable open space, if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area~~*; and if (regardless of the permitted obstructions referred to in Subsection 135(c) above) the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court*~~. Exceptions from these requirements for certain qualifying historic buildings may be permitted, subject to the requirements and procedures of Section 307(h) of this Code.

* * * *

SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE ON AN OPEN AREA.

(a) Requirements for Dwelling Units. In each Dwelling Unit in any use district, the required windows (as defined by Section 504 of the San Francisco Housing Code) of at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code shall face directly onto an open area of one of the following types:

(1) A public street, public alley at least 20 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of this Code; provided, that if such windows are on an outer court whose width is less than 25 feet, the depth of such court shall be no greater than its width; or

(2) An open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed (except for fire escapes not projecting more than necessary for safety and in no case more than four feet six inches, chimneys, and those obstructions permitted in ~~S~~*subs*ections 136(c)(14), (15), (16), (19), (20) and (29) of this Code) and is no less than 25 feet in every horizontal dimension for the floor at which the Dwelling Unit in question is located. In RH Districts in the Family Housing Special Use District (Section 249.94), such horizontal dimension shall increase by five feet at each subsequent floor, except as otherwise provided in Section 249.94(d). ~~*and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor, except for SRO buildings in the Eastern Neighborhoods Mixed Use Districts, which are not required to increase five feet in every horizontal dimension until the fifth floor of the building*~~.

* * * *

SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL, RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.

* * * *

(b) Definitions.

* * * *

(2) **Active Use**. An "active use" shall mean any principal, conditional, or accessory use that by its nature does not require non-transparent walls facing a public street or involves the storage of goods or vehicles.

(A) Residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission.

(B) Spaces accessory to residential uses, such as fitness *rooms*, ~~*or*~~ community rooms*, laundry rooms, lobbies, mail rooms, or bike rooms*, are considered active uses only if they meet the intent of this section and ~~*have access*~~ directly *face* ~~*to*~~ the public sidewalk or street.

(C) Building lobbies are considered active uses, so long as they do not exceed 40 feet or 25 percent of building frontage, whichever is larger.

(D) Public Uses defined in Section 102 are considered active uses except utility installations.

* * * *

SEC. 202.2. LOCATION AND OPERATING CONDITIONS.

* * * *

(f) Residential Uses. The Residential Uses listed below shall be subject to the corresponding conditions:

(1) Senior Housing. ~~*In order to*~~ To qualify as Senior Housing, as defined in Section 102 of this Code, the following definitions shall apply and shall have the same meaning as the definitions in California Civil Code Sections 51.2, 51.3, and 51.4, as amended from time to time. These definitions shall apply as shall all of the other provisions of Civil Code Sections 51.2, 51.3, and 51.4. Any Senior Housing must also be consistent with the Fair Housing Act, 42 U.S.C. §§ 3601-3631 and the Fair Employment and Housing Act, California Government Code Sections 12900-12996.

* * * *

(D) Requirements. ~~*In order to*~~ To qualify as Senior Housing, the proposed project must meet all of the following conditions:

* * * *

~~***(iv) Location.*** *The proposed project must be within a ¼ of a mile from a NC-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including named Neighborhood Commercial districts, and must be located in an area with adequate access to services, including but not limited to transit, shopping, and medical facilities;*~~

(iv) Recording. The project sponsor must record a Notice of Special Restriction with the Assessor-Recorder that states all of the above restrictions and any other conditions that the Planning Commission or Department places on the property; and

(v~~i~~) Covenants, Conditions, and Restrictions. If the property will be condominiumized, the project sponsor must provide the Planning Department with a copy of the Covenants, Conditions, and Restrictions ("CC&R") that will be filed with the State.

* * * *

SEC. 204.1. ACCESSORY USES FOR DWELLINGS IN ALL DISTRICTS.

No use shall be permitted as an accessory use to a dwelling unit in any District that involves or requires any of the following:

(a) Any construction features or alterations not residential in character;

(b) The use of more than one-third of the total floor area of the dwelling unit, except in the case of accessory off-street parking and loading or Neighborhood Agriculture as defined by Section 102;

(c) The employment of *more than two people who do* ~~*any person*~~ not reside~~*nt*~~ in the dwelling unit, *excluding* ~~*other than*~~ a domestic *worker* ~~*servant*~~, gardener, *or* janitor~~*, or other person concerned in the operation or maintenance of the dwelling unit except in the case of a Cottage Food Operation, which allows the employment of one employee, not including a family member or household members of the Cottage Food Operation*~~;

* * * *

SEC. 206.3. HOUSING OPPORTUNITIES MEAN EQUITY - SAN FRANCISCO PROGRAM.

* * * *

(c) HOME-SF Project Eligibility Requirements. To receive the development bonuses granted under this Section 206.3, a HOME-SF Project must meet all of the following requirements:

(1) Except as limited in application by subsection (f): Provide 30% of units in the HOME-SF Project as HOME-SF Units, as defined herein. The HOME-SF Units shall be restricted for the Life of the Project and shall comply with all of the requirements of the Procedures Manual authorized in Section 415 except as otherwise provided herein. Twelve percent of HOME-SF Units that are Owned Units shall have an average affordable purchase price set at 80% of Area Median Income; 9% shall have an average affordable purchase price

set at 105% of Area Median Income; and 9% shall have an average affordable purchase price set at 130% of Area Median Income. Twelve percent of HOME-SF Units that are rental units shall have an average affordable rent set at 55% of Area Median Income; 9% shall have an average affordable rent set at 80% of Area Median Income; and 9% shall have an average affordable rent set at 110% of Area Median Income. All HOME-SF Units must be marketed at a price that is at least 20% less than the current market rate for that unit size and neighborhood, and MOHCD shall reduce the Area Median Income levels set forth herein in order to maintain such pricing. As provided ~~*for*~~ in subsection (e), the Planning Department and MOHCD shall amend the Procedures Manual to provide policies and procedures for the implementation, including monitoring and enforcement, of the HOME-SF Units;

~~*(2) Demonstrate to the satisfaction of the Environmental Review Officer that the HOME-SF Project does not:*~~

~~*(A) cause a substantial adverse change in the significance of an historic resource as defined by California Code of Regulations, Title 14, Section 15064.5;*~~

~~*(B) create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas; and*~~

~~*(C) alter wind in a manner that substantially affects public areas;*~~

(~~3~~2) All HOME-SF units shall be no smaller than the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May 16, 2017. In addition, notwithstanding any other provision of this Code, HOME-SF projects shall provide a minimum dwelling unit mix of (A) at least 40% two and three bedroom units, including at least 10% three bedroom units, or (B) any unit mix which includes some three bedroom or larger units such that 50% of all bedrooms within the HOME-SF Project are provided in units with more than one bedroom. Larger units should be distributed on all floors, and prioritized in spaces adjacent to open spaces or play yards. Units with two or three bedrooms are encouraged to

incorporate family friendly amenities. Family friendly amenities shall include, but are not limited to, bathtubs, dedicated cargo bicycle parking, dedicated stroller storage, open space and yards designed for use by children. HOME-SF Projects are not eligible to modify this requirement under Planning Code Section 328 or any other provision of this Code;

(~~4~~3) Does not demolish, remove or convert ~~*any*~~ *more than one* residential unit~~*s*~~; and

(~~5~~4) Includes at the ground floor level active uses, as defined in Section 145.1, at the same square footages as any neighborhood commercial uses demolished or removed, unless the Planning Commission has granted an exception under Section 328.

*** * * ***

SEC. 206.6. STATE DENSITY BONUS PROGRAM: INDIVIDUALLY REQUESTED.

* * * *

(c) **Development Bonuses**. Any Individually Requested Density Bonus Project shall, at the project sponsor's request, receive any or all of the following:

* * * *

(3) **Request for Concessions and Incentives**. In submitting a request for Concessions or Incentives that are not specified in ~~*S*~~*subs*ection 206.5(c)(4), an applicant for an Individually Requested Density Bonus Project must provide documentation described in subsection (d) below in its application. *Provided that the Planning Commission delegates authority to review and approve applications for Individually Requested Density Bonus projects, t*~~*T*~~he Planning *Director* ~~*Commission shall hold a hearing and*~~ shall approve the Concession or Incentive requested unless ~~*it*~~ *the Director* makes written findings, based on substantial evidence that:

* * * *

(e) **Review Procedures**. *Except as provided in Section 317 or where a Conditional Use Authorization is required to permit a non-residential use, an application for any Individually Requested Density Bonus project shall not be subject to any other underlying entitlement approvals related to the proposed housing, such as a Conditional Use Authorization or a Large Project Authorization. If an entitlement is otherwise required, ~~A~~an* application for a Density Bonus, Incentive, Concession, or waiver shall be acted upon concurrently with the application *for the required entitlement* ~~*other permits related to the Housing Project*~~.

(1) Before approving an application for a Density Bonus, Incentive, Concession, or waiver, for any Individually Requested Density Bonus Project, the Planning Commission *or Director* shall make the following findings as applicable.

* * * *

(2) If the findings required by subsection (~~*a*~~*e)(1)* of this Section cannot be made, the Planning Commission *or Director* may deny an application for a Concession, Incentive, waiver or modification only if ~~*it*~~ *the Director* makes one of the following written findings, supported by substantial evidence:

* * * *

SEC. 207. DWELLING UNIT DENSITY LIMITS.

*** * * ***

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

*** * * ***

(3) **Double Density for Senior Housing in RH, RM, RC, and NC Districts.** Senior Housing, as defined in and meeting all the criteria and conditions defined in

Section 102 of this Code, is permitted up to twice the dwelling unit density otherwise permitted for the District.

~~*(A) Projects in RC Districts or within one-quarter of a mile from an RC or NC-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including Named Commercial Districts, and located in an area with adequate access to services including but not limited to transit, shopping and medical facilities, shall be principally permitted.*~~

~~*(B) Projects in RH and RM Districts located more than one-quarter of a mile from an RC or NCD-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including Named Commercial Districts, shall require Conditional Use authorization.*~~

* * * *

(8) Residential Density Exception in RH Districts.

(A) Density Exception. Projects located in RH Districts that are not seeking or receiving a density bonus under the provisions of Planning Code Section~~s~~ 206.5 or 206.6 shall receive an exception from residential density limits *in the following amounts* ~~*for up to four dwelling units per lot, excluding Corner Lots, or up to six dwelling units per lot in Corner Lots,*~~ not inclusive of any Accessory Dwelling Units as permitted under this Section 207, provided that the *project* ~~*dwelling units*~~ meet*s* the requirements set forth in this subsection (c)(8)~~.~~*:*

(i) Up to four units per lot, excluding Corner Lots.

(ii) Up to six units for Corner Lots

(iii) Up to one Group Housing Room per 415 sq. ft. of lot area in RH-1, RH-1(D), and RH-1(S) zoning districts.

(B) Eligibility of Historic Resources. To receive the density exception authorized under this subsection (c)(8), a project must demonstrate to the satisfaction of the Environmental Review Officer that it does not cause a substantial adverse change in the

significance of an historic resource as defined by California Code of Regulations, Title 14, Section 15064.5, as may be amended from time to time. Permit fees for pre-application Historic Resource Assessments shall be waived for property owners who apply to obtain a density exception under this subsection (c)(8), if they sign an affidavit stating their intent to reside on the property for a period of three years after the issuance of the Certificate of Final Completion and Occupancy for the new dwelling units. Permit fees for Historic Resource Determinations shall not be waived.

(C) Applicable Standards. ~~*Projects utilizing the density exception of this subsection (c)(8) and that provide at least four dwelling units shall be subject to a minimum Rear Yard requirement of the greater of 30% of lot depth or 15 feet.*~~ All ~~*other*~~ building standards shall apply in accordance with the applicable zoning district as set forth in Section 209.1.

(D) Unit Replacement Requirements. Projects utilizing the density exception of this subsection (c)(8) shall comply with the requirements of Section 66300(d) of the California Government Code, as may be amended from time to time, including but not limited to requirements to produce at least as many dwelling units as the projects would demolish; to replace all protected units; and to offer existing occupants of any protected units that are lower income households relocation benefits and a right of first refusal for a comparable unit, as those terms are defined therein. *In the case of Group Housing, projects utilizing this density exception shall provide at least as many bedrooms as the project would demolish.*

(E) Applicability of Rent Ordinance; Regulatory Agreements. Project sponsors of projects utilizing the density exception of this subsection (c)(8) shall enter into a regulatory agreement with the City, subjecting the new units *or Group Housing rooms* created pursuant to the exception to the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code), as a condition of approval of the density exception ("Regulatory Agreement"). At a minimum, the Regulatory Agreement shall contain

the following: (i) a statement that the new units created pursuant to the density exception are not subject to the Costa-Hawkins Rental Housing Act (California Civil Code Sections 1954.50 *et seq.*) because, under Section 1954.52(b), the property owner has entered into and agreed to the terms of this agreement with the City in consideration of an exception from residential density limits of up to four dwelling units per lot, or up to six units per lot in Corner Lots, or other direct financial contribution or other form of assistance specified in California Government Code Sections 65915 *et seq.*; (ii) a description of the exception of residential density or other direct financial contribution or form of assistance provided to the property owner; and (iii) a description of the remedies for breach of the agreement and other provisions to ensure implementation and compliance with the agreement. The property owner and the Planning Director (or the Director's designee), on behalf of the City, will execute the Regulatory Agreement, which shall be reviewed and approved by the City Attorney's Office. The Regulatory Agreement shall be executed prior to the City's issuance of the First Construction Document for the project, as defined in Section 107A.13.1 of the San Francisco Building Code. Following execution of the Regulatory Agreement by all parties and approval by the City Attorney, the Regulatory Agreement or a memorandum thereof shall be recorded to the title records in the Office of the Assessor-Recorder against the property and shall be binding on all future owners and successors in interest.

(F) Unit Sizes. At least one of the dwelling units resulting from the density exception shall have two or more bedrooms or shall have a square footage equal to no less than 1/3 of the floor area of the largest unit on the lot. *This provision does not apply to projects where all of the units qualify as Group Housing.*

~~*(G) **Eligibility.** To receive the density exception authorized under this subsection (c)(8), property owners must demonstrate that they have owned the lot for which they are seeking the density exception for a minimum of one year prior to the time of the submittal of their*~~

~~*application. For the purposes of establishing eligibility to receive a density exception according to subsection (c)(8)(B), a property owner who has inherited the subject lot, including any inheritance in or through a trust, from a blood, adoptive, or step family relationship, specifically from either (i) a grandparent, parent, sibling, child, or grandchild, or (ii) the spouse or registered domestic partner of such relations, or (iii) the property owner's spouse or registered domestic partner (each an "Eligible Predecessor"), may add an Eligible Predecessor's duration of ownership of the subject lot to the property owner's duration of ownership of the same lot.*~~

(~~*H*~~*G*) Annual Report on Housing Affordability, Racial Equity, and Language Access Goals. To help the City evaluate whether the implementation of this Section 207(c)(8) comports with the City's housing affordability, racial equity, and language access goals, each year the Planning Department, in consultation with other City departments including the Department of Building Inspection, the Rent Board, and the Office of the Assessor-Recorder, shall prepare a report addressing the characteristics and demographics of the applicants to and participants in the program established in said section; the number of units permitted and constructed through this program; the geographic distribution, affordability, and construction costs of those units; and the number of tenants that vacated or were evicted from properties as a result of the permitting or construction of units through this program ("Affordability and Equity Report"). The Affordability and Equity Report shall be included and identified in the annual Housing Inventory Report. The Planning Department shall prepare the report utilizing applicant data that has been provided by program applicants voluntarily and anonymously, and separate from the submittal of an application for a density exception. An applicant's decision to provide or decline to provide the information requested by the Planning Department in order to prepare the report shall have no bearing on the applicant's receipt of a density exception.

* * * *

SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.

* * * *

Table 209.1

ZONING CONTROL TABLE FOR RH DISTRICTS

Zoning Category	**§ References**	**RH-1(D)**	**RH-1**	**RH-1(S)**	**RH-2**	**RH-3**
BUILDING STANDARDS						
Massing and Setbacks						
* * * *						
Front Setback in the Family Housing Opportunity Special Use District	§§ 130, 131, 132	Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 feet.				
Front Setback in all other Zoning Use Districts	§§ 130, 131, 132	Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than ~~*15*~~ *10* feet.				
~~*Rear Yard (10)*~~	~~*§§ 130, 134*~~	~~*30% of lot depth, but in no case less than 15 feet.*~~			~~*45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% or 15 feet, whichever is greater.*~~	
Rear Yard in the Family Housing Opportunity Special Use District (12)	§§ 130, 134, 249.94	30% of lot depth, but in no case less than 15 feet.			45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% or 15 feet, whichever is greater.	
Rear Yard in all other Zoning Use Districts	*§§ 130, 134*	*30% of lot depth, but in no case less than 15 feet.*				

* * * *						
Miscellaneous						
~~*Large Project Review*~~	~~*§ 253*~~	~~*C required for projects over 40 feet in height.*~~				
Large Project Review	§ 253	C required for projects over 40 feet in height in RH Districts in the Family Housing Opportunity Special Use District (Section 249.94), except as otherwise provided in Section 249.94(f).				
* * * *						
RESIDENTIAL STANDARDS AND USES						
* * * *						
Residential Uses						
Residential Density, Dwelling Units in the Family Housing Opportunity Special Use District (12)	§§ 102, 207, 249.94	P up to one unit per lot.	P up to one unit per lot, C up to one unit per 3,000 square feet of lot area, with no more than three units per lot;	P up to two units per lot, if the second unit is 600 sq. ft. or less, C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.	P up to two units per lot, C up to one unit per 1,500 square feet of lot area.	P up to three units per lot, C up to one unit per 1,000 square feet of lot area.
Residential Density, Dwelling Units in all other Zoning Use Districts (6) (11)	§§ 102, 207	*P up to one* unit per lot~~.~~, *or one unit per 3,000 square feet of lot*	P up to one unit per lot~~.~~, *or* ~~C~~ up to one unit per 3,000	P up to two units per lot, if the second unit is 600 sq. ft. or less~~.~~, *or* ~~C~~	P up to two units per lot~~.~~, *or* ~~C~~ up to one unit per 1,500 square feet of lot area.	P up to three units per lot~~.~~, *or* ~~C~~ up to one unit per 1,000 square feet of lot area.

		area, with no more than three units per lot.	square feet of lot area~~, with no more than three units per lot~~.	up to one unit per 3,000 square feet of lot area, with no more than three units per lot.		
* * * *						
Residential Density, Group Housing in the Family Housing Opportunity Special Use District (12)	§ 208, 249.94	NP	NP	NP	C, up to one bedroom for every 415 square feet of lot area.	C, up to one bedroom for every 275 square feet of lot area.
Residential Density, Group Housing in all other Zoning Use Districts	§ 208	NP*(10)*	NP*(10)*	NP*(10)*	~~C~~P, up to one bedroom for every 415 square feet of lot area.	~~C~~P, up to one bedroom for every 275 square feet of lot area.
Homeless Shelter	§§ 102, 208	~~N~~P	~~N~~P	~~N~~P	~~C~~P	~~C~~P
* * * *						

(10) ~~*Projects utilizing the density exception of Section 207(c)(8) and that provide at least four dwelling units shall be subject to a minimum Rear Yard requirement of 30% of lot depth, but in no case less than 15 feet.*~~ *Group Housing permitted at one room per 415 sq. ft. of lot area according to the provisions in Planning Code Section 207(c)(8).*

* * * *

(12) Except as otherwise provided in Section 249.94(d).

SEC. 209.2. RM (RESIDENTIAL, MIXED) DISTRICTS.

* * * *

Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS

Zoning Category	**§ References**	**RM-1**	**RM-2**	**RM-3**	**RM-4**
BUILDING STANDARDS					
Massing and Setbacks					
* * * *					
Front Setback	§§ 130, 131, 132	Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than ~~*15*~~ *10* feet.			
Rear Yard	§§ 130, 134	~~*45*~~*30*% of lot depth *but in no case less than 15 feet.*~~*or average of adjacent neighbors. If averaged, no less than 25% of lot depth or 15 feet, whichever is greater.*~~		25% of lot depth, but in no case less than 15 feet.	
* * * *					
Miscellaneous					

~~*Large Project Review*~~	~~*§ 253*~~	~~*C required for buildings over 50 feet in height.*~~
* * * *		

SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.

* * * *

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	**§ References**	**RC-3**	**RC-4**
BUILDING STANDARDS			
Massing and Setbacks			
* * * *			
~~*Upper Floor Setbacks*~~	~~*§§ 132.2, 253.2*~~	~~*Upper floor setbacks may be required in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2).*~~	
* * * *			
Miscellaneous			
~~*Large Project Review–Buildings Over 50 Feet in Height*~~	~~*§ 253*~~	~~*C*~~	~~*C Additional conditions apply in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2)*~~

* * * *

SEC. 209.4. RTO (RESIDENTIAL TRANSIT ORIENTED) DISTRICTS.

* * * *

Table 209.4

ZONING CONTROL TABLE FOR RTO DISTRICTS

Zoning Category	§ References	RTO	RTO-M
BUILDING STANDARDS			
Massing and Setbacks			
* * * *			
Rear Yard	§§ 130, 134	~~*45% of lot depth or average of adjacent neighbors. If averaged,* no less than 25%~~ *30%* of lot depth *but in no case less than 15 feet* ~~*or 15 feet, whichever is greater*~~.	
* * * *			
Miscellaneous			
* * * *			
~~*Restriction of Lot Mergers*~~	~~*§ 121.7*~~	~~*Merger of lots creating a lot greater than 5,000 square feet requires Conditional Use authorization.*~~	
* * * *			

SEC. 210.3. PDR DISTRICTS.

* * * *

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

Zoning Category	***§ References***	***PDR-1-B***	***PDR-1-D***	***PDR-1-G***	***PDR-2***
* * * *					
RESIDENTIAL STANDARDS AND USES					
* * * *					
Residential Uses					
* * * *					
Homeless Shelter	§§ 102, 208	~~*C (19)*~~*P*	~~*C (19)*~~*P*	~~*C (19)*~~*P*	~~*C (19)*~~*P*
* * * *					

~~*(19) During a declared shelter crisis, Homeless Shelters that satisfy the provisions of California Government Code Section 8698.4(a)(1) shall be P, principally permitted and may be permanent. Otherwise, Homeless Shelter uses are permitted only with Conditional Use authorization and only if each such use (a) would operate for no more than four years, and (b) would be owned or leased by, operated by, and/or under the management or day-to-day control of the City and County of San Francisco. If such a use is to be located within a building or structure, the building or structure must be either (a) preexisting, having been completed and previously occupied by a use other than a Homeless Shelter, or (b) temporary. Other than qualifying Homeless Shelters constructed during a declared*~~

~~*shelter crisis, construction of a permanent structure or building to be used as a Homeless Shelter is not permitted.*~~

SEC. 249.97. PRIORITY EQUITY GEOGRAPHIES SPECIAL USE DISTRICT.

(a) General. *A Special Use District entitled the Priority Equity Geographies Special Use District (SUD) is hereby established, the boundaries of which are designated on Sectional Maps SU01, SU02, SU07, SU08, SU09, SU10, SU11, SU12, and SU13, of the Zoning Maps of the City and County of San Francisco.*

(b) Purpose. *The Priority Equity Geographies SUD is comprised of areas or neighborhoods with a higher density of vulnerable populations. The 2022 Update of the Housing Element of the General Plan (2022 Housing Element) identifies several neighborhoods in the City that qualify as Priority Equity Geographies, based on the Department of Public Health's Community Health Needs Assessment. The 2022 Housing Element encourages targeted direct investment in these areas, and identifies them as requiring improved access to well-paid jobs and business ownership; where the City needs to expand permanently affordable housing investment; where zoning changes must be tailored to serve the specific needs of the communities that live there; and where programs that stabilize communities and meet community needs need to be prioritized. The purpose of the Priority Equity Geographies SUD is to help implement the goals and policies outlined in the 2022 Housing Element.*

(c) Controls. *In addition to all other applicable provisions of the Planning Code, the specific controls applicable in the Priority Equity Geographies SUD are set forth in Sections 311 and 317.*

~~***SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC DISTRICTS.***~~

~~*(a) Notwithstanding any other provision of this Code to the contrary, in any RH, RM, or RC District, established by the use district provisions of Article 2 of this Code, wherever a height limit of more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, is prescribed by the height and bulk district in which the property is located, any building or structure exceeding 40 feet in height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code; provided, however, that a building over 40 feet in height in a RM or RC District with more than 50 feet of street frontage on the front façade is subject to the conditional use requirement.*~~

~~*(b) **Commission Review of Proposals.***~~

~~*(1) In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District where the street frontage of the building is more than 50 feet the Planning Commission shall consider the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.*~~

~~*(2) In reviewing a proposal for a building exceeding 50 feet in RM and RC districts, the Planning Commission may require that the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.*~~

SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A HEIGHT OF 40 FEET IN RH DISTRICTS IN THE FAMILY HOUSING OPPORTUNITY SPECIAL USE DISTRICT.

(a) Notwithstanding any other provision of this Code to the contrary, in any RH District in the Family Housing Opportunity Special Use District (Section 249.94), established by the use district provisions of Article 2 of this Code, wherever a height limit of more than 40 feet is prescribed by the height and bulk district in which the property is located, any building or structure exceeding 40 feet in height shall be permitted only upon approval by the Planning Commission according to the procedures for conditional use approval in Section 303 of this Code.

(b) **Commission Review of Proposals.** In reviewing any such proposal for a building or structure exceeding 40 feet in height in a RH District in the Family Housing Opportunity Special Use District, the Planning Commission shall consider the expressed purposes of this Code, of the RH Districts, and of the height and bulk districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and the objectives, policies, and principles of the General Plan, and may permit a height of such building or structure up to but not exceeding the height limit prescribed by the height and bulk district in which the property is located.

~~***SEC. 253.1. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.***~~

~~*(a) In the 65-A-1 Height and Bulk District, as designated on Sectional Map HT-01 of the Zoning Map, any new or expanding building or structure exceeding 40 feet in height shall be permitted as a Conditional Use only upon approval by the Planning Commission. The height of the building or structure so approved by the Planning Commission shall not exceed 65 feet.*~~

~~*(b) In authorizing any such proposal for a building or structure exceeding 40 feet in height, the City Planning Commission shall find, in addition to the criteria of Section 303(c), that the proposal is consistent with the expressed purposes of this Code, of the Broadway Neighborhood Commercial District, and of the height and bulk districts, set forth in Sections 101, 714, and 251 of this Code, and that the following criteria are met:*~~

~~*(1) The height of the new or expanding development will be compatible with the individual neighborhood character and the height and scale of the adjacent buildings.*~~

~~*(2) The height and bulk of the new or expanding development will be designed to allow maximum sun access to nearby parks, plazas, and major pedestrian corridors.*~~

~~*(3) The architectural and cultural character and features of existing buildings shall be preserved and enhanced. The Historic Preservation Commission or its staff shall review any proposed alteration of historic resources and must determine that such alterations comply with the Secretary of Interior's Standards for the Treatment of Historic Properties before the City approves any permits to alter such buildings. For purposes of this section, "historic resources" shall include Article 10 Landmarks and buildings located within Article 10 Historic Districts, buildings and districts identified in surveys adopted by the City, buildings listed or potentially eligible for individual listing on the National or California Registers, and buildings located within listed or potentially eligible National Register or California Register historic districts. The Planning Department shall also consult materials available through the California Historical Resources Information System (CHRIS) and Inventory to determine eligibility.*~~

~~***SEC. 253.2. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE VAN NESS SPECIAL USE DISTRICT.***~~

~~*(a) **Setbacks**. In the Van Ness Special Use District, as designated on Sectional Map 2SU of the Zoning Map, any new construction exceeding 50 feet in height or any alteration that would cause a*~~

~~*structure to exceed 50 feet in height shall be permitted only as a conditional use upon approval by the Planning Commission according to Section 303 of this Code. When acting on any conditional use application pursuant to this Section, the City Planning Commission may impose the following requirements in addition to any others deemed appropriate:*~~

~~*(1) **On Van Ness Avenue**. The Planning Commission may require a setback of up to 20 feet at a height of 50 feet or above for all or portions of a building if it determines that this requirement is necessary in order to maintain the continuity of the prevailing street wall height established by the existing buildings along Van Ness Avenue within two blocks of the proposed building.*~~

~~*(2) **On Pine, Sacramento, Clay, Washington and California Streets**. The Planning Commission may require a setback of up to 15 feet for all or a portion of a building on any lot abutting Pine, Sacramento, Clay, California and Washington Streets which lot is located within the Van Ness Special Use District in order to preserve the existing view corridors.*~~

~~*(3) **On Narrow Streets and Alleys**. The Planning Commission may require that the permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.*~~

~~***SEC. 253.3. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES ABOVE 26 FEET NOT EXCEEDING 40 FEET IN THE NC-S/LAKESHORE PLAZA SPECIAL USE DISTRICT.***~~

~~*(a) In the 26-40-X Height and Bulk District, as designated on Sectional Map HT13 of the Zoning Map, any new or expanding building or structure exceeding 26 feet in height shall be permitted as a Conditional Use only upon approval by the Planning Commission. The height of any building or structure so approved by the Planning Commission shall not exceed 40 feet.*~~

~~*(b) In authorizing any such proposal for a building or structure exceeding 26 feet in height, the Planning Commission shall find that, in addition to the criteria of Section 303(c), the proposal is*~~

~~*consistent with the expressed purposes of this Code, the NC-S District, the Lakeshore Plaza Special Use District, and the height and bulk districts as set forth respectively in Sections 101, 713, 780 and 251 of this Code.*~~

SEC. 305.1. REQUESTS FOR REASONABLE MODIFICATION – RESIDENTIAL USES.

* * * *

(d) ~~***Request for*** **Administrative** ***Review*** ~~***Reasonable Modification – No Hearing***~~. ~~*In an effort to*~~ To expedite the processing and resolution of reasonable modification requests, any request *under Section 305.1* ~~*that is consistent with the criteria in this section*~~ may receive administrative review and approval *and* ~~*. Requests for modifications that meet the requirements for administrative review*~~ do*es* not require public notice under Section 306 of this Code.

~~*(1) **Parking, Where No Physical Structure Is Proposed**. One parking space may be considered for an administrative reasonable modification provided that the parking space is necessary to achieve the accommodation and that property does not already include a parking space. Exceptions may be considered from rear yard and the front setback requirements if necessary to accommodate the parking space. In reviewing an administrative reasonable modification request for parking, the Zoning Administrator is authorized to allow the parking space for up to five years, at the end of which period the applicant may renew the temporary use for additional five-year periods.*~~

~~*(2) **Access Ramps**. One or more access ramps, defined in Building Code Section 1114A may be considered for an administrative reasonable modification provided that the access ramp is designed and constructed to meet the accessibility provisions in either the California Building Code or the California Historical Building Code and is easily removable when the ramp(s) are no longer needed for the requested modification.*~~

~~*(3) **Elevators.** One elevator, with dimensions defined in Building Code Section 1124A, may be considered for an administrative reasonable modification provided that the elevator structure is not visible from the public right of way and is set back a minimum of 10 feet from the property line, and that the elevator is necessary to access residential uses of the building and to achieve the accommodation requested.*~~

~~*(4) **Additional Habitable Space**. Additional habitable space may be considered for an administrative reasonable modification provided that the additional habitable space does not result in the addition of a new dwelling unit or require expansion beyond the permitted building envelope.*~~

~~*(e) **All Other Requests for Reasonable Modification – Zoning Administrator Review and Approval.***~~

~~*(1) **Standard Variance Procedure – With Hearing**. Requests for reasonable modifications that do not fall within subsection (d) shall be considered by the Zoning Administrator, who will make the final decision through the existing variance process described in Section 305.*~~

~~*(2) **Public Notice of a Request for Reasonable Modification**. Notice for reasonable modifications that fall with subsection (e)(1) are subject to the notice requirements of Section 333 of this Code. If the request for reasonable modification is part of a larger application, then the noticing can be combined.*~~

(f~~e~~) **Determination.**

(1) **Zoning Administrator Authority**. The Zoning Administrator is authorized to consider and act on requests for reasonable modification~~, whether under Subsection (d) or Subsection (e)~~. The Zoning Administrator may conditionally approve or deny a request. In considering requests for reasonable modification under this Section 305.1, the Zoning Administrator shall consider the factors in ~~S~~subsection (f~~e~~)(2).

(2) **Criteria for Modification**. When reviewing a request for reasonable modification, the Zoning Administrator shall consider whether:

(A) the requested modification is requested by or on the behalf of one or more individuals with a disability protected under federal and state fair housing laws;

(B) the requested modification will directly enable the individual to access the individual's residence;

(C) the requested modification is necessary to provide the individual with a disability an equal opportunity to use and enjoy a dwelling;

(D) there are alternatives to the requested modification that would provide an equivalent level of benefit;

(E) the requested modification will not impose an undue financial or administrative burden on the City as "undue financial or administrative burden" is defined under federal and state fair housing laws.

(F) the requested modification will, under the specific facts of the case, result in a fundamental alteration in the nature of the Planning Code or General Plan, as "fundamental alteration" is defined under federal and state fair housing laws.

(G) the requested modification will, under the specific facts of the case, result in a direct threat to the health or safety of others or cause substantial physical damage to the property of others.

(3) **Residential Design Guideline Review**. If the proposed project is in a zoning district that requires residential design guideline review, the Department shall complete the design review and make appropriate recommendations, while also accommodating the reasonable modification. Approvals are subject to compliance with all other applicable zoning or building regulations.

(4) **Historic Resource Review**. If the proposed project would affect a building that is listed in or eligible for listing in a local, state, or federal historic resource register, then the modifications, either through the administrative reasonable modification process or the

standard reasonable modification variance procedure, will be reviewed by the Planning Department's Historic Preservation Technical Specialists to ensure conformance with the Secretary of the Interior Standards for the Rehabilitation of Historic Properties.

(5) **Written Decision**. Upon issuing a written decision either granting or denying the requested modification in whole or in part, the Zoning Administrator shall forthwith transmit a copy thereof to the applicant. The action of the Zoning Administrator shall be final and shall become effective 10 days after the date of the written decision except upon the filing of a valid appeal to the Board of Appeals as provided in Section 308.2.

(g) **Fees**. The Department may charge time and materials costs incurred if required to recover the Department's costs for providing services. ~~The fee for a reasonable modification request is the fee for a variance set forth in Section 352(b) of this Code.~~ If an applicant can demonstrate financial hardship, the Department may waive or reduce the fee pursuant to Section 350(j) ~~352(e)(2)~~ of this Code.

SEC. 311. PERMIT REVIEW PROCEDURES.

(a) Purpose. The purpose of this Section 311 is to establish procedures for reviewing building permit applications *within the Priority Equity Geographies SUD* (Section 249.97) and RH Districts in the Family Housing Opportunity Special Use District (Section 249.94) to determine compatibility of the proposal with the neighborhood and for providing notice to property owners and residents on the site and neighboring the site of the proposed project and to interested neighborhood organizations, so that concerns about a project may be identified and resolved during the review of the permit.

(b) Applicability. *Within the Priority Equity Geographies SUD* and RH Districts in the Family Housing Opportunity Special Use District~~*Except as indicated in this subsection (b)*~~, all building permit applications in Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for ~~*a change of use; establishment of a Micro Wireless Telecommunications Services Facility;*~~

~~*establishment of a Formula Retail Use;*~~ demolition, new construction, or alteration of buildings~~*;*~~ ~~*and the removal of an authorized or unauthorized residential unit,*~~ shall be subject to the notification and review procedures required by this Section 311. ~~*In addition, with the exception of Grandfathered MCDs converting to Cannabis Retail use pursuant to Section 190(a), all building permit applications that would establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district, shall be subject to the notification and review procedures required by this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a Child Care Facility, as defined in Section 102, shall not be subject to the review requirements of this Section 311.*~~ Notwithstanding the foregoing or any other requirement of this Section 311, building permit applications to construct an Accessory Dwelling Unit pursuant to Section 207(c)(6) shall not be subject to the notification or review requirements of this Section 311. ~~*Notwithstanding the foregoing or any other requirement of this Section 311, a change of use to a principally permitted use in an NC or NCT District, or in a limited commercial use or a limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be subject to the review or notice requirements of this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, building permit applications to change any existing Automotive Use to an Electric Vehicle Charging Location shall not be subject to the review or notification requirements of this Section 311.*~~

~~*(1) Change of Use. Subject to the foregoing provisions of subsection (b), for the purposes of this Section 311, a change of use is defined as follows:*~~

~~*(A) Residential, NC, and NCT Districts. For all Residential, NC, and NCT Districts, a change of use is defined as a change to, or the addition of, any of the following land uses as defined in Section 102 of this Code: Adult Business, Bar, Cannabis Retail, General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Massage Establishment, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity Area, Post-Secondary Educational Institution, Private Community Facility, Public Community Facility, Religious Institution, Residential Care*~~

~~*Facility, Restaurant, School, Tobacco Paraphernalia Establishment, Trade School, and Wireless Telecommunications Facility. A change of use from a Restaurant to a Limited-Restaurant shall not be subject to the provisions of this Section 311. Any accessory massage use in the Ocean Avenue Neighborhood Commercial Transit District shall be subject to the provisions of this Section 311. A change of use to a principally permitted use in an NC or NCT District, or in a limited commercial use or a limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be subject to the provisions of this Section 311.*~~

~~*(i) Exception. Notwithstanding subsection 311(b)(1)(A), in the geographic areas identified in subsection 311(b)(1)(A)(ii), building permit applications for a change of use to the following uses shall be excepted from the provisions of subsections 311(d) and 311(e): Bar, General Entertainment, Limited Restaurant, Liquor Store, Massage Establishment, Nighttime Entertainment, Outdoor Activity Area, Private Community Facility, Public Community Facility, Restaurant, and Tobacco Paraphernalia Establishment.*~~

~~*(ii) Subsection 311(b)(1)(A)(i) shall apply to Neighborhood Commercial Districts and Limited Commercial Uses in the following geographic areas:*~~

~~*Area 1: shall comprise all of that portion of the City and County commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th Avenue, and proceeding southerly along 17th Avenue to Judah Street, and proceeding westerly along Judah Street to 19th Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding westerly along Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific Ocean and proceeding northerly along said line to the point of commencement.*~~

~~*Area 2: shall comprise all of that portion of the City and County commencing at the point of the intersection of Junipero Serra Boulevard and Brotherhood Way, and proceeding northerly along the eastern edge of Junipero Serra Boulevard to Garfield Street, and*~~

~~*proceeding easterly along Garfield Street to Grafton Avenue, and continuing easterly along Grafton Avenue to Mount Vernon Avenue, and proceeding easterly along Mount Vernon Avenue to Howth Street, and proceeding northerly along Howth Street to Geneva Avenue, and proceeding easterly along Geneva Avenue to Interstate 280, and proceeding northerly along Interstate 280 to the straight-line extension of Tingley Street, and proceeding southerly along said line to Tingley Street, and proceeding southerly along Tingley Street to Alemany Boulevard, and proceeding easterly along Alemany Boulevard to Congdon Street, and proceeding southerly along Congdon Street to Silver Avenue, and proceeding easterly along Silver Avenue to Madison Street, and proceeding southerly along Madison Street to Burrows Street, and proceeding westerly along Burrows Street to Prague Street, and proceeding southerly along Prague Street to Persia Avenue, and proceeding westerly along Persia Avenue to Athens Street, and proceeding southerly along Athens Street to Geneva Avenue, and proceeding easterly along Geneva Avenue to the intersection of Geneva Avenue and Carter Street, and proceeding westerly along the southeastern boundary of Census Tract 0263.02, Block 3005 to the San Francisco/San Mateo county border, and proceeding westerly along the San Francisco/San Mateo county border to Saint Charles Avenue, and proceeding northerly along Saint Charles Avenue to Interstate 280, and proceeding northeasterly along Interstate 280 to a northerly straight-line extension to Orizaba Avenue, and proceeding northerly along said line to Alemany Boulevard, and proceeding westerly along Alemany Boulevard to Brotherhood Way, and proceeding westerly along Brotherhood Way to the point of commencement.*~~

~~*(iii) Exception for the Ocean Avenue Neighborhood Commercial Transit District. Notwithstanding subsection 311(b)(1)(A), building permit applications in the Ocean Avenue Neighborhood Commercial Transit District for a change of use to the following uses shall be excepted from the provisions of subsections 311(d) and 311(e): General Entertainment, Limited Restaurant, Nighttime Entertainment, Outdoor Activity Area, Private Community Facility, Public Community Facility, Restaurant, and Tobacco Paraphernalia Establishment.*~~

~~*(B) Eastern Neighborhood Mixed Use Districts. In all Eastern Neighborhood Mixed Use Districts a change of use shall be defined as a change in, or addition of, a new land use category. A "land use category" shall mean those categories used to organize the individual land uses that appear in the use tables, immediately preceding a group of individual land uses, including but not limited to the following: Residential Use; Institutional Use; Retail Sales and Service Use; Assembly, Recreation, Arts and Entertainment Use; Office Use; Live/Work Units Use; Motor Vehicle Services Use; Vehicle Parking Use; Industrial Use; Home and Business Service Use; or Other Use.*~~

(2) **Alterations.** For the purposes of this Section *311*, an alteration shall be defined as an increase to the exterior dimensions of a building except those features listed in Section 136(c)(1) through ~~*Section 136(c)(24) and*~~ 136(c)(26)*, regardless of whether the feature is located in a required setback*. ~~*In addition, an alteration in RH, RM, and RTO Districts shall also include the removal of more than 75% of a residential building's existing interior wall framing or the removal of more than 75% of the area of the existing framing.*~~

~~*(3) Micro Wireless Telecommunications Services Facilities. Building permit applications for the establishment of a Micro Wireless Telecommunications Services Facility, other than a Temporary Wireless Telecommunications Services Facility, shall be subject to the review procedures required by this Section. Pursuant to Section 205.2, applications for Temporary Wireless Telecommunications Facilities to be operated for commercial purposes for more than 90 days shall also be subject to the review procedures required by this Section.*~~

* * * *

SEC. 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH DEMOLITION, MERGER, AND CONVERSION.

* * * *

(c) **Applicability; Exemptions.**

(1) *Within the Priority Equity Geographies Special Use District* (Section 249.97) and RH Districts in the Family Housing Opportunity Special Use District (Section 249.94), ~~A~~a*n*y application for a permit that would result in the Removal of one or more Residential Units or Unauthorized Units is required to obtain Conditional Use authorization.

(2) Outside the Priority Equity Geographies Special Use District and RH Districts in the Family Housing Opportunity Special Use District, *any application for a permit that would result in the Removal of one or more Residential Units or Unauthorized Units is required to obtain Conditional Use authorization unless it meets all the following criteria:*

(A) The units to be demolished are not tenant occupied and are without a history of evictions under Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) within the *last* ~~5~~five *years*, and have not been vacated within the past five years pursuant to a Buyout Agreement, as defined in Administrative Code Section 37.9E, as it may be amended from time to time;

(B) No more than two units ~~that are required to be replaced per subsection (E) of this Section 317~~ *would be removed or demolished* that are:;

(i) subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower- or very low-income within the past five years; or

(ii) subject to limits on rent increases under the Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) within the past five years; or

(iii) rented by lower- or very low-income households within the past five years;

(C) The building proposed for demolition is not an Historic Building as defined in Section 102. For the purposes of this subsection (c)(2)(C), an "Historic Building" shall also include any building located in an historic district listed in Article 10;

(D) The proposed project is adding at least one more unit than would be demolished; ~~and~~

(E) The proposed project complies with the requirements of Section 66300(d) of the California Government Code, as may be amended from time to time, including but not limited to requirements to replace all protected units, and to offer existing occupants of any protected units that are lower income households relocation benefits and a right of first refusal for a comparable unit, as those terms are defined therein ~~.~~;

(F) The project sponsor certifies under penalty of perjury that any units to be demolished are not tenant occupied and are without a history of evictions under Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) within last five years, and have not been vacated within the past five years pursuant to a Buyout Agreement, as defined in Administrative Code Section 37.9E, as it may be amended from time to time, regardless of whether the Buyout Agreement was filed with the Rent Board pursuant to Administrative Code Section 37.9E(h);

(G) The project sponsor has conducted one pre-application meeting prior to filing a development application. The Planning Department shall not accept a development application without confirmation that the project sponsor has held at least one pre-application meeting conforming to the requirements of this subsection (c)(2)(G) and any additional procedures the Planning Department may establish. The project sponsor shall provide mailed notice of the pre-application meeting to the individuals and neighborhood organizations specified in Planning Code Section 333(e)(2)(A) and (C); and

(H) If the proposed project is located in a Residential, House (RH) zoning district, the project's resulting units will meet the unit configuration requirements of Section 249.94(c)(4).

(*3~~1~~*) For Unauthorized Units, this Conditional Use authorization will not be required for Removal if the Zoning Administrator has determined in writing that the unit cannot be legalized under any applicable provision of this Code. The application for a replacement building or alteration permit shall also be subject to Conditional Use requirements.

(*4~~2~~*) The Conditional Use requirement of ~~S~~*subs*ubsection*s* (c)(1) *and (c)(2)* shall apply to (A) any building or site permit issued for Removal of an Unauthorized Unit on or after March 1, 2016, and (B) any permit issued for Removal of an Unauthorized Unit prior to March 1, 2016 that has been suspended by the City or in which the applicant's rights have not vested.

(*5~~3~~*) The Removal of a Residential Unit that has received approval from the Planning Department through administrative approval or the Planning Commission through a Discretionary Review or Conditional Use authorization prior to the effective date of the Conditional Use requirement of ~~S~~subsection*s* (c)(1) *or (c)(2)* is not required to apply for an additional approval under *this Section 317.* ~~*Subsection (c)(1).*~~

(*6~~4~~*) ***Exemptions for Unauthorized Dwelling Units.*** The Removal of an Unauthorized Unit does not require a Conditional Use authorization pursuant to ~~S~~subsection*s* (c)(1) *or (c)(2)* if the Department of Building Inspection has determined that there is no path for legalization under Section 106A.3.1.3 of the Building Code.

(*7~~5~~*) ***Exemptions for Single-Family Residential Buildings.*** The Demolition of a Single-Family Residential Building that meets the requirements of ~~S~~*subs*ubsection (d)(3) below may be approved by the Department without requiring a Conditional Use authorization *pursuant to in subsection (c)(1) or (c)(2)*.

(*8*~~6~~) **Exception for Certain Permits Filed Before February 11, 2020.** An application to demolish a Single-Family Residential Building on a site in a RH-1 or RH-1(D) District that is demonstrably not affordable or financially accessible housing, meaning housing that has a value greater than 80% than the combined land and structure values of single-family homes in San Francisco as determined by a credible appraisal made within six months of the application to demolish, is exempt from the Conditional Use authorization requirement of ~~S~~subsection*s* (c)(1) *or (c)(2)*, provided that a complete Development Application was submitted prior to February 11, 2020.

* * * *

SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT PROJECT REQUIREMENTS.

*** * * ***

(b) Waiver or Reduction, Based on Housing Affordability.

(1) An affordable housing unit shall receive a waiver from the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, the Visitacion Valley Community Facilities and Infrastructure Impact Fee, the Transportation Sustainability Fee, the Residential Child Care Impact Fee, the Central South of Market Infrastructure Impact Fee, and the Central South of Market Community Facilities Fee if ~~*the affordable housing unit*~~:

(A) *the affordable housing unit* is affordable to a household *earning up to 120%* ~~*at or below 80%*~~ of the Area Median Income (as published by HUD), including units that qualify as replacement Section 8 units under the HOPE SF program;

(B) the affordable housing unit will maintain its affordability for a term of no less than 55 years, as evidenced by a restrictive covenant recorded on the property's title;

(C) the Project sponsor demonstrates to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary, and

(D) all construction workers employed in the construction of the development that includes the affordable housing unit are paid at least the general prevailing rate of per diem wages for the type of work and geographic location of the development, as determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing rate under the terms and conditions of Labor Code Section 1777.5.

~~*(B) is subsidized, MOHCD, the San Francisco Housing Authority, the Department of Homelessness and Supportive Housing, and/or the Office of Community Investment and Infrastructure or any future successor agency to those listed herein; and*~~

~~*(C) is subsidized in a manner which maintains its affordability for a term no less than 55 years, whether it is a rental or ownership opportunity. Project sponsors must demonstrate to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary.*~~

* * * *

(5) This waiver clause shall not be applied to units built as part of a developer's efforts to meet the requirements of the Inclusionary Affordable Housing Program, Sections 415 or 419 of this Code ~~*or any units that trigger a Density Bonus under California Government Code Sections 65915-65918*~~.

* * * *

SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.

* * * *

Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1

ZONING CONTROL TABLE

		NC-1
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~ Lot Size (Per Development)	~~*§§ 102, 121.1*~~ §§ 102, 121.1	~~*P up to 4,999 square feet; C 5,000 square feet and above*~~ P(2)
* * * *		

* * * *

(2) ~~[Note deleted.]~~ C for 5,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

* * * *

SEC. 711. NC-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2

ZONING CONTROL TABLE

		NC-2
Zoning Category	**§ References**	**Controls**

BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~ Lot Size (Per Development)	~~*§§ 102, 121.1*~~ §§ 102, 121.1	~~*P up to 9,999 square feet; C 10,000 square feet and above*~~ P(2)
* * * *		

* * * *

(2) ~~[Note deleted.]~~ C for 10,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

* * * *

SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.

* * * *

Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT

NC-S

ZONING CONTROL TABLE

		NC-S
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
Massing and Setbacks		

Height and Bulk Limits.	§§ 102, 105, 106, 250–252, ~~*253.3,*~~ 260, 261.1, 270, 271. See also Height and Bulk District Maps	Varies, but generally 40-X. ~~*Lakeshore Plaza SUD requires C for buildings above 26 feet (1).*~~ See Height and Bulk Map Sheets HT02-05, HT07, and HT10-13 for more information. Height sculpting required on Alleys per § 261.1.
* * * *		

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

		Broadway NCD
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
Massing and Setbacks		
Height and Bulk Limits.	§§ 102, 105, 106, 250–252, ~~*253.1,*~~ 260, 261.1, 270, 271. See also Height and Bulk District Maps	40-X and 65-A. ~~*In 65-A Districts, P up to 40 ft., C 40 to 65 feet*~~ See Height and Bulk Map Sheet HT01 for more

		information. Height sculpting required on Alleys per § 261.1.
* * * *		

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

		North Beach NCD
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		
Lot Size (Per Development)	§§ 102, 121.1	P ~~up to 2,499 square feet; C 2,500 square feet and above~~(16)

* * * *

(15) P where existing use is any Automotive Use.

(16) C for 2,500 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

		Polk Street NCD
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		
Lot Size (Per Development)	§§ 102, 121.1	P ~~up to 2,499 square feet; C 2,500 square feet and above~~(12)

* * * *

(11) P where existing use is any Automotive Use.

(12) C for 2,500 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

SEC. 750. NCT-1 – NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT.

* * * *

Table 750. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1

ZONING CONTROL TABLE

		NCT-1
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		

Lot Size (Per Development)	§§ 102, 121.1	P ~~up to 4,999 square feet; C 5,000 square feet and above~~ (12)

* * * *

(11) P where existing use is any Automotive Use.

(12) C for 5,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

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Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

		Mission Street NCT
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
Massing and Setbacks		
Height and Bulk Limits.	§§ 102, 105, 106, 250–252, ~~*253.4,*~~ 260, 261.1, 270, 271. See also Height and Bulk District Maps	Varies. See Height and Bulk Map Sheet HT07 for more information. ~~*Buildings above 65 feet require C.*~~ Height sculpting required on Alleys per § 261.1.

* * * *

SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.

* * * *

Table 810

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

		Chinatown Community Business District
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~ Lot Size (Per Development)	~~*§ 121.3*~~ § 121.3	~~*P up to 5,000 sq. ft.; C 5,001 sq. ft. & above (1)*~~ P up to 5,000 sq. ft.; C 5,001 sq. ft. & above (1)
* * * *		

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

* * * *

Table 811

CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

		Chinatown Visitor Retail District
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		

* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~ Lot Size (Per Development)	~~*§ 121.3*~~ § 121.3	~~*P up to 5,000 sq. ft.; C 5,001 sq. ft. & above*~~ P up to 5,000 sq. ft.; C 5,001 sq. ft. & above
* * * *		

SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 812

CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

		Chinatown Residential Neighborhood Commercial District
Zoning Category	**§ References**	**Controls**
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~	~~*§ 121.3*~~ § 121.3	~~*P up to 5,000 sq. ft.; C 5,001 sq. ft. & above*~~ P up to 5,000 sq. ft.; C 5,001 sq. ft. & above

Lot Size (Per Development)		
* * * *		

Section 4. Amendment to Specific Zoning Control Tables. Zoning Controls Tables 714, 715, 716, 717, 718, 719, 724, 725, 727, 728, 729, 730, 742, and 756 are hereby amended identically to the amendment of Zoning Control Table 710 in Section 3 of this ordinance, to remove the zoning control under Miscellaneous, Lot Size (Per Development) as follows:

* * * *

ZONING CONTROL TABLE

Zoning Category	§ References	Controls
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~	~~*§§ 102, 121.1*~~	~~*P up to 4,999 square feet; C 5,000 square feet and above*~~
* * * *		

Section 5. Amendment to Specific Zoning Control Tables. Zoning Controls Tables ~~712, 720,~~ 721, 731, 732, 733, 734, 735, 736, ~~737,~~ 738, 739, 740, ~~741,~~ 743, ~~744,~~ 745, ~~751, 752, 753, 754,~~ 755, ~~757~~, and 758, ~~759, 760, 761, 762, and 764~~ are hereby amended

identically to the amendment of Zoning Control Table 711 in Section 3 of this ordinance, to remove the zoning control under Miscellaneous, Lot Size (Per Development), as follows:

* * * *

ZONING CONTROL TABLE

Zoning Category	§ References	Controls
BUILDING STANDARDS		
* * * *		
Miscellaneous		
~~*Lot Size (Per Development)*~~	~~*§§ 102, 121.1*~~	~~*P up to 9,999 square feet; C 10,000 square feet and above*~~
* * * *		

Section 6. Amendment to Specific Zoning Control Tables. Zoning Controls Tables 712, 751, 752, 759, 760, and 762 are hereby amended identically to the amendment of Zoning Control Table 711 in Section 3 of this ordinance, to amend the zoning control under Miscellaneous, Lot Size (Per Development) to identify "P" as the zoning control and include the note ("C for 10,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97."), as shown below, provided that the note shall be numbered as appropriate for each table, as follows:

ZONING CONTROL TABLE

Zoning Category	§ References	Controls
BUILDING STANDARDS		

* * * *		
Miscellaneous		
Lot Size (Per Development)	§§ 102, 121.1	P(1)
* * * *		

(1) C for 10,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

Zoning Control Table	**Note #**
712	14
751	10
752	11
759	11
760	7
762	10

Section 76. Pursuant to Sections 106 and 302(c) of the Planning Code, Sheets SU01, SU02, SU07, SU08, SU09, SU10, SU11, SU12SU13 of the Zoning Map of the City and County of San Francisco are hereby amended, as follows:

Description of Property	Special Use District Hereby Approved
Area 1 of the SUD is comprised of the following boundaries: Starting at the southwestern corner of the City and County	Priority Equity Geographies Special Use District

1	of San Francisco heading north along the	
2	Pacific Ocean to Sloat Blvd.; Sloat Blvd. to	
3	Skyline Blvd.; Skyline Blvd. to Lake Merced	
4	Blvd.; Lake Merced Blvd. to Middlefield	
5	Dr~~Rd~~.; Middlefield Dr~~Rd~~. to Eucalyptus Dr.;	
6	Eucalyptus Dr. to 19th Ave.; 19th Ave. south	
7	until the intersection of Cardenas Ave and	
8	Cambon Dr., then flowing Cambon Dr. south	
9	to Felix Ave.; following a straight line from	
10	Felix Ave. to 19th Ave. and then following a	
11	line north to Junipero Serra Blvd.; Junipero	
12	Serra Blvd to Holloway Ave.; Holloway Ave.	
13	to Ashton Ave.; Ashton Ave. to Lake View	
14	Ave.; Lake View Ave. to Capitola Ave.;	
15	Capitola Ave. to Grafton Ave.; Grafton Ave.	
16	to Mt. Vernon Ave.; Mt. Vernon Ave. to	
17	Howth St.; Howth St. to Ocean Ave.; Ocean	
18	Ave. to Alemany Blvd.; the northern most	
19	portion of Alemany Blvd. until Industrial St.;	
20	Industrial St. to Oakdale Ave.; Oakdale Ave.	
21	to Phelps St.; Phelps St. to Jerrold Ave.;	
22	Jerrold Ave. to 3rd St.; 3rd St. to Evans Ave.;	
23	Evans Ave. to Newhall St.; Newhall St. to	
24	Fairfax Ave.; Fairfax Ave. to Keith St.; Keith	
25	St. to Evans Ave.; Evan Ave. to Jennings	

St.; following Jennings St. in a north easterly direction to its end and then a straight line to the shoreline; following the shoreline south until Arelious Walker Dr.; Arelious Walker Dr. to Gilman Ave.; Gilman Ave. to Bill Walsh Way; Bill Walsh Way to Ingerson Ave.; Ingerson Ave. to Hawes St.; Hawes St. to Jamestown Ave.; Jamestown Ave. to 3rd. St.; 3rd St. to Bayshore Blvd.; Bayshore Blvd. to southernmost boundary of the City and County of San Francisco. The above area shall exclude the following area: Starting at the intersection of Harvard St. and Burrow St. heading east to Cambridge St.; Cambridge St. to Felton St.; Felton St. to Hamilton St.; Hamilton St. to Woolsey St.; Woolsey St. to Goettingen St.; Goettingen St. to Mansell St.; Mansell St. to Brussels St.; Brussels St. to Ward St.; Ward St. to Ankeny St.; Ankeny St. to Hamilton St.; Hamilton St. to Mansell St.; Mansell St. to University St.; University St. to Wayland St.; Wayland St. to Yale St.; Yale St. to McLaren Park; a straight line from Yale St. to Cambridge St.; Cambridge St. to Wayland	

St.; Wayland St. to Oxford St.; Oxford St. to Bacon St.; Bacon St. to Harvard St.; Harvard St. to Burrows St. Area 2 of the SUD is comprised of the following boundaries: Starting on Cesar Chavez St. at the intersection of Valencia Street, heading eastward to ~~Harrison St.; Harrison St. to 23rd St.; 23rd St. to Highway 101; following Highway 101 south to Cesar Chaves St.; Cesar Chavez St. to~~ Vermont St.; Vermont St. to 26th St.; 26th St. to Connecticut St.; Connecticut St. to 25th St.; 25th St. to Highway 280; following Highway 280 north to 20th St.; 20th St. to Arkansas St.; Arkansas St. to 22nd St.; 22nd St to the western side of Highway 101; following the western side of Highway 101 north to 17th St.; 17th St. to Vermont St.; Vermont St. to Division St.; Division St. to Townsend St.; Townsend St. to 6th St.; 6th St. to Brannan St.; Brannan St. to 5th St.; 5th St. to Townsend St.; Townsend St. to 3rd St.; 3rd St. to Howard St.; Howard St. to 4th St.; 4th St. to Market St.; Market St. to Drumm St.;	

Drumm St. to Sacramento St.; Sacramento St. to Battery St.; Battery St. to Pacific AveSt.; Pacific AveSt. to Sansome St.; Sansome St. to Vallejo St.; Vallejo St. to Kearny St.; Kearny St. to Filbert St.; Filbert St. to Columbus Ave.; Columbus Ave. to Mason St.; Mason St. to Washington St.; Washington St. to Powell St.; Powell St. to California St.; California St. to Stockton St.; Stockton St. to Bush St.; Bush St. to Van Ness Ave.; Van Ness Ave. to O'Farrell St./Starr King Way; Starr King Way to Geary Blvd.; Geary Blvd. to Laguna St.; Laguna St. to Bush St.; Bush St. to Webster St.; Webster St. to Post St.; Post St. Filmore St.; Filmore St. to Geary Blvd.; Geary Blvd. to St Joseph's Ave.; St. Joseph's Ave. to Turk Blvd.; Turk Blvd. to Scott St.; Scott St. to McAllister St.; McAllister St. to Steiner St.; Steiner St. to Fulton St.; Fulton St. to Gough St.; Gough St. to McAllister St.; Mc Allister St. to Van Ness Ave.; Van Ness Ave. to Market St.; Market St. to Dolores St.; Dolores St. to 17th St.; 17th St. to Valencia St.; Valencia St. to Cesar Chavez St.	

Area 3 of the SUD is comprised of the following boundaries: Starting on Chestnut St. at the intersection of Columbus Ave, heading eastward to the Embarcadero; The Embarcadero to Taylor St.; Taylor St. to Jefferson St.; Jefferson St. to Leavenworth St.; Leavenworth St. to North Point St.; North Point St. to Columbus AveSt.; Columbus AveSt. to Chestnut St.	

Section 87. Article 9 of the Subdivision Code is hereby amended by amending Section 1396.6, to read as follows:

SEC. 1396.6. CONDOMINIUM CONVERSION ASSOCIATED WITH PROJECTS THAT UTILIZE THE RESIDENTIAL DENSITY EXCEPTION IN RH DISTRICTS TO CONSTRUCT NEW DWELLING UNITS PURSUANT TO PLANNING CODE SECTION 207(C)(8).

(a) **Findings**. The findings of Planning Code Section 415.1 concerning the City's inclusionary affordable housing program are incorporated herein by reference and support the basis for charging the fee set forth herein as it relates to the conversion of dwelling units into condominiums.

(b) **Definition**. "Existing Dwelling Unit" shall ~~refer to~~mean the dwelling unit in existence on a lot at the time of the submittal of an application to construct a new dwelling unit pursuant to Planning Code Section 207(c)(8).

(c) Notwithstanding Section 1396.4 of this Code and Ordinance No. 117-13, a subdivider of a one-unit building that has obtained a permit to build one or more new dwelling units by utilizing the exception to residential density in RH districts set forth in Planning Code Section 207(c)(8), which results in two or more dwelling units, and that has signed an affidavit stating the subdivider's intent to reside in one of those resulting dwelling units, or in the Existing Dwelling Unit, for a period of three years after the approval of the Certificate of Final Completion and Occupancy for the new dwelling units, shall (1) be exempt from the annual lottery provisions of Section 1396 of this Code with respect to the dwelling units built as part of the Project ~~Units~~ and (2) be eligible to submit a condominium conversion application for the Existing Dwelling Unit and/or include the Existing Dwelling Unit in a condominium map application for the project approved pursuant to Planning Code Section 207(c)(8). Notwithstanding the foregoing sentence, no property or applicant subject to any of the prohibitions on conversions set forth in Section 1396.2~~, in particular~~ of this Code, including but not limited to a property with the eviction(s) set forth in Section 1396.2(b), shall be eligible for condominium conversion under this Section 1396.6. Eligible buildings as set forth in this subsection (c) may exercise their option to participate in this program according to the following requirements:

(1) The applicant(s) for the subject building seeking to convert dwelling units to condominiums or subdivide dwelling units into condominiums under this subsection shall pay the fee specified in Section 1315 of this Code.

(2) In addition to all other provisions of this Section 1396.6, the applicant(s) shall comply with all of the following:

(A) The requirements of Subdivision Code Article 9, Sections 1381, 1382, 1383, 1386, 1387, 1388, 1389, 1390, 1391(a) and (b), 1392, 1393, 1394, and 1395.

(B) The applicant(s) must certify under penalty of perjury that within the 60 months preceding the date of the subject application, no tenant resided at the property.

(C) The applicant(s) must certify under penalty of perjury that to the extent any tenant vacated their unit after March 31, 2013, and before recordation of the final parcel or subdivision map, such tenant did so voluntarily or if an eviction or eviction notice occurred it was not pursuant to Administrative Code Sections 37.9(a)(8)-(12) and 37.9(a)(14)-(16). ~~If an eviction has taken place under Sections 37.9(a)(11) or 37.9(a)(14), then the applicant(s) shall certify~~ The applicant must also certify under penalty of perjury that to the extent any tenant vacated their unit after March 31, 2013, and before recordation of the final parcel or subdivision map, such tenant did not vacate the unit pursuant to a Buyout Agreement, pursuant to the requirements of Administrative Code Section 37.9E, as it may be amended from time to time, regardless of whether the Buyout Agreement was filed and registered with the Rent Board pursuant to Administrative Code Section 37.9E(h). If a temporary eviction occurred under Sections 37.9(a)(11) or 37.9(a)(14), then the applicant(s) shall certify under penalty of perjury that the original tenant reoccupied the unit after the temporary eviction.

(3) If the Department finds that a violation of this Section 1396.6 occurred prior to recordation of the final map or final parcel map, the Department shall disapprove the application or subject map. If the Department finds that a violation of this Section occurred after recordation of the final map or parcel map, the Department shall take such enforcement actions as are available and within its authority to address the violation.

(4) This Section 1396.6 shall not prohibit a subdivider who has lawfully exercised the subdivider's rights under Administrative Code Section 37.9(a)(13) from submitting a condominium conversion application under this Section 1396.6.

(d) Decisions and Hearing on the Application.

(1) The applicant shall obtain a final and effective tentative map or tentative parcel map approval for the condominium subdivision or parcel map within one year of paying the fee specified in subsection (e) of this Section1396.6. The Director of the Department of Public Works or the Director's designee is authorized to waive the time limits set forth in this subsection (d)(1) as it applies to a particular building due to extenuating or unique circumstances. Such waiver may be granted only after a public hearing and in no case shall the time limit extend beyond two years after submission of the application.

(2) No less than 20 days prior to the Department's proposed decision on a tentative map or tentative parcel map, the Department shall publish the addresses of buildings being considered for approval and post such information on its website, post notice that such decision is pending at the affected buildings, and provide written notice of such pending decision to the applicant, all tenants of such buildings, and any member of the public who interested party who has requested such notice. During this time, any interested party may file a written objection to an application and submit information to the Department contesting the eligibility of a building. In addition, the Department may elect to hold a public hearing on said tentative map or tentative parcel map to consider the information presented by the public, other City department, or an applicant. If the Department elects to hold such a hearing it shall post notice of such hearing, including posting notice at the subject building, and provide written notice to the applicant, all tenants of such building, any member of the public who submitted information to the Department, and any interested party who has requested such notice. In the event that an objection to the conversion application is filed in accordance with this subsection (d)(2), and based upon all the facts available to the Department, the Department shall approve, conditionally approve, or disapprove an application and state the reasons in support of that decision.

(3) Any map application subject to a Departmental public hearing on the subdivision or a subdivision appeal shall receive a six-month extension on ~~have~~ the time limit set forth in subsection (d)(1) of this Section 1396.6~~extended for another six months~~.

(e) Should the subdivision application be denied or be rejected as untimely in accordance with the dates specified in subsection (d)(1) of this Section 1396.6, or should the tentative subdivision map or tentative parcel map be disapproved, the City shall refund the entirety of the application fee.

(f) Conversion of buildings pursuant to this Section 1396.6 shall have no effect on the terms and conditions applicable to such buildings under Section ~~1341A,~~ 1385A~~,~~ or 1396 of this Code.

Section 9~~87~~. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 10~~98~~. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

Section 11~~10~~. Clarification of existing law. The amendments to Planning Code Section 305.1(g) in Section 3 of this ordinance do not constitute a change in, but are declaratory of,

existing law with regard to the Planning Department's authorization to collect fees for time and materials spent reviewing application materials.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Andrea Ruiz-Esquide
ANDREA RUIZ-ESQUIDE
Deputy City Attorney

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BOARD of SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
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Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

Date: June 30, 2023

To: Planning Department / Commission

From: Erica Major, Clerk of the Land Use and Transportation Committee

Subject: Board of Supervisors Legislation Referral - File No. 230446-3
Planning Code, Zoning Map - Housing Production

☒ California Environmental Quality Act (CEQA) Determination
(California Public Resources Code, Sections 21000 et seq.)
☒ Ordinance / Resolution
☐ Ballot Measure

The proposed amendments were covered in the San Francisco Housing Element 2022 Update Environmental Impact Report (EIR) certified on November 17, 2022.

07/14/23

☒ Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
☐ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302

☐ Amendment to the Administrative Code, involving Land Use/Planning
(Board Rule 3.23: 30 days for possible Planning Department review)

☐ General Plan Referral for Non-Planning Code Amendments
(Charter, Section 4.105, and Administrative Code, Section 2A.53)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

☐ Historic Preservation Commission
☐ Landmark *(Planning Code, Section 1004.3)*
☐ Cultural Districts *(Charter, Section 4.135 & Board Rule 3.23)*
☐ Mills Act Contract *(Government Code, Section 50280)*
☐ Designation for Significant/Contributory Buildings *(Planning Code, Article 11)*

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org.

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Date: June 30, 2023

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MEMORANDUM

Date: April 26, 2023

To: Planning Department / Commission

From: Erica Major, Clerk of the Land Use and Transportation Committee

Subject: Board of Supervisors Legislation Referral - File No. 230446
Planning Code, Zoning Map - Housing Production

☒ California Environmental Quality Act (CEQA) Determination
(California Public Resources Code, Sections 21000 et seq.)
☒ Ordinance / Resolution
☐ Ballot Measure

Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in then environment. Any physical projects would require separate environmental analysis or General Plan Evaluation under the 2022 Housing Element EIR.

05/17/2023

☒ Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
☐ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302

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☐ Historic Preservation Commission
☐ Landmark *(Planning Code, Section 1004.3)*
☐ Cultural Districts *(Charter, Section 4.135 & Board Rule 3.23)*
☐ Mills Act Contract *(Government Code, Section 50280)*
☐ Designation for Significant/Contributory Buildings *(Planning Code, Article 11)*

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org.

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

July 20, 2023

Ms. Angela Calvillo, Clerk
Honorable Mayor Breed
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 2023-003676PCAMAP
Constraints Reduction Ordinance (AKA Housing Production Ordinance)
Board File No. 230446

Planning Commission Recommendation: **Approval with Modification**

Dear Ms. Calvillo and Mayor Breed,

On June 29, 2023, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Mayor Breed that would amend Planning Code to remove several process constraints on housing production in addition to other related amendments. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

1. For a project to be exempt from Planning Code Section 317 demolition controls, include a criterion that the units must not have had any tenant buyouts within the last five years.

2. Add the following language to Planning Code Section 132, Front Setback Requirements: (d~~e~~) Maximum Requirements. The maximum required front setback in any of the cases described in this Section 132 shall be ~~*15*~~ *10* feet from the property line along the Street or Alley, *except in the cases where more than 75% of the properties on the subject block face have a setback of 15 feet or greater, and both parcels adjacent to the subject property have a front setback of 15 feet or greater, in which case the maximum front setback shall be 15'.*

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Mayor Breed, please advise the City Attorney at your earliest convenience if you wish to incorporate the changes recommended by the Commission.

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

Sincerely,



Aaron D. Starr
Manager of Legislative Affairs

cc: Andrea Ruiz-Esquide, Deputy City Attorney
Lisa Gluckstein, Aide to Mayor Breed
Erica Major, Office of the Clerk of the Board

Attachments :
Planning Commission Resolution
Planning Department Executive Summary

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

PLANNING COMMISSION RESOLUTION NO. 21342

HEARING DATE: JUNE 29, 2023

Project Name: Constraints Reduction (aka Housing Production)
Case Number: 2023-003676PCAMAP [Board File No. 230446]
Initiated by: Mayor Breed / Introduced April 18, 2023
Staff Contact: Aaron Starr, Legislative Affairs
aaron.starr@sfgov.org, 628-652-7533

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ENCOURAGE HOUSING PRODUCTION, BY 1) EXEMPTING, UNDER CERTAIN CONDITIONS, SPECIFIED HOUSING PROJECTS FROM THE NOTICE AND REVIEW PROCEDURES OF SECTION 311 AND THE CONDITIONAL USE REQUIREMENT OF SECTION 317, IN AREAS OUTSIDE OF PRIORITY EQUITY GEOGRAPHIES, WHICH ARE IDENTIFIED IN THE HOUSING ELEMENT AS AREAS OR NEIGHBORHOODS WITH A HIGH DENSITY OF VULNERABLE POPULATIONS; 2) REMOVING THE CONDITIONAL USE REQUIREMENT FOR SEVERAL TYPES OF HOUSING PROJECTS, INCLUDING HOUSING DEVELOPMENTS ON LARGE LOTS, PROJECTS TO BUILD TO THE ALLOWABLE HEIGHT LIMIT, PROJECTS THAT BUILD ADDITIONAL UNITS IN LOWER DENSITY ZONING DISTRICTS, AND SENIOR HOUSING PROJECTS THAT SEEK TO OBTAIN DOUBLE DENSITY; 3) AMENDING REAR YARD, FRONT SETBACK, LOT FRONTAGE, MINIMUM LOT SIZE, AND RESIDENTIAL OPEN SPACE REQUIREMENTS IN SPECIFIED DISTRICTS; 4) ALLOWING ADDITIONAL USES ON THE GROUND FLOOR IN RESIDENTIAL BUILDINGS, HOMELESS SHELTERS, AND GROUP HOUSING IN RESIDENTIAL DISTRICTS, AND ADMINISTRATIVE REVIEW OF REASONABLE ACCOMMODATIONS; 5) EXPANDING THE ELIGIBILITY FOR THE HOUSING OPPORTUNITIES MEAN EQUITY - SAN FRANCISCO (HOME - SF) PROGRAM AND DENSITY EXCEPTIONS IN RESIDENTIAL DISTRICTS; 6) EXEMPTING CERTAIN AFFORDABLE HOUSING PROJECTS FROM CERTAIN DEVELOPMENT FEES; 7) AUTHORIZING THE PLANNING DIRECTOR TO APPROVE STATE DENSITY BONUS PROJECTS, SUBJECT TO DELEGATION FROM THE PLANNING COMMISSION; AND 8) MAKING CONFORMING AMENDMENTS TO OTHER SECTIONS OF THE PLANNING CODE; AMENDING THE ZONING MAP TO CREATE THE PRIORITY EQUITY GEOGRAPHIES SPECIAL USE DISTRICT; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; AND MAKING PUBLIC NECESSITY, CONVENIENCE, AND WELFARE FINDINGS UNDER PLANNING CODE, SECTION 302, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1.

WHEREAS, on April 18, 2023 Mayor Breed introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 230446, which would amend the Planning Code to encourage housing production, by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain development fees; 7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and 8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; and

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 29, 2023; and,

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

WHEREAS, the 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 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinance; and

WHEREAS, the Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby approves with modifications the proposed ordinance. The Commission's proposed modifications are as follows:

1. For a project to be exempt from Planning Code Section 317 demolition controls, include a criterion

that the units must not have had any tenant buyouts within the last five years.

2. Add the following language to Planning Code Section 132, Front Setback Requirements:

(*d*e) Maximum Requirements. The maximum required front setback in any of the cases described in this Section 132 shall be ~~*15*~~ 10 feet from the property line along the Street or Alley*, except in the cases where more than 75% of the properties on the subject block face have a setback of 15 feet or greater, and both parcels adjacent to the subject property have a front setback of 15 feet or greater, in which case the maximum front setback shall be 15'.*

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:

The Commission supports the goals of this ordinance because it will implement several recently adopted Housing Element Policies and aims to streamline housing production in San Francisco. These changes will aid the City's efforts to build 82,000 units in the next eight years, as mandated by state law. By removing arbitrary processes for height and lot development, the proposed ordinance will not only save time but also bring predictability to the planning process.

The amendments to Section 317 refresh an outdated process based on subjective criteria and establish a standard for the types of housing projects that we want to encourage. The removal of 311 neighborhood notice requirements provides applicants with code-compliant projects greater predictability by reducing processing time and the subjective nature of the DR process. These changes also free up staff time to focus on more impactful housing projects.

The standardization and rationalization of the Planning Code's building standards also help streamline the review process and provide more flexibility to applicants in meeting code requirements. A simplified code also makes it easier for more people to participate in the planning process. Overall, the proposed ordinance will significantly reduce the time required for housing permits to navigate through the planning process.

Importantly, the ordinance also establishes the Priority Equity Geographies Specific Use District (SUD). This SUD maintains existing neighborhood notification and dwelling unit demolition controls. It can also be utilized in the future to implement zoning changes tailored to serve the specific needs of the communities residing in those areas. This approach prioritizes programs that stabilize communities and meet community needs.

General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 3.A

BUILD INTERGENERATIONAL WEALTH FOR AMERICAN INDIAN, BLACK, AND OTHER COMMUNITIES OF COLOR.

Policy 16

Improve access to well-paid jobs and business ownership for American Indian, Black and other communities of color, particularly those who live in Priority Equity Geographies, to build the wealth needed to afford and meet their housing needs.

Implementing Program 4.3.7

Change regulations and definitions in the current planning code to improve flexibility on allowing home-based businesses and work from home in residential districts, for example, create an accessory entrepreneurial use that allows up to two employees.

The proposed Ordinance amends the Planning Code to allow up to two employees not residing in the unit for home-based businesses.

OBJECTIVE 1.B

ADVANCE EQUITABLE HOUSING ACCESS.

POLICY 6

Advance equal housing access by eliminating discrimination based on race, ethnicity, immigration status, HIV+ status, gender identity, sexual orientation, disabilities, age, prior incarceration, or mental health and improving housing programs for underserved groups.

OBJECTIVE 4.C

DIVERSIFY HOUSING TYPES FOR ALL CULTURES, FAMILY STRUCTURES, AND ABILITIES.

POLICY 32

Promote and facilitate aging in place for seniors and multi-generational living that supports extended families and communal households.

Implementing Program 6.3.10

Eliminate the requirement for a hearing for any Reasonable Accommodation requests making all requests administrative in nature, and clearly explain the review process for the public to seek a Reasonable Modification by January 31, 2024.

The proposed Ordinance would allow all reasonable accommodation requests to be approved by the Zoning Administrator ministerially.

POLICY 34

Encourage co-housing34 to support ways for households to share space, resources, and responsibilities, especially to reinforce supportive relationships within and across communities and generations.

Implementing Program 7.2.6
Modify the definition of "dwelling unit" to comply with Health and Safety Code 17021.5. Evaluate and amend the definition of "family" to ensure that it provides zoning code occupancy standards specific to unrelated adults and complies with fair housing law. Permit group housing broadly throughout the city, particularly in zones allowing single-family uses, increase group housing density permitted in these districts, and remove Conditional Use Authorizations or other entitlement barriers to group housing. Changes should focus on special needs groups, including those with disabilities, by ensuring that intermediate care facilities or congregate living health facilities, with six or fewer residents are treated no differently than other by-right single-family housing uses as required in Health and Safety Code sections 1267.8, 1566.3, and 1568.08.

The proposed Ordinance amends the definition of a dwelling unit to comply with Health and Safety Code 17021.5

OBJECTIVE 4.B
EXPAND SMALL AND MID-RISE MULTI-FAMILY HOUSING PRODUCTION TO SERVE OUR WORKFORCE, PRIORITIZING MIDDLE-INCOME HOUSEHOLDS.

POLICY 25
Reduce governmental constraints on development in Well-resourced Neighborhoods to enable small and mid-rise multi-family buildings providing improved housing choice and affordability.

POLICY 26
Streamline and simplify permit processes to provide more equitable access to the application process, improve certainty of outcomes, and ensure meeting State- and local-required timelines, especially for 100% affordable housing and shelter projects.

POLICY 28
Affirm compliance in State housing law, requirements, and intent by strengthening data collection, clarifying definitions, and further supporting implementation.

Implementing Program 8.4.5
Eliminate Commission hearings on any code-complying project in the Well-Resourced Neighborhoods subject to the Housing Accountability Act by July 31, 2023 until January 31, 2027.

The proposed Ordinance would remove several hearing requirements for code-complying projects, such as the conditional use requirement to build to the allowable height limit, for large lot developments, for greater density in RH Districts, and to demolish housing when two or more units are being constructed. It would also remove neighborhood notification for code-compiling projects, which often leads to a hearing before the Planning Commission.

Implementing Program 8.4.8
Remove Conditional Use Authorizations or other regulatory barriers for lot mergers and lots or proposed densities that exceed conditional use thresholds on housing applications that net two or more housing units, do not demolish existing rent-controlled units, and meet tenant protection, relocation, and replacement standards as recognized in Housing Crisis Act of 2019 to facilitate larger and more efficient housing projects by January 31, 2025.

The proposed Ordinance would remove the conditional use requirements for proposed densities that exceed conditional use thresholds in RH zoning districts.

Implementing Program 8.4.9
Remove Conditional Use Authorization requirement for demolition of single-family or multi-unit buildings that (1) are not tenant occupied and without history of tenant evictions, recent buyouts, no-fault, Ellis, or OMI Evictions; (2) net two or more housing units in the case of projects that construct less than 4 units or that net an increase of at least 50% in the number of existing units for projects that construct 4 or more units, (3) do not demolish existing rent-controlled units, and (4) meet tenant protection, relocation, and replacement standards as recognized in Housing Crisis Act of 2019 by January 31, 2025. Continue to apply Conditional Use requirements to demolition of tenant occupied buildings. Review "protected unit" standards in the Housing Crisis Act, and strengthen definitions for local use as necessary, to ensure that properties with a history of no-fault evictions, such as Ellis Act or Owner-Move-Ins, continue to require heightened scrutiny or prohibition of demolition. Planning staff will use the Rent Board's Housing Inventory data and seek input from tenants' organizations.

The proposed Ordinance would remove the conditional use requirement for the demolition of up to two units subject to rent control so long as they are not tenet occupied, the building is not a historic resource, there have been no no-fail evictions, and SB 330 protections are complied with.

Implementing Program 8.4.10
Remove Conditional Use Authorizations where required to achieve greater height for a housing project or replace height and bulk districts that require Conditional Use Authorizations to exceed the base height with one that allows the current maximum height by January 31, 2025.

The proposed Ordinance removes the CU requirement for greater height in RH, RM, RC, Broadway NCD, Van Ness SUD, and Lakeshore Plaza SUD, even if the height map allows for a greater height.

Implementing Program 8.4.11
Reduce the minimum lot size to 1,200 square feet and minimum lot width to 20 feet for proposed projects that net at least one housing unit.

The proposed Ordinance standardizes the lot area and minimum lot width throughout the City to 1,200 sq. ft. and 20' respectively.

Implementing Program 8.4.17
Amend the Planning Code to prohibit Discretionary Review requests for code compliant projects adding at least one net unit, except for projects affecting buildings with units that are tenant occupied, are located in Priority Equity Geographies, or meet the definition of protected units under the Housing Crisis Act of 2019. Remove neighborhood notification requirements for projects outside of Priority Equity Geographies that are code complying, net at least one housing unit, and only expand the rear or side of an existing building and for all non-discretionary ministerial projects.

The proposed Ordinance removes neighborhood notification for projects outside of the Priority Equity Geographies SUD, which reduces the likelihood of a Discretionary Review hearing before the Planning Commission.

Implementing Program 8.4.19
Whenever Planning Code amendments or revisions are proposed, advocate for ensure and promote simpler or an overall reduction of rules that affect housing approvals to reduce the specific or institutional knowledge needed by City staff, applicants, and members of the public to increase accessibility.

The proposed Ordinance simplifies many code provisions, including rear yard and front setback requirements, to reduce specific or institutional knowledge needed by City staff, applicants, and members of the public to increase accessibility.

OBJECTIVE 4.A
SUBSTANTIALLY EXPAND THE AMOUNT OF PERMANENTLY AFFORDABLE HOUSING FOR EXTREMELY LOW- TO MODERATE-INCOME HOUSEHOLDS.

OBJECTIVE 4.B
EXPAND SMALL AND MID-RISE MULTI-FAMILY HOUSING PRODUCTION TO SERVE OUR WORKFORCE, PRIORITIZING MIDDLE-INCOME HOUSEHOLDS.

POLICY 28
Affirm compliance in State housing law, requirements, and intent by strengthening data collection, clarifying definitions, and further supporting implementation.

Implementing Program 8.5.2
Remove Commission hearings for program-compliant State Density Bonus projects that do not require additional entitlements in consultation with California Department of Housing and Community Development (HCD).

The ordinance amends the Planning Code to make it possible for the commission to waive their opportunity to hear State Density Bonus projects.

Implementing Program 8.6.1
Expand the impact fee exemption to a broader range of permanently affordable housing projects including those with units affordable up to 120 percent of Area Median Income or projects that rely on philanthropic capital.

The ordinance amends the Planning Code to allow all 100% permanently affordable housing projects with up to 120% AMI to quality for impact fee exemptions.

Implementing Program 8.6.3
Make shelters, transitional housing, or crisis interventions (such as Safe Sleeping Sites) principally permitted in all zoning districts, regardless of the declaration of a shelter crisis.

The ordinance amends the Planning Code to allow homeless shelters in all areas of the City as of right.

Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

   The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

   The proposed Ordinance would maintain certain limits on housing demolition to help preserve existing housing, and it would allow for more housing development within the Well-resourced Neighborhoods SUD to enhance and preserve the cultural and economic diversity of our neighborhoods.

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

   The proposed Ordinance introduced Planning Code changes that will help expand the City's supply of affordable housing.

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

   The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

   The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

   The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

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

   The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

Planning Code Section 302 Findings.

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 29, 2023.

Jonas P. Ionin
Commission Secretary

AYES: Braun, Diamond, Koppel, Tanner

NOES: Imperial, and Moore

ABSENT: Ruiz

ADOPTED: June 29, 2023

San Francisco Planning

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EXECUTIVE SUMMARY
PLANNING CODE TEXT & ZONING MAP AMENDMENT

HEARING DATE: June 29, 2023

90-Day Deadline: July 25, 2023

Project Name:	Constraints Reduction (AKA Housing Production)
Case Number:	2023-003676PCAMAP [Board File No. 230446]
Initiated by:	Mayor Breed/ Introduced April 18, 2023
Staff Contact:	Aaron Starr, Legislative Affairs aaron.starr@sfgov.org, 628-652-7533
Recommendation:	Approval

Planning Code Amendment

The proposed Ordinance would amend the Planning Code to encourage housing production, by 1) streamlining construction of housing citywide, but outside of Priority Equity Geographies, as defined; 2) streamlining development of housing on large lots 3) allowing construction of buildings to the allowable height limit; 4) streamlining review of State Density Bonus projects; 5) streamlining construction of additional units in lower density zoning districts; 6) streamlining process for senior housing; 7) exempting certain affordable housing projects from development fees; 8) amending rear yard, front setback, lot frontage and minimum lot size requirements; 9) amending residential open space requirements; 10) allowing additional uses on the ground floor in residential buildings; 11) allowing homeless shelters and group housing in residential districts; 12) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; and 13) allowing administrative review of reasonable accommodations; and amending the Zoning Map to create the Priority Equity Geographies Special Use District.

	The Way It Is	The Way It Would Be
Map Changes		
1	The Housing Element of the General Plan uses maps of High-resourced Areas and Priority Equity Geographies as a basis for several of its goals and policies; however,	An SUD based on the Priority Equity Geographies, excluding areas that overlap with the High-resourced Neighborhoods, would be added to the City's zoning map as a tool to help

	these areas are not map in the planning code or zoning map.	implement the Housing Element's Goals and Policies. (See Exhibit C for the map)
Process		
2	Planning Code Section 317 requires applicants to obtain Conditional Use authorization for the demolition of any housing unit.	Housing demolition outside the Priority Equity Geographies SUD would be exempt from the Conditional Use process if all the following criteria are met: (A) The units to be demolished are not tenant occupied and are without a history of evictions under Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) *(aka No-Fault Evictions)* within last 5 years. (B) No more than two units that are required to be replaced per subsection (E) below would be removed or demolished. (C) The building proposed for demolition is not an Historic Building as defined in Section 102; (D) The proposed project is adding at least one more unit than would be demolished; and (E) The project complies with the requirements of Section 66300(d) *(aka SB 330, replacement relocation and first right-of-refusal)* of the California Government Code, as may be amended from time to time, including but not limited to requirements to replace all protected units, and to offer existing occupants of any protected units that are lower income households relocation benefits and a right of first refusal for a comparable unit, as those terms are defined therein.
3	Conditional Use authorization is required for large lot developments (usually 10,000 sq. ft. or greater but lot size varies) in NC and Chinatown Mixed Use Districts	Conditional Use authorization would no longer be needed for large lot developments in these zoning districts.
4	Conditional Use authorization is required to exceed specified heights in RH, RM, RC, Broadway NCD, Van Ness SUD, and Lakeshore Plaza SUD, even if the height map allows for a greater height.	Conditional Use authorization would no longer be required to exceed a specific height in these districts. The height limit for that lot would control the allowable building height.
5	A hearing before the Planning Commission is required for State Density Bonus Projects, even though the Planning Commission's discretion is incredibly limited when it comes to denying any requested waivers, incentives, or concessions. In addition, if the project is code-complying, the Planning Commission's ability to	State Density Bonus projects would no longer require a hearing before the Planning Commissions regardless of any underling entitlement (Conditional Use or Large Project Authorizations, for example).

	deny or reduce the density of the project is also incredibly limited by State law.	
6	The Code permits one unit in RH-1 Districts, 2 units in RH-2 Districts, and 3 units in RH-3 Districts. If you have a larger lot, you can build more units based on the lot area, but you must obtain Conditional Use authorization from the Planning Commission to do so.	The Conditional Use requirement to allow more units on larger lots in RH Districts would be removed.
7	For Senior Housing to qualify for double the permitted density, it must be located within ¼ mile of a mid-sized Neighborhood Commercial District (NC-2), RC District or higher density district or obtain Conditional Use authorization.	All senior housing would be eligible for double the density without Conditional Use authorization and regardless of location.
8	The Zoning Administrator may administratively approve a specific list of reasonable accommodations, such as the addition of a ramp, elevator, etc. beyond what the Planning Code would allow.	The Zoning Administrator would be able to approve all reasonable accommodation requests administratively.
9	The Planning Code Section 311 requires the Department to notify neighbors within 150' of new construction or expansion projects in any Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts.	New construction or expansion projects located outside of the Priority Equity Geographies SUD would not require neighborhood notice under Planning Code Section 311.
Building and Zoning Standards		
10	The Planning Code requires a 30% rear yard for single-family districts, and a 45%-25% rear yard in RH-2, RH-3, RM-1, and RM-2 Zoning Districts. All other zoning districts have a 25% rear yard requirement.	The rear yard requirement in all RH Districts, RM-1 and RM-2 Districts would be 30%. All other zoning districts would have a required 25% rear yard.
11	The Planning Code requires applicants to average the front setback of the adjoining neighbors but limits the setback to a maximum of 15'.	Applicants would be able to match the shortest front setback of their adjoining neighbors instead of averaging and the maximum front setback would be 10'.
12	The Planning Code establishes a minimum lot frontage of 25' in most districts, and 33' in detached single-family districts (e.g., St. Francis Wood).	The minimum lot frontage would be 20' for all zoning districts.
13	The Planning Code establishes a minimum lot area of 2,500 sq. ft. in most districts, and 4,000 sq. ft. in detached single-family districts.	The minimum lot area would be 1,200 sq. ft for all zoning districts.
14	Only corner lots in Neighborhood Commercial Districts may locate their required rear yard at the inside corner of the lot. This allows someone to build along both the front and side street-facing property lines or "wrap the lot" with a building.	All corner lots would be able to locate their required rear yard at the inside corner of the lot.
15	Through lots (lots with frontage on two streets) are permitted to have a building fronting each street only if	All through lots would be allowed to have buildings fronting each street regardless of

	one of its adjacent lots also has a building fronting each street.	what is on the adjacent lots. The rear yard in this case would be in the middle of the lot.
16	Private open space for decks, balconies, porches, and roofs must be at least 36 sq. ft. and have a minimum horizontal dimension of six feet.	Minimum dimensions for decks, balconies, and porches would be 27 sq. ft. and have a minimum horizontal dimension of three feet.
17	An interior courtyard must provide setbacks at every level (the "inverted ziggurat") to qualify for exposure and open space requirements.	This ordinance removes the required setbacks (the "inverted ziggurat") but maintains existing dimensional requirements.
18	Ground floors must have a certain percentage of active uses. For residential buildings an active use includes fitness rooms and community rooms.	The list of what is considered an "active use" in a residential building would be expanded to include laundry, lobby, mail room, and bike room.
19	Homeless Shelters are restricted in our low-density, and industrial neighborhoods.	Homeless shelters would be principally permitted in all zoning districts.
20	Group Housing is prohibited in single-family neighborhoods.	Group Housing would be permitted in single-family neighborhoods via the Four-plex program, which prohibits the use of the State Density Bonus program.
21	To take advantage of the Four-plex Program, the applicant must have owned the property for at least one year.	The one-year ownership requirement would no longer apply.
22	Home-based businesses are prohibited from employing anyone that does not reside in the unit.	Up to two employees for home-based businesses that don't live in the unit would be allowed.
23	The Codes' current definition of a Dwelling Unit is not consistent with the State's Health and Safety Code.	To bring the definitions in line with State law the definition for Dwelling Unit would be amended to include the following "A Dwelling Unit shall also include "employee housing" when providing accommodations for six or fewer employees, as provided in State Health and Safety Code §17021.5"
Expand Affordable Housing Incentives		
24	Only 100% affordable housing projects with units up to 80% AMI that are subsidized by specific city or regional agencies are eligible to receive a fee waiver.	Any 100% affordable housing project, regardless of the funding source, with units up to 120% AMI would be eligible to receive the fee waiver.

25	100% affordable housing projects can receive a fee waiver unless the project is using the State Density Bonus program.	100% affordable State Density Bonus project would be eligible for the fee waiver.
26	The Planning Code prohibits projects from using HOME SF if the project removes any dwelling unit.	This ordinance would allow projects to remove one dwelling unit and still qualify for HOME SF. The three Rs (Relocation, Replacement, and first Right of Refusal) would be required if a dwelling unit is removed.
27	HOME SF incudes CEQA impacts in its eligibility criteria.	CEQA impacts would be removed as eligibility criteria; however, CEQA analysis would still occur as would any resulting mitigations.

Background

Housing Element Adoption

San Francisco recently adopted the Housing Element 2022 Update (2022 Update). The 2022 Update is San Francisco's first housing plan that is centered on racial and social equity. It includes policies and programs that express our city's collective vision and values for the future of housing in San Francisco. The 2022 Update articulates San Francisco's commitment to recognizing housing as a right, increasing housing affordability for low-income households and communities of color, opening small and mid-rise multifamily buildings across all neighborhoods, and connecting housing to neighborhood services like transportation, education, and economic opportunity.

The drafting of 2022 Update relied extensively on outreach and engagement to communities historically underrepresented including low-income communities of color and vulnerable groups. Three phases of outreach and engagement, over the course of two years, inform the 2022 Update. For the first time at this scale, the Department funded and supported focus groups led or co-hosted by community-based organizations representing American Indian, Black, Latino, Chinese, Japanese, Filipino, low- and moderate-income households, seniors, people with disabilities, LGBTQ+ and transgender, and homeless advocates. Outreach and engagement also included housing policy experts, advocates, affordable housing developers, labor organizations, architects, and developers.

Housing Element Implementation

If the housing element is the constitution on which future development in San Francisco is based, the Planning Code is how the City implements that vision. There are several efforts underway to implement the Housing Element, this ordinance being one of them. Others include the Department's effort to rezoning areas primarily in the Well-resourced Neighborhoods to meet the goals and policies in the Housing Element. This is necessary for the City to meet our state-mandated goal of constructing 82,00 housing units within the next eight years. That effort is scheduled to be completed by the end of this year or early next year. Supervisor Melgar also introduced an ordinance, which would remove several process requirements for housing development within the Well-

Resourced Neighborhoods. While not directly tied to the Departments housing element implementation efforts, it is taking its cues from the goals and policies set out in the Housing Element[1].

This ordinance is rooted in several policies from the Housing Element that direct the City to remove obstacles hindering housing construction, particularly when such requirements are based on subjective criteria. Many of the implementing programs for these policies come with specified implementation deadlines, typically set for January 31, 2025, although some have earlier dates. For instance, implementing program 8.4.5 calls for the elimination of Commission hearings on code-complying projects in the Well-Resourced Neighborhoods, subject to the Housing Accountability Act, by July 31, 2023. This ordinance plays a pivotal role in advancing the City's commitment to fulfill its obligations under the Housing Element by directly incorporating numerous Housing Element policies and implementation programs.

Issues and Considerations

Process Improvements

Housing Demolition Controls

> **Section 317 is based on a flawed assumption that preserving all existing housing is going to maintain housing affordability, requiring all demolitions, regardless of units being added, obtain conditional use authorization.**

Section 317 is based on a flawed assumption that preserving all existing housing is going to maintain housing affordability, requiring all demolitions, regardless of units being added, to obtain conditional use authorization. There are many reasons to discourage the demolition of existing sound housing. This longstanding policy helps maintain affordable units offered through existing housing stock, it retains embodied energy in existing buildings to minimize resource use, and it preserves the neighborhood's aesthetic character; however, current controls fail to recognize that without some housing demolition, it's not possible to add to the City's housing stock and meet increasing demand for housing. Further, while the aesthetic character of the neighborhood may be maintained, the demographic make-up of the neighborhood, which is also a large part of neighborhood character, significantly changes. With fewer homes available, prices increase, and new renters and buyers tend to be wealthier and eventually what was a middle- or working-class neighborhood becomes an enclave for the wealthy. Further, studies have shown that new housing construction in San Francisco lowers rents and reduces the risk of displacement for nearby residents[2].

The proposed ordinance attempts to reform Section 317 by exempting projects outside of the Priority Equity Geographies SUD from the Conditional Use requirements. Eligible projects must add density and may not demolish a known historic resource. Additionally, projects may only qualify for the Section 317 exemption if they meet specified anti-displacement requirements, including: there cannot be a history of no-fault evictions, tenant buyouts, or owner move-in evictions in the past 5 years, the project cannot displace existing tenants, and the

[1] For a comparison of the Four-Plex Program, The Family Housing Opportunity SUD, SB 9, and this ordinance, please see Exhibit E.

[2] Pennington, Kate, Does Building New Housing Cause Displacement?: The Supply and Demand Effects of Construction in San Francisco (June 15, 2021).)

project cannot demolish more than two rent-controlled units. Further, any demolished rent-controlled units must be replaced in the new project. These types of exceptions are designed to encourage the redevelopment of lower density properties, such as single-family homes with an Unauthorized Dwelling Unit. Staff estimates that removing the Conditional Use process from these projects would reduce the average processing time by six to nine months. These significant time savings would also reduce permitting and holding costs for the applicants and make housing less expensive to build.

Large Lot Development

> …the criteria used by the Department and Commission to evaluate and approve these applications are purely subjective, creating an arbitrary process for housing approval.

The proposed ordinance removes Conditional Use authorization requirements for large lot development in Neighborhood Commercial, Chinatown, and RH Districts. In the Neighborhood Commercial and Chinatown Districts, the Conditional Use requirement is based on the total area of the lot. So, for example in NC-2 Districts lots greater than 10,000 sq. ft. require Conditional Use hearing to develop that lot. This is true even when those lots already exist. To avoid the Conditional Use hearing and develop the lot as-of-right, the lot would need to be subdivided. Further, the criteria used by the Department and Commission to evaluate and approve these applications are purely subjective, creating an arbitrary process for housing approval.

In the case of RH-zoned lots, the Conditional Use requirement for large lot development is triggered when an applicant seeks to add more units than allowed under the base density. For example, in RH-1 districts, with Conditional Use authorization, projects are allowed to have up to one unit per 3,000 square feet of lot area, with no more than three units per lot. However, the additional units obtained from developing a larger lot result in approximately the same or even lower density compared to what is allowed as-of-right. A typical lot in San Francisco is 2,500 sq. ft.; therefore, the actual density allowed with Conditional Use authorization (1 unit per 3,000 sq. ft.) is less dense than what is permitted on a typical lot as of right (1 unit per 2,500 sq. ft.). While the City sees few Conditional Use authorization requests of this nature, removing it will provide more predictability for applicants and reduce the time it takes to process these applications by approximately six to nine months.

These changes are also consistent with Housing Element Implementation Program 8.4.8:

> Remove Conditional Use authorizations or other regulatory barriers for lot mergers and lots or proposed densities that exceed conditional use thresholds on housing applications that net two or more housing units, do not demolish existing rent-controlled units, and meet tenant protection, relocation, and replacement standards as recognized in Housing Crisis Act of 2019 to facilitate larger and more efficient housing projects by January 31, 2025.

CU for Height

In RH, RM, RC, Broadway NCD, Van Ness SUD, and Lakeshore Plaza SUD applicants must obtain Conditional Use approval to meet the allowable mapped height. Like the CU requirement for large lot developments, these criteria are also subjective. Further, the Conditional Use process only allows applicants to meet the mapped height limit. Removing the Conditional Use requirement in these districts to meet the allow mapped height will provide more predictability for applicants and reduce the time it takes to process these applications by approximately six to nine months.

State Density Bonus Projects

> The public hearing requirement creates an expectation among the public that the Planning Commission holds greater authority over these projects than it does. It also slows down the approval process, adding six to nine months to housing projects that provide affordable units above what is required by our local inclusionary program.

A hearing before the Planning Commission is required for State Density Bonus Projects, even though the Planning Commission's discretion is limited when it comes to denying requested waivers, incentives, or concessions. In addition, if the project is code-complying, the Planning Commission's ability to deny or reduce the density of the project is also incredibly limited by state law. The public hearing requirement creates an expectation among the public that the Planning Commission holds greater authority over these projects than it does. It also slows down the approval process, adding six to nine months to housing projects that provide affordable units above what is required by our local inclusionary program. The proposed ordinance would allow the Planning Director to approve concessions or incentives requested as part of the state density bonus program provided that the Planning Commission delegates authority to the director to do so. This delegation authority would need to be approved under a separate resolution and could be removed or modified by the Planning Commission at any time.

Senior Housing

> Providing greater housing choice for seniors will allow them to age in place in familiar surroundings and where they may have existing community.

The proposed ordinance would remove the location requirement for Senior Housing to qualify for double the permitted density. Currently, to receive the density bonus, Senior Housing must be located within an RC District or a district with higher density allowances, or within a ¼ mile of an RC or NC-2 District. If located within an RH or RM Districts, Conditional Use is required to obtain double the density. It's not clear if this was done to ensure that there were sufficient goods and services within walking distance of proposed project or to make sure that denser housing was not placed within smaller scale neighborhoods; however, senior housing should be encouraged wherever housing is permitted in San Francisco. Providing greater housing choice for seniors will allow them to age in place in familiar surroundings and where they may have existing community. While not specifically called out as a policy in the housing element this change is consistent with its general direction.

Reasonable Accommodations

The proposed ordinance aims to make all reasonable accommodation requests ministerial. The Zoning Administrator may administratively approve a specific list of reasonable accommodation, such as the addition of a ramp, elevator, etc., beyond what the Planning Code would allow. Reasonable accommodations are intended to comply with the Americans with Disabilities Act by allowing deviations from the Planning Code to meet the accessibility needs of the occupancy. This proposed change is called for in Housing Element Implementation Program 6.3.10, which states "Eliminate the requirement for a hearing for any Reasonable Accommodation requests making all requests administrative in nature, and clearly explain the review process for the public to seek a Reasonable Modification by January 31, 2024."

Neighborhood Notification

The proposed ordinance would eliminate neighborhood notification (311 Notification) for projects outside the Priority Equity Geographies SUD. This notification requires the Department to inform neighbors within 150 feet of code-complying building expansions or significant internal remodels. The one-month notification period allows neighbors to file a Discretionary Review application, which then triggers a Planning Commission hearing. Removing neighborhood notification will not eliminate the ability for neighbors to file a Discretionary Review application, as there are still ways for the public to be informed about projects in their neighborhood including BBNs (Block Book Notifications) and Building Eye. Additionally, construction notices would still be provided to neighbors though the noticing process for certain building permits. The current neighborhood notification period is one month, but Staff also spends a significant time preparing the notification, and coordinating Discretionary Review hearings if such an appeal is filed. Staff estimates that removing this process would speed up approvals for code-complying additions and new construction permits by three to six months, reducing costs for applicants. It also frees up staff time allowing them to process more applications and focus on impactful housing projects.

Development Standards

The proposed ordinance introduces several changes to the Planning Code development standards aimed at improving compliance and streamlining the Code. These changes encompass the standardization of rear yards, lot width, and lot area. Additionally, it relaxes controls regarding open space requirements, building configuration and siting, and permitted elements within residential units. These modifications collectively contribute to making the Planning Code simpler and easier to navigate. This benefits not only the planners who implement the code, but also reduces specific knowledge needed by applicants and members of the public to increase accessibility. This is consistent with Housing Element Implementation Program 8.4.19:

> Whenever Planning Code amendments or revisions are proposed, advocate for ensure and promote simpler or an overall reduction of rules that affect housing approvals to reduce the specific or institutional knowledge needed by City staff, applicants, and members of the public to increase accessibility.

Rear Yard

> **…essentially the planning code is setting a larger rear yard requirement for multi-unit buildings than single-family homes.**

Currently the Planning Code allows a 30% rear yard for single-family homes, and a 25-45% rear yard for multifamily homes in RH and RM Districts. The 45% rear yard in RH-2, -3 and RM-1, and -2 districts can be reduced based on the average of the adjacent neighbors of up to 25% of the lot depth; however, essentially the planning code is setting a larger rear yard requirement for multi-unit buildings than single-family homes. This ordnance seeks to rationalize those controls by requiring a 30% rear yard in all our lower density neighborhoods, and a 25% rear yard in all our higher density neighborhoods. Rationalizing and standardizing the rear yard helps provide consistency for applicants and makes it possible to implement the code more efficiently.

Front Setback

Front setbacks offer numerous benefits for both the public realm and building occupants. They contribute to an aesthetically pleasing streetscape by allowing for landscaping, pedestrian amenities, and a sense of openness. Moreover, they enhance livability by providing a distance between buildings and roads, reducing noise pollution, and improving air circulation. Requiring a front setback to align with the existing neighborhood context also helps establish an appealing street wall; however, imposing a large setback reduces the buildable area on a lot. Currently, the Planning Code does not provide relief from rear yard requirements when a front setback is mandated. Additionally, density bonus programs such as the four-plex program do not exempt front setback requirements when aiming for increased density.

The proposed change seeks to address this issue while still ensuring that new buildings respond to the existing context. It would amend the front setback requirements by allowing applicants to match the shortest adjacent front setback. Furthermore, it amends the controls so that the maximum front setback becomes 10 feet instead of 15 feet. While averaging the two adjacent front setbacks can facilitate a more gradual transition between buildings, this may not apply in cases where the two setbacks differ significantly. For example, if one adjacent property is at the front of the lot and the other is at the rear. Such a setback not only diminishes development potential but also fails to achieve the desired gradual transition through averaging.

Lot Width and Area

The proposed ordinance would reduce the minimum lot width from 25' to 20' and the minimum lot area from 2,500 sq. ft. to 1,200 sq. ft. The proposed minimum lot area is consistent with SB9, which allows lot subdivision in single-family zoning districts so long as the resulting lot is 1,200 sq. ft. The Hosing Element also calls for reducing the minimum lot size to 1,200 sq. ft. and the minimum lot width to 20'' when the lot subdivision results in an additional unit. The proposed ordinance does not include such a qualifier; however, it's hard to imagine a situation where a property would be subdivided and not result in an additional unit.

Corner Lots and Though Lots

> This approach maximizes land utilization, allowing property owners to make efficient use of available space.

The Planning Code currently permits corner properties in NC Districts to wrap the lot with a building and place the required rear yard on the interior corner of the lot. The proposed change aims to extend this building configuration to most zoning districts, offering numerous benefits. This approach maximizes land utilization, allowing property owners to make efficient use of available space. It also creates a consistent street wall, enhancing the visual appeal and cohesiveness of the streetscape while promoting order and aesthetic harmony. Additionally, it enhances the midblock open space as the rear yard, located in the inner corner of the lot, becomes more connected to the surrounding open space, facilitating increased light and air circulation for adjacent properties.

Similarly, the Planning Code permits buildings on both street-facing lot lines for through lots, but only if there is an established pattern on the street. This pattern is commonly found in many older parts of the city where through lots are prevalent. Allowing this configuration also offers several benefits. Like wrapping the lot, it maximizes land utilization, enabling property owners to efficiently use their available space. Developing housing in the rear yard setback of a typical lot requires a dedicated means of access through the front building; however,

on a through lot, the alleyway or street at the rear provides convenient and direct access to the rear building, reducing conflicts between the front and rear residences.

Open Space

> **Private balconies provide additional outdoor living space for residents, allowing them to enjoy fresh air, sunlight, and views without leaving their homes. This enhances the quality of life for occupants, providing a private outdoor retreat within a dense urban environment.**

The proposed ordinance simplifies compliance with usable open space requirements by making two significant changes. First it rationalizes the open space requirement dimensions for balconies so that the depth and area are consistent with what the Code allows for a front or rear setback permitted obstruction. The Code permits square bay windows and balconies to project within the required front or rear setback or over the public right-of-way. These projections from the façade cannot be more than 3' in depth and no more than 6' wide; however, the Code does not allow a balcony that is less than 6' in depth and 36 sq. ft. in area to count toward the open space requirements. This results in most open space requirements being fulfilled by common open space typically on the roof. While rooftop decks have their benefits, they tend to be a shared resource. Private balconies provide additional outdoor living space for residents, allowing them to enjoy fresh air, sunlight, and views without leaving their homes. This enhances the quality of life for occupants, providing a private outdoor retreat within a dense urban environment. Encouraging balconies like this also can enhance the overall aesthetics of a building, adding visual interest and architectural diversity to the façade. They can contribute to the character of a neighborhood and create a more attractive streetscape.

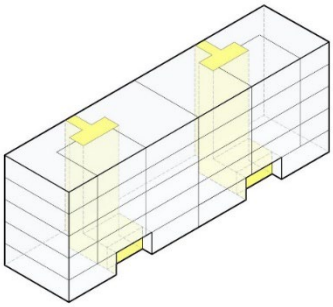


Figure 2: Example of Single-Point Access Block

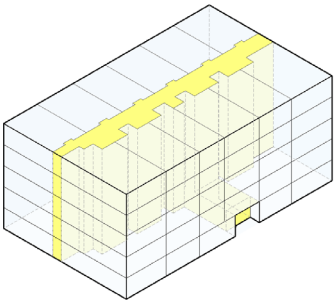


Figure 1: Example of a Double-Loaded Corridor

In the coming years, the state may also adopt single-point access building standards and balconies are often provided as a second means of egress in this building typology[3]. A single point access block refers to a building or structure that features a single designated entry or access point for residents or occupants. This type of construction is common in Europe, typically used on mid-sized apartment buildings of six stories or less. A typical building requires two means of egress resulting in double loaded corridors. The corridor occupies

[3] Twu, Alfred. "Housing Architecture in California: The Single Stair Conundrum," San Francisco Chronicle, Opinion, (Accessed June 14, 2023), https://www.sfchronicle.com/opinion/openforum/article/housing-architecture-california-single-stair-17774317.php.

valuable space within the building, reducing the available area for unit layouts. As a result, unit configurations are often restricted to linear arrangements along the corridor, limiting options for alternative floor plans or room layouts. Double loaded corridors also prohibit cross ventilation. Single-point access blocks typically result in more livable units with cross ventilation and more varied unit sizes. In-unit balconies can aid in this building typology's feasibility.

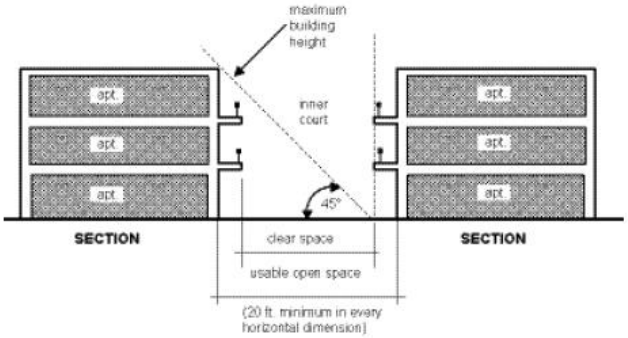


Figure 3: Planning Code Diagram for "Inverted Ziggurat" requirement

> This provision is one of the most common concessions or variances requested by applicants because it is very difficult to comply with and takes away valuable space that could otherwise be used for additional units. In fact, few, if any, major projects in the past few years have been able to comply with this provision.

The other change that the ordinance makes to the open space requirements is the removal of what is referred to as the inverted ziggurat requirement for inner courts. The inverted ziggurat requires an internal courtyard to be 20' by 20' and provide setbacks at the upper floors based on a 45-degree plane. A similar requirement is used for exposure requirements and is also proposed for deletion. This provision is one of the most common concessions or variances requested by applicants because it is very difficult to comply with and takes away valuable space that could otherwise be used for additional units. In fact, few, if any, major projects in the past few years have been able to comply with this provision. Additionally, the requirement often does not provide the anticipated sun exposure because San Francisco's street grid does not align exactly with cardinal directions.

Ground Floor Uses

With some exceptions provided for garage entrances and mechanical equipment, the first 25' of the ground floor of a residential building must have an active use in Neighborhood Commercial Districts, Commercial Districts, Residential-Commercial Districts, and Mixed-Use Districts. On the ground floor residential uses are considered active only if more than 50 percent of the street frontage features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines. Spaces accessory to residential uses, such as fitness or community rooms, are considered active uses only if they have access directly to the public sidewalk or street. The proposed ordinance would amend this accessory use provision to also include laundry, lobby, mail room, and bike room so long as they face the street. This change is intended to provide more flexibility for applicants to meet this requirement.

Other Zoning Changes

The proposed ordinance also proposes amending specific controls and definition in the code. Most of these changes are called for in the Housing Element. The following is a brief explanation of the remaining changes.

Homeless Shelters: The ordinance would make Homeless Shelters permitted in all zoning districts. This amendment is bases on Housing Element Implementation Program 8.6.3, which states: "Make shelters, transitional housing, or crisis interventions (such as Safe Sleeping Sites) principally permitted in all zoning districts, regardless of the declaration of a shelter crisis."

Group Housing: The ordinance would permit Group Housing in RH-1 zoning districts via the four-plex program and remove the conditional use requirement for Group Housing in RH-2 and RH-3 zoning districts. Current Group Housing is principally permitted in all zoning districts where housing is allowed except for RH zoning districts. This amendment is based on the Housing Element Implementation Program 7.2.6 that states in part: "…Permit group housing broadly throughout the city, particularly in zones allowing single-family uses, increase group housing density permitted in these districts, and remove Conditional Use Authorizations or other entitlement barriers to group housing."

Home Based Businesses: Currently home-based businesses are prohibited from employing anyone that does not reside in the unit unless it's a Cottage Food Operation, which allows up to one employee not a resident in the unit. This ordinance would allow up to two employees for home-based businesses. This change is based on Housing Element Implementation Program 4.3.7 of the Housing element: "Change regulations and definitions in current Planning code to improve flexibility on allowing home-based businesses and work from home in residential districts, for example, create an accessory entrepreneurial use that allows up to two employees."

Dwelling Unit Definition: The proposed change would add language to the definition of a housing unit to include employee housing when providing accommodation for six or fewer employees. This change is called for in Housing Element Implementation Program 7.2.6: "Modify the definition of "dwelling unit" to comply with Health and Safety Code 17021.5…"

Expand Affordable Housing Incentives

> Developing housing, especially affordable housing in San Francisco is very expensive. Waiving fees for all 100% affordable housing projects with maximum AMI of 120%, regardless of where their funding comes from will help further the City's goal of increasing affordable housing production.

The proposed ordinance makes several code changes to make it easier to build affordable housing. These changes include expanding what types of projects can receive a fee waiver, expanding the eligibility for Home SF and removing restrict eligibility requirements. Currently, only projects that are subsidized by MOHCD, the San Francisco Housing Authority, the Department of Homelessness and Supportive Housing, or the Office of Community Investment and Infrastructure are eligible for a fee waiver. This excludes 100% affordable housing projects that are built by non-profit housing developers that do not take money from any of the listed agencies. It also specifies that the top AMI for subsidized units is 80%, further limiting which affordable housing projects qualify for this fee waiver. Developing housing, especially affordable housing in San Francisco is very expensive. Waiving fees for all 100% affordable housing projects with maximum AMI of 120%, regardless of where their

funding comes from will help further the City's goal of increasing affordable housing production. Further this change is specifically called out in Housing Element Implementation Program 8.6.1.

> *Expand the Impact Fee exemption to a broader range of permanently affordable housing projects including those with units affordable up to 120 percent of Area Median Income or projects that rely on philanthropic capital.*

> Removing these criteria will not exempt projects from CEQA review but will expedite staff's ability to determine eligibility and eliminate this paradox.

The ordinance also eliminates two eligibility criteria for HOME SF, our local density bonus program. The first set of eligibility criteria pertains to CEQA impacts, including impacts on historic resources, shadow impacts, and wind impacts. The ordinance seeks to remove these criteria as eligibility factors; however, projects would still undergo CEQA review for these impacts. The reason for their removal is that these criteria make it challenging for staff to determine a project's eligibility for HOME SF within the required 30-day period mandated by state law. Wind and shadow analysis, as well as assessing impacts on historic resources, typically take several months as part of the CEQA review process. This creates a chicken and egg situation where we need to determine if a project is eligible before we start processing the proposal, but we need to start processing the proposal before we can determine if it is eligible for the program. Removing these criteria will not exempt projects from CEQA review but will expedite staff's ability to determine eligibility and eliminate this paradox.

Furthermore, the proposed ordinance eliminates the requirement that deems projects ineligible for HOMESF if any housing units are demolished. Instead, one unit could be removed, and the project would still be eligible for HOMESF. While minimizing displacement is crucial during new housing development, displacement cannot be completely avoided if we are going to develop underdeveloped lots. There are instances where neighborhood commercial corridors have small-scale buildings with retail space on the ground floor and a unit above. These buildings present opportunities for redevelopment and could potentially offer more housing under current zoning rules; however, they are currently prohibited from utilizing our local density bonus program, although the State Density Bonus program allows for it. Removing this prohibition and allowing the removal of one unit would be a minor adjustment to the program that would reduce displacement while expanding the number of properties eligible for HOME SF.

General Plan Compliance

> The proposed ordinance was drafted specifically to implement several of the Housing Element's Implementation Programs.

Looking at the proposed changes in total, the Department finds that, on balance, the proposed ordinance is consistent with the General Plan. The proposed ordinance was drafted specifically to implement several of the Housing Element's Implementation Programs. Some of these changes are called about above. These include allowing reasonable accommodations, removing CU requirements to achieve greater height, and allowing more projects to qualify for fee waivers are clearly called for in the Housing Element. Regarding other changes, such as those for neighborhood notice and Section 317, the ordinance proposes a more proactive approach than what is called for in the Housing Element.

For example, for Section 311 changes, the Ordinance would eliminate neighborhood notification entirely outside of the Priority Equity Geographies. The Housing element also calls for the elimination of Neighborhood Notice but Housing Element Implementation Program 8.4 states:

> *Remove neighborhood notification requirements for projects outside of Priority Equity Geographies that are code complying, net at least one housing unit, and only expand the rear or side of an existing building and for all non-discretionary ministerial projects.*

The difference between the Mayor's proposal and what the Housing Element outlines is that the Housing Element requires the addition of a unit to avoid Section 311 notification, and vertical additions are not exempt from 311 notification.

For Section 317 Notification, Housing Element Implementation Program 8.4.9 states the following:

> *Remove Conditional Use Authorization requirement for demolition of single-family or multi-unit buildings that (1) are not tenant occupied and without history of tenant evictions, recent buyouts, no-fault, Ellis, or OMI Evictions; (2) net two or more housing units in the case of projects that construct less than 4 units or that net an increase of at least 50% in the number of existing units for projects that construct 4 or more units, (3) do not demolish existing rent-controlled units, and (4) meet tenant protection, relocation, and replacement standards as recognized in Housing Crisis Act of 2019 by January 31, 2025. Continue to apply Conditional Use requirements to demolition of tenant occupied buildings...*

The Mayor's ordinance is in line with this policy as it relaxes the rules for residential demolition. It protects tenants by not exempting tenant-occupied housing or properties where there has been a no-fault eviction from Conditional Use requirements, and it requires the three Rs of AB 330; however, the Mayor's ordinance does allow for the demolition of up to two rent-controlled units and only requires one additional unit for the project to qualify for the exemption. It also makes these changes to Section 317 only outside the priority geographies SUD, whereas the Housing Element appears to call for these changes citywide.

Racial and Social Equity Analysis

The proposed ordinance is a crucial step towards advancing race and social equity in San Francisco. It aligns with the City's Housing Element, which focuses on eliminating exclusionary planning rules that perpetuate racial and social segregation. By removing prohibitions on homeless shelters and group housing in single-family neighborhoods and reducing minimum lot size requirements, the ordinance dismantles barriers that have historically prevented equitable access to housing. This change promotes inclusivity and fosters a more integrated and diverse city.

Moreover, the ordinance contributes to the goal of creating housing opportunities in well-resourced neighborhoods by streamlining the construction process. By eliminating constraints such as conditional use authorization for demolition and neighborhood notification for building additions or new construction, the ordinance expedites housing development and ensures quicker planning approval. This facilitates increased housing supply in historically exclusive areas, enabling more people, especially marginalized communities, to access neighborhoods that were previously inaccessible to them.

Additionally, the proposed ordinance acknowledges the importance of maintaining existing processes for neighborhood notification and demolition within Priority Equity Geographies, while recognizing the need for further evaluation and improvement. It emphasizes the necessity of empowering American Indian, Black, and other communities of color within these neighborhoods, enabling them to play an active role in driving positive change and shaping their communities.

Lastly, the ordinance advances race and social equity by simplifying Planning Code requirements. Complex codes often create barriers that exclude or discourage community participation, as they demand technical expertise or legal knowledge. By simplifying language and streamlining requirements, the ordinance establishes a more accessible framework for residents to engage in the planning process. This inclusivity ensures that a broader range of people can actively contribute to decision-making, leading to more equitable outcomes for all residents.

Implementation

The Department believes that this Ordinance will impact our current implementation procedures by reducing the time it takes to process building permit applications and new housing projects. Staff estimates that removing 311 Notification will speed up the process for additions and new construction permits by three to six months. Removing the Conditional Use process for the identified project types and the hearing requirement for State Density Bonus projects will reduce processing time by six to nine months. The amendments that standardize and rationalize the Planning Code's building standards will also make Planning Code implementation more straightforward and efficient.

Recommendation

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

Basis for Recommendation

The Department supports the goals of this ordinance because it will implement several recently adopted Housing Element Policies and Implementation Programs and it aims to streamline housing production in San Francisco. These changes will aid the City's efforts to build 82,000 units in the next eight years, as mandated by state law. By removing arbitrary processes for height and lot development, the proposed ordinance will not only save time but also bring predictability to the planning process. The amendments to Section 317 refresh an outdated process based on subjective criteria and establish a standard for the types of housing projects that we want to encourage. The removal of 311 neighborhood notice requirements provides applicants with code-compliant projects greater predictability by reducing processing time and the subjective nature of the Discretionary Review process. These changes also free up staff time to focus on more impactful housing projects. The standardization and rationalization of the Planning Code's building standards also help streamline the review process and provide more flexibility to applicants in meeting code requirements. A simplified Planning Code also makes it easier for more people to participate in the planning process. Overall, the proposed ordinance will significantly reduce the time required for housing permits to navigate through the planning process.

Importantly, the ordinance also establishes the Priority Equity Geographies Specific Use District (SUD). This SUD maintains existing neighborhood notification and dwelling unit demolition controls. It can also be utilized in the future to implement zoning changes tailored to serve the specific needs of the communities residing in those areas. This approach prioritizes programs that stabilize communities and meet community needs.

Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

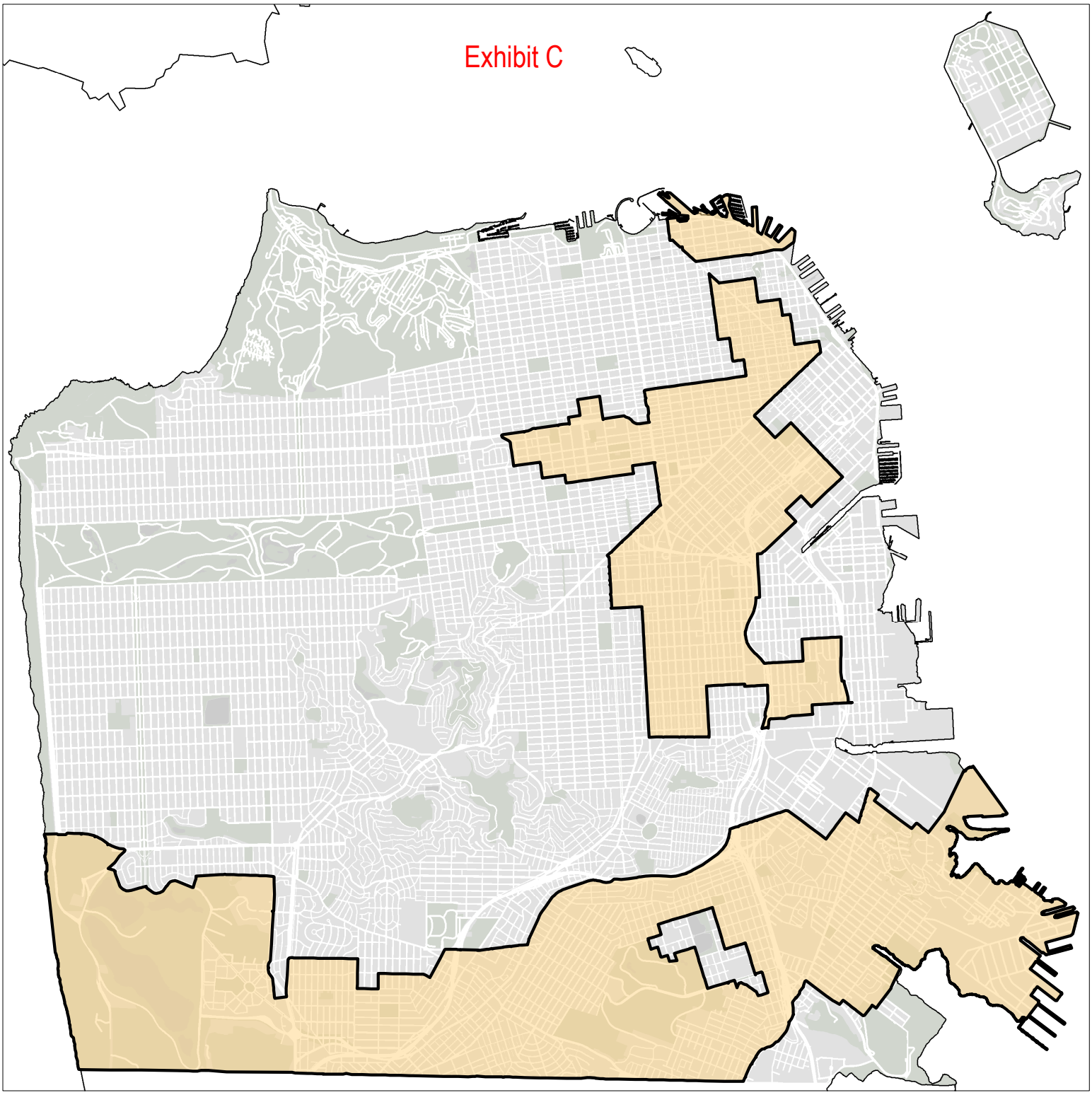
Public Comment

As of the date of this report, the Planning Department has not received any public comment in support or opposition to the proposed ordinance; however, the Department has received several inquiries about the proposed ordinance and requests to continue the ordinance from its June 15 hearing date. The item has since been continued to June 29, and this case report is being published two weeks in advance of that date to allow more time for the community to digest its contents. The Department also sent out a one-page fact sheet to our neighborhood groups lists, which is attached as Exhibit D. The Department is also in the process of conducting outreach meetings related to Housing Element implementation. As part of those meetings, Staff will also be highlighting the changes proposed under this ordinance and Supervisor Melgar's proposed Family Housing Opportunity SUD.

Attachments:

Exhibit A:	Draft Planning Commission Resolution
Exhibit B:	Board of Supervisors File No. 230446
Exhibit C:	Map of Proposed Priority Equity Geographies SUD
Exhibit D:	1-page Information Sheet
Exhibit E:	Comparison Chart of SB 9, Existing Four-Plex Program, Proposed Family Housing SUD, and Constraint's Reduction Ordinance

Exhibit C



Proposed Priority Equity Geographies SUD

SAN FRANCISCO

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LEGISLATION

EXHIBIT D

HOUSING FOR ALL LEGISLATION:
SIMPLIFYING HOUSING APPROVALS

San Francisco Planning

SAN FRANCISCO PLANNING DEPARTMENT
49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600 www.sfplanning.org

Mayor London Breed and Supervisors Joel Engardio and Matt Dorsey have introduced legislation (File #230446) to allow for faster and more straightforward housing approvals. The legislation will eliminate unnecessary processes, standardize zoning requirements to make them more consistent and predictable, and boost incentives for new affordable housing.



Photo: iStock / Rawpixel

This proposal is part of the Mayor's Housing for All Plan, which is the City's effort to make San Francisco a more affordable place for people to call home. The plan allows for 82,000 new homes to be built over the next eight years, of which, over half are slated to be affordable. This legislation follows through on commitments made in the City's Housing Element, which was unanimously approved by the Board of Supervisors in January. This legislation is a critical step towards enacting the Housing Element's ambitious housing goals and meeting the City's obligations under state law.

Overview

This legislation focuses on three key areas:

1. **Eliminate unnecessary hearings** for projects that comply with existing local or State standards. By eliminating unnecessary process, this legislation will provide greater certainty and reduce approval timelines for code compliant housing projects by **3 to 9 months or more.** It would also save at least **300 hours** of Planning Department staff time per month, which can be re-focused to support the Department's core permitting and long-range planning functions.

- **Development on large lots.** Eliminate Conditional Use hearings ("CU") for construction on larger parcels, making it easier to build more homes where they are already allowed.
- **Height.** Eliminate CU hearings for height in districts where hearings are currently required. Importantly, this change would not alter existing height limits but instead would eliminate unnecessary process for projects that comply with those limits.
- **Accommodation for disabilities.** Eliminate Zoning Administrator hearings for reasonable accommodations under the Americans with Disabilities Act and instead allow administrative review.
- **Demolitions and Increased Density.** Eliminate CU for projects that add housing units but would demolish existing vacant, non-historic single-family or two unit building that has not had a no-fault eviction in the past 5 years. These CU's would only be eliminated outside of the City's Equity Geographies.
- **Neighbor-vs-neighbor hearings.** Eliminate mailed notification for code-compliant housing projects to minimize "Discretionary Review Hearings", which currently require the Planning Commission to resolve intra-neighbor disagreements over projects that comply with the City's development standards. Mailed notice – and an appeal opportunity - will still be provided to potentially affected neighbors through the existing building permit process.
- **State Density Bonus hearings.** Eliminate purposeless hearings for projects using the State Density Bonus given that State law prevents the Planning Commission from denying or modifying a State Density Bonus project.

2 **Ease out-dated zoning requirements and geographic restrictions** that limit the form and location of new housing.

- **Senior housing.** Eliminate CU for senior housing that is located more than ¼ mile from a Neighborhood Commercial District, expanding opportunities for senior housing citywide.
- **Shelters.** Allow homeless shelters in low-density and industrial neighborhoods, consistent with the City's current shelter policies and State requirements that shelters be allowed Citywide.
- **Group housing.** Without changing height or bulk limits, allow group housing in single-family zoning districts so long as projects do not use the State Density Bonus.
- **Home-based businesses.** Allow up to two employees at home-based businesses who do not also live in the home. For example, a person running an accountancy or caterer out of their home would be able to employ two outside employees.
- **Open space.** Ease arbitrary square footage requirements for balconies and inner courtyards while preserving basic open space requirements.
- **Ground floor uses.** Specify that the City's requirement for ground floor "active uses" includes laundry, lobby, mail, and bike rooms, to provide the flexibility to accommodate necessary amenities and reduce residential building construction costs.

3 **Expand incentives** to enhance the City's affordable housing supply.

- **Remove restrictions on HOME-SF.** Bolster San Francisco's local density bonus program by eliminating restrictive eligibility criteria to make the program more competitive with the State Density Bonus program.
- **Impact fees for affordable housing.** Allow a fee waiver for all affordable housing projects that use the State Density Bonus, including workforce housing projects, to encourage more projects and better recognize the importance of affordable housing.

Next Steps

This legislation will be reviewed by the **Planning Commission at a public hearing on June 15, 2023**, where public comment is welcome in-person and via phone and videoconference. Hearing details will be available at sfplanning.org no later than June 9.

To submit comments or ask questions in advance, contact:
Aaron Starr, *Planning Department Manager of Legislative Affairs*
aaron.starr@sfgov.org

San Francisco Planning

Learn more:
https://sfplanning.org/housing

Exhibit E

	SB 9		Four-Plex Program	Proposed Family Housing Opportunity SUD		Proposed Constraints Reduction Ordinance
	Lot Split	No Lot Split		Lot Merger Development	Single Lot Development	
Where it applies	RH-1, RH-1(D), & RH-1(S)		ALL RH Districts	All RH-1 Districts within the Family Housing Opportunity SUD	All RH Districts and RM-1 Districts within the Family Housing Opportunity SUD	Exemptions to Section 317 and 311 only apply outside of the Priority Equity Geographies. All other changes are proposed city-wide or specified districts
Allowed Density	2 units on each new lot + ADUs if allowed by local Ordinance	2 units + ADUs	4 units on interior lots/ 6 units on corner lots	A merger of up to three lots and the construction of at least six units but no more than eight units on a two-lot merger or at least nine units but no more than 12 dwelling units on a three-lot merger.	The construction, including the alteration of an existing structure, of at least two and no more than four dwelling units on a single lot, or up to one unit per 1,000 square feet of lot area, whichever is greater (inclusive of any existing dwelling units on the site). Up to one unit may be detached in the rear yard.	N/A, does not amend density.
Group Housing	N/A	N/A	N/A	A Single-Lot project and a Lot-Merger project may also propose the construction of up to one Group Housing bedroom per 415 square feet of lot area or currently permitted under the Planning Code, whichever is greater.		Permits Group Housing as part of the Fourplex program in RH-1 zoning Districts, and removes the CU requirement in RH-2 and RH-3 Districts
Height	Existing Height Limit	Existing Height Limit	Existing Height Limit	Maximum 40' in height and 20' for units in the required rear yard.		N/A, does not change existing height limits
Minimum Lot Size	1,200 sq. ft. for each new lot (2,400 sq. ft. total) and at minimum 40% and 60% of original lot size	No minimum lot size required	Standard Lots Size (2,500 sq. ft.)	N/A	Projects proposing a rear yard unit must be at least 2,400 sf	Changes minimum lot size to 1,200 sq. ft. and lot with to 20' city-wide
Open Space Requirement	Existing Code Requirement	Existing Code Requirement		For Lot Merger projects and Single-Lot projects proposing a rear yard unit: Open space requirements for each unit on the property shall be at least 100 square feet for private, and 133 square feet if common		The ordinance does not alter open space requirements; however, it does amend the minimum dimension requirements for open spaces to enhance compliance feasibility
Owner Occupancy Requirement	Owner must sign a statement of intent to occupy the property 3 years post lot split approval.	No owner occupancy requirement either before or after project submittal.	Applicant must have owned the property for at least one year	Applicant must have owned property for at least one year		Proposes to remove the owner occupancy requirement in the Fourplex program.
Required Rear Yard Setback	Existing Code requires a 4-foot setback; however any Code standard can be waived if they prohibit construction of two, 800 sqft units.		30% for projects providing at least 4 dwelling units, or 15ft (whichever is greater)	30% but not less than 15 feet	30% but not less than 15 feet, 25 feet of separation between buildings when proposing a detached rear yard unit	30% in all RH Districts and in RM-1 and RM-2 Districts. All other zoning districts would be 25%.
Unit Proportionality	For units within the same building, the second unit must be at least 800 sqft		At least one of the dwelling units resulting from the density exception shall have two or more bedrooms or shall have a square footage equal to no less than 1/3 of the floor area of the largest unit on the lot.	None		N/A
Increase Density	Must net at least one new unit.			Requires at least six units for a two-lot merger and at least nine units for a three-lot merger	Must add at least one unit	To be eligible for 317 exemptions, the project must net at least one unit.

Eligibility	1) Has not been tenant occupied for at least 3 years prior to filing the application (could be owner occupied or vacant) 2) Will not demolish a rent-controlled unit, or a unit with an Ellis Act eviction within the last 15 years 3) Is not a Historic Resource under Article 10 or in a Historic District	May not also seek or receive a density bonus under Sec. 206.5 or 206.6	To be eligible for the program: 1) Not combined with the State Density Bonus or HOME-SF programs; 2) Not proposed on a property resulting from a lot-split under Senate Bill 9; 3) Contains at least two dwelling units with two or more bedrooms (not applicable to Group Housing); 4) Does not propose the demolition of a known historic building; 5) Complies with Code and applicable design guidelines and strives for consistency with the Residential Design Guidelines (RDGs); 6) Complies with Senate Bill 330 unit replacement requirements for protected units; 7) The project sponsor needs to have owned the property for one year prior to application submittal; and 8) Includes more dwelling units than are existing on the site at the time of application (Group Housing projects need to provide at least as many bedrooms as the project would demolish). 8) No more than two rent controlled units are demolished and units to be demolished are not tenant occupied and have not had a history of evictions (Admin Code 37.9(a)(8-12) or (14-16))for the past 5 years	To be eligible for 317 exemptions: 1) The units to be demolished are not tenant occupied and are without a history of evictions under Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) (aka No-Fault Evictions) within last 5 years. 2) No more than two units that are required to be replaced per subsection (E) below would be removed or demolished. 3) The building proposed for demolition is not an Historic Building as defined in Section 102; 4) The proposed project is adding at least one more unit than would be demolished; and 5) The project complies with the requirements of Section 66300(d) (aka SB 330, replacement relocation and first right-of-refusal) of the California Government Code, as may be amended from time to time, including but not limited to requirements to replace all protected units, and to offer existing occupants of any protected units that are lower income households relocation benefits and a right of first refusal for a comparable unit, as those terms are defined therein.
Rent Control	No / No	Applies to units over base density	Applies to units over base density	N/A
317	No	Yes	No	No, only if the project meets specific criteria and not located within the Priority Equity Geographies
311	No	Yes	No	No, only if the project is outside of the Priority Equity Geographies
Design Guidelines	Objective Design Standards	Residential Design Guidelines	Residential Design Guidelines	Residential Design Guidelines
CEQA Review	No	Yes	Yes	Yes
Condo Conversion	Depends on project	Eligible for condo conversion process if retaining an existing unit(s) and project sponsor resides in one unit for at least 3yrs post construction	Not eligible for condo conversion if there is a history of no-fault eviction.	N/A

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
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June 16, 2023

San Francisco Planning Commission
City and County of San Francisco
49 South Van Ness Avenue
San Francisco, CA 94103

Dear Commissioners:

RE: Constraints Reduction (AKA Housing Production) Ordinance – Letter of Support and Technical Assistance

The California Department of Housing and Community Development (HCD) understands that the Planning Commission will soon hold a public hearing to consider a proposed "Constraints Reduction Ordinance" (Ordinance), as released to the public on June 15, 2023. The purpose of this letter is to express HCD's support for the Ordinance and provide technical assistance to the City and County of San Francisco (City) in making a decision on this Ordinance.

The Ordinance would amend the Planning Code to remove some constraints to housing production as a step towards implementing the City's adopted housing element, in compliance with State Housing Element Law.[1] Moreover, the proposed revisions would better align the Planning Code with the goals of State Density Bonus Law[2] and Affirmatively Furthering Fair Housing (AFFH).[3]

Background

California's Statewide Housing Plan calls for the state to act with urgency to address homelessness and housing need.[4] California needs an additional 2.5 million homes, one million of which must be affordable to lower-income households, over this eight-

[1] Gov. Code, § 65585
[2] Gov. Code, §§ 65915-65918
[3] Gov. Code, § 8899.50
[4] Department of Housing and Community Development. "A Home for Every Californian: 2022 Statewide Housing Plan Update." *Statewide Housing Plan*, Mar. 2022, available at https://statewide-housing-plan-cahcd.hub.arcgis.com/.

year regional housing needs allocation (RHNA) cycle.[5] San Francisco's 6th cycle RHNA is 82,069 units.[6]

State Housing Element Law acknowledges that, in order for the private market to adequately address the housing needs and demand of Californians, local governments must adopt plans and regulatory systems that provide opportunities for, and do not unduly constrain, housing development.[7] HCD is responsible for reviewing the housing elements of all cities and counties in California for compliance with State Housing Element Law.[8] Once HCD finds an adopted housing element to be in compliance with State Housing Element Law, the jurisdiction must work towards implementing the housing element. If HCD finds that a local jurisdiction has failed to implement a program included in the housing element, HCD may, after informing the local jurisdiction and providing a reasonable time to respond, revoke its finding of compliance until it determines that the jurisdiction has come into compliance.[9]

According to Annual Progress Report data provided by cities and counties, San Francisco has the longest timelines in the state for advancing housing projects to construction. The City also has among the highest housing and construction costs, and HCD's Housing Accountability Unit has received more complaints about San Francisco than any other local jurisdiction in the state. Last year, HCD announced its San Francisco Housing Policy and Practice Review to assess how the City's processes and political decision-making delay and impede the creation of housing at all income levels – and to provide recommendations to address these barriers. In addition, after providing significant technical assistance to the City, including on the development of robust programs to facilitate housing production at all income levels, on February 1, 2023, HCD found the City's adopted housing element in compliance with State Housing Element Law.

HCD also committed to working with San Francisco to identify and clear roadblocks to construction of all types of housing and has actively engaged with City staff as they have worked towards this goal over the past year through both the Policy and Practice Review and the City's housing element. Approving this ordinance would mark an important first step towards both facilitating the construction of housing and implementing the adopted housing element.

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[5] Ibid.
[6] FINAL REGIONAL HOUSING NEEDS ALLOCATION (RHNA) PLAN: San Francisco Bay Area, 2023-2031, available at https://abag.ca.gov/sites/default/files/documents/2021-12/Final_RHNA_Allocation_Report_2023-2031-approved_0.pdf
[7] Gov. Code, § 65580
[8] Gov. Code, § 65585, subd. (b)
[9] Gov. Code, § 65585, subd. (i)(1)(A)-(B)

Proposed Ordinance and Housing Element Implementation

HCD's determination that the City's adopted housing element complies with State Housing Element Law was based in substantial part on the City's programmatic commitments to amend the Planning Code in a way that would reduce discretionary and procedural processes, standardize zoning and land use requirements, permit group housing broadly throughout the City, and increase financial feasibility for housing projects. The proposed changes in the Ordinance would fully or partially satisfy some of the housing element's commitments (set forth as Actions) ahead of the timeframes provided in the housing element, including, but not limited to the following:

- Reduce discretionary processes and neighborhood notification requirements for certain code-compliant housing projects (**Action 8.4.17**), including requests for Reasonable Accommodation (**Action 6.3.10**), such as:
    - Allowing all Reasonable Accommodation Requests to be processed without a hearing in front of the Zoning Administrator (Planning Code Section 305.1)
    - Removing neighborhood notification requirements and requests for discretionary review for projects that will demolish, construct, or alter dwelling units outside of the Priority Equity Geographies Special Use District (Planning Code Section 311)
- Remove Conditional Use Authorization (CU) requirements for the following conditions in housing projects (**Actions 8.4.8, 8.4.9, and 8.4.10**):
    - Buildings taller than 40 feet (Planning Code Section 209.1) and 50 feet (Planning Code Sections 132.2 and 209.2)
    - Buildings that previously required CU after a certain height or a setback after a certain height (Planning Code Sections 253-253.3)
    - Residential projects on large lots in all RH zoning districts at densities based on the square footage of the lot (Planning Code Section 209.1)
    - Demolition of residential units meeting certain criteria outside of the Priority Equity Geographies Special Use District (Planning Code Section 317)
- Permit group housing broadly throughout the City and streamlining approvals for group housing projects (**Actions 7.2.6**), including:
    - Modifying the definition of a "dwelling unit" to allow employee housing for up to six employees in alignment with Health and Safety Code section 17021.5 (Planning Code Section 102)
    - Principally permitting group housing in all zoning districts (at one unit per 415 square feet of lot area in all districts other than the RH-1 zoning district, where group housing is allowed subject to the fourplex bonus program controls) (Planning Code Section 209.1)
- Remove Planning Commission hearings for program-compliant State Density Bonus projects (**Action 8.5.2**), including:

    - Exempting Individually Requested State Density Bonus projects from other underlying entitlements related to the proposed housing, such as a CU or a Large Project Authorization (Planning Code Section 206.6)
    - Allowing the Planning Director to approve requests for a concession, incentive, waiver, or modification made for an Individually Requested State Density Bonus project (Planning Code Section 206.6)
- Modify the requirements for the HOME-SF program and entitlement process (**Action 7.2.9**), including:
    - Eliminating environmental criteria such as historic resource, shadow, and wind for qualifying HOME-SF projects (Planning Code Section 206.3)
    - Allowing for demolition of up to one unit for HOME-SF projects (Planning Code Section 206.3)
- Standardize and simplify Planning Code requirements for housing developments (**Actions 8.3.3 and 8.4.11**), including:
    - Standardizing the minimum lot size to 1,200 square feet and lot width to 20 feet (Planning Code Section 121)
    - Allowing lot mergers in RTO zoning districts (Planning Code Section 121.7)
    - Ease exposure and open space requirements for inner courts (Planning Code Section 135)
- Increase financial feasibility for affordable housing projects (**Actions 1.3.9 and 8.6.1**), including:
    - Expanding the Impact Fee exemption to a housing project with units affordable up to 120 percent of the Area Median Income (Planning Code Section 406)
    - Allowing 100 percent affordable housing projects utilizing State Density Bonus Law to be eligible for Impact Fee waivers (Planning Code Section 406)

By implementing the above programs, as well as other Planning Code changes put forward in the Ordinance, the City can increase certainty of approval for a wider range of housing projects, thus reducing the risk associated with building housing in San Francisco. The City's adopted housing element acknowledges that this risk translates to higher housing costs, affirming that "regulatory code and permitting processes direct housing to respond to City priorities, and that the overall system can be simplified and more accessible, that community-led strategies support systematic approaches rather than project-by-project decision-making, and that the cumulative effect of complex entitlement and post-entitlement permitting is making the process uncertain and even more expensive."[10] The Ordinance would begin to address various local roadblocks to housing approval and construction.

[10] 2022 Update: San Francisco Housing Element, Page 133, Program 8: *Reducing Constraints on Housing Development, Maintenance, and Improvements*, available at https://sfhousingelement.org/final-draft-housing-element-2022-update-clean

A housing element is not a paper exercise – it is an enforceable commitment to the state that a city or county will take specific actions on specific timeframes over an eight-year period. The implementation of actions in the City's housing element helps ensure compliance with State Housing Element Law, specifically the City's obligation to "implement program actions included in the housing element...."[11] Recommending adoption of this Ordinance would represent an important step towards fulfilling the City's obligations under State Housing Element Law, and would also further the laudable Goals, Objectives, and Policies around which the City's housing element is centered.[12]

Conclusion

The State of California is in a housing crisis, and the provision of housing at all income levels is a priority of the highest order. HCD encourages the Planning Commission to recommend adoption of the Ordinance to the Board of Supervisors.

San Francisco's work does not end here. Additional changes and actions may be necessary for the City to *fully* implement the programs specified in this letter, and further actions will be needed to implement other programs in the City's housing element. HCD will continue to monitor the City's progress towards housing element implementation, and to work with the City on addressing findings in the Policy and Practice Review.

HCD appreciates the challenges and various factors the City is considering in these important land use decisions and looks forward to following San Francisco's progress towards housing element implementation. If you have any questions regarding the content of this letter or would like additional technical assistance regarding housing element implementation, please contact Dori Ganetsos at Dori.Ganetsos@hcd.ca.gov.

Sincerely,



Melinda Coy
Proactive Housing Accountability Chief

cc: Rich Hillis, Planning Director
Aaron Starr, Manager of Legislative Affairs

[11] Gov. Code, § 65585, subd. (i)(1)(A)
[12] 2022 Update – San Francisco Housing Element, available at https://sfhousingelement.org/final-draft-housingelement-2022-update-clean

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MEMORANDUM

Date: June 12, 2023

To: Planning Department / Commission

From: Erica Major, Clerk of the Land Use and Transportation Committee

Subject: Board of Supervisors Legislation Referral - File No. 230446-2
Planning Code, Zoning Map - Housing Production

☒ California Environmental Quality Act (CEQA) Determination
(California Public Resources Code, Sections 21000 et seq.)
- ☒ Ordinance / Resolution
- ☐ Ballot Measure

☒ Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
☐ General Plan ☒ Planning Code, Section 101.1 ☒ Planning Code, Section 302

☐ Amendment to the Administrative Code, involving Land Use/Planning
(Board Rule 3.23: 30 days for possible Planning Department review)

☐ General Plan Referral for Non-Planning Code Amendments
(Charter, Section 4.105, and Administrative Code, Section 2A.53)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

☐ Historic Preservation Commission
- ☐ Landmark *(Planning Code, Section 1004.3)*
- ☐ Cultural Districts *(Charter, Section 4.135 & Board Rule 3.23)*
- ☐ Mills Act Contract *(Government Code, Section 50280)*
- ☐ Designation for Significant/Contributory Buildings *(Planning Code, Article 11)*

Please send the Planning Department/Commission recommendation/determination to Erica Major at Erica.Major@sfgov.org.

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M E M O R A N D U M

TO: Eric D. Shaw, Director, Mayor's Office of Housing and Community Development
Christina Varner, Acting Executive Director, Rent Board
Patrick O'Riordan, Director, Department of Building Inspection
Joaquín Torres, Assessor Recorder, Office of the Assessor-Recorder

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

DATE: June 9, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on June 6, 2023.

File No. 230446-2

Ordinance amending the Planning Code to encourage housing production by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain development fees; 7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and 8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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: Lydia Ely, Mayor's Office of Housing and Community Development
Brian Cheu, Mayor's Office of Housing and Community Development
Maria Benjamin, Mayor's Office of Housing and Community Development
Sheila Nickolopoulos, Mayor's Office of Housing and Community Development
Patty Lee, Department of Building Inspection
Carl Nicita, Department of Building Inspection
Kurt Fuchs, Office of the Assessor-Recorder
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TO: Eric D. Shaw, Director, Mayor's Office of Housing and Community Development
Christina Varner, Acting Executive Director, Rent Board
Patrick O'Riordan, Director, Department of Building Inspection
Joaquín Torres, Assessor Recorder, Office of the Assessor-Recorder

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

DATE: April 26, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on April 18, 2023.

File No. 230446

Ordinance amending the Planning Code to encourage housing production, by 1) streamlining construction of housing citywide, but outside of Priority Equity Geographies, as defined; 2) streamlining development of housing on large lots 3) allowing construction of buildings to the allowable height limit; 4) streamlining review of State Density Bonus projects; 5) streamlining construction of additional units in lower density zoning districts; 6) streamlining process for senior housing; 7) exempting certain affordable housing projects from development fees; 8) amending rear yard, front setback, lot frontage and minimum lot size requirements; 9) amending residential open space requirements; 10) allowing additional uses on the ground floor in residential buildings; 11) allowing homeless shelters and group housing in residential districts; 12) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; and 13) allowing administrative review of reasonable accommodations; amending the Zoning Map to create the Priority Equity Geographies Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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MEMORANDUM

Date: April 26, 2023

To: Planning Department / Commission

From: Erica Major, Clerk of the Land Use and Transportation Committee

Subject: Board of Supervisors Legislation Referral - File No. 230446
Planning Code, Zoning Map - Housing Production

☒ California Environmental Quality Act (CEQA) Determination
(California Public Resources Code, Sections 21000 et seq.)
- ☒ Ordinance / Resolution
- ☐ Ballot Measure

☒ Amendment to the Planning Code, including the following Findings:
(Planning Code, Section 302(b): 90 days for Planning Commission review)
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(Board Rule 3.23: 30 days for possible Planning Department review)

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Joaquín Torres, Assessor Recorder, Office of the Assessor-Recorder

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

DATE: June 30, 2023

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on June 27, 2023.

File No. 230446-3

Ordinance amending the Planning Code to encourage housing production by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain development fees; 7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and 8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

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: Lydia Ely, Mayor's Office of Housing and Community Development
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NOTICE OF PUBLIC HEARING

LAND USE AND TRANSPORTATION COMMITTEE

BOARD OF SUPERVISORS OF THE CITY AND COUNTY OF SAN FRANCISCO

NOTICE IS HEREBY GIVEN THAT the Board of Supervisors Land Use and Transportation Committee will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard.

Date: **September 18, 2023**

Time: **1:30 p.m.**

Location: **IN-PERSON MEETING INFORMATION**
Legislative Chamber, Room 250, located at City Hall
1 Dr. Carlton B. Goodlett Place, San Francisco, CA

REMOTE ACCESS
Watch: www.sfgovtv.org
Public Comment Call-In: https://sfbos.org/remote-meeting-call

Subject: **File No. 230446.** Ordinance amending the Planning Code to encourage housing production by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain

development fees; 7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning

Commission; and 8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. These comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available with the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (https://sfbos.org/legislative-research-center-lrc). Agenda information relating to this matter will be available for public review on Friday, September 15, 2023.

For any questions about this hearing, please contact the Assistant Clerk for the Land Use and Transportation Committee:

Erica Major (Erica.Major@sfgov.org ~ (415) 554-4441)

Angela Calvillo
Clerk of the Board of Supervisors
City and County of San Francisco

em:sc:ams

DATED/POSTED/PUBLISHED: September 8, 2023

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COPY OF NOTICE

Notice Type: GPN GOVT PUBLIC NOTICE

Ad Description
EDM 09.18.2023 Land Use - 230446 Zoning Map (Mayor Breed)

To the right is a copy of the notice you sent to us for publication in the SAN FRANCISCO EXAMINER. Thank you for using our newspaper. Please read this notice carefully and call us with ny corrections. The Proof of Publication will be filed with the County Clerk, if required, and mailed to you after the last date below. Publication date(s) for this notice is (are):

08/18/2023

The charge(s) for this order is as follows. An invoice will be sent after the last date of publication. If you prepaid this order in full, you will not receive an invoice.

Publication	$780.78
Total	$780.78

NOTICE OF PUBLIC HEARING SAN FRANCISCO BOARD OF SUPERVISORS LAND USE AND TRANSPORTATION COMMITTEE MONDAY, SEPTEMBER 18, 2023 - 1:30 PM NOTICE IS HEREBY GIVEN THAT the Board of Supervisors of the City and County of San Francisco will hold a public hearing to consider the following proposal and said public hearing will be held as follows, at which time all interested parties may attend and be heard. File No. 230446. Ordinance amending the Planning Code to encourage housing production by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain development fees; 7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and 8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1. Location: IN-PERSON MEETING INFORMATION Legislative Chamber, Room 250, located at City Hall 1 Dr. Carlton B. Goodlett Place, San Francisco, CA REMOTE ACCESS Watch: www.sfgovtv.org Public Comment Call-In: https://sfbos.org/remote-meeting-call In accordance with Administrative Code, Section 67.7-1, persons who are unable to attend the hearing on this matter may submit written comments prior to the time the hearing begins. Written comments will be made as part of the official public record in this matter and shall be brought to the attention of the Board of Supervisors. Written comments should be addressed to Angela Calvillo, Clerk of the Board, City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244, San Francisco, CA, 94102 or sent via email (board.of.supervisors@sfgov.org). Information relating to this matter is available with the Office of the Clerk of the Board or the Board of Supervisors' Legislative Research Center (https://sfbos.org/legislative-research-center-lrc). Agenda information relating to this matter will be available for public review on Friday, September 15, 2023. For any questions about this hearing, please contact the Assistant Clerk for the Land Use and Transportation Committee: Erica Major (Erica.Major@sfgov.org ~ (415) 554-4441)

EXM-3730955#

A00000063851158

From:	SchuT
To:	Carroll, John (BOS)
Cc:	Melgar, Myrna (BOS); Peskin, Aaron (BOS); Preston, Dean (BOS); Low, Jen (BOS); Angulo, Sunny (BOS); Smeallie, Kyle (BOS); Fieber, Jennifer (BOS); Souza, Sarah (BOS)
Subject:	LUT October 16, 2023 Board File No. 230446
Date:	Friday, October 13, 2023 7:31:02 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Mr. Carroll:

Good morning.

I just read the **October 12th letter from REP-SF** to the Committee re this ordinance.

I agree 100% with their letter. Their letter is comprehensive.

The REP-SF letter correctly analyzes and explains why this proposed ordinance should be rejected and not voted out to the full Board.

Thank you.

Georgia Schuttish

From:	Jeantelle Laberinto
To:	Melgar, Myrna (BOS); Peskin, Aaron (BOS); Preston, Dean (BOS); Carroll, John (BOS); Major, Erica (BOS)
Cc:	Board of Supervisors (BOS); BOS-Legislative Aides; Gluckstein, Lisa (MYR)
Subject:	10/12/23 Letter re: Legislative File #230446, "Planning Code, Zoning Map - Housing Production"
Date:	Thursday, October 12, 2023 2:26:09 PM
Attachments:	Letter to Supervisors re Housing Element Streamlining Legislation 12Oct23.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Chair Melgar and the Land Use and Transportation Committee,

Please find the attached letter from the Race & Equity in all Planning Coalition (REP-SF) regarding Legislative File #230446, "Planning Code, Zoning Map - Housing Production," which is on the Land Use and Transportation Committee agenda this coming Monday, October 16th.

Respectfully,
Jeantelle Laberinto
on behalf of the Race & Equity in all Planning Coalition

12 October 2023
Chair of the Land Use & Transportation Committee, Supervisor Melgar
Land Use & Transportation Committee Members, Supervisors Peskin and Preston

Re: Legislative File #230446, "Planning Code, Zoning Map - Housing Production"

Dear Land Use & Transportation Committee Chair Melgar and Supervisors Peskin and Preston:

Despite amendments made by the Mayor and Supervisor Melgar, the Race & Equity in all Planning Coalition of San Francisco (REP-SF), strongly urges the Land Use & Transportation Committee to reject this legislation and take up new legislation that:

- Puts affordable housing first
- Protects tenants against displacement
- Values and retains the voices and aspirations of historically marginalized communities in project approval processes with significantly shorter durations
- Expands and modifies the Priority Equity Geographies SUD (PEG-SUD), and provides additional protections and opportunities to people who live within the expanded PEG-SUD.

This City has already passed several significant measures intended to "reduce constraints" for market rate housing. These include:

- File #230026: Creates the Family Housing Opportunity Special Use District.
- File #230374: Cuts more than a year off the site permit and building permit process.
- File #230764 and File #230769: Reduces impact fees paid by market rate developers.
- File #230855: Reduces inclusionary housing requirement for market rate developers.
- File #230732: Streamlines commercial properties converting to residential.

The City has also proposed other measures that are still pending Committee action, including:

- File #230734: Replaces residential density limits in Certain Neighborhood Commercial Districts.
- File #230735: Removes residential density limits in Neighborhood Commercial Districts.
- File #230372: Exempts projects from impact fees that convert from commercial to residential

Although San Francisco fell 8,298 units short of its affordable housing goals for the last Housing Element cycle, and is facing a goal of nearly 47,000 affordable units for the current Housing Element cycle which is 57% of the overall goal, these ordinances prove that the City is only moving forward with the same failed housing policies and priorities.

Continuing to push even more legislation to further "reduce constraints" when our City already has a backlog of tens of thousands of already-entitled market rate developments, and more than

60,000 vacant market rate units avoids our City's legal obligation to affirmatively further fair housing (AFFH) and policy objectives to prioritize racial and social equity.

As policymakers, we urge you to ask, with the legislative decisions you make, "who are we as a City building for?". This article from the San Francisco Chronicle, "SF's luxury condo market is cooling. Here's why it might be a good time to buy" on October 10, 2023 seems to indicate that most of the condo buildings being built in San Francisco are largely vacant, and that the market for these units is foreign investors. There isn't any discussion in this article among developers about targeting these units to San Francisco's low to moderate income households either in the short or long term. This article underscores the fact that in order to provide housing that very-low, low, and moderate income households can truly afford, we need to prioritize other Implementation Actions from the Housing Element that focus on truly affordable housing.

Putting Affordable Housing First

1. The Housing Element commits the City to build 57% of its new housing in the next eight years as price restricted to be affordable for very-low, low and moderate income households. This legislation must prioritize strategies for price-restricted affordable housing.
2. Add a budget supplemental and/or a dedicated revenue source to commit significant new funding to affordable housing per **Housing Element action 1.1.2**.
3. Include a provision that identifies enough development sites and building acquisitions to meet our RHNA mandate for Very low, Low and Moderate income housing. Please refer to **Housing Element Actions 1.2.2 and 1.4.6**.

Protecting Tenants Against Displacement

1. Retain the Citywide requirement for Conditional Use Authorization (CUA) for any proposed demolition of existing rent-controlled units.
    a. The Housing Element includes Implementation Actions that speak to retention of rent controlled units even if Conditional Use Authorization policies are updated. Please refer to **Housing Element Actions 8.4.8, 8.4.9**,
2. Expand rent control to all new units
3. Protect small businesses from displacement
    a. Prohibit demolition of buildings occupied by community-based, community-serving small businesses within the five years prior to the project application. This pertains as well to legacy businesses and priority businesses identified by Cultural Districts as being important in their CHHESS reports.

Valuing and Retaining the Voices of Historically Marginalized Communities

1. REP-SF supports efforts to reduce the duration of project reviews and uncertainty in the process. We, however, demand a process that continues to put the voices and expertise of low income and communities of color out front in the approval process.
    a. Please refer to **Housing Element Action 8.4.21** for how to retain meaningful input and participation citywide, especially from low-income communities and communities of color.
    b. Develop new project approval systems that strengthen the ability for Cultural Districts, low income communities and communities of color to direct how our communities grow and develop as supported by **Housing Element Actions**

3.4.2; 4.1.1; 4.1.2; 4.1.4; 4.2.4; 4.2.5; 4.2.6; 4.4.2; 4.5.12; 5.2.4; 5.4.1; 6.1.3; 6.3.2 among others.

Expanding and Modifying the Priority Equity Geographies SUD

1. This Committee should be aware that despite the fact that so much attention is being paid to areas outside the PEG-SUD, the Housing Element still results in most of the housing being built within the PED-SUD. Please see the Planning Department's map below. As our communities have experienced, this scale of market rate development results in escalation of housing costs and displacement, especially of households with low incomes, and historically marginalized San Francisco residents.
2. Expand the PEG-SUD with input from American Indian, Black and other people of color communities and low income communities throughout the City, and input from all Cultural Districts.
    a. Retain and strengthen public noticing, anti-displacement and other community stabilization policies and procedures within the expanded PEG-SUD. Several Implementation Actions in the Housing Element refer to "Priority Equity Geographies and areas vulnerable to displacement" but the "areas vulnerable to displacement" are not considered in this legislation.
    b. Restore Impact fees and inclusionary housing requirements to their prior levels within the expanded PEG-SUD.
    c. Commit significant new investments and resources for affordable housing for communities within the expanded PEG-SUD.
    d. Update the PEG-SUD, which is already out of date, with new data and input from historically marginalized communities at least every five (5) years.

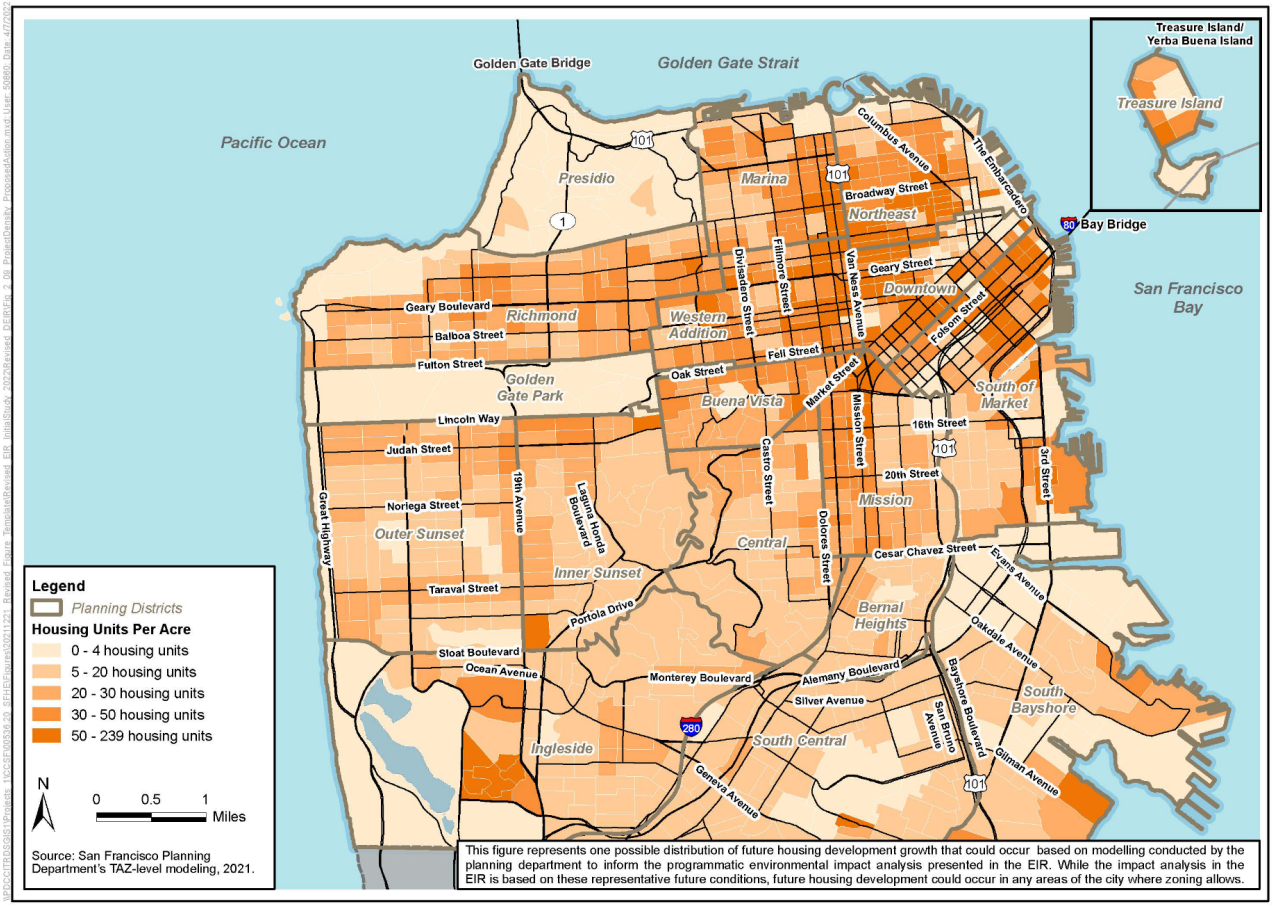
Conclusion

Despite the amendments that were incorporated into the legislation at the October 2, 2023 hearing, this legislation fundamentally moves our City in entirely the opposite direction of racial and social equity with an approach that silences our communities, encourages demolitions and displacement of existing housing throughout vast areas of the City, and provides no resources or meaningful benefits for affordable housing.

REP-SF requests that the Land Use & Transportation Committee reject this legislation, and commence working with low income and people of color communities throughout the City to move forward legislation that implements the Housing Element to affirmatively further fair housing and center racial and social equity. REP-SF looks forward to working with you all on new legislation to reorient the priorities of Housing Element implementation.

Respectfully submitted,

Jeantelle Laberinto
on behalf of the Race & Equity in all Planning Coalition, San Francisco



San Francisco Housing Element 2022 Update
Case No. 2019-016230ENV

Figure 2-9
Projected Housing Unit Density Under the Proposed Action

From:	RL
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Carroll, John (BOS); Somera, Alisa (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Cc:	Somera, Alisa (BOS); Carroll, John (BOS); Major, Erica (BOS)
Subject:	VOTE DOWN & OPPOSE
Date:	Monday, October 2, 2023 1:44:13 PM
Attachments:	230046 ORDINANCE LETTER.3 10-2-23.docx

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Dear Supervisor and All,

Please take the time to read my words for Public Comments regarding this matter.

It may be a bit long, but wanted to express my feeling & OPPOSITION to this Ordinance.

Thank you,
Renee Lazear
D4 Resident
SON-SF ~ Save Our Neighborhoods SF

October 2, 2023 – 2ND LETTER from September 18, 2023 UPDATED

Subject: Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey 'Constraints Reduction' 'Housing' Ordinance File #230446

Dear Supervisors and All,

The Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") contains massive, unprecedented waivers of local environmental, community and demolition review that are unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year! – **UPDATE** It is ridiculous that the ordinance calls housing that is built mostly for families making over $230,000 a year "affordable". We already have a 50% oversupply of housing for those income levels!

This ordinance would worsen:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high-priced housing that is not “affordable.” It is ridiculous that the ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels! *There is nothing “affordable” about this type of ordinance but a subsidized program that only benefits buyers, developers, real estate interests or speculators etc. and not those most in need.*
- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more working class (low/middle income) San Franciscans either out of the City, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.
- **The Vacant Housing Crisis** - San Francisco has at least 60,000 plus vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands and thousands more apartments. We do not need more housing construction; we need to make our existing housing space affordable!
- **NO Housing Crisis** – Lets use simple math & logic, since 2022 the population of San Francisco has declined by over 65,000 which certainly has increased for 2023 and continues to decline. There are approximately 143,000 plus units that are vacant, have been built, are currently being built, that are coming soon and are in the pipeline for building, so, why would we need 82,000 more units? **Reason** - we do NOT have a housing crisis but a crisis where HCD (RHNA) over-inflated the figures for housing needs & their veiled threats that if cities don’t build these numbers, funding will not be given to cities such as San Francisco.
    - The Communities do NOT need Six (6) Story complexes or greater on “every corner” or elsewhere. As stated previously, there is plenty of Vacant Office Space/Housing/Units that can be converted in an area that is more appropriate. As well, it seems the owners of these vacancies are willing, although challenging, to address options. Allowing this type of ordinance to pass would DESTROY the Neighborhoods where owners/renters desire to live in a SFR Community not an area of over-sized, over-priced cramped buildings.

- **The Environmental Justice & Equity Crisis** - This ordinance would gut environmental and community review protections and would establish "Urban Renewal" style redevelopment zones, setting precedents that would allow corporate real estate giants to build unhealthy housing even more easily on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared "cleaned up"), as well as 2550 Irving and thousands of other sites in the City with similar issues. CEQA and other agencies of this nature were established to protect the Communities and to enforce doing the right thing like doing the proper testing, remediate a site properly, not build on toxic sites or not cut corners for the sake of making money. Removing these protections will harm the Community and <u>all</u> those you profess to care about.
    - **Removing / Demolishing** a long-established Row House will create issues with soil, foundation, sinkage as well as so many other issues for the surrounding homes. Also, Environmental issues to consider would be the OLD materials (e.g. Mercury, Asbestos, Lead etc.) that have not been disturbed since the homes were build but would certainly be exposed & impact the Neighborhoods/Communities.
        - Another very important reason to retain **CEQA**
- **The Climate Crisis** - This ordinance is bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other building materials releasing more greenhouse gases, not less.
- **Urban Renewal 2.0** – Ordinances of these nature are and will follow the same trajectory as the past like Geneva Towers.* They will be built, not be occupied only to sit vacant (e.g. The Westerly on Sloat), become mismanaged*, not benefit the people's needs and a blight on the Neighborhoods.
- **Financial Concerns –** Removing existing homes to build new low-high rise apartments would NOT be financially beneficial to the Owner as the creators of this ordinance would have them or you all believe. The person selling their property is most likely elderly, the property is FREE & CLEAR of a mortgage with low property taxes and on a fixed income. However, selling the property will displace them from their home and they will have to find housing at an expensive monthly rate. Staying in their home would give them more financial power/freedom, not have to pay Capital Gains and this alone would certainly be more financially beneficial. Selling and being able to move back into a new unit, does NOT necessarily guarantee them a unit or when that would occur (building delays etc.) and certainly does not offer them financial flexibility/power.
    - Furthermore, it has not been discussed whether this transaction as with their "owned" home could be considered part of their Estate to leave to their heirs.

This ordinance would build housing for the wealthy, create more homelessness, and is an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators.

Consider and remember your Constituents and Neighborhoods needs NOT big money or HCD.

Please **vote DOWN** this unacceptable political and corporate attack on San Francisco's environmental, economic, cultural, and Community integrity!

Thank you,

Renee Lazear
D4 Resident - 94116
SON-SF ~ Save Our Neighborhoods SF

Preserve the Nature & Character of Our Neighborhoods

From:	Mark Davis
To:	Board of Supervisors (BOS)
Subject:	Housing for All Ordinance
Date:	Monday, October 2, 2023 11:23:30 AM

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Dear Members of the San Francisco Board of Supervisors Land Use Committee,

I am writing to express my strong support for the "Housing for All" / Constraints Removal Legislation (BOS file # 230446). As an architect, I am trying to make a tiny difference by helping clients who want to build housing projects (ADUs primarily for me and my practice), actually get them built. The bureaucracy that people in this city must endure to get even simple additions or ADUs constructed is not only daunting enough, but usually results in people cancelling those plans and those kinds of projects.

I understand the differing viewpoints within the Land Use Committee, and I acknowledge that some members may have reservations about this legislation. However, I implore you to consider the broader implications of your decision. Opposing this legislation is equivalent to opposing millions of dollars of affordable housing and transit funding from the state for San Francisco. The State's scrutiny and the potential withholding of funds should not be taken lightly. It would have disastrous consequences for our city and, most importantly, the vulnerable members of our community who rely on affordable housing.

In addition to this crucial point, the "Housing for All" legislation contains several vital provisions, including process improvements mandated by the state, standardization of development standards, and the expansion of affordable housing incentives. These measures are essential for San Francisco to meet its obligation to produce 82,000 units by 2031 under the state-approved Housing Element. Furthermore, they enable us to streamline development, foster creativity, and enhance the quality of housing while addressing our housing affordability emergency.

I urge you to focus on the greater good of our city. By supporting the "Housing for All" / Constraints Removal Legislation, we can take a significant step toward ensuring that San Francisco remains a place where all its residents can find safe, affordable housing. I believe that by working together, we can make our city a more inclusive and vibrant place for all.

Thank you for your time and consideration.

Sincerely,
Mark

Mark Davis AIA: **Architect**

3720 Sacramento Street, Suite 3
San Francisco, CA **94118**

415.990.8491

www.markddesign.com

From: Julie Jackson
To: Board of Supervisors (BOS)
Cc: Major, Erica (BOS); Carroll, John (BOS); Somera, Alisa (BOS)
Subject: Support for "Housing for All" / Constraints Removal Legislation (BOS file # 230446)
Date: Monday, October 2, 2023 1:00:44 PM

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RE: Support for "Housing for All" / Constraints Removal Legislation (BOS file # 230446)

Dear Members of the San Francisco Board of Supervisors Land Use Committee,

I am writing to express my strong support for the "Housing for All" / Constraints Removal Legislation (BOS file # 230446). As an architect and a member of the AIASF Board of Directors and Public Policy Action Committee, I am acutely aware of the pressing need for affordable housing in our city and the critical role that this legislation plays in addressing the housing crisis.

I understand the differing viewpoints within the Land Use Committee, and I acknowledge that some members may have reservations about this legislation. However, I implore you to consider the broader implications of your decision. Opposing this legislation is equivalent to opposing millions of dollars of affordable housing and transit funding from the state for San Francisco. The State's scrutiny and the potential withholding of funds should not be taken lightly. It would have disastrous consequences for our city and, most importantly, the vulnerable members of our community who rely on affordable housing.

In addition to this crucial point, the "Housing for All" legislation contains several vital provisions, including process improvements mandated by the state, standardization of development standards, and the expansion of affordable housing incentives. These measures are essential for San Francisco to meet its obligation to produce 82,000 units by 2031 under the state-approved Housing Element. Furthermore, they enable us to streamline development, foster creativity, and enhance the quality of housing while addressing our housing affordability emergency.

I urge you to focus on the greater good of our city. By supporting the "Housing for All" / Constraints Removal Legislation, we can take a significant step toward ensuring that San Francisco remains a place where all its residents can find safe, affordable housing. I believe that by working together, we can make our city a more inclusive and vibrant place for all.

Thank you for your time and consideration.

Sincerely,

Julie Jackson, AIA
29 year San Francisco Resident, Parent, Architect and Member of the AIASF Board of Directors
Public Policy Action Committee

Julie Jackson, AIA
Principal
Jackson Liles Architecture
AIASF Board of Directors, 2022-23

Direct: 415.680.3022
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Email: julie@jacksonliles.com

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From:	Francesca Pastine
To:	Somera, Alisa (BOS); Barnes, Bill (BOS); Stefani, Catherine (BOS); ChanStaff (BOS); Carroll, John (BOS); Groth, Kelly (BOS); Smeallie, Kyle (BOS); Rosas, Lorenzo (BOS); Tam, Madison (BOS); MelgarStaff (BOS); Melgar, Myrna (BOS); Burch, Percy (BOS); Peskin, Aaron (BOS); Thongsavat, Adam (BOS); Safai, Ahsha (BOS); Herrera, Ana (BOS); Board of Supervisors (BOS); Chan, Connie (BOS); Preston, Dean (BOS); DorseyStaff (BOS); EngardioStaff (BOS); Ronen, Hillary; Buckley, Jeff (BOS); Fieber, Jennifer (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS); MandelmanStaff, [BOS]; Dorsey, Matt (BOS); PeskinStaff (BOS); PrestonStaff (BOS); Mandelman, Rafael (BOS); RonenStaff (BOS); SafaiStaff (BOS); Walton, Shamann (BOS); StefaniStaff, (BOS); Angulo, Sunny (BOS); Waltonstaff (BOS)
Subject:	Public Comment: Strongly AGREE Engardio-Breed-Dorsey "Housing" Ordinance File #230446
Date:	Monday, October 2, 2023 3:33:39 PM

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Hello All,

We are in a housing crises! We have allowed neighborhoods to weaponize environmental and density ordinances long enough. Now is the time to allow for a more vibrant city with a range of housing options for everyone. Don't let the same old hysteria about gentrification and nimbism stop progress. This has failed us historically and will fail us going forward. I urge you to address our critical housing shortage and support this bill.

Best,
Francesca Pastine

From:	Carroll, John (BOS)
To:	Francesca Pastine
Cc:	Somera, Alisa (BOS); Barnes, Bill (BOS); Stefani, Catherine (BOS); ChanStaff (BOS); Groth, Kelly (BOS); Smeallie, Kyle (BOS); Rosas, Lorenzo (BOS); Tam, Madison (BOS); MelgarStaff (BOS); Melgar, Myrna (BOS); Burch, Percy (BOS); Peskin, Aaron (BOS); Thongsavat, Adam (BOS); Safai, Ahsha (BOS); Herrera, Ana (BOS); Board of Supervisors (BOS); Chan, Connie (BOS); Preston, Dean (BOS); DorseyStaff (BOS); EngardioStaff (BOS); Ronen, Hillary; Buckley, Jeff (BOS); Fieber, Jennifer (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS); MandelmanStaff, [BOS]; Dorsey, Matt (BOS); PeskinStaff (BOS); PrestonStaff (BOS); Mandelman, Rafael (BOS); RonenStaff (BOS); SafaiStaff (BOS); Walton, Shamann (BOS); StefaniStaff, (BOS); Angulo, Sunny (BOS); Waltonstaff (BOS)
Subject:	RE: Public Comment: Strongly AGREE Engardio-Breed-Dorsey "Housing" Ordinance File #230446
Date:	Tuesday, October 3, 2023 11:08:47 AM
Attachments:	image001.png

Thank you for your comment letter.

I am adding your comment letter to the legislative file for this resolution matter – File No. 230446 – [Planning Code, Zoning Map - Housing Production]

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445

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From: Francesca Pastine <fpastine@gmail.com>
Sent: Monday, October 2, 2023 3:33 PM
To: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Groth, Kelly (BOS) <kelly.groth@sfgov.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; Rosas, Lorenzo (BOS) <Lorenzo.Rosas@sfgov.org>; Tam, Madison (BOS) <madison.r.tam@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Burch, Percy (BOS) <percy.burch@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Thongsavat, Adam (BOS) <adam.thongsavat@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Herrera, Ana (BOS) <ana.herrera@sfgov.org>; Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; DorseyStaff (BOS) <DorseyStaff@sfgov.org>;

EngardioStaff (BOS) <EngardioStaff@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Buckley, Jeff (BOS) <jeff.buckley@sfgov.org>; Fieber, Jennifer (BOS) <jennifer.fieber@sfgov.org>; Engardio, Joel (BOS) <joel.engardio@sfgov.org>; Goldberg, Jonathan (BOS) <jonathan.goldberg@sfgov.org>; Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Carrillo, Lila (BOS) <lila.carrillo@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Dorsey, Matt (BOS) <matt.dorsey@sfgov.org>; PeskinStaff (BOS) <peskinstaff@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; RonenStaff (BOS) <ronenstaff@sfgov.org>; SafaiStaff (BOS) <safaistaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; StefaniStaff, (BOS) <stefanistaff@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Waltonstaff (BOS) <waltonstaff@sfgov.org>
Subject: Public Comment: Strongly AGREE Engardio-Breed-Dorsey 'Housing' Ordinance File #230446

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Hello All,

We are in a housing crises! We have allowed neighborhoods to weaponize environmental and density ordinances long enough. Now is the time to allow for a more vibrant city with a range of housing options for everyone. Don't let the same old hysteria about gentrification and nimbism stop progress. This has failed us historically and will fail us going forward. I urge you to address our critical housing shortage and support this bill.

Best,
Francesca Pastine

From:	Carroll, John (BOS)
To:	Thomas Schuttish
Cc:	Melgar, Myrna (BOS); Low, Jen (BOS); Peskin, Aaron (BOS); Souza, Sarah (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); Fieber, Jennifer (BOS); Somera, Alisa (BOS)
Subject:	RE: BOARD FILE NO. 230446 CONSTRAINTS REDUCTION ORDINANCE HEARING AT LUT OCTOBER 2
Date:	Tuesday, October 3, 2023 10:40:16 AM
Attachments:	Upper Flat Front Door.pdf image001.png

Thank you for your comment letter.

We are adding your comment letter to the legislative file for this resolution matter – File No. 230446 – [Planning Code, Zoning Map - Housing Production]

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445

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From: Thomas Schuttish <schuttishtr@sbcglobal.net>
Sent: Monday, October 2, 2023 10:51 AM
To: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>
Cc: Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Souza, Sarah (BOS) <sarah.s.souza@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; Fieber, Jennifer (BOS) <jennifer.fieber@sfgov.org>
Subject: BOARD FILE NO. 230446 CONSTRAINTS REDUCTION ORDINANCE HEARING AT LUT OCTOBER 2

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors Melgar, Peskin and Preston,

The letter on the Mayor's Legislation from Ms. Goldberg for the SF Anti Displacement Coalition makes a great deal of sense about Demolition of *sound housing* and tenant protection.

By removing the chance for public comment there is no safety valve to protect tenants.

Sound housing should never be approved for Demolition with a Ministerial review.

On page 52 of the proposed Legislation, lines 24 and 25 basically say that it is okay to demolish two units. Two units can also be a pair of Residential Flats.

This is contrary to the Residential Flat Policy (Planning Commission Resolution No. 20024) which recognizes this typology of housing as a source of housing for middle income families.

San Francisco is a City that is full of Residential Flats. Many have been illegally merged. Many have been condo'ed and/or TIC'ed, often due to evictions but many, many remain as rentals, covered by rent control. *This Flat Policy needs to be strengthened, not softened*.

This source of existing housing needs protection and the Mayor's legislation threatens Residential Flats throughout the City.

For this and the other reasons as outlined in my September 14, 2023 letter to the LUT, please table this legislation and do not send it on to the full Board.

I have read all the letters sent to the Committee and listened to the hearings. *The opposition to the Mayor's legislation makes sense*. At the very least the Committee should wait for the Planning Department's Feasibility Study on the Re-Zoning that apparently is due out shortly.

Additionally, attached is a pdf photo of the front door of a Flat that was on the market during the Pandemic. This photo was part of the web ad. The other Flat was vacant. There is much to say about this particular Flat, but the bottom line is the tenant mentioned on the sign of the front door is no longer living in this Flat. They were ultimately either "disturbed" with a buyout or with an eviction.

Thank you.

Sincerely,
Georgia Schuttish


Please Do
Not Disturb
the Tenant

From:	Carroll, John (BOS)
To:	John Anderson
Cc:	Melgar, Myrna (BOS); Low, Jen (BOS); Peskin, Aaron (BOS); Souza, Sarah (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); Fieber, Jennifer (BOS)
Subject:	FW: Comments on the proposed Housing Ordinance, file #230446, for 10/2 Housing and Land Use Committee
Date:	Monday, October 2, 2023 3:22:13 PM
Attachments:	image001.png

Thank you for your comment letter.

We are adding your comment letter to the legislative file for this resolution matter – File No. 230446 – [Planning Code, Zoning Map - Housing Production]

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445

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From: Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Sent: Monday, October 2, 2023 12:40 PM
To: Carroll, John (BOS) <john.carroll@sfgov.org>
Subject: FW: Comments on the proposed Housing Ordinance, file #230446, for 10/2 Housing and Land Use Committee

Alisa Somera
Legislative Deputy Director
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
415.554.7711 direct | 415.554.5163 fax
alisa.somera@sfgov.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

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From: John Anderson <p8ton.anderson@gmail.com>
Sent: Monday, October 2, 2023 1:36 AM
To: Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Subject: Comments on the proposed Housing Ordinance, file #230446, for 10/2 Housing and Land Use Committee

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These comments are for file#230446, item 4 on the Oct 2 Land Use and Transportation Committee agenda.

I hope the Supervisors will reject the proposed ordinance. It does not address the housing needs of most San Franciscans. The ordinance specifies that less of a third (30%) of constructed housing be affordable. The definition of "affordable" is based on Area Median Income, which, by the definition of median, means half of San Franciscans would be unable to actually afford it.

Furthermore, the bill removes many of the processes designed to ensure that building projects meet the needs of The City, and instead relies on corporate real-estate speculators. We have seen how (un)successful that is. We have amazing soaring alabaster towers, and one of the highest rates of new housing construction in the state, and we still have people sleeping on sidewalks. In theory the invisible hand of the market would ensure that the housing that gets built is best for the purpose. In practice, the market is too slow, too centralized, and often too opaque, resulting in unneeded units that sit idle.

The result of the reliance on large corporations and Area Median Income as a measure of affordability is a positive feedback loop: as the lowest-income tier of San Franciscans get displaced, the median moves up. It's almost as though the process was designed to clear The City of lower income people. All the people who kept our grocery stores open and cared for our sick during the pandemic- the effect is to chase them out of the city. They would wind up commuting in from Turlock or sleeping under freeways. Let’s look for something that can make housing available for all San Franciscans.

Thank you,
John Anderson

From:	Carroll, John (BOS)
To:	John Avalos
Cc:	Fieber, Jennifer (BOS); Angulo, Sunny (BOS); Smeallie, Kyle (BOS); Engardio, Joel (BOS); Chan, Connie (BOS); Stefani, Catherine (BOS); Dorsey, Matt (BOS); Mandelman, Rafael (BOS); Ronen, Hillary; Walton, Shamann (BOS); Safai, Ahsha (BOS); Melgar, Myrna (BOS); Peskin, Aaron (BOS); Preston, Dean (BOS)
Subject:	RE: Land Use and Transportation, Item #4. Do not pass without affordability and racial equity - File No. 230446
Date:	Monday, October 2, 2023 3:21:40 PM
Attachments:	image001.png

Thank you for your comment letter.

We are adding your comment letter to the legislative file for this resolution matter – File No. 230446 – [Planning Code, Zoning Map - Housing Production]

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445

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From: John Avalos <john@sfccho.org>
Sent: Monday, October 2, 2023 12:46 PM
To: Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>
Cc: Fieber, Jennifer (BOS) <jennifer.fieber@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; Engardio, Joel (BOS) <joel.engardio@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Dorsey, Matt (BOS) <matt.dorsey@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>
Subject: Land Use and Transportation, Item #4. Do not pass without affordability and racial equity

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Dear Chair Melgar and Land Use Committee Members,

I am writing about Item for today's (October 2, 2023), Land Use agenda, file # 230446.

The City cannot seriously take up Streamlining and Reparations at the same time.

CCHO urges you to **not pass this legislation** and keep it in committee until it is **amended to comply with the affordability and racial equity goals of the City's Housing Element.**

Linked above and written below is an op ed that CCHO has published.

Sincerely,

JOHN AVALOS (he/him/his)
Executive Director
Council of Community Housing Organizations
john@sfccho.org
Phone: 415-359-8367
Pronouns: He/Him/His

Streamlining Reveals San Francisco's Amnesia and Conflicted Heart

John Avalos, Executive Director
Council of Community Housing Organizations

As San Francisco workers and residents from across the City impacted by housing insecurity, we support the rapid development of housing that will meet State fair housing standards for working class, BIPOC residents and the City's Housing Element goal to build 46,598 affordable homes by 2031.

However, we are alarmed to see City Hall's latest urban renewal strategy — streamlining legislation that prioritizes market rate housing over the more urgent need to build affordable housing for working class communities. Streamlining will not provide relief for those who have been struggling for decades with housing discrimination, economic exclusion, and overall housing insecurity, relying on the same "right to return" logic which failed tens of thousands of Black San Franciscans in urban renewal. In addition, the streamlining legislation facilitates luxury housing on limited prime sites for affordable housing, undermining the Housing Element's affordable housing mandate and ignoring the Housing Element objective to set aside and bank precious land for affordable development.

The timing of this streamlining push is telling of San Francisco's conflicted heart. At the same time that members of the Board of Supervisors have expressed their support for the African American Reparations Advisory Committee's *Reparations Plan 2023,* the City is also promoting rapid housing development that is short on affordability, fails to advance fair housing goals, and will likely increase displacement pressures to destabilize our local communities, including Black households whose contributions to San Francisco have helped to make this City great. Enabling the rapid development of market rate housing just after adopting the Reparations Plan makes the unanimous approval of Reparations appear like the shedding of crocodile tears.

The African American Reparations Advisory Committee spent thousands of hours documenting the experiences of hundreds of Black residents past and present. This effort culminated in a plan that comes partly out of the Black experience of redlining and housing covenants as well as the so-called urban renewal strategies of the mid-20th Century that razed scores of blocks and entire neighborhoods, displacing thousands of Black residents as well as their Brown, and Asian counterparts, all to make way for market rate development. The *Reparations Plan 2023* emphasizes that any acknowledgement of this harm is meaningless without redress and action to build a City where Black residents can thrive and such injuries never occur again. And yet, written in class- and color blind language, today's legislation to streamline market rate housing will cause the same displacement pressures as the urban renewal policies of old, contributing to the continued unhousing and outmigration of working class BIPOC residents from San Francisco. From the planners' perspective these harms are unfortunate, but acceptable collateral damage to developer profit.

The City must be much more intentional to meaningfully advance racial equity and affordability in all housing production and ensure a just economic recovery for all San Franciscans. To heal its conflicted heart and make real its adoption of the Housing Element as well as its approval of *Reparations Plan 2023*, the City must transform its entire approach to housing development, build new public institutions and financial structures that will foster economic inclusion and racial equity.

Reparations Plan 2023 urges the City to remake itself and contains scores of recommendations for the City to honor the contributions of African Americans in building this City, acknowledge the harms it has inflicted on Black residents, undo the

systems of oppression that have marginalized Blacks to the benefit of white and wealthy residents. In addition to issuing a formal apology and committing to undoing the harm, the City and Mayor can start with:

-
-
- fully funding the Office of Reparations and staffing
- it up to execute the Reparations Plan,
-
-
-
- creating the Reparations Stakeholder Authority
- independent of the City and County of San Francisco, and
-
-
-
- Creating a municipal finance corporation as a step
- towards a Public Bank and recruiting a partner Black-owned community bank to give unbanked people fair options and expanded access to credit, loans, financing, and other tools for leveraging financial power.
-

As for streamlining, we ask the City to go back to the drawing board to prepare strategies that are consistent with its stated goals on racial equity and housing, and conform with the state's fair housing laws. San Francisco's Housing Element mandate is to ensure that 57% of all new development is affordable. Nothing less than that will demonstrate a genuine commitment to developing San Francisco for the benefit of Black, Indigenous, People of Color communities.

At the Council of Community Housing Organizations, we look forward to working with a broad base of stakeholders, including our diverse communities, labor, developers, and alongside City Hall on a comprehensive approach to housing development that takes seriously San Francisco's mandate to place affordability and racial equity first.

From:	Carroll, John (BOS)
To:	Julie Jackson
Cc:	Major, Erica (BOS); Somera, Alisa (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Low, Jen (BOS); Peskin, Aaron (BOS); Souza, Sarah (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); Fieber, Jennifer (BOS)
Subject:	RE: Support for "Housing for All" / Constraints Removal Legislation (BOS file # 230446)
Date:	Monday, October 2, 2023 3:21:18 PM
Attachments:	image001.png

Thank you for your comment letter.

We are adding your comment letter to the legislative file for this resolution matter – File No. 230446 – [Planning Code, Zoning Map - Housing Production]

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445

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From: Julie Jackson <julie@jacksonliles.com>
Sent: Monday, October 2, 2023 1:00 PM
To: Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>
Cc: Major, Erica (BOS) <erica.major@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>
Subject: Support for "Housing for All" / Constraints Removal Legislation (BOS file # 230446)

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RE: Support for "Housing for All" / Constraints Removal Legislation (BOS file # 230446)

Dear Members of the San Francisco Board of Supervisors Land Use Committee,

I am writing to express my strong support for the "Housing for All" / Constraints Removal Legislation

(BOS file # 230446). As an architect and a member of the AIASF Board of Directors and Public Policy Action Committee, I am acutely aware of the pressing need for affordable housing in our city and the critical role that this legislation plays in addressing the housing crisis.

I understand the differing viewpoints within the Land Use Committee, and I acknowledge that some members may have reservations about this legislation. However, I implore you to consider the broader implications of your decision. Opposing this legislation is equivalent to opposing millions of dollars of affordable housing and transit funding from the state for San Francisco. The State's scrutiny and the potential withholding of funds should not be taken lightly. It would have disastrous consequences for our city and, most importantly, the vulnerable members of our community who rely on affordable housing.

In addition to this crucial point, the "Housing for All" legislation contains several vital provisions, including process improvements mandated by the state, standardization of development standards, and the expansion of affordable housing incentives. These measures are essential for San Francisco to meet its obligation to produce 82,000 units by 2031 under the state-approved Housing Element. Furthermore, they enable us to streamline development, foster creativity, and enhance the quality of housing while addressing our housing affordability emergency.

I urge you to focus on the greater good of our city. By supporting the "Housing for All" / Constraints Removal Legislation, we can take a significant step toward ensuring that San Francisco remains a place where all its residents can find safe, affordable housing. I believe that by working together, we can make our city a more inclusive and vibrant place for all.

Thank you for your time and consideration.

Sincerely,

Julie Jackson, AIA
29 year San Francisco Resident, Parent, Architect and Member of the AIASF Board of Directors
Public Policy Action Committee

Julie Jackson, AIA
Principal
Jackson Liles Architecture
AIASF Board of Directors, 2022-23

Direct: 415.680.3022
Office: 415.621.1799
Web: www.jacksonliles.com
Email: julie@jacksonliles.com

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From:	Carroll, John (BOS)
To:	RL
Cc:	Somera, Alisa (BOS); Major, Erica (BOS); Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Somera, Alisa (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	RE: VOTE DOWN & OPPOSE - File No. 230446
Date:	Monday, October 2, 2023 3:21:12 PM
Attachments:	image001.png 230046 ORDINANCE LETTER.3 10-2-23.docx

Thank you for your comment letter.

We are adding your comment letter to the legislative file for this resolution matter – File No. 230446 – [Planning Code, Zoning Map - Housing Production]

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445

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-----Original Message-----
From: RL <redpl@aol.com>
Sent: Monday, October 2, 2023 1:43 PM
To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; PeskinStaff (BOS) <peskinstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Fieber, Jennifer (BOS) <jennifer.fieber@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Groth, Kelly (BOS) <kelly.groth@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>;

Thongsavat, Adam (BOS) <adam.thongsavat@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Herrera, Ana (BOS) <ana.herrera@sfgov.org>; RonenStaff (BOS) <ronenstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Burch, Percy (BOS) <percy.burch@sfgov.org>; Waltonstaff (BOS) <waltonstaff@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Buckley, Jeff (BOS) <jeff.buckley@sfgov.org>; SafaiStaff (BOS) <safaistaff@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Rosas, Lorenzo (BOS) <Lorenzo.Rosas@sfgov.org>; StefaniStaff, (BOS) <stefanistaff@sfgov.org>; Engardio, Joel (BOS) <joel.engardio@sfgov.org>; Goldberg, Jonathan (BOS) <jonathan.goldberg@sfgov.org>; EngardioStaff (BOS) <EngardioStaff@sfgov.org>; Dorsey, Matt (BOS) <matt.dorsey@sfgov.org>; Tam, Madison (BOS) <madison.r.tam@sfgov.org>; DorseyStaff (BOS) <DorseyStaff@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>; Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Carrillo, Lila (BOS) <lila.carrillo@sfgov.org>
Cc: Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>
Subject: VOTE DOWN & OPPOSE

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Dear Supervisor and All,

Please take the time to read my words for Public Comments regarding this matter.

It may be a bit long, but wanted to express my feeling & OPPOSITION to this Ordinance.

Thank you,
Renee Lazear
D4 Resident
SON-SF ~ Save Our Neighborhoods SF

October 2, 2023 – 2ND LETTER from September 18, 2023 UPDATED

Subject: Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey 'Constraints Reduction' 'Housing' Ordinance File #230446

Dear Supervisors and All,

The Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") contains massive, unprecedented waivers of local environmental, community and demolition review that are unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year! – **UPDATE** It is ridiculous that the ordinance calls housing that is built mostly for families making over $230,000 a year "affordable". We already have a 50% oversupply of housing for those income levels!

This ordinance would worsen:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high-priced housing that is not “affordable.” It is ridiculous that the ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels! *There is nothing “affordable” about this type of ordinance but a subsidized program that only benefits buyers, developers, real estate interests or speculators etc. and not those most in need.*
- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more working class (low/middle income) San Franciscans either out of the City, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.
- **The Vacant Housing Crisis** - San Francisco has at least 60,000 plus vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands and thousands more apartments. We do not need more housing construction; we need to make our existing housing space affordable!
- **NO Housing Crisis** – Lets use simple math & logic, since 2022 the population of San Francisco has declined by over 65,000 which certainly has increased for 2023 and continues to decline. There are approximately 143,000 plus units that are vacant, have been built, are currently being built, that are coming soon and are in the pipeline for building, so, why would we need 82,000 more units? **Reason** - we do NOT have a housing crisis but a crisis where HCD (RHNA) over-inflated the figures for housing needs & their veiled threats that if cities don’t build these numbers, funding will not be given to cities such as San Francisco.
    - The Communities do NOT need Six (6) Story complexes or greater on “every corner” or elsewhere. As stated previously, there is plenty of Vacant Office Space/Housing/Units that can be converted in an area that is more appropriate. As well, it seems the owners of these vacancies are willing, although challenging, to address options. Allowing this type of ordinance to pass would DESTROY the Neighborhoods where owners/renters desire to live in a SFR Community not an area of over-sized, over-priced cramped buildings.

- **The Environmental Justice & Equity Crisis** - This ordinance would gut environmental and community review protections and would establish "Urban Renewal" style redevelopment zones, setting precedents that would allow corporate real estate giants to build unhealthy housing even more easily on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared "cleaned up"), as well as 2550 Irving and thousands of other sites in the City with similar issues. CEQA and other agencies of this nature were established to protect the Communities and to enforce doing the right thing like doing the proper testing, remediate a site properly, not build on toxic sites or not cut corners for the sake of making money. Removing these protections will harm the Community and <u>all</u> those you profess to care about.
    - **Removing / Demolishing** a long-established Row House will create issues with soil, foundation, sinkage as well as so many other issues for the surrounding homes. Also, Environmental issues to consider would be the OLD materials (e.g. Mercury, Asbestos, Lead etc.) that have not been disturbed since the homes were build but would certainly be exposed & impact the Neighborhoods/Communities.
        - Another very important reason to retain **CEQA**
- **The Climate Crisis** - This ordinance is bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other building materials releasing more greenhouse gases, not less.
- **Urban Renewal 2.0** – Ordinances of these nature are and will follow the same trajectory as the past like Geneva Towers.* They will be built, not be occupied only to sit vacant (e.g. The Westerly on Sloat), become mismanaged*, not benefit the people's needs and a blight on the Neighborhoods.
- **Financial Concerns –** Removing existing homes to build new low-high rise apartments would NOT be financially beneficial to the Owner as the creators of this ordinance would have them or you all believe. The person selling their property is most likely elderly, the property is FREE & CLEAR of a mortgage with low property taxes and on a fixed income. However, selling the property will displace them from their home and they will have to find housing at an expensive monthly rate. Staying in their home would give them more financial power/freedom, not have to pay Capital Gains and this alone would certainly be more financially beneficial. Selling and being able to move back into a new unit, does NOT necessarily guarantee them a unit or when that would occur (building delays etc.) and certainly does not offer them financial flexibility/power.
    - Furthermore, it has not been discussed whether this transaction as with their "owned" home could be considered part of their Estate to leave to their heirs.

This ordinance would build housing for the wealthy, create more homelessness, and is an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators.

Consider and remember your Constituents and Neighborhoods needs NOT big money or HCD.

Please **vote DOWN** this unacceptable political and corporate attack on San Francisco's environmental, economic, cultural, and Community integrity!

Thank you,

Renee Lazear
D4 Resident - 94116
SON-SF ~ Save Our Neighborhoods SF

Preserve the Nature & Character of Our Neighborhoods

From: Julie Jackson
To: Board of Supervisors (BOS)
Cc: Major, Erica (BOS)
Subject: Support for "Housing for All" / Constraints Removal Legislation (BOS file # 230446)
Date: Monday, October 2, 2023 10:29:37 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Support for "Housing for All" / Constraints Removal Legislation (BOS file # 230446)

Dear Members of the San Francisco Board of Supervisors Land Use Committee,

I am writing to express my strong support for the "Housing for All" / Constraints Removal Legislation (BOS file # 230446). As an architect and a member of the AIASF Board of Directors and Public Policy Action Committee, I am acutely aware of the pressing need for affordable housing in our city and the critical role that this legislation plays in addressing the housing crisis.

I understand the differing viewpoints within the Land Use Committee, and I acknowledge that some members may have reservations about this legislation. However, I implore you to consider the broader implications of your decision. Opposing this legislation is equivalent to opposing millions of dollars of affordable housing and transit funding from the state for San Francisco. The State's scrutiny and the potential withholding of funds should not be taken lightly. It would have disastrous consequences for our city and, most importantly, the vulnerable members of our community who rely on affordable housing.

In addition to this crucial point, the "Housing for All" legislation contains several vital provisions, including process improvements mandated by the state, standardization of development standards, and the expansion of affordable housing incentives. These measures are essential for San Francisco to meet its obligation to produce 82,000 units by 2031 under the state-approved Housing Element. Furthermore, they enable us to streamline development, foster creativity, and enhance the quality of housing while addressing our housing affordability emergency.

I urge you to focus on the greater good of our city. By supporting the "Housing for All" / Constraints Removal Legislation, we can take a significant step toward ensuring that San Francisco remains a place where all its residents can find safe, affordable housing. I believe that by working together, we can make our city a more inclusive and vibrant place for all.

Thank you for your time and consideration.

Sincerely,

Julie Jackson, AIA
29 year San Francisco Resident, Parent, Architect and Member of the AIASF Board of Directors
Public Policy Action Committee

Julie Jackson, AIA
Principal
Jackson Liles Architecture
AIASF Board of Directors, 2022-23

Direct: 415.680.3022
Office: 415.621.1799
Web: www.jacksonliles.com
Email: julie@jacksonliles.com

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From:	Ellen Koivisto & Gene Thompson
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Carroll, John (BOS); Somera, Alisa (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	Public Comment to OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Monday, October 2, 2023 9:30:32 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

- San Francisco has at least 60,000 vacant housing units, most of them *far* overpriced. We have empty office space that must be converted into housing.
- This ordinance is bad for the environment by allowing sweeping demolitions and expansions of existing homes and apartments, using massive amounts of new cement and other building materials releasing more greenhouse gases, when we already have lots of space in lots of buildings that can be more cheaply, quickly, and environmentally-soundly converted to housing.

Thank you,

Ellen Koivisto

94122

From:	Melodie
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Carroll, John (BOS); Somera, Alisa (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Monday, October 2, 2023 7:05:47 AM

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10.02.23

Dear Supervisors

The Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") contains sweeping unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making over $230,000 per year!

This ordinance would worsen:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high priced housing that is not affordable. It is ridiculous that the ordinance calls housing built mostly for families making over $230,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels!
- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.
- **The Vacant Housing Crisis** - San Francisco has at least 60,000 vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands more apartments. We do not need more housing construction, we need to make our existing housing space affordable!

- **The Environmental Justice & Equity Crisis** - This ordinance would gut environmental and community review protections and would establish "Urban Renewal" style redevelopment zones, setting precedents that would allow corporate real estate giants to even more easily build unhealthy housing on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared "cleaned up").
- **The Climate Crisis** - This ordinance is bad for the environment. Allowing sweeping

demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other building materials releasing more greenhouse gases, not less.

This ordinance would build housing for the wealthy, create more homelessness, and is an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators. Please vote DOWN this unacceptable corporate attack on San Francisco's environmental, economic, cultural, and community integrity!

Thank you,

Melodie, 20+ years in the "revolving door"
Stroke 2022
Police Community Meetings 2009
Homeless 2007
SF resident since 1978
Traumatic Brian Injury 1960
clean and sober since 1958, (the year i was born by the way)

Zip: 94124

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From:	John Anderson
To:	Carroll, John (BOS)
Subject:	Please oppose the the proposed Housing Ordinance, file #230446
Date:	Monday, October 2, 2023 12:54:24 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

These comments are for file#230446, item 4 on the Oct 2 Land Use and Transportation Committee agenda.

I hope the Supervisors will reject the proposed ordinance. It does not address the housing needs of most San Franciscans. The ordinance specifies that less of a third (30%) of constructed housing be affordable. The definition of "affordable" is based on Area Median Income, which, by the definition of median, means half of San Franciscans would be unable to actually afford it.

Furthermore, the bill removes many of the processes designed to ensure that building projects meet the needs of The City, and instead relies on corporate real-estate speculators. We have seen how (un)successful that is. We have amazing soaring alabaster towers, and one of the highest rates of new housing construction in the state, and we still have people sleeping on sidewalks. In theory the invisible hand of the market would ensure that the housing that gets built is best for the purpose. In practice, the market is too slow, too centralized, and often too opaque, resulting in unneeded units that sit idle.

The result of the reliance on large corporations and Area Median Income as a measure of affordability is a positive feedback loop: as the lowest-income tier of San Franciscans get displaced, the median moves up. It's almost as though the process was designed to clear The City of lower income people. All the people who kept our grocery stores open and cared for our sick during the pandemic- the effect is to chase them out of the city. They would wind up commuting in from Turlock or sleeping under freeways. Let’s look for something that can make housing available for all San Franciscans.

Thank you,
John Anderson

From:	Frances Taylor
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Sunday, October 1, 2023 5:29:40 PM

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Dear Supervisors --

As a longtime advocate for safe streets and affordable housing, I support density and am no fan of the suburban feel of single-family housing. I can also smell a wolf in sheep's clothing. Under the guise of building affordable housing along transit corridors, this ordinance will result in the destruction of rent-control housing in favor of luxury units for wealthier people.

One result of an influx of wealthy residents is increased, and more dangerous, traffic. Rich people have been found in studies to own more cars, drive them more often, and fail to respect other users of the public space, such as pedestrians and bicyclists. So this claim about dense housing along transit lines leading to a less congested and polluted San Francisco is nonsense, so long as the definition of "affordable" is set at a ridiculously high level. Let the current renters who have built this city stay where they are and build real dense affordable housing in underused parking lots!

Sincerely,
Fran Taylor

From:	graypanther-sf
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Saturday, September 30, 2023 11:17:51 PM
Attachments:	f3a46787.png

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Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey 'Constraints Reduction' 'Housing' Ordinance File #230446



To: Land Use & Transportation Committee, and Board of Supervisors

Clerk of the board: please place in correspondence file.

Re: October 2 - Agenda Item 4 - Mayor, Engardio, Dorsey "Housing Production" Ordinance File #230446

Please do not allow this to pass. We need more truly affordable housing including deeply affordable, and this legislation will ram through unaffordable development and displacement of long-time residents.

This legislation does not help get the kind of housing we really need in San Francisco. It incentivises housing costs that are beyond the reach of almost all of us, leading to displacement and ruining the character of our neighborhoods.

Please start over with true input from the community: let's do it right.

Teresa Palmer MD on behalf of San Francisco Gray Panthers

1845 Hayes St., San Francisco, California 94117

graypanther-sf@sonic.net

From:	Stephen J Gorski
To:	Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS); sjgorskilaw@gmail.com
Subject:	Public Comment for the Permanent Record: Strongly OPPOSE Breed-Engardio-Dorsey Housing Production Ordinance File#230446; Agenda Item4 Land Use & Transportation Committee Meeting, October 2, 2023@ 1:30 PM
Date:	Friday, September 29, 2023 8:22:51 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

From: Stephen J. Gorski, Resident Voter D4 sjgorskilaw@gmail.com

Date: September 29, 2023

Subject: Public Comment for the Permanent Record: Strongly **OPPOSEBreed-Engardio-Dorsey Housing Production Ordinance File #230446. Agenda Item 4** Land Use & Transportation Committee Meeting, **October 2, 2023, 1:30 PM**

Dear President Peskin, Supervisors, Mayor Breed, and all other interested parties,

I am writing to strongly OPPOSE Item No. 4, the Breed-Engardio-Dorsey Housing Production Ordinance, File # 230446

This proposed Ordinance contains sweeping unprecedented waivers of environmental, community and demolition review .

The gentrification created would likely push already high rents even higher. It is likely many middle, working and Loewe class families to leave SF to find affordable housing. Or, worse forego shelter and live on the streets increasing their health and safety.

This Ordinance does not have protections for residents from unscrupulous developers and we have seen the adverse impacts in places such asHunters point and Treasure Island .

The Ordinance does not address policy regarding vacant office space ripe for changes in its usage. Nor, does it address policy on ways to reduce the approximately 60,000 vacant units across the City.

Housing for families making $150,000-$190,000/year is not affordable housing. Even if two full time wage-earners were to be working 40 hours a week at $35/hour, a rate way above minimum wage, for a combined income of $145,600/year, they couldn't afford to live in this

“affordable” housing you propose to build.

Teachers couldn’t afford it. The average Public School Teacher salary in San Francisco is $71,544 as of September 25, 2023. Maintenance workers couldn’t afford it. The average Street Sweeper salary in San Francisco, CA is $50,392 as of September 25, 2023, but the salary range typically falls between $44,626 and $57,833. Landscapers couldn’t afford it. The average hourly rate for landscapers working for SF Rec and Parks is $17.16 - $23.89 per hour as of September 19, 2023. Bus drivers couldn’t afford it. The average MUNI bus driver in SF makes $79,617 per year, 51% above the national average.The list of ineligible professions goes on.

So, who exactly can live in these places?

Where in this Ordinance is the language specifying the maximum height of no more than six (6) stories on commercial corridors within Supervisor Engardio’s District 4? And where within those six (6) stories on commercial corridors does it specify that only the street level will be commercial and the two stories above will be residential? Where in this Ordinance does it state the height limits of all buildings between corners within the residential noncommercial blocks of D4?

According to a recent opinion piece in the 9/26/23 NY Times by Heather Knight, “During the pandemic shutdowns, San Francisco saw an exodus not only of downtown workers but also of residents. Almost 50,000 people moved out, many of them taking advantage of remote work options to move to cheaper locales, reducing the city’s population to 832,000.”

What about the 61,473 vacancies in San Francisco that are still somehow not affordable? Why don’t you try fixing that?

Last year the San Francisco Budget & Legislative Analyst did a study and report (October 20, 2022 - Residential Vacancies Update) on San Francisco vacancies and found there were 61,473 vacancies in 2021. (See p. 7 in the following link.)

https://sfbos.org/sites/default/files/BLA.Residential_Vacancies.Update.102022.pdf

Do you believe the American Dream is to live in a small cubicle within a large building containing other small cubicles surrounded by similar large buildings full of cubicles? What about single family homes with gardens and space between neighbors? Is it not bad enough there are so many homes attached to each other in San Francisco creating density? Why create unaffordable unappealing living spaces where you, yourselves, wouldn’t want to live? Where’s the “joy” in that for San Franciscans?

Please do not pass this Ordinance. It removes our badly needed and hard-won protections against developer/builders who cut corners and build unsafe structures. It allows buildings to exceed established height and density requirements. We don’t want or need it.

Thank you in advance for including my comments opposing this Ordinance in the permanent record. Please acknowledge receipt of this email.

Sincerely,
Stephen J.Gorski
SF Resident/Voter 45+ years
Member of several community organizations: Open Roads for All,Concerned Residents of the Sunset, SF Needs Parking, Save Our Neighborhoods-SF, Great Highway Updates, Coalition of San Francisco Neighborhoods

Sent from my iPhone

From:	zrants
To:	Peskin, Aaron (BOS)
Cc:	Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS); Gorski Judi; Breed, Mayor London (MYR); Elsbernd, Sean (MYR)
Subject:	Public Comment for the Permanent Record: Strongly OPPOSE Breed-Engardio-Dorsey Housing Production Ordinance File #230446. Agenda Item 4 Land Use & Transportation Committee Meeting, October 2, 2023, 1:30 PM
Date:	Friday, September 29, 2023 7:05:35 PM

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September 29, 2023

District Supervisors, Commissioners and Staff:

I am writing to strongly Oppose Item No. 4, the Breed-Engardio-Dorsey Housing Production Ordinance, File #230446.

Housing for families making $150,000-$190,000/year is not affordable housing. Even if two full time wage-earners were to be working 40 hours a week at $35/hour, a rate way above minimum wage, for a combined income of $145,600/year, they couldn't afford to live in this "affordable" housing you propose to build.

Most middle income and low wage workers cannot the afford the new affordable housing intended to replace existing affordable housing that would have to be demolished to make way for more the more expensive denser new housing. Evicting tenants to demolish existing housing creates more homeless people.

As we know the city is losing population leaving a lot of empty units. We need a plan to fill all those empty units before any more demolition is approved.

The plans for the Mission (D-9) and Noe Valley (D-8) are perplexing. Most neighborhood residents would agree that staff picked two of the least appropriate streets to up-zone.

Church is wide in some areas, but narrows as it goes up a steep hill next to Dolores Park. The park is already over-used, and is often the scene of neighborhood disputes. There is a light rail on Church making it transit riche, but, there is no excuse to expand, gentrify, and disrupt the street.

24th Street is a very narrow street with no room to grow. It is the heart of Noe Valley and has managed to maintain most of its historic specialty businesses in the midst of a constellation of changing merchants.

24th Street is narrow, and already heavily impacted by tech and Muni buses, and a constant stream of vehicles trying to reach the only grocery store in the area. The street has retained a friendly community spirit, but, now it looks like there is an effort to tear it apart and kill what is left of a surviving commercial street. San Francisco is losing population. We certainly don't need to kill our neighborhoods to build more housing.

Most of the Mission has already been up-zoned along Mission and South Van Ness and wider more appropriate streets.

District 8 has already raised height limits along Market Street. There is no reason to up zone Noe Valley.

Thanks to our state reps the entire city is already zoned for 4 stories minimum and bonus levels are easily added with existing legislation. The 50 story suggested height at the beach is not an exaggeration. If it can happen there it can happen anywhere.

Sincerely,

Mari Eliza
Concerned Citizen

From: [redacted]
To: [redacted]
Cc: [redacted]
Date: Friday, September 30, 2022 10:56:36 AM

You don't usually receive emails like this. Why this is important at https://aka.ms/LearnAboutSenderIdentification

To:
[redacted] [redacted] [redacted] [

From:	Carroll, John (BOS)
To:	lgpetty
Cc:	Low, Jen (BOS); Angulo, Sunny (BOS); Smeallie, Kyle (BOS); Melgar, Myrna (BOS); Peskin, Aaron (BOS); Preston, Dean (BOS)
Subject:	RE: For addition to file 230446 Constraints Reduction & distribution to L.U. Committee members for 10-2-23
Date:	Monday, October 2, 2023 10:43:00 AM
Attachments:	image001.png

Thank you for your comment letter.

We are adding your comment letter to the legislative file for this resolution matter – File No. 230446 – [Planning Code, Zoning Map - Housing Production]

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445

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From: lgpetty <lgpetty@juno.com>
Sent: Sunday, October 1, 2023 9:25 PM
To: Carroll, John (BOS) <john.carroll@sfgov.org>
Subject: For addition to file 230446 Constraints Reduction & distribution to L.U. Committee members for 10-2-23

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For addition to file 230446

Constraints Reduction proposed ordinance

Continuation hearing, 10-02-23

Dear Land Use Chair Melgar and Supervisors Peskin and Preston,

In looking over proposed amendments, and rumors of possible Oct.2 amendments (not shared with the public in advance), I write to urge you to reject the proposed Constraints Reduction ordinance. I believe it should be replaced with an ordinance focused only on streamlining affordable housing protection, and production, with full anti-displacement protections. Such a bill would be completely compliant with the Housing Element.

The overriding policies of the Constraints Reduction proposal are to encourage high-priced market-rate housing by removing existing affordable housing, removing the public from the decision-making process, and removing the rules and regulations that protect the public from unscrupulous developers and displacement practices. Policies for removal of these "constraints" have resulted in a bill so problematic, in so many ways, it cannot be patched up or fixed.

Adding amendments to this flawed proposal would be like slapping 1,000 bandaids on someone as a cure for advanced cancer.

A careful, line-by-line examination of all 68 pages, shows flaws within flaws that will slowly reveal their harm over the next 50 years. Take, for example, the umbrella mandate that these hundreds of provisions apply not just to Well-Resourced Areas, but to every parcel of land in the City that is OUTSIDE the Priority Equity Geographies. Have we fully understood the ramifications of this? What about the provision encouraging affordable housing developments for seniors to be located AWAY FROM transit? This is an unhealthy, isolating, cruel prospect for seniors and people with disabilities who are especially reliant on public transit.

Lines on every page hold similar prescriptions, harmful to tenants, individual homeowners and small business owners alike for an innumerably wide array of reasons.

Please reject the Constraints Reduction proposals and, instead, create streamlining implementation done humanely, limited to meeting the real needs of San Franciscans for affordable housing.

Thank you,

Lorraine Petty

Affordable housing advocate for seniors and people with disabilities,

Senior D2 voter

From:	Carroll, John (BOS)
To:	Calder Lorenz
Cc:	Low, Jen (BOS); Angulo, Sunny (BOS); Smeallie, Kyle (BOS); Melgar, Myrna (BOS); Peskin, Aaron (BOS); Preston, Dean (BOS)
Subject:	RE: Item #4, 230446: Oppose Ordinance Amending the Planning Code
Date:	Monday, October 2, 2023 10:43:00 AM
Attachments:	image001.png

Thank you for your comment letter.

We are adding your comment letter to the legislative file for this resolution matter – File No. 230446 – [Planning Code, Zoning Map - Housing Production]

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445

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From: Calder Lorenz <calder@thegubbioproject.org>
Sent: Monday, October 2, 2023 9:20 AM
To: Carroll, John (BOS) <john.carroll@sfgov.org>
Subject: Item #4, 230446: Oppose Ordinance Amending the Planning Code

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Dear Chair Melgar, and Supervisors Preston and Peskin,

My name is Calder Lorenz, I am the Director of Operations for The Gubbio Project, a USM member and a San Francisco resident.

We are once again strongly urging the Land Use & Transportation Committee to oppose the ordinance amending the Planning Code (Item #4). We feel strongly that this ordinance threatens our rent controlled housing stock and denies self-determination for our

communities.

Our community is in desperate need of affordable housing and his legislation streamlines luxury development without the required housing element equity strategies undermining our rights, Affirmatively Furthering Fair Housing and cultural stabilization.

This legislation fails to provide any new protections and stability for communities that have been historically marginalized and are still vulnerable to displacement.

This legislation also silences our communities and takes away our power of self-determination over how our communities grow and develop. As an example, Section 9.4.2 of the Housing Element states that conditional use authorizations should only be removed outside of areas of high risk of displacement, but you can see that they are removing them from these areas without implementing community stabilization processes as required by the Housing Element.

The Gubbio Project's mission is to be in community with and to provide a sacred space and sanctuary for unhoused people in need of safe, compassionate respite during the day. Our program is housed at St. John's in the Mission and currently provides critical services to 100 individuals daily through a highly unique and successful model that combines social justice, peer support, and harm reduction. The Gubbio Project calls for a more just, compassionate and community centered approach by public agencies and policymakers.

Myself, my family and my neighbors, especially those we serve daily who are desperate for affordable housing options have a right to shape our community. The right to shape our communities is ours and should not be handed off to wealthy investors and developers. Many projects in the Mission have been shaped by the community and the Marvel in the Mission would never have been a reality if there hadn't been a requirement for developers to work with communities.

Please, oppose this Ordinance amending the planning code,

In Community, Calder

--
Calder Lorenz (he/him), *Harm Reduction Saves Lives, I carry naloxone!*
Director of Operations at the Gubbio Project
(415)-571-6391 cell phone
calder@thegubbioproject.org
thegubbioproject.org

Providing Sacred Sleep at St. John's in the Mission, San Francisco

From:	Carroll, John (BOS)
To:	Avi Gandhi
Cc:	Zachary Weisenburger; Gen Fujioka; Low, Jen (BOS); Angulo, Sunny (BOS); Smeallie, Kyle (BOS); Melgar, Myrna (BOS); Peskin, Aaron (BOS); Preston, Dean (BOS)
Subject:	RE: Letter Re: Legislative File #230446, "Planning Code, Zoning Map - Housing Production"
Date:	Monday, October 2, 2023 10:43:00 AM
Attachments:	image001.png 9.29.2023 Letter Re Housing Element Streamlining Legislation_File # 230446.pdf

Thank you for your comment letter.

We are adding your comment letter to the legislative file for this resolution matter – File No. 230446 – [Planning Code, Zoning Map - Housing Production]

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445

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From: Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>
Sent: Monday, October 2, 2023 9:59 AM
To: Avi Gandhi <avi.gandhi@chinatowncdc.org>; Carroll, John (BOS) <john.carroll@sfgov.org>
Cc: Zachary Weisenburger <zweisenburger@ycdjobs.org>; Gen Fujioka <gfujioka@chinatowncdc.org>
Subject: FW: Letter Re: Legislative File #230446, "Planning Code, Zoning Map - Housing Production"

Hi, Avi –

Thanks for sending this along to the Committee members in advance of this afternoon's meeting.

I am copying our Committee Clerk, John Carroll, so that it can be included in the formal file for Item 4 on today's agenda.

Thanks so much,

Sunny

Sunny Angulo
Board President Aaron Peskin, *Chief of Staff*
Sunny.Angulo@sfgov.org
415.554.7451 DIRECT
415.554.7450 VOICE
415.430.7091 CELL

District 3 Website
Sign up for our newsletter here!

From: Avi Gandhi <avi.gandhi@chinatowncdc.org>
Sent: Friday, September 29, 2023 4:17:48 PM
To: Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>
Cc: Zachary Weisenburger <zweisenburger@ycdjobs.org>; Gen Fujioka <gfujioka@chinatowncdc.org>
Subject: Letter Re: Legislative File #230446, "Planning Code, Zoning Map - Housing Production"

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Dear Chair Melgar and the Land Use and Transportation Committee,

Please find the attached letter on behalf of our organizations (CCDC and YCD) regarding Legislative File #230446, "Planning Code, Zoning Map - Housing Production," which is on the Land Use and Transportation Committee agenda this coming Monday, October 2.

Sincerely,
Avi Gandhi

Avi Gandhi *(she/her)* **| Senior Planner**

Community Planning and Policy

Chinatown Community Development Center

669 Clay St | San Francisco, CA | 94111

Effective January 9, 2023, Chinatown CDC have relocated our administrative offices. Our new office is located at 615 Grant Ave, San Francisco CA 94108 (cross street California). Please update your records.

September 29, 2023

Chair of the Land Use & Transportation Committee, Supervisor Melgar
Land Use & Transportation Committee Members, Supervisors Peskin and Preston
San Francisco Board of Supervisors

Re: Constraints Reduction (AKA Housing Production) Ordinance – File # 230446. Hearing scheduled for October 2, 2023

Dear Chair Melgar and Supervisors Peskin and Preston,

The undersigned organizations write to express our deep concerns regarding the present version of the legislation. As discussed further below, this sweeping proposal to change development policy across the entire City removes protections for tenants, small businesses, and vulnerable neighborhoods without appropriate analysis of those impacts and without affirmative provisions for social and racial equity. Without such analysis and provisions, the City would be moving forward based upon blind faith that the intended purpose of the legislation will be achieved without harm to those Black, Brown, Asian, and working-class communities at greatest risk. While these concerns were raised at the Planning Commission, most were not addressed in subsequent analyses or amendments. For these reasons, we urge that the proposal not be approved without additional analysis and significant amendments.

The analysis previously provided by the Planning Department was misleading in claiming that the legislation protects the City's most vulnerable areas through the designated Priority Equity Geographies Special Use District (or PEG-SUD). While the legislation does retain existing public noticing requirements in these areas, it does not add any new "protections" or any provisions that would either prevent further displacement of existing low-income tenants and businesses or combat the speculative development practices that have historically disadvantaged these communities. In at least one respect it takes away the right to public hearings on primarily market rate housing developments that would displace neighborhood serving businesses, services, and cultural institutions in these areas – replacing such hearings with unilateral decisions by the Planning Director. Without retaining such public process and providing additional resources for affordable housing, the legislation has the effect of removing community voice and encouraging further gentrification and displacement in these areas at greatest risk.

Threat to the economic, social, and cultural vitality of historically low-income, immigrant and BIPOC neighborhoods. The streamlining of new development without significant additional protections, particularly in mixed-use districts of the PEG-SUD, would result in significant small business displacement, especially along cultural corridors of ethnic neighborhoods like Chinatown, Mission, Bayview, Tenderloin and Excelsior. Many immigrant and cultural community-serving businesses operate without leases or on short-term arrangements, making them highly susceptible to displacement. Their removal not only threatens the survival of the businesses but also destabilizes the communities they serve. While housing stability is undoubtedly crucial, access to jobs, local businesses, and community-

based services is equally vital for the holistic well-being of low-income communities and these impacts should be assessed simultaneously.

Increased competition for affordable housing sites especially in critical cultural community areas where the need for affordable housing is the greatest. With a shrinking number of priority affordable housing sites available, low-income BIPOC communities are further disadvantaged by the increased competition from streamlining of market-rate housing. With limited remaining sites available for new developments in these areas, weakening the public process makes these limited sites prime targets for upscale and luxury projects. This increased competition from non-affordable projects directly undermines the pressing need for affordable housing in these neighborhoods and risks perpetuating gentrification and further displacement.

Price pressures and increased harassment and displacement of low-income residents living nearby. We have seen multiple low-income residents, non-profit and community serving businesses, and cultural community spaces being displaced or priced out of the neighborhood as a result of nearby market-rate developments. Without proposing affirmative programs such as land acquisition programs to dedicate sites for truly affordable housing in at-risk neighborhoods, the elimination of public input is a step backward, especially in neighborhoods where the legislations' PEG-SUD designation promises greater protections.

With the various provisions that remove noticing and public hearing requirements, the communities in the City that have been most adversely impacted by gentrification, displacement, and disempowerment will have less opportunity to speak out and have a voice in future market-driven development in what remains of their neighborhood. These processes are significant, particularly because new projects are often focused in historically disadvantaged neighborhoods, and invariably replace existing affordable housing and community-serving uses with housing and uses that are unaffordable or disconnected from the cultural fabric of the existing community. Shifting decision-making authority from public forums to the Planning Director's discretion essentially eradicates the possibility for meaningful conversations around creating opportunities for increased affordability, preserving existing housing and businesses, and protecting community-serving cultural spaces and institutions.

We also appreciate the model that Chair Melgar has put forward in her Family Housing Opportunity SUD legislation, which builds on core principles of the Housing Element to create equitable distribution of housing in the city by focusing streamlining in residentially zoned parcels of "High Resourced" areas. The City's approved Housing Element has several implementing actions that affirmatively further fair housing, and not only safeguard public input and participation, but also offer solutions for strengthening protections and allocating new resources for affordable housing in the City's lowest-income communities, both within and outside the PEG-SUD. Implementing actions like 8.4.21, 9.4.2, 1.2.2, 1.5.5 and 2.3.1 exemplify these efforts, which the current legislation contradicts.

For all these reasons, we urge the Land Use and Transportation Committee to not advance the present proposal for consideration by the full board without thorough analysis of the impacts on the most vulnerable communities and without significant amendments that further the Housing Element's affirmative actions.

Sincerely,

Avi Gandhi
Senior Community Planner
Chinatown Community Development Center

Zachary Weisenburger
Land Use Policy Analyst
Young Community Developers

From:	Carroll, John (BOS)
To:	John Anderson
Cc:	Low, Jen (BOS); Angulo, Sunny (BOS); Smeallie, Kyle (BOS); Melgar, Myrna (BOS); Peskin, Aaron (BOS); Preston, Dean (BOS)
Subject:	RE: Please oppose the the proposed Housing Ordinance, file #230446
Date:	Monday, October 2, 2023 10:43:00 AM
Attachments:	image001.png

Thank you for your comment letter.

We are adding your comment letter to the legislative file for this resolution matter – File No. 230446 – [Planning Code, Zoning Map - Housing Production]

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445

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From: John Anderson <p8ton.anderson@gmail.com>
Sent: Monday, October 2, 2023 12:54 AM
To: Carroll, John (BOS) <john.carroll@sfgov.org>
Subject: Please oppose the the proposed Housing Ordinance, file #230446

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These comments are for file#230446, item 4 on the Oct 2 Land Use and Transportation Committee agenda.

I hope the Supervisors will reject the proposed ordinance. It does not address the housing needs of most San Franciscans. The ordinance specifies that less of a third (30%) of constructed housing be affordable. The definition of "affordable" is based on Area Median Income, which, by the definition of median, means half of San Franciscans would be unable to actually afford it.

Furthermore, the bill removes many of the processes designed to ensure that building projects meet the needs of The City, and instead relies on corporate real-estate speculators. We have seen how (un)successful that is. We have amazing soaring alabaster towers, and one of the highest rates of new housing construction in the state, and we still have people sleeping on sidewalks. In theory the invisible hand of the market would ensure that the housing that gets built is best for the purpose. In practice, the market is too slow, too centralized, and often too opaque, resulting in unneeded units that sit idle.

The result of the reliance on large corporations and Area Median Income as a measure of affordability is a positive feedback loop: as the lowest-income tier of San Franciscans get displaced, the median moves up. It's almost as though the process was designed to clear The City of lower income people. All the people who kept our grocery stores open and cared for our sick during the pandemic- the effect is to chase them out of the city. They would wind up commuting in from Turlock or sleeping under freeways. Let’s look for something that can make housing available for all San Franciscans.

Thank you,
John Anderson

From:	Carroll, John (BOS)
To:	Ellen Koivisto & Gene Thompson
Cc:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Somera, Alisa (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	RE: Public Comment to OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Monday, October 2, 2023 10:43:00 AM
Attachments:	image001.png

Thank you for your comment letter.

We are adding your comment letter to the legislative file for this resolution matter – File No. 230446 – [Planning Code, Zoning Map - Housing Production]

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445

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From: Ellen Koivisto & Gene Thompson <offstage@earthlink.net>
Sent: Monday, October 2, 2023 9:30 AM
To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; PeskinStaff (BOS) <peskinstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Fieber, Jennifer (BOS) <jennifer.fieber@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Groth, Kelly (BOS) <kelly.groth@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Thongsavat, Adam (BOS) <adam.thongsavat@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>;

Herrera, Ana (BOS) <ana.herrera@sfgov.org>; RonenStaff (BOS) <ronenstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Burch, Percy (BOS) <percy.burch@sfgov.org>; Waltonstaff (BOS) <waltonstaff@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Buckley, Jeff (BOS) <jeff.buckley@sfgov.org>; SafaiStaff (BOS) <safaistaff@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Rosas, Lorenzo (BOS) <Lorenzo.Rosas@sfgov.org>; StefaniStaff, (BOS) <stefanistaff@sfgov.org>; Engardio, Joel (BOS) <joel.engardio@sfgov.org>; Goldberg, Jonathan (BOS) <jonathan.goldberg@sfgov.org>; EngardioStaff (BOS) <EngardioStaff@sfgov.org>; Dorsey, Matt (BOS) <matt.dorsey@sfgov.org>; Tam, Madison (BOS) <madison.r.tam@sfgov.org>; DorseyStaff (BOS) <DorseyStaff@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>; Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Carrillo, Lila (BOS) <lila.carrillo@sfgov.org>
Subject: Public Comment to OPPOSE Engardio-Breed-Dorsey 'Constraints Reduction' 'Housing' Ordinance File #230446

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-
-
- San Francisco has
- at least 60,000 vacant housing units, most of them *far*
- overpriced.
- We have empty office space that must be converted into housing.
-
-
-
- This
- ordinance is bad for the environment by allowing sweeping demolitions and expansions of existing homes and apartments, using massive amounts of new cement and other building materials releasing more greenhouse gases, when we already have lots of space in lots
- of buildings that can be more cheaply, quickly, and environmentally-soundly converted to housing.
-
-
-
-
-

Thank you,

Ellen Koivisto

94122

From:	Carroll, John (BOS)
To:	Melodie
Cc:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Somera, Alisa (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	RE: Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Monday, October 2, 2023 10:42:00 AM
Attachments:	image001.png

Thank you for your comment letter.

We are adding your comment letter to the legislative file for this resolution matter – File No. 230446 – [Planning Code, Zoning Map - Housing Production]

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445

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From: Melodie <melodiesfriends@yahoo.com>
Sent: Monday, October 2, 2023 7:04 AM
To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; PeskinStaff (BOS) <peskinstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Somera, Alisa (BOS) <alisa.somera@sfgov.org>; Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Fieber, Jennifer (BOS) <jennifer.fieber@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Groth, Kelly (BOS) <kelly.groth@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Thongsavat, Adam (BOS) <adam.thongsavat@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>;

Herrera, Ana (BOS) <ana.herrera@sfgov.org>; RonenStaff (BOS) <ronenstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Burch, Percy (BOS) <percy.burch@sfgov.org>; Waltonstaff (BOS) <waltonstaff@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Buckley, Jeff (BOS) <jeff.buckley@sfgov.org>; SafaiStaff (BOS) <safaistaff@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Rosas, Lorenzo (BOS) <Lorenzo.Rosas@sfgov.org>; StefaniStaff, (BOS) <stefanistaff@sfgov.org>; Engardio, Joel (BOS) <joel.engardio@sfgov.org>; Goldberg, Jonathan (BOS) <jonathan.goldberg@sfgov.org>; EngardioStaff (BOS) <EngardioStaff@sfgov.org>; Dorsey, Matt (BOS) <matt.dorsey@sfgov.org>; Tam, Madison (BOS) <madison.r.tam@sfgov.org>; DorseyStaff (BOS) <DorseyStaff@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>; Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Carrillo, Lila (BOS) <lila.carrillo@sfgov.org>
Subject: Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey 'Constraints Reduction' 'Housing' Ordinance File #230446

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10.02.23

Dear Supervisors

The Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") contains sweeping unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making over $230,000 per year!

This ordinance would worsen:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high priced housing that is not affordable. It is ridiculous that the ordinance calls housing built mostly for families making over $230,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels!
- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.
- **The Vacant Housing Crisis** - San Francisco has at least 60,000 vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands more apartments. We do not need more housing construction, we need to make our existing housing space affordable!

- **The Environmental Justice & Equity Crisis** - This ordinance would gut environmental and community review protections and would establish "Urban Renewal" style

redevelopment zones, setting precedents that would allow corporate real estate giants to even more easily build unhealthy housing on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared "cleaned up").

- **The Climate Crisis** - This ordinance is bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other building materials releasing more greenhouse gases, not less.

This ordinance would build housing for the wealthy, create more homelessness, and is an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators. Please vote DOWN this unacceptable corporate attack on San Francisco's environmental, economic, cultural, and community integrity!

Thank you,

Melodie, 20+ years in the "revolving door"
Stroke 2022
Police Community Meetings 2009
Homeless 2007
SF resident since 1978
Traumatic Brian Injury 1960
clean and sober since 1958, (the year i was born by the way)
Zip: 94124

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From:	Carroll, John (BOS)
To:	UCNA
Cc:	Low, Jen (BOS); Angulo, Sunny (BOS); Smeallie, Kyle (BOS); Melgar, Myrna (BOS); Peskin, Aaron (BOS); Preston, Dean (BOS)
Subject:	RE: UCNA"s rejection letter of proposed ordinance - File No. 230446
Date:	Monday, October 2, 2023 10:42:00 AM
Attachments:	image001.png Ltr to Board of Supervisors-Courtyard House FINAL.pdf UpperChinatown_Map (final).pdf Illustration of Compact Courtyard Houses, Anhui.pdf

Thank you for your comment letter.

We are adding your comment letter to the legislative file for this resolution matter – File No. 230446 – [Planning Code, Zoning Map - Housing Production]

John Carroll
Assistant Clerk
Board of Supervisors
San Francisco City Hall, Room 244
San Francisco, CA 94102
(415)554-4445

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From: UCNA <upperchinatownassociation@gmail.com>
Sent: Sunday, October 1, 2023 10:33 PM
To: Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>
Cc: Carroll, John (BOS) <john.carroll@sfgov.org>; Low, Jen (BOS) <jen.low@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>
Subject: UCNA's rejection letter of proposed ordinance - File No. 230446

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Dear Chair Melgar, President Peskin, and Supervisor Preston,

Please see the attached Upper Chinatown Neighborhood Association's correspondence. This letter urges you to oppose the proposed ordinance file number 230446.

If you could please confirm receipt of this email and the attached letter, it would be greatly appreciated. If you have questions, please feel free to to contact me at 415. 819.1199. Thank you for your assistance in this matter.

Sincerely yours,
Jennifer Mei
Upper Chinatown Neighborhood Assocation
1144 Pacific Avenue
San Francisco, CA 94133

September 29, 2023

Dear Chair Melgar, President Peskin, and Supervisor Preston,

The Upper Chinatown Neighborhood Association urges you to reject the proposed ordinance file number 230446 and to undertake a cultural analysis of land uses among Asian populations. This amendment to the planning code will advance displacement and subsequent residential expansions in our neighborhood, one of the densest districts in San Francisco. We can not afford any further reduction of open space. Already, eighty percent of the blocks in our neighborhood have alley ways and thus limited mid-block open space. Any additional displacements and expansions will dismantle the cultural and spiritual fabric that has been formed organically over seventy-five years. See the attached Upper Chinatown map showing the alley ways, mid-block open spaces, and the dwellings in our neighborhood.

UCNA's opposition to ordinance file number 230446 aligns with two policy priorities of the San Francisco General Plan, which states: (1) " . . . existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods; and (2) " . . . our parks and open space and their access to sunlight and vistas be protected from development." Moreover, the proposed changes will alter one of the salient San Francisco's Planning Department's design principles which states: "provide architectural features that enhance the neighborhood's character and ensure that the building respects mid-block open space." It will also strike out the following guideline for building scale at the mid-block open space: "Rear yards provide open space for the residences to which they are attached, and they collectively contribute to the mid-block open space that is visible to most residents of the block. This visual open space can be a significant community amenity." [1]

Composed of more than150 members, Upper Chinatown Neighborhood Association is committed to strengthening the stability of our fragile community. Last year, over one thousand individuals signed a petition supporting UCNA's DR request to stop the eviction and horizontal expansion proposed at 45-49 Bernard Street.[2] And, the following five associations submitted letters supporting our opposition: The Community Improvement Service, Community Youth Center, Community Tenants Association, Lao Iu Mien Culture Association, and Tenderloin Chinese Rights Association. Petitioners and community based organizations know that living in a courtyard house where the extended family members can be together—inside and outside in nature—will advance harmonious relationships.

The concept of the traditional courtyard house followed Chinese immigrants since they came to San Francisco in the 1840s, and they have inherently use their land and space in maintaining stability and unity and in strengthening the family structure and their community. An ordinary backyard serves as the sacred space for communal reflection and introspection. Family members gather outdoors to share meals while telling stories, solving problems, and doing household chores. This family formation is the social unit of change and the bedrock of the culture.

We are deeply concerned about the elimination of courtyards in our community, which Chinese and other ethnic families view as the center of all family activities and a spiritual refuge. As Professor

---

[1]San Francisco Planning, Residential Design Guidelines, Introduction: Design Principles, p. 5 and p.25, December 2013.

[2] Upper Chinatown Neighborhood Association's DR Brief 45-49 Bernard Street (Case No. 2020-005176DRP).

Laurence G. Liu, head of Architectural Design and Graduate Programmes at Southeast University, Nanjing, Jiangsu, China, wrote in a landmark reference book, *Chinese Architecture*: . . . people actually lived in an unstable, transient world . . . the communal character of the family system, the inward feeling of withdrawal from the outside world, and the idea of plain living . . . contributed to the formation of the courtyard house. . . . Because the center of all activities was the courtyard. . . it was an organization which had the distinction of seclusion. Furthermore, it created a layout and a form which rallied all the members of a family psychologically to live in a spiritual refuge together. . . . Only through the unity of thought and the force of a family were they able to confront and survive the misfortunes of life."[3] See illustrations of compact courtyard houses in Anhui Provence, China, in Attachment One.[4]

For over 75 years, Chinese families have migrated up the hill from Chinatown and have been contributing to the unique character and culture of our neighborhood. The migration started in the 1940s with the housing crisis in Chinatown, along with San Francisco's urban redevelopment policies for residential segregation.[5] [6] The eastern slopes of Nob Hill and Russian Hill offered affordable opportunities for Chinese residents to lease or own flats beyond the traditional borders of San Francisco Chinatown. Upper Chinatown became the home to many families, residing in two- to three-story dwellings where multigenerational households lived together, providing support to one another. Access to open space helps individuals and families living in a crowded flat find some communal respite. Chinese families innately relied on the open space in their modest rear yard as their unofficial temple. In their secluded and undisturbed space, family members of all ages freely come and go and yet are spiritually and culturally connected to one another. This family pattern closely resembled the heart of Chinatown, fostering a strong sense of continuity and shared identity.

We urge the Land Use and Transportation Committee to not approve the ordinance amending the planning code. Instead, we recommend a thorough historical and cultural analysis of the use of land that strengthens the cultural and spiritual formation of Upper Chinatown.

Respectfully yours,

Hanmin Liu
Co-founder
Upper Chinatown Neighborhood Association

Jennifer Mei
Co-founder
Upper Chinatown Neighborhood Association

---

[3] Laurence G. Liu, *Chinese Architecture* (London: Academy Edition,1989), p. 164. The research for this book was supported by a grant from the Graham Foundation for Advanced Studies in the Fine Arts, Chicago, Illinois.

[4] These illustrations come from Laurence G. Liu's masterpiece, *Chinese Architecture* (London: Academy Editions, 1989), p. 165.

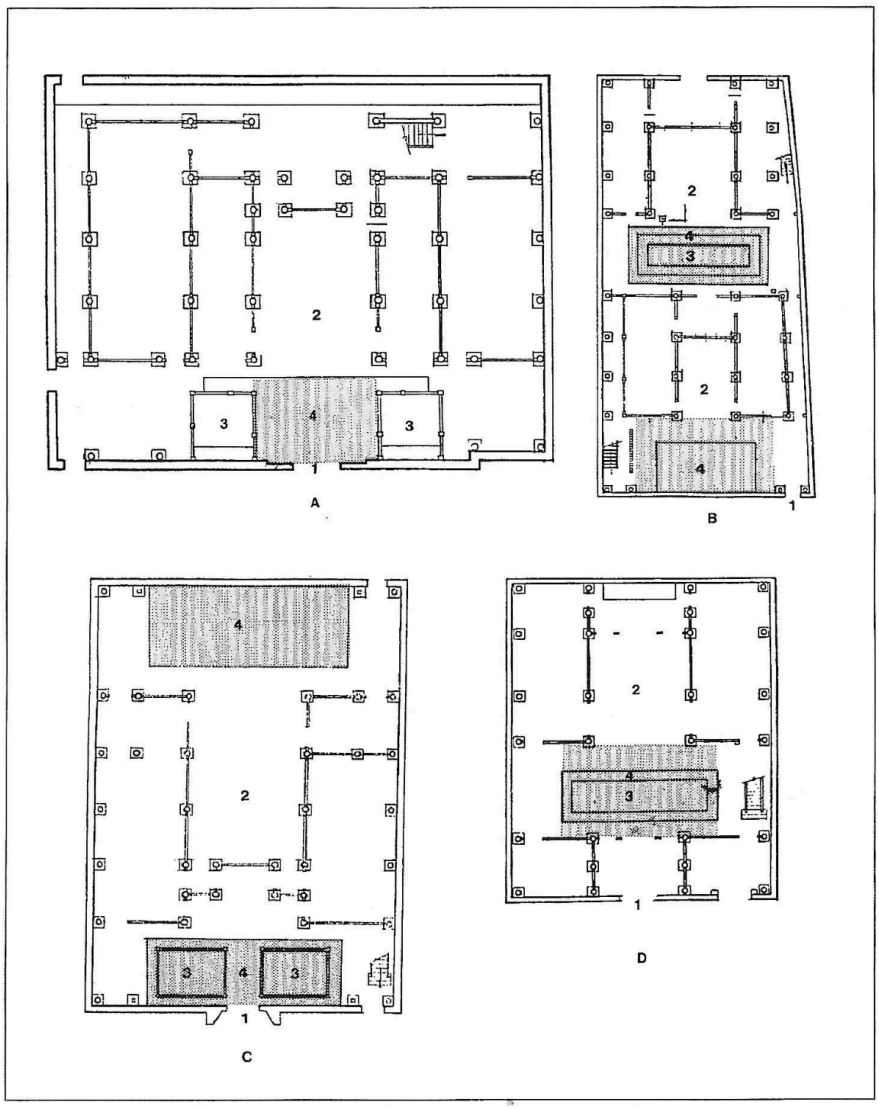
[5] US Congress Joint Committee on Housing, *Study and Investigation of Housing: Hearings before the Joint Committee on Housing* . . . , Eightieth Congress, first session, Pt. 4: 4141. Washington, DC: US Government Printing Office, 1948.

[6] Li Chuo, "Postwar Urban Redevelopment and the Politics of Exclusion: The Case of San Francisco's Chinatown," *Journal of Planning History* 18, no. 1 (2019): pp. 27–43.

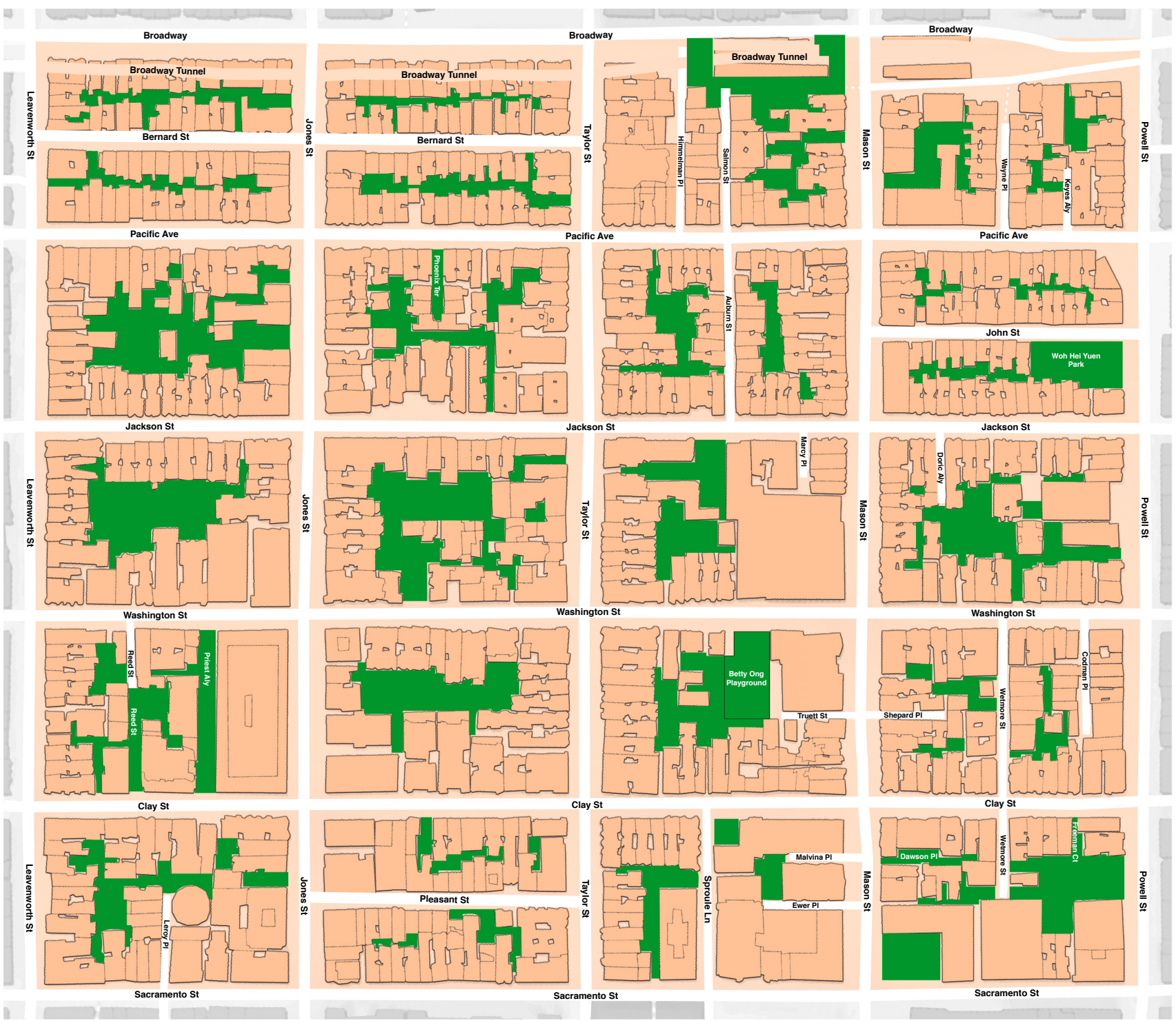
Attachment Two:
Compact Courtyard Houses, Anhui, China

▷ Anhui, compact courtyard houses

Key
A: House with one courtyard at the front. B: House with two courtyards at the front and centre. C: House with one courtyard at the front and back.
D: House with one courtyard at the centre. 1 Entrance. 2 Hall. 3 Pavement. 4 Courtyard.



MAP OF UPPER CHINATOWN: HOUSING, MID-BLOCK OPEN SPACES AND ALLEY WAYS



Map source:
San Francisco Property Information Map

From:	graypanther-sf
To:	Carroll, John (BOS); Somera, Alisa (BOS)
Subject:	Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Saturday, September 30, 2023 11:21:49 PM
Attachments:	f3a46787.png

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Please put in correspondence file, thanks. T Palmer

-------- Original Message --------

Subject: Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey 'Constraints Reduction' 'Housing' Ordinance File #230446
Date: 09/30/2023 11:17 PM
From: graypanther-sf <graypanther-sf@sonic.net>
To: aaron.peskin@sfgov.org, sunny.angulo@sfgov.org, peskinstaff@sfgov.org, dean.preston@sfgov.org, Kyle.Smeallie@sfgov.org, prestonstaff@sfgov.org, erica.major@sfgov.org, board.of.supervisors@sfgov.org, Myrna.Melgar@sfgov.org, jennifer.fieber@sfgov.org, MelgarStaff@sfgov.org, connie.chan@sfgov.org, Kelly.Groth@sfgov.org, ChanStaff@sfgov.org, rafael.mandelman@sfgov.org, mandelmanstaff@sfgov.org, adam.thongsavat@sfgov.org, hillary.ronen@sfgov.org, ana.herrera@sfgov.org, ronenstaff@sfgov.org, shamann.walton@sfgov.org, Percy.Burch@sfgov.org, waltonstaff@sfgov.org, ahsha.safai@sfgov.org, jeff.buckley@sfgov.org, safaistaff@sfgov.org, Catherine.Stefani@sfgov.org, Lorenzo.Rosas@sfgov.org, stefanistaff@sfgov.org, joel.engardio@sfgov.org, jonathan.goldberg@sfgov.org, engardiostaff@sfgov.org, matt.dorsey@sfgov.org, Madison.R.Tam@sfgov.org, dorseystaff@sfgov.org, Bill.Barnes@sfgov.org, lauren.l.chung@sfgov.org, lila.carrillo@sfgov.org

Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey 'Constraints Reduction' 'Housing' Ordinance File #230446



To: Land Use & Transportation Committee, and Board of Supervisors

Clerk of the board: please place in correspondence file.

Re: October 2 - Agenda Item 4 - Mayor, Engardio, Dorsey "Housing Production" Ordinance File #230446

Please do not allow this to pass. We need more truly affordable housing including deeply affordable, and this legislation will ram through unaffordable development and displacement of long-time residents.

This legislation does not help get the kind of housing we really need in San Francisco. It incentivises housing costs that are beyond the reach of almost all of us, leading to displacement and ruining the character of our neighborhoods.

Please start over with true input from the community: let's do it right.

Teresa Palmer MD on behalf of San Francisco Gray Panthers

1845 Hayes St., San Francisco, California 94117

graypanther-sf@sonic.net

From:	Molly Goldberg
To:	Melgar, Myrna (BOS); Preston, Dean (BOS); Peskin, Aaron (BOS); Somera, Alisa (BOS); Carroll, John (BOS)
Subject:	Constraints Reduction (AKA Housing Production) Ordinance – File # 230446. Hearing October 2, 2023, Agenda Item #4
Date:	Saturday, September 30, 2023 8:00:38 AM
Attachments:	2023-9-29 ADC letter re- Constraints Reduction Ordinance – File # 230446.pdf

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Dear Chair Melgar, President Peskin, and Supervisor Preston,

Please see the attached letter of concern from the San Francisco Anti-Displacement Coalition regarding the Mayor's Constraints Reduction Ordinance that will be heard in your committee on Monday. We are deeply concerned about the displacement impacts of this legislation as written and the potential loss of hundreds if not thousands of units of existing rent-controlled housing without replacing those units with the affordable housing that tenants need.

Please feel free to reach out if you have any questions or want to discuss this further.

Best,
Molly

Molly Goldberg
San Francisco Anti-Displacement Coalition
1212 Market Street, Unit 200
San Francisco, CA 94102
SFADC.org

September 30, 2023

Chair Myrna Melgar
Land Use and Transportation Committee
SF Board of Supervisors
San Francisco, CA 94102

RE: Constraints Reduction (AKA Housing Production) Ordinance – File # 230446. Hearing October 2, 2023, Agenda Item #4

Dear Chair Melgar and Supervisors:

The San Francisco Anti-Displacement Coalition represents over 20 organizations representing and serving tenants from across the City. Through the efforts of dedicated staff and volunteers, our members have extensive experience in counseling tenants threatened by evictions and assisting other households previously displaced who are unable to find decent, safe or affordable housing in this City.

We write to express our concerns regarding this sweeping proposal's invitation to demolish hundreds if not thousands of units of existing rent-controlled housing without replacing those units with the affordable housing that tenants need. Because of the breadth of the proposed changes we focus on three specific concerns here.

(1) <u>Rolling Back Demolition Controls Will Result in Fewer Affordable Units and Violate the Housing Element</u>.

Removing the notice and public hearing requirements for the demolition of two units of housing is a significant step backwards for San Francisco. Without a publicly noticed hearing there is no opportunity for the public to contest a landlord's application to demolish existing housing. There is no evaluation of the soundness of the housing to be destroyed. Nor is there meaningful opportunity to contest a landlord's claims of eligibility.[1]

Demolitions of existing housing almost invariably result in development of housing that is more costly and unaffordable. The proposed legislation removes all consideration of such issues as provided under existing Planning Code 317. Instead, approval becomes 'ministerial,' i.e., approved without any public review.

Contrary to the claims of proponents, such a streamlined process is <u>not</u> consistent with our City's approved Housing Element. In reality, the proposed process directly contradicts Housing Element Policy 8.4.9 that provides that any removal of Conditional Use authorization for housing production "would not demolish existing Rent Controlled units."

[1] For example, the legislation requires project sponsors to state that the site is not presently tenant occupied and there has been no buy-outs or no-fault evictions in the past 5 years, but no mechanism for the public (or existing or prior tenants) to challenge those claims.

(2) <u>The Faulty Design of the Proposal's "Demolition Controls" Will Increase Evictions and Displacement</u>.

Planning staff's PowerPoint presentation to this Committee on September 18, 2023 claimed that the proposed exemptions from existing housing demolition controls would require that: *The units to be demolished are not tenant occupied and are without a history of no- fault evictions and tenant buyouts within the last 5 years.* **The claim that the ordinance will not authorize demolition of units with "a history of no-fault evictions " is false and misleading.**

As our Coalition pointed out in our testimony at the Planning Commission back in June, the Mayor's proposal only *partially* limits demolitions for sites with histories of no-fault evictions. The proposal only restricts no-fault evictions under Sections 37.9(a)(8), 37.9(a)(12)-(14), and 37.9(a)(14)-(16). The legislation does not restrict evictions under Section 37.9(a)(13), i.e., evictions under the Ellis Act.[2] By failing to categorize Ellis Act evictions as 'no-fault,' Planning staff conveniently obscures a glaring flaw in the ordinance's purported "demolition controls." Under this proposal, one day after a developer evicts all their tenants via the Ellis Act they can apply for a 'streamlined' demolition permit to build new market rate housing. **By streamlining the demolition of rent controlled housing without screening out sites with a recent history of Ellis evictions, this proposal will incentivize a new wave of evictions under the Ellis Act.**

Similarly, the proposed exclusion of sites with a history of tenant buyouts is not supported by the proposed legislation itself. The proposal relies upon two mechanisms to screen out sites with a history of tenant buyouts, those reported to the Rent Board and a required statement by the project sponsor. But Rent Board records of buy-outs are inherently incomplete both because landlords regularly fail to report informal buy-outs and court settlements are excluded from the reporting requirements. The required statement by the project sponsor regarding any history of buyouts is further flawed given that the sponsor's knowledge is at best limited to the period they owned the property (which can be only months long given that the legislation drops any minimum ownership period). With no provisions for displaced tenants to recover damages or penalties for their displacement and subsequent false claims by developers, those developers can deny knowledge of prior displacement with impunity.

The flawed design of the present proposal is an invitation for owners and developers to profit off displacing tenants from their homes before applying for demolition permits and before any additional right to relocation assistance or right to return is required. Tenants displaced through such loopholes receive no assistance and have no legal remedy under the proposal.

(3) <u>The Proposed SUD Retreats from the Housing Element's Promise of Pro-Active Equity Initiatives for Priority Equity Areas</u>.

A centerpiece of the legislation is the creation of an SUD[3] to implement the Housing Element's promise of a racial and social equity land use policy agenda for neighborhoods that long suffered from

[2] Proposed amendments to Planning Code Section 317 at subsection (c)(2)(A).

[3] The Special Use District (SUD) is based upon the Priority Equity Geographies described and mapped in the Housing Element (see, Figure 19) and includes most of the Mission, Bayview, Chinatown, Western Addition, Excelsior, and Visitacion Valley and other neighborhoods with a high concentration of lower income People of Color and high economic need and levels of housing insecurity.

displacement and unaddressed housing needs. But aside from mapping the SUD and retaining certain existing policies, the legislation itself offers nothing to affirmatively further a fair housing or racial justice agenda.[4] Rather, the proposal takes away the right of SUD residents to public hearings on primarily market rate housing developments even if projects displace small businesses, jobs, services or cultural institutions in Priority Equity Areas. In place of public hearings the proposal hands over decisions to the Planning Director.[5]

Taking away public input is a step backward for neighborhoods the Housing Element promises greater protections. The proposal offers no beneficial tools such as land banking, deeper affordability, or neighborhood stabilization policies. The promised 'equity focused initiatives' need to be proposed *within* the proposal and not postponed for some uncertain future legislation.

(4) The Proponents Present a False Choice Between New Housing Production and Protecting Existing Rent Controlled Housing— We Need Legislation That Does Both.

We do not in principle oppose the replacement of existing low-density housing with new higher density *affordable* housing. But there must be loophole-free standards for protecting existing tenants from displacement, enforceable guarantees of relocation assistance and right of return, and assurances of real affordable outcomes. But we do not find such processes and standards proposed here.

We do acknowledge certain positive aspects of the Mayor's proposal such as legislation reducing fees and barriers for affordable housing. But these reforms can be advanced separately without being bound together with policies that will result in the loss of existing rent-controlled housing and other essential community resources.

For these reasons, we urge the committee to not advance the present proposal for consideration by the full board without substantial amendments that protect existing rent-controlled housing and assure that future housing development provides the affordability that our communities need.

Sincerely,

Molly Goldberg
Director, San Francisco Anti-Displacement Coalition
415.742.2705
molly@sfadc.org

[4] Planning staff's presentation to the Committee on September 18, 2023 did not describe a single positive initiative for the SUD. It only stated: "SUD *could* be used in the future to support equity focused initiatives." (emphasis added).

[5] See Amendments to Planning Code Section 206.6.

From: Bruce Agid
To: Carroll, John (BOS); Somera, Alisa (BOS)
Subject: Fwd: Constraints Reduction Ordinance - Support
Date: Friday, September 29, 2023 11:34:06 PM

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Per Erica's out of office message.....Thanks!

---------- Forwarded message ---------
From: **Bruce Agid** <bruce.h.agid@gmail.com>
Date: Fri, Sep 29, 2023 at 11:29 PM
Subject: Constraints Reduction Ordinance - Support
To: <Erica.Major@sfgov.org>, <Connie.Chan@sfgov.org>, Stefani, Catherine <Catherine.Stefani@sfgov.org>, Peskin, Aaron (BOS) <Aaron.Peskin@sfgov.org>, <Joel.Engardio@sfgov.org>, <Dean.Preston@sfgov.org>, Dorsey, Matt (POL) <Matt.Dorsey@sfgov.org>, <Myrna.Melgar@sfgov.org>, <Rafael.Mandelman@sfgov.org>, <Hillary.Ronen@sfgov.org>, Walton, Shamann (BOS) <Shamann.Walton@sfgov.org>, <Ahsha.Safai@sfgov.org>

Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689

September 29, 2023

Re: Constraints Reduction Ordinance
Case Number: 2023-003676PCAMAP
Board File No. 230446
By Mayor London Breed, Supervisor Joel Engardio, Supervisor Matt Dorsey

Dear Members of the San Francisco Board of Supervisors,

I am writing on behalf of the Board of the San Francisco Eastern Neighborhoods Democratic Club to express our enthusiastic support for the proposed Constraints Reduction Ordinance, as part of Mayor London Breed's "Housing for All" Directive.

We applaud the diligent work undertaken during the 2022 Housing Element Update, which has been committed to addressing San Francisco's housing challenges while emphasizing fairness and inclusivity, through "Affirmatively Further Fair Housing". The state-mandated goal of constructing 82,000 housing units in the next eight years is an ambitious endeavor, and the Mayor's "Housing for All'' directive plays *the central role* in achieving this objective. It aims to offer a variety of housing options that will not only strengthen our communities but also enhance overall affordability and

diversity in our city.

Constraints Reduction effectively implements several critical policies that the San Francisco Board of Supervisors unanimously committed to in February of 2023. It removes subjective, costly and time-consuming barriers that have hindered housing construction. The proposed changes encompass process enhancements, adjustments to development standards, and an expansion of housing development incentives throughout the city. These changes will provide diverse housing options for all San Francisco residents, ultimately expanding affordability and opportunity.

Policy Improvements:

Constraints Reduction legislation will make it easier to build the housing that San Francisco desperately needs by introducing a series of changes aimed at removing costly and time-consuming requirements. Requirements such as Conditional Use permits, the 311 process, and public hearings have impeded housing construction and driven up costs, and we are strongly supportive that code-compliant projects should be exempted, provided that they are outside the Priority Equity Geographies SUD. By expanding the allowable geography for senior housing and homeless shelters, streamlining the process, and removing impact fees for 100% affordable State Density Bonus projects, this legislation thoughtfully expands the city's capacity to build housing at all income levels.

The lack of adequate housing supply is chiefly responsible for the city's high cost of living. This legislation makes impactful changes that will reduce construction costs per unit, ultimately benefiting renters and homeowners alike. Furthermore, we believe that increased density not only alleviates the housing crisis but also strengthens communities, allowing for more foot-traffic to support small businesses and overall engagement with the many amenities our great city provides.

Expanding the housing inventory in San Francisco is not only a policy matter but also a moral imperative. It will foster greater neighborhood diversity, provide improved housing opportunities for vulnerable populations, and contribute to a thriving city culture where everyone can thrive.

Staying in Compliance:

In addition to the legislation's many benefits, the Board of Supervisors must pass Constraints Reduction so that San Francisco stays in compliance with our Housing Element. Not passing this legislation opens the city up to **significant legal liability, loss of funding, and loss of local control.**

Not passing this legislation, or watering down its intent, puts the city at risk of **significant fines, builders remedy projects**, and further legal challenges. Furthermore, the city is at risk of **losing hundreds of millions of dollars** in critical affordable housing and transportation funding that we are reliant on. By losing compliance, we are also no longer eligible for a "Pro Housing Designation" which reduces the probability of affordable housing projects receiving critical state grants. Lastly, losing housing element compliance all but ensures that San Francisco loses local control over its land use. Let's show the state that San Francisco is able to handle its own business.

In conclusion, we urge the Land Use Committee and the Board of Supervisors to wholeheartedly

support the "Housing for All" ordinance. The policy, as part of our already approved Housing Element, will foster a more inclusive and affordable San Francisco. Let’s ensure that our city continues to be a beacon of progress, diversity, and opportunity for generations to come.

Thank you for your dedication to improving our city and addressing its housing challenges.

Sincerely,

Bruce Agid (650-201-0138)

President, San Francisco Eastern Neighborhoods Democratic Club

www.sfendc.com

From:	zrants
To:	Carroll, John (BOS); Somera, Alisa (BOS)
Subject:	Fwd: Public Comment for the Permanent Record: Strongly OPPOSE Breed-Engardio-Dorsey Housing Production Ordinance File #230446. Agenda Item 4 Land Use & Transportation Committee Meeting, October 2, 2023, 1:30 PM
Date:	Friday, September 29, 2023 7:13:47 PM

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September 29, 2023

District Supervisors, Commissioners and Staff:

I am writing to strongly Oppose Item No. 4, the Breed-Engardio-Dorsey Housing Production Ordinance, File #230446.

Housing for families making $150,000-$190,000/year is not affordable housing. Even if two full time wage-earners were to be working 40 hours a week at $35/hour, a rate way above minimum wage, for a combined income of $145,600/year, they couldn't afford to live in this "affordable" housing you propose to build.

Most middle income and low wage workers cannot the afford the new affordable housing intended to replace existing affordable housing that would have to be demolished to make way for more the more expensive denser new housing. Evicting tenants to demolish existing housing creates more homeless people.

As we know the city is losing population leaving a lot of empty units. We need a plan to fill all those empty units before any more demolition is approved.

The plans for the Mission (D-9) and Noe Valley (D-8) are perplexing. Most neighborhood residents would agree that staff picked two of the least appropriate streets to up-zone.

Church is wide in some areas, but narrows as it goes up a steep hill next to Dolores Park. The park is already over-used, and is often the scene of neighborhood disputes. There is a light rail on Church making it transit riche, but, there is no excuse to expand, gentrify, and disrupt the street.

24th Street is a very narrow street with no room to grow. It is the heart of Noe Valley and has managed to maintain most of its historic specialty businesses in the midst of a constellation of changing merchants.

24th Street is narrow, and already heavily impacted by tech and Muni buses, and a constant stream of vehicles trying to reach the only grocery store in the area. The street has retained a friendly community spirit, but, now it looks like there is an effort to tear it apart and kill what is left of a surviving commercial street. San Francisco is losing population. We certainly don't need to kill our neighborhoods to build more housing.

Most of the Mission has already been up-zoned along Mission and South Van Ness and wider more appropriate streets.

District 8 has already raised height limits along Market Street. There is no reason to up zone Noe Valley.

Thanks to our state reps the entire city is already zoned for 4 stories minimum and bonus levels are easily added with existing legislation. The 50 story suggested height at the beach is not an exaggeration. If it can happen there it can happen anywhere.

Sincerely,

Mari Eliza
Concerned Citizen

From: Ozzie Rohm
To: Carroll, John (BOS); Somera, Alisa (BOS)
Subject: Please Include with File No. 230446 - Constraint Reduction Proposal
Date: Friday, September 29, 2023 4:30:30 PM
Attachments: Housing Permits vs Public Hearings.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Mr. Carroll and Ms. Somera,

I am sending you the attached presentation for the upcoming Land Use and Transportation Committee hearing on Monday, October 2nd to be included with File No. 230446, which is the mayor's proposal for Constraint Reduction.

Thank you,
Ozzie Rohm

Housing Permits v. Public Hearings

8 year average - 82% of housing permits moved unimpeded

without Discretionary Review or Conditional Use

	With CUA or Dr	With CUA or Dr %	NO CUA or DR	NO CUA or DR %	Totals
2015	192	16%	989	84%	1181
2016	157	17%	756	83%	913
2017	150	18%	704	82%	854
2018	152	18%	688	82%	840
2019	132	20%	513	80%	645
2020	118	15%	682	85%	800
2021	120	18%	546	82%	666
2022	125	21%	479	79%	604
Totals	1440	19%	6324	81%	7764
Average	**143**	**18%**	**670**	**82%**	**813**

Unimpeded Permits

2018-2022*

*When you exclude CUAs for non-residential lots involving no housing, the constrained housing projects drop even further:

- 2018 - 688 Permits had no CUA or DR | 83% No constraints
- 2019 - 513 Permits had no CUA or DR | 82% No constraints
- 2020 - 682 Permits had no CUA or DR | 88% No constraints

Constraints by Type

2018-2022

YEAR	TOTAL CONSTRAINTS	CUA PERMITS	DR PERMITS
2018	164	93	71
2019	128	75	53
2020	110	75	35

CUAs & DRs by Subject Property Type

2018-2022

BLDG TYPE | CUA				
	SFH	NonRes	MultiUnit	Vacant Lot
2018	24	42	20	7
2019	20	29	22	3
2020	29	22	21	4

BLDG TYPE | DR				
	SFH	NonRes	MultiUnit	Vacant Lot
2018	42	4	22	3
2019	38	2	9	4
2020	15	2	17	1

DRs by Subject Property Type

2018 ONLY



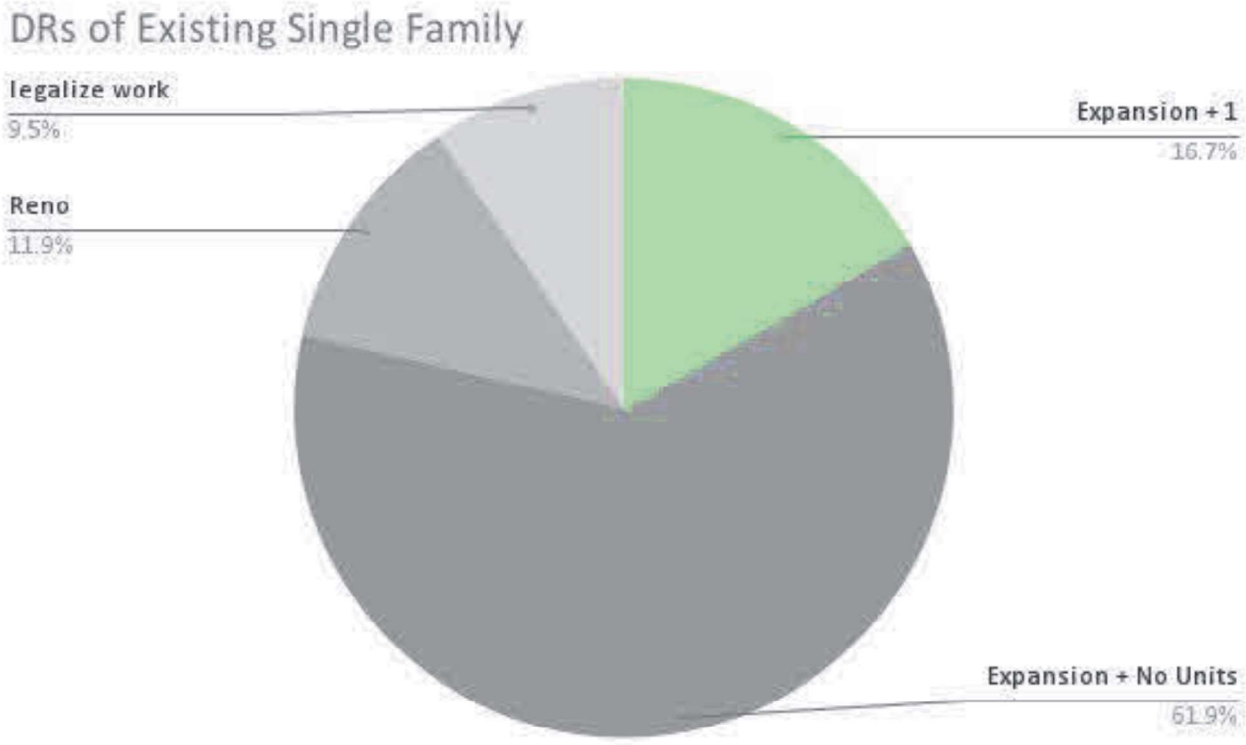
(2018 - 688 Project Permits resulted in CUA or DR)

DRs of Existing Single Family Homes

2018

Projects Proposed

- 26 = Expansion + No Units
- 7 = Expansion + Add Units
- 4 = Legalize Work
- 5 = Renovation

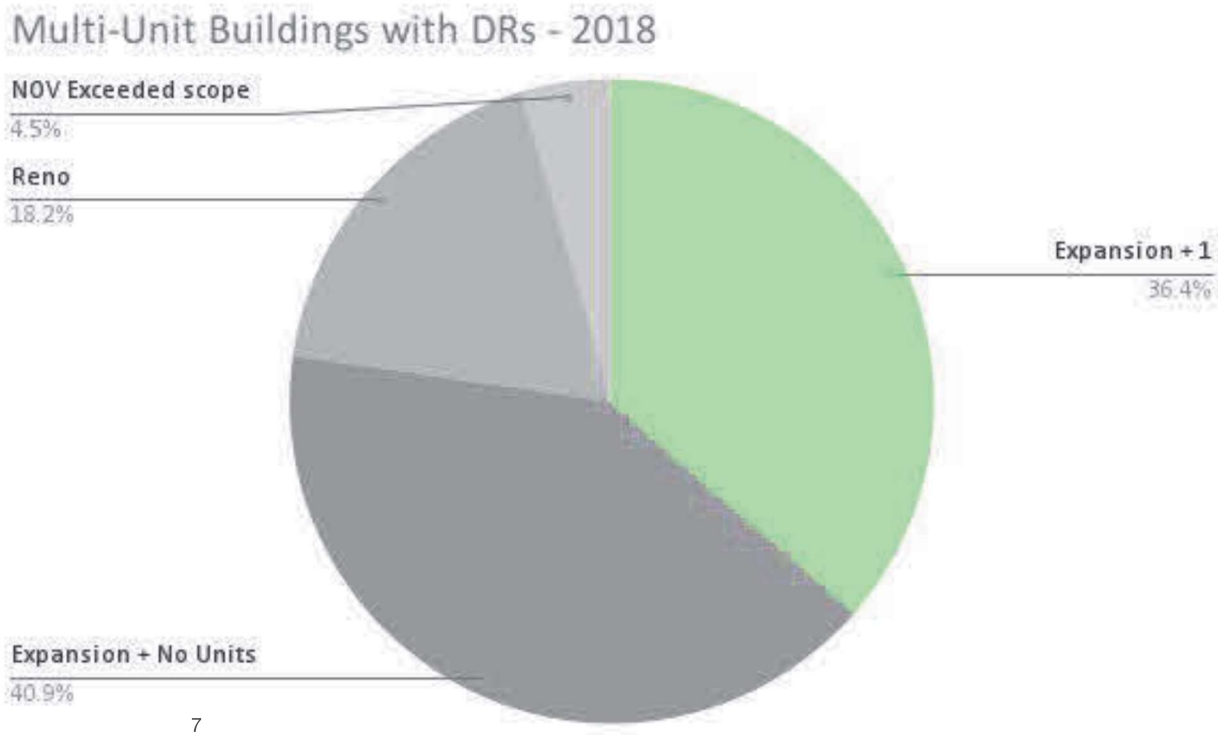


DRs of Existing Multi-Unit Bldgs

2018

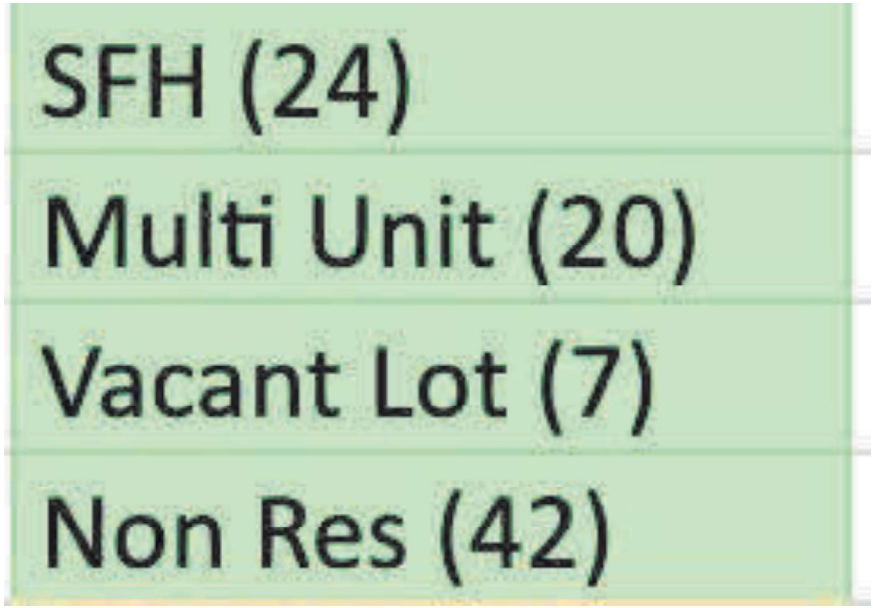
Projects Proposed

- 8 = Expansion + Add Unit
- 9 = Expansion + No Units
- 4 = Renovation or variance
- 1 = NOV / Exceeded scope



CUAs by Subject Property Type

2018 ONLY



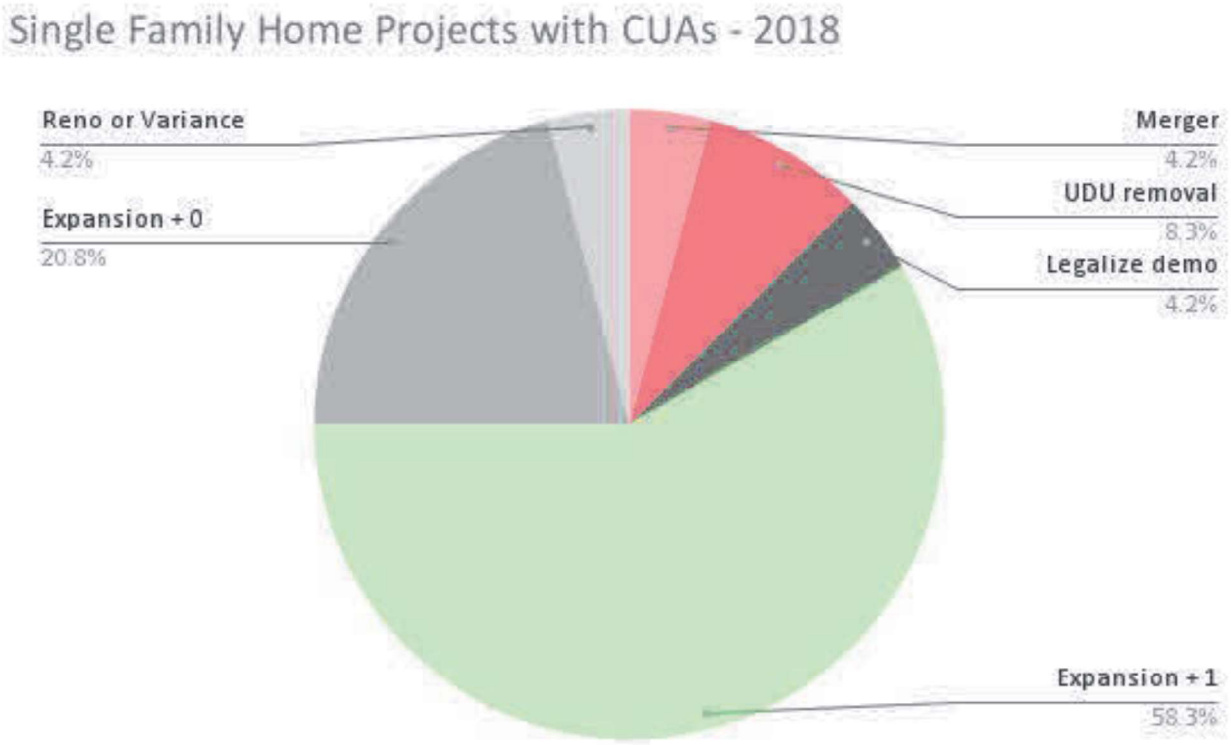
(2018 - 688 Project Permits resulted in CUA or DR)

CUAs of Existing Single Family Homes

2018

Projects Proposed

- 1 = Merger of units
- 2 = UDU removal
- 1 = Legalize Demo
- 14 = Expansion + add unit
- 5 = Expansion + no units
- 1 = Renovation or variance



From:	Avi Gandhi
To:	Carroll, John (BOS); Somera, Alisa (BOS)
Subject:	Fw: Letter Re: Legislative File #230446, "Planning Code, Zoning Map - Housing Production"
Date:	Friday, September 29, 2023 4:22:05 PM
Attachments:	9.29.2023 Letter Re Housing Element Streamlining Legislation_File # 230446.pdf

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From: Avi Gandhi
Sent: Friday, September 29, 2023 4:17 PM
To: myrna.melgar@sfgov.org <myrna.melgar@sfgov.org>; Dean.Preston@sfgov.org <Dean.Preston@sfgov.org>; aaron.peskin@sfgov.org <aaron.peskin@sfgov.org>; Major, Erica (BOS) <Erica.Major@sfgov.org>
Cc: Zachary Weisenburger <zweisenburger@ycdjobs.org>; Gen Fujioka <gfujioka@chinatowncdc.org>
Subject: Letter Re: Legislative File #230446, "Planning Code, Zoning Map - Housing Production"

Dear Chair Melgar and the Land Use and Transportation Committee,

Please find the attached letter on behalf of our organizations (CCDC and YCD) regarding Legislative File #230446, "Planning Code, Zoning Map - Housing Production," which is on the Land Use and Transportation Committee agenda this coming Monday, October 2.

Sincerely,
Avi Gandhi

Avi Gandhi *(she/her)* **| Senior Planner**
Community Planning and Policy
Chinatown Community Development Center
669 Clay St | San Francisco, CA | 94111
Effective January 9, 2023, Chinatown CDC have relocated our administrative offices. Our new office is located at 615 Grant Ave, San Francisco CA 94108 (cross street California). Please update your records.

September 29, 2023

Chair of the Land Use & Transportation Committee, Supervisor Melgar
Land Use & Transportation Committee Members, Supervisors Peskin and Preston
San Francisco Board of Supervisors

Re: Constraints Reduction (AKA Housing Production) Ordinance – File # 230446. Hearing scheduled for October 2, 2023

Dear Chair Melgar and Supervisors Peskin and Preston,

The undersigned organizations write to express our deep concerns regarding the present version of the legislation. As discussed further below, this sweeping proposal to change development policy across the entire City removes protections for tenants, small businesses, and vulnerable neighborhoods without appropriate analysis of those impacts and without affirmative provisions for social and racial equity. Without such analysis and provisions, the City would be moving forward based upon blind faith that the intended purpose of the legislation will be achieved without harm to those Black, Brown, Asian, and working-class communities at greatest risk. While these concerns were raised at the Planning Commission, most were not addressed in subsequent analyses or amendments. For these reasons, we urge that the proposal not be approved without additional analysis and significant amendments.

The analysis previously provided by the Planning Department was misleading in claiming that the legislation protects the City's most vulnerable areas through the designated Priority Equity Geographies Special Use District (or PEG-SUD). While the legislation does retain existing public noticing requirements in these areas, it does not add any new "protections" or any provisions that would either prevent further displacement of existing low-income tenants and businesses or combat the speculative development practices that have historically disadvantaged these communities. In at least one respect it takes away the right to public hearings on primarily market rate housing developments that would displace neighborhood serving businesses, services, and cultural institutions in these areas – replacing such hearings with unilateral decisions by the Planning Director. Without retaining such public process and providing additional resources for affordable housing, the legislation has the effect of removing community voice and encouraging further gentrification and displacement in these areas at greatest risk.

Threat to the economic, social, and cultural vitality of historically low-income, immigrant and BIPOC neighborhoods. The streamlining of new development without significant additional protections, particularly in mixed-use districts of the PEG-SUD, would result in significant small business displacement, especially along cultural corridors of ethnic neighborhoods like Chinatown, Mission, Bayview, Tenderloin and Excelsior. Many immigrant and cultural community-serving businesses operate without leases or on short-term arrangements, making them highly susceptible to displacement. Their removal not only threatens the survival of the businesses but also destabilizes the communities they serve. While housing stability is undoubtedly crucial, access to jobs, local businesses, and community-

based services is equally vital for the holistic well-being of low-income communities and these impacts should be assessed simultaneously.

Increased competition for affordable housing sites especially in critical cultural community areas where the need for affordable housing is the greatest. With a shrinking number of priority affordable housing sites available, low-income BIPOC communities are further disadvantaged by the increased competition from streamlining of market-rate housing. With limited remaining sites available for new developments in these areas, weakening the public process makes these limited sites prime targets for upscale and luxury projects. This increased competition from non-affordable projects directly undermines the pressing need for affordable housing in these neighborhoods and risks perpetuating gentrification and further displacement.

Price pressures and increased harassment and displacement of low-income residents living nearby. We have seen multiple low-income residents, non-profit and community serving businesses, and cultural community spaces being displaced or priced out of the neighborhood as a result of nearby market-rate developments. Without proposing affirmative programs such as land acquisition programs to dedicate sites for truly affordable housing in at-risk neighborhoods, the elimination of public input is a step backward, especially in neighborhoods where the legislations' PEG-SUD designation promises greater protections.

With the various provisions that remove noticing and public hearing requirements, the communities in the City that have been most adversely impacted by gentrification, displacement, and disempowerment will have less opportunity to speak out and have a voice in future market-driven development in what remains of their neighborhood. These processes are significant, particularly because new projects are often focused in historically disadvantaged neighborhoods, and invariably replace existing affordable housing and community-serving uses with housing and uses that are unaffordable or disconnected from the cultural fabric of the existing community. Shifting decision-making authority from public forums to the Planning Director's discretion essentially eradicates the possibility for meaningful conversations around creating opportunities for increased affordability, preserving existing housing and businesses, and protecting community-serving cultural spaces and institutions.

We also appreciate the model that Chair Melgar has put forward in her Family Housing Opportunity SUD legislation, which builds on core principles of the Housing Element to create equitable distribution of housing in the city by focusing streamlining in residentially zoned parcels of "High Resourced" areas. The City's approved Housing Element has several implementing actions that affirmatively further fair housing, and not only safeguard public input and participation, but also offer solutions for strengthening protections and allocating new resources for affordable housing in the City's lowest-income communities, both within and outside the PEG-SUD. Implementing actions like 8.4.21, 9.4.2, 1.2.2, 1.5.5 and 2.3.1 exemplify these efforts, which the current legislation contradicts.

For all these reasons, we urge the Land Use and Transportation Committee to not advance the present proposal for consideration by the full board without thorough analysis of the impacts on the most vulnerable communities and without significant amendments that further the Housing Element's affirmative actions.

Sincerely,

Avi Gandhi
Senior Community Planner
Chinatown Community Development Center

Zachary Weisenburger
Land Use Policy Analyst
Young Community Developers

From:	Major, Erica (BOS)
To:	Judi Gorski; Carroll, John (BOS)
Subject:	RE: Public Comment for the Permanent Record: Strongly OPPOSE Breed-Engardio-Dorsey Housing Production Ordinance File #230446. Agenda Item 4 Land Use & Transportation Committee Meeting, October 2, 2023, 1:30 PM
Date:	Friday, September 29, 2023 4:16:56 PM

Thank you, confirming receipt and inclusion to Board File No. 230446.

ERICA MAJOR
Assistant Clerk
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244 San Francisco, CA 94102
Phone: (415) 554-4441 | Fax: (415) 554-5163
Erica.Major@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a "virtual" meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services.

Click **HERE** to complete a Board of Supervisors Customer Service Satisfaction form.

The Legislative Research Center provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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From: Judi Gorski <judigorski@gmail.com>
Sent: Friday, September 29, 2023 4:11 PM
To: Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; PeskinStaff (BOS) <peskinstaff@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Smeallie, Kyle (BOS) <kyle.smeallie@sfgov.org>; PrestonStaff (BOS) <prestonstaff@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>; Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; Melgar, Myrna (BOS) <myrna.melgar@sfgov.org>; Fieber, Jennifer (BOS) <jennifer.fieber@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; Chan, Connie (BOS) <connie.chan@sfgov.org>; Groth, Kelly (BOS) <kelly.groth@sfgov.org>; ChanStaff (BOS) <chanstaff@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>;

MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Thongsavat, Adam (BOS) <adam.thongsavat@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Herrera, Ana (BOS) <ana.herrera@sfgov.org>; RonenStaff (BOS) <ronenstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Burch, Percy (BOS) <percy.burch@sfgov.org>; Waltonstaff (BOS) <waltonstaff@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Buckley, Jeff (BOS) <jeff.buckley@sfgov.org>; SafaiStaff (BOS) <safaistaff@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Rosas, Lorenzo (BOS) <Lorenzo.Rosas@sfgov.org>; StefaniStaff, (BOS) <stefanistaff@sfgov.org>; Engardio, Joel (BOS) <joel.engardio@sfgov.org>; Goldberg, Jonathan (BOS) <jonathan.goldberg@sfgov.org>; EngardioStaff (BOS) <EngardioStaff@sfgov.org>; Dorsey, Matt (BOS) <matt.dorsey@sfgov.org>; Tam, Madison (BOS) <madison.r.tam@sfgov.org>; DorseyStaff (BOS) <DorseyStaff@sfgov.org>; Barnes, Bill (BOS) <bill.barnes@sfgov.org>; Chung, Lauren (BOS) <lauren.l.chung@sfgov.org>; Carrillo, Lila (BOS) <lila.carrillo@sfgov.org>; judigorski@gmail.com; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Elsbernd, Sean (MYR) <sean.elsbernd@sfgov.org>
Subject: Public Comment for the Permanent Record: Strongly OPPOSE Breed-Engardio-Dorsey Housing Production Ordinance File #230446. Agenda Item 4 Land Use & Transportation Committee Meeting, October 2, 2023, 1:30 PM

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To:
aaron.peskin@sfgov.org , sunny.angulo@sfgov.org , peskinstaff@sfgov.org , dean.preston@sfgov.org , Kyle.Smeallie@sfgov.org , prestonstaff@sfgov.org , erica.major@sfgov.org , board.of.supervisors@sfgov.org , Myrna.Melgar@sfgov.org , jennifer.fieber@sfgov.org , MelgarStaff@sfgov.org , connie.chan@sfgov.org , Kelly.Groth@sfgov.org , ChanStaff@sfgov.org , rafael.mandelman@sfgov.org , mandelmanstaff@sfgov.org , adam.thongsavat@sfgov.org , hillary.ronen@sfgov.org , ana.herrera@sfgov.org , ronenstaff@sfgov.org , shamann.walton@sfgov.org , Percy.Burch@sfgov.org , waltonstaff@sfgov.org , ahsha.safai@sfgov.org , jeff.buckley@sfgov.org , safaistaff@sfgov.org , Catherine.Stefani@sfgov.org , Lorenzo.Rosas@sfgov.org , stefanistaff@sfgov.org , joel.engardio@sfgov.org , jonathan.goldberg@sfgov.org , engardiostaff@sfgov.org , matt.dorsey@sfgov.org , Madison.R.Tam@sfgov.org , dorseystaff@sfgov.org , Bill.Barnes@sfgov.org , lauren.l.chung@sfgov.org , lila.carrillo@sfgov.org mayorlondonbreed@sfgov.org, sean.elsbernd@sfgov.org, judigorski@gmail.com

From: Judi Gorski, Resident Voter D4
judigorski@gmail.com

Date: September 30, 2023

Subject: Public Comment for the Permanent Record: Strongly **OPPOSE Breed-Engardio-Dorsey Housing Production Ordinance File #230446. Agenda Item 4** Land Use & Transportation Committee Meeting, **October 2, 2023, 1:30 PM**

Dear President Peskin, Supervisors, Mayor Breed, and all other interested parties,

I am writing to strongly OPPOSE Item No. 4, the Breed-Engardio-Dorsey Housing Production Ordinance, File #230446.

Housing for families making $150,000-$190,000/year is not affordable housing. Even if two full time wage-earners were to be working 40 hours a week at $35/hour, a rate way above minimum wage, for a combined income of $145,600/year, they couldn't afford to live in this "affordable" housing you propose to build.

Teachers couldn't afford it. The average Public School Teacher salary in San Francisco is $71,544 as of September 25, 2023.
Maintenance workers couldn't afford it. The average Street Sweeper salary in San Francisco, CA is **$50,392** as of September 25, 2023, but the salary range typically falls between **$44,626** and **$57,833**.
Landscapers couldn't afford it. The average hourly rate for landscapers working for SF Rec and Parks is $17.16 - $23.89 per hour as of September 19, 2023.
Bus drivers couldn't afford it. The average MUNI bus driver in SF makes $79,617 per year, 51% above the national average.
I googled the above salaries. The list of ineligible professions goes on.

So, who exactly can live in these places?

Where in this Ordinance is the language specifying the maximum height of no more than six (6) stories on commercial corridors within Supervisor Engardio's District 4? And where within those six (6) stories on commercial corridors does it specify that only the street level will be commercial and the two stories above will be residential? Where in this Ordinance does it state the height limits of all buildings between corners within the residential noncommercial blocks of D4?

According to a recent opinion piece in the 9/26/23 NY Times by Heather Knight, "During the pandemic shutdowns, San Francisco saw an exodus not only of downtown workers but also of residents. Almost 50,000 people moved out, many of them taking advantage of remote work options to move to cheaper locales, reducing the city's population to 832,000."

What about the 61,473 vacancies in San Francisco that are still somehow not affordable? Why don't you try fixing that?

Last year the San Francisco Budget & Legislative Analyst did a study and report (October 20, 2022 - Residential Vacancies Update) on San Francisco vacancies and found there were 61,473 vacancies in 2021. (See p. 7 in the following link.)

https://sfbos.org/sites/default/files/BLA.Residential_Vacancies.Update.102022.pdf

Do you believe the American Dream is to live in a small cubicle within a large building containing other small cubicles surrounded by similar large buildings full of cubicles? What about single family homes with gardens and space between neighbors? Is it not bad enough there are so many homes attached to each other in San Francisco creating density? Why create unaffordable unappealing living spaces where you, yourselves, wouldn't want to live? Where's the "joy" in that for San Franciscans?

Please do not pass this Ordinance. It removes our badly needed and hard-won protections against developer/builders who cut corners and build unsafe structures. It allows buildings to exceed established height and density requirements. We don't want or need it.

Thank you in advance for including my comments opposing this Ordinance in the permanent record. Please acknowledge receipt of this email.

Sincerely,
Judi Gorski
SF Resident/Voter 45+ years
Member of several community organizations: Open Roads for All,
Concerned Residents of the Sunset, SF Needs Parking, Save Our Neighborhoods-SF, Great Highway Updates, Coalition of San Francisco Neighborhoods

From: [redacted]
To: [redacted]
Cc: [redacted]
Date: Friday, September 30, 2022 10:52:31 AM

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To:
[redacted] [redacted] [redacted] [

From:	Joseph Smooke
To:	Melgar, Myrna (BOS); Peskin, Aaron (BOS); Preston, Dean (BOS); melgarsaff@sfgov.org; Major, Erica (BOS)
Cc:	Gluckstein, Lisa (MYR); Board of Supervisors (BOS); BOS-Legislative Aides; Jeantelle Laberinto
Subject:	Letter Re: Legislative File #230446, "Planning Code, Zoning Map - Housing Production"
Date:	Wednesday, September 27, 2023 6:35:27 PM
Attachments:	REP Letter to Supervisors re Housing Element Streamlining Legislation 27Sept2023.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Chair Melgar and the Land Use and Transportation Committee,

Please find the attached letter from the Race & Equity in all Planning Coalition (REP-SF) regarding Legislative File #230446, "Planning Code, Zoning Map - Housing Production," which is on the Land Use and Transportation Committee agenda this coming Monday, October 2.

Respectfully,

Jeantelle Laberinto
on behalf of the Race & Equity in all Planning Coalition

co-founder of People Power Media
Creators of PRICED OUT
See the animation that will change the way you think about housing!

27 September 2023

Chair of the Land Use & Transportation Committee, Supervisor Melgar
Land Use & Transportation Committee Members, Supervisors Peskin and Preston

Re: Legislative File #230446, "Planning Code, Zoning Map - Housing Production"

Dear Land Use & Transportation Committee Chair Melgar and Supervisors Peskin and Preston:

The Race & Equity in all Planning Coalition of San Francisco (REP-SF), a coalition of more than 40 organizations citywide whose mission is to build a future with diverse communities, stable, affordable housing and equitable access to resources and opportunities, strongly urges the Land Use & Transportation Committee to make significant amendments to this legislation as we have outlined below. If these substantive amendments are not possible, REP-SF requests that this Committee kill the legislation and take up new legislation that:

- Puts affordable housing first
- Protects tenants against displacement
- Values and retains the voices and aspirations of historically marginalized communities in project approval processes with significantly shorter durations.
- Expands and modifies the Priority Equity Geographies SUD

Putting Affordable Housing First

1. The Housing Element commits the City to build 57% of its new housing in the next eight years as price restricted to be affordable for very-low, low and moderate income households. This legislation must prioritize strategies for price-restricted affordable housing.
2. Add a budget supplemental and/or a dedicated revenue source to commit significant new funding to affordable housing per Housing Element action 1.1.2.
3. Include a provision that identifies enough development sites and building acquisitions to meet our RHNA mandate for Very low, Low and Moderate income housing. Please refer to Housing Element Actions 1.2.2 and 1.4.6.

Protecting Tenants Against Displacement

1. Retain the Citywide requirement for Conditional Use Authorization (CUA) for any proposed demolition of existing rent-controlled units.
    a. The Housing Element includes Implementation Actions that speak to retention of rent controlled units even if Conditional Use Authorization policies are updated. Please refer to Implementation Actions 8.4.8, 8.4.9,
2. Expand rent control to all new units
3. Protect small businesses from displacement
    a. Prohibit demolition of buildings occupied by community-based, community-serving small businesses within the five years prior to the project

application. This pertains as well to legacy businesses and priority businesses identified by Cultural Districts as being important in their CHHESS reports.

Valuing and Retaining the Voices of Historically Marginalized Communities

1. REP-SF supports efforts to reduce the duration of project reviews and uncertainty in the process. We, however, demand a process that continues to put the voices and expertise of low income and communities of color out front in the approval process.
    a. Please refer to Housing Element Implementation Action 8.4.21 for how to retain meaningful input and participation citywide, especially from low-income communities and communities of color.
    b. Develop new project approval systems that strengthen the ability for Cultural Districts, low income communities and communities of color to direct how our communities grow and develop as supported by Housing Element Implementation Actions 3.4.2; 4.1.1; 4.1.2; 4.1.4; 4.2.4; 4.2.5; 4.2.6; 4.4.2; 4.5.12; 5.2.4; 5.4.1; 6.1.3; 6.3.2 among others.

Expanding and Modifying the Priority Equity Geographies SUD

1. Expand the PEG-SUD with input from American Indian, Black and other people of color communities and low income communities throughout the City, and input from all Cultural Districts.
    a. Retain and strengthen public noticing, anti-displacement and other community stabilization policies and procedures within the expanded PEG-SUD.
    b. Restore Impact fees and inclusionary housing requirements to their prior levels within the expanded PEG-SUD.
    c. Commit significant new investments and resources for affordable housing for communities within the expanded PEG-SUD.

Conclusion

Although no amendments have been shared with the public in writing, this legislation along with the amendments discussed at the September 18 hearing, moves our City in entirely the opposite direction of racial and social equity with an approach that silences our communities, encourages demolitions and displacement of existing housing throughout vast areas of the City, and provides no resources or meaningful benefits for affordable housing.

REP-SF expects the Land Use & Transportation Committee to substantially amend this legislation for racial and social equity, and if it cannot, REP-SF expects this Committee to reject this legislation and work with low income and people of color communities throughout the City to move forward legislation that implements the Housing Element to affirmatively further fair housing and center racial and social equity. REP-SF looks forward to working with the Board of Supervisors and the Mayor's office on re-orienting the priorities of Housing Element implementation.

Respectfully submitted,

Jeantelle Laberinto on behalf of the
Race & Equity in all Planning Coalition, San Francisco

From:	Elliot Helman
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	Public Comment: OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Thursday, September 28, 2023 8:25:03 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

The Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") contains sweeping unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year!

This ordinance would build housing for the wealthy, create more homelessness, and is an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators. Please vote DOWN this unacceptable corporate attack on San Francisco's environmental, economic, cultural, and community integrity.

Thank you,

elliot helman
Mission Bay 94158

27 September 2023

Chair of the Land Use & Transportation Committee, Supervisor Melgar
Land Use & Transportation Committee Members, Supervisors Peskin and Preston

Re: Legislative File #230446, "Planning Code, Zoning Map - Housing Production"

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Respectfully submitted,

Jeantelle Laberinto on behalf of the
Race & Equity in all Planning Coalition, San Francisco

To: Erica Major

BOS-11

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2023 SEP 14 PM 12: 28

September 14, 2023

BY HAND

President Aaron Peskin
Supervisor Myrna Melgar
Supervisor Dean Preston
Members of the Land Use and Transportation Committee
City Hall

Re: Mayor Breed's Constraint Reduction Ordinance **Board File No. 230446**

Dear Chair Melgar, President Peskin and Supervisor Preston:

The Mayor's Ordinance will be heard at the LUT sometime soon. *(September 18th?)*

The Committee *should not* recommend it to the full Board.

This Ordinance is not needed due to the fact of other legislation, both local and from Sacramento. For example:

The Board has passed Chair Melgar's Ordinance to expand housing with the "Family Housing Opportunity SUD".

There is SB 9. And there is the local Four-Plex Program.

The Rezoning under the Housing Element is underway and will be finalized in early 2024.

SB 35 has been extended and expanded via SB 423.

Construction on Treasure Island is underway.

Recent ADU legislation from Sacramento allows them to be sold as condos.

All the other housing bills from the Sacramento....too many to cite!

There are tons of units in the San Francisco pipeline: Stonestown, Park Merced, Schlage Lock, numerous projects around the HUB, etc, etc, etc)

Plenty of existing vacant units. (i.e. One Oak, 603 Tennessee Street, etc, etc, etc)

Let's see what happens with all of this before reducing constraints even more.

Georgia Schuttish

Georgia Schuttish

Copy to Erica Major, Clerk for LUT/ One Copy to each LUT Staff

From: T Flandrich
To: Peskin, Aaron (BOS); Preston, Dean (BOS); Melgar, Myrna (BOS)
Cc: Major, Erica (BOS); Angulo, Sunny (BOS); Smeallie, Kyle (BOS); Fieber, Jennifer (BOS)
Subject: Item #5 File #230446 Planning Code, Zoning Map - Housing Production In Opposition
Date: Thursday, September 14, 2023 6:55:02 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

13. September 2023

Dear President Peskin and Supervisor Preston,

As co-founder and chair of the North Beach Tenants Committee, I am writing to state clearly that this legislation is a failed attempt at the implementation of professed goals of "housing for all" and would result in the demolition of our existing affordable housing, overriding the Family Housing Opportunity tenant protections and will further displacement with no affordable place to move to.

These are but a few of the very many disastrous issues with the Mayor's legislation and there are just too many to try to fix.

I urge you stop this charade of "housing for all" and ask our Mayor to commit to the creation of an alternative plan which will cause the least amount of harm to the majority of all San Franciscans and actually build the affordable housing our communities need.

Thank you for your consideration,
Theresa Flandrich

From:	Robert Hall
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Monday, September 18, 2023 7:27:28 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors:

The Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") contains massive unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year!

This ordinance would worsen:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high priced housing that is not affordable. It is ridiculous that the ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels!

- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.

- **The Vacant Housing Crisis** - San Francisco has at least 60,000 vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands more apartments. We do not need more housing construction, we need to make our existing housing space affordable!

- **The Environmental Justice & Equity Crisis** - This ordinance would gut environmental and community review protections and would establish "Urban Renewal" style

redevelopment zones, setting precedents that would allow corporate real estate giants to even more easily build unhealthy housing on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared "cleaned up").

- **The Climate Crisis** - This ordinance is bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other building materials releasing more greenhouse gases, not less.

This ordinance would build housing for the wealthy, create more homelessness, and is an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators. Please vote DOWN this unacceptable corporate attack on San Francisco's environmental, economic, cultural, and community integrity!

Thank you,

Robert Hall
94117

From:	Brian Luenow
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Monday, September 18, 2023 5:25:32 PM

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Dear Supervisors,

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- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.
- **The Vacant Housing Crisis** - San Francisco has at least 60,000 vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands more apartments. We do not need more housing construction, we need to make our existing housing space affordable!

- **The Environmental Justice & Equity Crisis** - This ordinance would gut environmental and community review protections and would establish "Urban Renewal" style redevelopment zones, setting precedents that would allow corporate real estate giants to even more easily build unhealthy housing on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared "cleaned up").
- **The Climate Crisis** - This ordinance is bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other

building materials releasing more greenhouse gases, not less.

This ordinance would build housing for the wealthy, create more homelessness, and is an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators. Please vote DOWN this unacceptable corporate attack on San Francisco's environmental, economic, cultural, and community integrity!

Thank you,

Brian

94116

From:	R L
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	Subject: Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Monday, September 18, 2023 8:04:58 PM

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Dear Supervisors,

The Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") contains massive, unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year!

This ordinance would worsen:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high-priced housing that is not “affordable.” It is ridiculous that the ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels! There is nothing “affordable” about this type of ordinance but a subsidized program that only benefits owners, developers, real estate interests or speculators etc. and not those most in need.
- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more working class (low/middle income) San Franciscans either out of the City, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.
- **The Vacant Housing Crisis** - San Francisco has at least 60,000 vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands more apartments. We do not need more housing construction; we need to make our existing housing space affordable!
- **NO Housing Crisis** – Lets use simple math & logic, since 2022 the population of San Francisco has declined by over 65,000 which certainly has increased for 2023. There are approximately 143,000 units that are vacant, have been built, are currently being built, that are coming soon and are in the pipeline for building, so, why would we need 82,000 more units? Reason - we do NOT have a housing

crisis but a crisis where HCD (RHNA) over-inflated the figures for housing needs & their veiled threats that if cities don't build these numbers, funding will not be given to cities such as San Francisco.

- **The Environmental Justice & Equity Crisis** - This ordinance would gut environmental and community review protections and would establish "Urban Renewal" style redevelopment zones, setting precedents that would allow corporate real estate giants to build unhealthy housing even more easily on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared "cleaned up"), as well as 2550 Irving and thousands of other sites in the City with similar issues. CEQA and other agencies of this nature were established to protect the Communities & to enforce doing the right thing like doing the proper testing, remediate a site properly, not build on toxic sites or not cut corners for the sake of making money. Removing these protections will harm the Community and <u>all</u> those you profess to care about.
- **Urban Renewal 2.0** – Ordinances of these nature are & will follow the same trajectory as the past like Geneva Towers.* They will be built, not be occupied only to sit vacant (e.g. The Westerly on Sloat), become mismanaged*, not benefit the people's needs and a blight on the Neighborhoods.
- **The Climate Crisis** - This ordinance is bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other building materials releasing more greenhouse gases, not less.

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Please vote DOWN this unacceptable corporate attack on San Francisco's environmental, economic, cultural, and Community integrity!

Thank you,
<!--[if !supportLineBreakNewLine]-->
<!--[endif]-->

Renee Lazear

D4 Resident - 94116

SON-SF ~ Save Our Neighborhoods SF

Preserve the Nature & Character of Our Neighborhoods

From:	Robert Hall
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Monday, September 18, 2023 7:27:19 PM

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Thank you,

Robert Hall
94117

From:	Brian Luenow
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Monday, September 18, 2023 5:25:31 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

The Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") contains massive unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year!

This ordinance would worsen:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high priced housing that is not affordable. It is ridiculous that the ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels!
- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.
- **The Vacant Housing Crisis** - San Francisco has at least 60,000 vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands more apartments. We do not need more housing construction, we need to make our existing housing space affordable!

- **The Environmental Justice & Equity Crisis** - This ordinance would gut environmental and community review protections and would establish "Urban Renewal" style redevelopment zones, setting precedents that would allow corporate real estate giants to even more easily build unhealthy housing on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared "cleaned up").
- **The Climate Crisis** - This ordinance is bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other

building materials releasing more greenhouse gases, not less.

This ordinance would build housing for the wealthy, create more homelessness, and is an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators. Please vote DOWN this unacceptable corporate attack on San Francisco's environmental, economic, cultural, and community integrity!

Thank you,

Brian

94116

From:	A. Colichidas
To:	Board of Supervisors (BOS)
Subject:	Subject: Public Comment: File #230446 Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Monday, September 18, 2023 3:32:24 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

Do I have to enumerate all the things wrong with the "Constraints Reduction Ordinance" (aka "Housing Production Ordinance")?

As a lifelong renter, I join San Francisco renters and allies in strongly opposing this legislation.

It is a license to _____ !(you fill in the blank), will gut SF rent protections and worsen the very problems the Board and the Administration are desperate to solve, such as:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high priced housing that is not affordable. It is ridiculous that the ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels!

- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.

I trust you will do the right thing here and vote NO. You have been sitting in those chairs long enough to know that the human misery on our streets will only be exacerbated and many lives cut short of their potential if this is allowed to proceed.

Sincerely,
*Ann Colichidas, San Francisco
Member: San Francisco Gray Panthers
Member: Our Mission, No Eviction

*The opinions expressed are my own.

From:	Christine Hanson
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Monday, September 18, 2023 3:18:01 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

The Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") contains massive unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year! This excludes your teachers, your nurses, and likely many of your own aides!

This ordinance would worsen:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high priced housing that is not affordable. It is ridiculous that the ordinance calls • housing built mostly for families making $150,000 to $190,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels! *If you truly want the City to create more units of affordable housing, please do not vote for anything g that minimizes public input!*

The Homelessness Crisis - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.

- **The Vacant Housing Crisis** - San Francisco has at least 60,000 vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands more apartments. We do not need MORE MARKET OR PROHIBITIVELY EXPENSIVE housing construction, we need to make our existing housing space affordable!

- **The Environmental Justice & Equity Crisis** - This ordinance would gut environmental and community review protections and would establish "Urban Renewal" style redevelopment zones, setting precedents that would allow corporate real estate giants to even more easily build unhealthy housing on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared "cleaned up"). For these reasons, in addition to gross speculation on real estate, the wait time between property purchase and development cannot be less than 10 years.
- **The Climate Crisis** - This ordinance is bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other building • materials releasing more greenhouse gases, not less.

- This ordinance would build housing for the wealthy, create more homelessness, and is an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators. *As it exists, the currently proposed legislation will pave the way for this!*

Please vote DOWN this unacceptable corporate attack on San Francisco's environmental, economic, cultural, and community integrity!

Thank You!
Christine Hanson
Resident of the Excelsior

--
Perfectionism is the voice of the oppressor.
Annie Lamott

From:	Magick Altman
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PeskinStaff (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); MelgarStaff (BOS)
Subject:	The iso-called "Family HOusing
Date:	Monday, September 18, 2023 2:36:27 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

This will be a travesty for working people, elders, physically challenged, and families with young children. Please stop catering to developers who are not helping with real for the people housing.
This is wrong, and is a giveaway to the developers. UGH!
Yours I truth,
Magick
94107

From:	Kathleen Kelley
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	Public Comment: Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Monday, September 18, 2023 2:33:35 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

The proposed ordinance by Engardio-Breed is going in the wrong direction.

Taking away public and community input results in toxic sites like 2550 Irving from being cleaned up. The developer, the DTSC, the Mayor, MOHCD all turned their backs on the Sunset community as we raised over two years of legitimate concerns about proven toxin levels, joining in a chorus falsely describing neighbors as NIMBY's, and wasting time and money. And causing heartache.

Why isn't the 2550 Irving site being given the same "apples to apples" testing as requested by the Board of Appeals and the neighbors toxin experts? **Why didn't our Supervisor Engardio follow up on his quote from the Mission Local article https://missionlocal.org/2023/08/affordable-housing-sunset-san-francisco-2550-irving-toxic/**

"Separate and apart from the science here, this is confusing, even for neighborhood residents and city officials staunchly in favor of this project. "You would think that the tests they did on two sites, on two different sides of the street, would be the same, so they'd have a true comparison," said Engardio. Toxic Substances Control "is claiming it did all the testing, and everything is fine. But it does not match up to what the neighborhood asked for, or what a layperson might see as apples to apples."

Engardio stresses that "it's not my role to second-guess a state agency that's in charge of keeping people safe." But, if only to check off a box, "it is baffling to me they would not have done apples to apples tests just to take this argument off the table."

Supervisor Engardio left it at that. It was more convenient for him, the Mayor, MOHCD and

others to sit back, call the neighbors NIMBY's, check the box on state funding and steamroll over the real toxin issue. You said we "were crying wolf". Our leadership has failed the Sunset. You have failed the Sunset by not taking community input seriously, as it was SO much easier to blindly accept the convoluted flawed science of DTSC methodology and check the "housing numbers box" without caring that you do this project right. Clean it up, then build it up. No one in the Sunset said they did not want the housing. It was just convenient for you, our so-called leadership, to take that stance and join the chorus. Look in the mirror. You have failed us.

And 2550 is a real affordable housing site! TNDC and DTSC never involved the community with authentic communication. TNDC and DTSC could have done the testing months ago when requested, saving time and money. The Mar Resolution supposedly "unanimously approved by the BOS" was ignored. Supervisor Engardio, you could have come to your community's aid. But you did not, you were told by the Mayor that we were crying wolf and you bought into that untruth.

Commissioner Trasvina quote from https://missionlocal.org/2023/08/2550-irving-street-affordable-housing-soil-toxins-pce-board-of-appeals/ "I'm ready to grant the appeal, based on an overreliance on, and misplaced deference to, DTSC," said Trasviña, referring to the Department of Toxic Substance Control. He contended that the agency did not meet and communicate enough with residents, and said he was disappointed it did not complete the additional soil vapor tests the Mid-Sunset Neighborhood Association requested. "If we really believe in affordable housing, if we really believe in the public health of the people of San Francisco, and future people in San Francisco, then we have to do this right," he said.

Commissioner Lemberg also supported the appeal: "There are several things that smell here, for me," they said, most notably that the Department of Toxic Substances Control did not complete the tests asked for by the appellants.

The Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") contains massive unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year!

This ordinance will also worsen:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high priced housing that is not affordable. It is ridiculous that the ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels!

- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.
- **The Vacant Housing Crisis** - San Francisco has at least 60,000 vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands more apartments. We do not need more housing construction, we need to make our existing housing space affordable!
- **The Environmental Justice & Equity Crisis** - This ordinance would gut environmental and community review protections and would establish "Urban Renewal" style redevelopment zones, setting precedents that would allow corporate real estate giants to even more easily build unhealthy housing on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared "cleaned up").
- **The Climate Crisis** - This ordinance is bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other building materials releasing more greenhouse gases, not less.

This ordinance will build housing for the wealthy, create more homelessness, and is an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators.

Please vote DOWN this unacceptable corporate attack on San Francisco's environmental, economic, cultural, and community integrity!

Thank you,

Kathleen Kelley
San Francisco Resident who is Very Discouraged in our Leadership

From: Gregory Stevens
To: Breed, Mayor London (MYR)
Subject: We oppose Engardio-Breed-Dorsey Attack on Environment & Affordable Housing
Date: Monday, September 18, 2023 2:09:12 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

Representing over 50 congregations in San Francisco, we at California Interfaith Power and Light, stand in opposition to the Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") because it contains massive unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year!

This ordinance would worsen:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high priced housing that is not affordable. It is ridiculous that the ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels!

- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.

- **The Vacant Housing Crisis** - San Francisco has at least 60,000 vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands more apartments. We do not need more housing construction, we need to make our existing housing space affordable!

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- **The Climate Crisis** - This ordinance is bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other building materials releasing more greenhouse gases, not less.

This ordinance would build housing for the wealthy, create more homelessness, and is an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators. Please vote DOWN this unacceptable corporate attack on San Francisco's environmental, economic, cultural, and community integrity!

Thank you,

—
Gregory Stevens (they/them)
California Interfaith Power & Light
Northern California Director
(650) 313-3998

Schedule a meeting here.

From:	KyleD
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS); Barnes, Bill (BOS); Chung, Lauren (BOS); Carrillo, Lila (BOS)
Subject:	Please Reject the "Constraints Reduction" "Housing Legislation File #230446
Date:	Monday, September 18, 2023 2:03:08 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

The Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") contains massive unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year!

My primary concerns are that:
There are insufficient provisions to verify Landlords honor the 'right of return', and insufficient penalties when they fail to do so.
Condo Conversion works around tenant rights and needs to be restricted.
Most of the units that would be effected are below market rate, which are why they are being done, and goes against the premise of the City of San Francisco that more below market rate units are needed.

This ordinance would worsen:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high priced housing that is not affordable. It is ridiculous that the ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels!

- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.

- **The Vacant Housing Crisis** - San Francisco has at least 60,000 vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted

into thousands more apartments. We do not need more housing construction, we need to make our existing housing space affordable!

- **The Environmental Justice & Equity Crisis** - This ordinance would gut environmental and community review protections and would establish "Urban Renewal" style redevelopment zones, setting precedents that would allow corporate real estate giants to even more easily build unhealthy housing on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared "cleaned up").

- **The Climate Crisis** - This ordinance is bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other building materials releasing more greenhouse gases, not less.

This ordinance would build housing for the wealthy, create more homelessness, and is an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators. Please vote DOWN this unacceptable corporate attack on San Francisco's environmental, economic, cultural, and community integrity!

Thank you,

Kyle DeWolfe

SF CA 94109

From:	David Broockman
To:	Melgar, Myrna (BOS); Preston, Dean (BOS); Peskin, Aaron (BOS)
Cc:	BOS-Legislative Aides; MelgarStaff (BOS); Board of Supervisors (BOS); Major, Erica (BOS); Velasquez, Gustavo@HCD; Megan@HCD; Coy, Melinda@HCD; West, Shannan@HCD; David@HCD; Matthew.Struhar@doj.ca.gov; Gluckstein, Lisa (MYR); Keith Diggs; Sonja Trauss; Robert; Jane Natoli
Subject:	SF YIMBY Public Comment Letter on File #230446 for Sept 18 Land Use Committee Hearing
Date:	Wednesday, September 13, 2023 5:49:39 PM
Attachments:	SF YIMBY Housing for All Letter to SF BOS Land Use - Sept 2023.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Chair Melgar and Land Use Committee Members,

Please see the attached public comment letter from SF YIMBY regarding Legislative file #230446, "Planning Code Zoning Map - Housing Production".

Thank you,

David Broockman
Volunteer Lead, SF YIMBY

cc: Angela Calvillo, Clerk of the Board

SF YIMBY

Yes to People. Yes to Housing.
A Chapter of YIMBY Action
yimbyaction.org

September 13, 2023

Supervisors Myrna Melgar, Aaron Peskin, and Dean Preston
Land Use Committee, San Francisco Board of Supervisors

RE: Board file #230446, "Planning Code, Zoning Map - Housing Production"

Dear Supervisors:

We write in strong support of this legislation. This legislation is a small but important step towards addressing our City's housing shortage, thereby helping stem the tide of rent increases, gentrification, and displacement that result from it.

Earlier this year, you unanimously adopted the Housing Element 2022 Update. The new housing element charts San Francisco on a course for "meeting the housing needs of all its residents" in a way that is "centered on racial and social equity" (p. 2). This bill implements several programs the housing element identified as Key Constraints Reductions Actions "key for reducing constraints on housing development, maintenance, and improvement" (p. 159). We therefore fully expect you will approve this bill, as you committed to do when you voted to adopt the housing element earlier this year.

We understand that politics may intervene. In particular, we are concerned that special interests seek to re-litigate the housing element update and weaken or defeat this bill. We wish to remind you why that is simply not an option: **HCD is watching how you vote on this bill**. In fact, as you know, **HCD sent a letter to all City supervisors about this very bill and made it clear that its passage is a necessary step for the City to implement its housing element**. We have attached HCD's letter for your convenience.

The State of California's attention to this legislation is not surprising: It represents the first time the Board of Supervisors considers legislation implementing some of the housing element's Key Constraints Reductions Actions. As such, your actions next week will signal your readiness to follow through on the promises you made eight months ago. **If you do not pass this legislation—or if you weaken it—you should expect more intense**

scrutiny from the state, along with potential consequences. The California Department of Housing and Community Development may even consider decertification. As you know, this would result in the City losing local land use control, as well as access to crucial affordable housing and transportation funds. We know you agree that we must avoid this nightmare. We are also sure you understand that you would bear the responsibility for these consequences should you weaken or table this legislation. We therefore congratulate and thank you in advance for passing Board file #230446.

Sincerely,
David Broockman and Robert Fruchtman, San Francisco YIMBY

Enclosures: Letter to City of San Francisco from California Department of Housing and Community Development

CC:
Gustavo Velasquez, California Department of Housing and Community Development
Megan Kirkeby, California Department of Housing and Community Development
Melinda Coy, California Department of Housing and Community Development
Shannan West, California Department of Housing and Community Development
David Zisser, California Department of Housing and Community Development
Matthew Struhar, California Attorney General's Office Housing Strike Force
Lisa Gluckstein, Office of San Francisco Mayor London Breed
Keith Diggs and Sonja Trauss, YIMBY Law

AIA San Francisco

File No. 230446

RECEIVED in Committee
9/18/2023 @ 3:26 pm

Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689

July 12, 2023

Re: Project Name: Constraints Reduction (AKA Housing Production)
Case Number: 2023-003676PCAMAP
Board File No. 230446
By Mayor Breed

Dear San Francisco Board of Supervisors,

AIA San Francisco Public Policy and Advocacy Committee are writing to express our support for the proposed 'Housing for All' ordinance.

We commend the efforts made under the 2022 Housing Element Update, which focuses on racial and social equity, to address San Francisco's housing challenges. With a state-mandated goal of constructing 82,000 housing units within the next eight years, this plan aims to provide diverse housing options that strengthen our communities and improve overall affordability and diversity.

The 'Housing for All' ordinance aligns with several policies outlined in the Housing Element. It specifically targets the removal of obstacles that hinder housing construction, especially based on subjective criteria. The proposed changes include process improvements, development standards modifications, and expanded housing development incentives throughout the city. Implementing these changes will offer diverse housing options for all residents of San Francisco, thereby expanding affordability and opportunity.

Process Improvements:

The ordinance introduces several changes to eliminate costly and time-consuming requirements that impede housing construction and increase costs. We can save valuable time and resources by exempting code-compliant projects from certain processes like Conditional Use permits, the 311 process, and public hearings for projects outside the Priority Equity Geographies SUD. Additionally, allowing "as of right" development for heights and large lot projects, streamlining the approval of State Density Bonus Projects, enabling senior housing development wherever housing is permitted, and providing administrative approval for reasonable accommodations will further facilitate housing construction.

Development Standards:

The proposed ordinance brings about standardization and changes in development standards to foster creativity and high-quality housing. Consolidating rear yard requirements, reducing front setbacks, and adjusting minimum lot widths and areas will allow for greater flexibility in designing housing that meets the higher densities mandated by the Housing Element. Other changes, such as allowing open space in specific locations and reevaluating street-facing ground floor uses, will contribute to a more inclusive and vibrant urban environment.

AIA San Francisco
Hallidie Building
150 Sutter Street #814
San Francisco, CA 94104

(415) 874-2620
info@aiasf.org

www.aiasf.org

Expand Affordable Housing Incentives:

The ordinance includes code changes that simplify the process of building affordable housing. Expanding fee waivers for all 100% affordable projects, broadening the eligibility for Home SF, and removing restrictions on eligibility requirements will increase the availability of affordable units to individuals with modest incomes. These measures will help address San Francisco's pressing need for affordable housing options.

We can expand housing options for all San Francisco residents by passing the' Housing for All' ordinance. The correlation between supply and demand is undeniable, and the lack of adequate housing significantly contributes to the city's high cost of living. Private market-driven housing construction, with limited public subsidies, is the foundation of housing in San Francisco, the state, and the entire country. Streamlining the process and allowing developers to increase density will reduce construction costs per unit, ultimately benefiting renters and homeowners.

Higher density in our neighborhoods will promote stronger communities as it increases the number of individuals actively observing and engaging with their surroundings. Moreover, a denser population in our neighborhood commercial districts will create opportunities for residents to successfully launch and operate small retail businesses, surpassing the impact of mandated ground-floor retail spaces.

Expanding the inventory of housing options in San Francisco will foster greater neighborhood diversity, provide better housing opportunities for vulnerable populations, and contribute to a thriving city culture where everyone can flourish.

We urge the Land Use Committee and the Board of Supervisors to approve the "Housing for All" ordinance. Together, we can create a more inclusive and affordable housing landscape for all residents of San Francisco.

Respectfully submitted,

AIA San Francisco Public Policy and Advocacy Committee

AIA Members

Name	Company	Affiliation
Christopher A. Roach	Studio VARA	AIASF PPAC Chair
John Maniscalco	John Maniscalco Architecture	AIASF PPAC
Susanna Douglas	Susanna Douglas Architecture	AIASF Small Firms Co-Chair
Felicia Nitu	CityStructure	AIASF
John Long, AIA	Perkins&Will	AIASF
Gerry Tierney	Perkins&Will	AIAEB
Beth Morris	BMA	AIASF
Robert Jackson	Perkins&Will	USFCA

Mark Davis	Mark Davis Design	AIASF
Mark Kelly	BAR Architects & Interiors	AIASF COTE Co-Chair
Ellen Lou	Skidmore, Owings & Merrill	AIASF
James Hill	James Hill Architect	AIASF
Lena Zhang	Z Studio Architects	AIASF
Ariane Fehrenkamp	Perkins&Will	AIASF
Nish Kothari	HKS Architects	AIASF
Heather Chicoine	Chicoine Studio	AIASF
Christian Dauer	ChrDAUER Architects	
Un Hui Chang	HKS Architects	AIASF
Bruce Albert	The Albert Group	AIASF
David Marlatt	DNM Architecture	AIASF
Dawn Ma	Q-Architecture	AIASF
Theo Revlock	Q-Architecture	AIASF
Patricia Centeno	BAR Architects & Interiors	AIASF
Joel David	Jackson Liles Architecture	
Julie Jackson	Jackson Liles Architecture	AIASF Board of Directors
Brian Liles	Jackson Liles Architecture	AIASF
Jon Peterson	Design Conspiracy A+D	
Robo Gerson	Siol	AIASF
Gregg Novicoff	LMS Architects	AIASF Board of Directors, PPAC
Michael S. Bernard	Virtual Practice	Former Board member, AIACC & AIASF
Shawn Fritz	Shawn Fritz Architect	AIASF
Joel M. Smith	Noel Cross + Architects	AIASF
Killian O'Sullivan	O'Sullivan Architecture	AIASF
Howard Blecher	Blecher Builidng + Urban Design | BBUD	AIASF
Melissa Thorn	Thorn Architects	
Scott McGlashan	McGlashan Architecture	
Eliza Hart	Hart Wright Architects	
Ines Lejarraga	Lejarraga Studio	AIASF Small Firms Chair
Joshua Aidlin	Aidlin Darling Design	AIASF
Kathleen Bost	KBA+D	AIASF
Karin Payson	Karin Payson architecture + design	Former Board member AIASF + AIACC

Mark English	Mark English architects	Former AIASF board member
Brian Nee	Perkins&Will	AIASF
Cary Bernstein	Cary Bernstein Architect	AIASF / AIA CA
Peter Liang	Blue Truck Studio	AIASF
Chandra Baerg	OCBA	AIASF
Anne Fougeron	Fougeron Architecture	AIASF
Irving A Gonzales	G7A | Gonzales Architects	AIASF, 2015 Board Chapter President; NOMA
Eric Hartz	Gast Architects	AIASF
Matt Williams	Gast Architects	AIASF Assoc
Michelle Kriebel	Lundberg Design	
Nana Koami	Koami Architecture	AIA East Bay
Pam Goode	Van Meter Williams Pollack	
Cameron Cooper	Lundberg Design	
Dennis Budd	Gast Architects	AIASF
J. Hulett Jones	jones | haydu	AIASF
Paul Haydu	jones | haydu	AIASF
Geoffrey S Gainer	Actual-Size Architecture	
Jim Zack	Zack/de Vito Architecutre + Construction	
David Gast	Gast Architects	AIA SF
Javier Medina	Mark Davis Design	
Vivian Dwyer	Dwyer Design	AAIASF
Sarah Willmer	Studio Sarah Willmer Architecture	AIA SF
Paul Adamson	as|design	AIA SF

From:	A. Colichidas
To:	Board of Supervisors (BOS)
Subject:	Subject: Public Comment: File #230446 Strongly OPPOSE Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance File #230446
Date:	Monday, September 18, 2023 3:32:24 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

Do I have to enumerate all the things wrong with the "Constraints Reduction Ordinance" (aka "Housing Production Ordinance")?

As a lifelong renter, I join San Francisco renters and allies in strongly opposing this legislation.

It is a license to _____ !(you fill in the blank), will gut SF rent protections and worsen the very problems the Board and the Administration are desperate to solve, such as:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high priced housing that is not affordable. It is ridiculous that the ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels!

- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.

I trust you will do the right thing here and vote NO. You have been sitting in those chairs long enough to know that the human misery on our streets will only be exacerbated and many lives cut short of their potential if this is allowed to proceed.

Sincerely,
*Ann Colichidas, San Francisco
Member: San Francisco Gray Panthers
Member: Our Mission, No Eviction

*The opinions expressed are my own.

From: Karin Payson
To: Board of Supervisors (BOS)
Subject: Board File 230446
Date: Monday, September 18, 2023 6:57:36 AM
Attachments: 23_0918 Housing for All to BOS.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Attached please find my letter in support of this proposed legislation, to be heard at today's Land Use Committee hearing.
Thank you.
Regards,

Karin Payson, AIA LEED AP
www.kpad.com

1714 Stockton Street
San Francisco, CA. 94133
(o) 415-277-9500
(m) 415-260-0675

Karin Payson | architecture + design
1714 Stockton Street Suite 100 | San Francisco, CA 94133
415-277-9500 | fax: 415-277-9505 | www.kpad.com

September 18, 2023

To the Land Use Committee AND
San Francisco Board of Supervisors
RE: BOARD FILE 230446

I am writing to strongly urge the Land-Use Committee to approve this "housing for All" legislation proposed by Mayor Breed and Supervisors Engardio and Dorsey, which will advance housing production in the city through streamlining approvals processes and implementing some land-use changes in the Planning Code.

Under the 2022 Housing Element Update, San Francisco's first housing plan that is centered on racial and social equity, San Francisco has a state-mandated goal of constructing 82,000 housing units within the next eight years. Meeting this goal will provide a broader array of housing options for all the people that reside in San Francisco, strengthening our communities and improving diversity and affordability overall.

This **'Housing for All'** ordinance is rooted in several policies from the Housing Element that direct the City to remove obstacles hindering housing construction, particularly when such requirements are based on subjective criteria. Critically, the ordinance proposes process improvements, modification of development standards and expansion of incentives for development and construction of housing throughout the city. Implementation of these changes will provide diverse options for housing for all residents of San Francisco, expanding affordability and opportunity for all.

The State of California is putting intense scrutiny on San Francisco, and HCD and the Attorney General are prepared to make an example out of us to set the tone for the rest of the state. If we do not meet the expectations for constraints removal per the Housing Element to the satisfaction of the State, they are seriously threatening to withhold this funding. This would be *disastrous* to our city and to the most vulnerable members of our community.

OPPOSING THIS LEGISLATION IS EQUIVALENT TO OPPOSING MILLIONS OF DOLLARS OF AFFORDABLE HOUSING AND TRANSIT FUNDING FROM THE STATE FOR SAN FRANCISCO.

The 'Housing for All' Ordinance will expand housing options for all San Francisco residents, by expanding the availability of housing units of all types. The law of supply and demand is real, and the evidence is clear that the inadequate supply of housing in San Francisco is a major factor in its high cost. Housing in San Francisco, the State and all over the US is built on the private market, with few if any public subsidies. Streamlining the process and allowing housing developers to increase density will reduce the per-unit costs of construction—a cost that is directly passed in full to the renter or homeowner.

Higher density in our neighborhoods will promote stronger communities by having more eyes on the street. Having more residents in our neighborhood commercial districts will do more to stimulate opportunities for local residents to successfully open and operate small retail businesses than any mandated ground-floor retail space could ever do.

Karin Payson | architecture + design
1714 Stockton Street Suite 100 | San Francisco, CA 94133
415-277-9500 | fax: 415-277-9505 | www.kpad.com

Expansion of the inventory of housing options in San Francisco will result in greater neighborhood diversity, provide greater opportunities for vulnerable populations to remain housed, and will promote a healthy city culture where all can thrive.

I urge the Land Use Committee, and the Board of Supervisors, to approve the “Housing for All” ordinance without hesitation.

Respectfully submitted,



Karin Payson, AIA LEED AP
Principal Architect, Karin Payson architecture + design

From: James Hill
To: Board of Supervisors (BOS)
Subject: Support for the Housing for All Ordinance
Date: Monday, September 18, 2023 11:27:12 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

I strongly agree with the AIA's support of the Housing for All Ordinance representing a dedicated effort to move San Francisco forward in providing state-mandated and needed housing.

Please help us with your support.

James Hill
AIA
james hill architect
836 Haight Street
San Francisco, CA 94117
phone: 415 864 4408

From:	Irving Gonzales
To:	Board of Supervisors (BOS)
Subject:	Constraints Reduction (AKA Housing Production) - Letter of Support
Date:	Monday, September 18, 2023 11:55:59 AM
Attachments:	image001.png image002.png
Importance:	High

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re:
Constraints Reduction (AKA Housing Production) Case Number: 2023-003676PCAMAP Board File No. 230446 By Mayor Breed

Dear Board of Supervisors,

As a 35-year architect currently in practice here in North Beach and an activist in the support of affordable housing and supporting those who may not have a voice in our communities, I am writing to express my strong support for Ordinance 230446 and to encourage you to vote in favor of its passage.

This legislation presents a critical opportunity to remove numerous barriers that have been hindering the construction of new housing in our city where I practice and where I was born and continue to my firm's efforts in making sure that housing is accessible to all. I have also worked with SF DBI and Planning in a workgroup under the Small Firms Committee of AIASF to provide objective recommendations to improve the process by which permits are reviewed and approved to further accelerate housing project approvals in a timely manner. Under this new legislation, projects that were previously held up for 2-5 years, or more, could be streamlined and completed through over the counter review or a specific review track in a matter of months. This is an imperative change if San Francisco is to meet its goal of 82,000 new units in the next 8 years. San Francisco is facing a severe housing crisis, with an acute shortage of affordable and available homes. This crisis has not helped in the reduction and housing of the unhoused, in some cases created displacement, and a has contributed to the diminishing sense of community.

It is essential that we take equally swift and decisive action to address this issue, and Ordinance 230446 finally can begin to move the needle in a meaningful and impactful manner. By streamlining the permitting process and removing unnecessary bureaucracy that we design professionals have endeavored in other forms noted, this ordinance would pave the way for more efficient and timely development of new housing units. I implore you all to carefully consider the positive impacts and potential benefits of Ordinance 230446 and provide your support to its passage. Your vote will not only be a catalyst for positive change but also a testament to your dedication to serving the best interests of our community.

Irving

A community-based architecture firm designing affordable housing that is accessible! Celebrating 35 years in practice and serving our local communities.

G7A
architecture | urban

67A Water Street, San Francisco, California 94133
V: 415.776.8065 Ext 1# | M: 415.254.4717

Irving A. Gonzales–Principal AIA | NOMA
G7A | Gonzales Architects
email: irving@G7Arch.com
web: G7Arch.com

2023 | Board of Directors Chair | Mission Housing Development Corp.
2015 | AIA San Francisco Chapter President

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From:	Eric Brooks
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS)
Subject:	17 Environmental & Community Orgs Join To Strongly *OPPOSE* Engardio-Breed-Dorsey "Constraints Reduction" "Housing" Ordinance
Date:	Monday, September 18, 2023 12:36:03 PM
Attachments:	SF_CEQA_Defenders_Sign-On_September-18-2023.pdf

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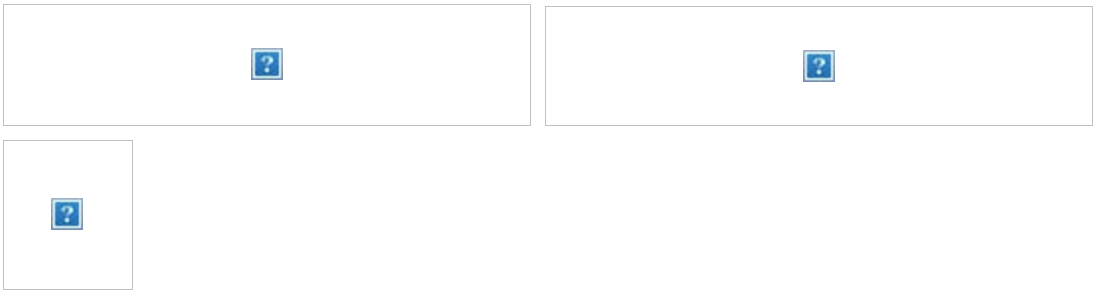
17 Environmental, Environmental Justice & Community Organizations Join To Strongly *OPPOSE* Engardio-Breed-Dorsey 'Constraints Reduction' 'Housing' Ordinance

(Also see attached in PDF format)



Bayview Hunters Point Mothers & Fathers Committee



SPEAK Sunset Parkside Education & Action Committee

September 18, 2023

To: City and County of San Francisco Decision Makers - 1 Dr Carlton B Goodlett Pl, San Francisco, CA 94102

Re: **OPPOSE** Engardio-Breed-Dorsey "Constraints Reduction Ordinance" ("Housing Production") **File #230446**

Dear San Francisco Decision Makers: The undersigned environmental, housing, economic justice, community, and climate crisis response organizations write to voice our strong opposition to the Engardio-Breed-Dorsey "Constraints Reduction" ordinance. It would enact drastic and sweeping exceptions to San Francisco's environmental and community review of real estate projects and would undermine health, environmental, economic and neighborhood protections. The Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") contains massive unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year!

This ordinance would worsen:

- **The Unaffordable Housing Crisis** - This ordinance promotes building new high priced housing that is not affordable. It is ridiculous that the ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year "affordable". We already have a 50% oversupply of housing for those income levels!

- **The Homelessness Crisis** - The gentrification spurred by this ordinance would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.

- **The Vacant Housing Crisis** - San Francisco has at least 60,000 vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands more apartments. We do not need more housing construction, we need to make our existing housing space affordable!

- **The Environmental Justice & Equity Crisis** - This ordinance would gut environmental and community review protections and would establish "Urban Renewal" style redevelopment zones, setting precedents that would allow corporate real estate giants to even more easily build unhealthy housing on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared "cleaned up").

- **The Climate Crisis** - This ordinance is bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other building materials releasing more greenhouse gases, not less.

This ordinance would build housing for the wealthy, create more homelessness, and is an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators. Please vote DOWN this unacceptable corporate attack on San Francisco's environmental, economic, cultural, and community integrity!

Sincerely:

Bayview Hunters Point Mothers & Fathers Committee
California Alliance of Local Electeds Californians for Energy Choice Coalition for San Francisco Neighborhoods
Concerned Residents of the Sunset East Mission Improvement Association Extinction Rebellion SF Bay Area Greenaction for Health & Environmental Justice Mid-Sunset Neighborhood Association Our City SF Our Neighborhood Voices San Franciscans for Urban Nature San Francisco Green Party San Francisco Tomorrow Save Our Neighborhoods SF Sunflower Alliance Sunset Parkside Education & Action Committee

Bayview Hunters Point Mothers & Fathers Committee

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September 18, 2023

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Extinction Rebellion SF Bay Area
Greenaction for Health & Environmental Justice
Mid-Sunset Neighborhood Association
Our City SF
Our Neighborhood Voices
San Franciscans for Urban Nature
San Francisco Green Party
San Francisco Tomorrow
Save Our Neighborhoods SF
Sunflower Alliance
Sunset Parkside Education & Action Committee

From:	roisin@sftu.org
To:	Board of Supervisors (BOS)
Subject:	The Tenants Union formally opposes "Constraint Reduction" legislation
Date:	Friday, September 15, 2023 6:13:02 PM
Attachments:	Tenants Union Opposes File 230446.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Clerk of the Board, Angela Calvillo,

The Tenants Union formally opposes File 230446. The “Constraint Reduction” legislation proposed by Mayor Breed and Supervisors Engardio and Dorsey will incentivize the displacement of tenants and demolition of rent-controlled housing, while eliminating recourse for at-risk tenants.

The legislation is being sold as a way to speed up housing production by eliminating planning staff review to make many permits automatic with no public objection allowed. It streamlines demolition of sound rent controlled units as long as the owner declares that either: 1) there have been no records of buyouts or evictions in the last 5 years, and tenants currently do not inhabit the unit; or 2) if tenants currently occupy the unit, displacement will be granted but they have a “right of return” when and if their units are rebuilt. The demolished units must be replaced and increase in number but there is no requirement that the new units are actually rental units – more likely they will become ownership “Tenancy-In-Common” units. This trend is already playing out at the Planning Commission where they still hold hearings and vote on demolition projects for now.

The legislation eliminates hearings where an affected tenant or a neighbor who knows the history of the building could be heard, object, and possibly get a vote of disapproval from the Planning Commission.

Shockingly, the Mayor’s legislation eliminates an existing but pathetically short 1-year ownership requirement in order to qualify for streamlining. Eliminating this requirement opens the floodgates for speculators to buy rent controlled buildings and fast-track their demolition with existing tenants barely able to protest their own displacement. New buyers of buildings, in our experience, are the most ruthless although they hide behind the lore of “mom-and-pop” landlords.

Whether tenants currently occupy the units or the units even exist (in the case of unauthorized units) relies on self-attestation by landlords. Unscrupulous landlords have an incentive to lie on their applications, because if they are truthful the replacement units will come with restrictions.
Many vulnerable tenants, especially in unauthorized units, are asked to pay rent in cash so will not be able to prove their occupancy nor understand where to do so.

San Francisco has many, many in-law units that were built without

permits so exist in a gray market outside of planning maps. These units are still covered by rent control and can use the Rent Board services, but tenants are especially vulnerable because both owners and tenants have an incentive to fly under the radar and hide these illegal spaces so the Planning Department doesn't know they exist and would require replacement.

The legislation incentives pressuring tenants to "voluntarily" move out in order to deliver the unit vacant before applying for permits. There are many ways besides buyouts and evictions to convince tenants to leave when profits are at stake.

In our experience, when a tenant is displaced by fire, flooding, or major rehabilitation work, they almost never return despite their right to. Reconstruction is dragged on and the tenants either move on signing long leases elsewhere and typically give up.

Planning Staff (who support this legislation) could not answer simple questions about which department would track these Right of Return tenants and enforce if an owner simply neglected to inform the former tenants reconstruction was over.

A larger threat is that the speculator can simply rebuild and offer the new units for sale separately - "tenancy-in-commons" - so a tenant wishing to assert their right to return would have no unit available to return to. We believe this is the most likely outcome as older rent controlled buildings are typically cheaper to buy so the profit margin to turn them into condo opportunities will be huge. It will result in the loss of rent controlled units from the market.

Tenants will find it hard to fight their displacement as the demolition of their units has been condoned by the Planning Department and sold as good housing policy by developers who could care less about the effects on tenants.

Thank you very much,

San Francisco Tenants Union

S A N • F R A N C I S C O
T E N A N T S • U N I O N

558 Capp Street • San Francisco CA • 94110 • (415) 282-6543 • www.sftu.org

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Thank you very much,

San Francisco Tenants Union

From:	Dawn Ma
To:	Board of Supervisors (BOS); ChanStaff (BOS); DorseyStaff (BOS); EngardioStaff (BOS); MandelmanStaff, [BOS]; MelgarStaff (BOS); Peskin, Aaron (BOS); Preston, Dean (BOS); Ronen, Hillary; Safai, Ahsha (BOS); Stefani, Catherine (BOS); Walton, Shamann (BOS)
Subject:	Letter of *SUPPORT* for the Housing Legislation Ord. #230446
Date:	Sunday, September 17, 2023 6:35:48 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear San Francisco Board of Supervisors,

I'm writing to urge you to **SUPPORT** the Housing for All legislation, specifically the Constraint Reduction, and join the AIASF Housing for All Ordinance Support

It is rare for a national professional organization such as the AIASF to rally their members and practitioners to support a city legislation, unless it is detrimental to the welfare of the community. We are at the frontline of the housing crisis, having to deliver the horrific facts of time and costs it takes to permit their projects. We already lost all credibility as professionals to advise the public to navigate the permit system in San Francisco. The process is getting less transparent, and yet the permit fee is increasing.

Our clients come from all walks of life. Most just want to improve their decades old deferred maintenance in their buildings. It is our American right to improve our living space. We should not be burdened by a system that holds no accountability of their delivery, charges us thousands of dollars of fees, and subjects us to endless debates with random public on whether our code-compliant project meets their interpretation of neighborhood characters.

The inequality of getting a simple building permit directly contributes to substandard and illegal construction, life-threatening living conditions and unsustainable use of resources. So no, the way it is doesn't support the diversity we all claim San Francisco to be, and it is apparent to all of us who choose to continue living here.

As small firm owners, we cannot afford hiring designers within our own city. I have lost good candidates but with no experience to larger firms offering them a $70k salary. We have to resort to outsourcing our staff to other countries, or face constant turnover of inexperienced staff. If you support local businesses, you need to support housing reform.

This past Friday the city experienced a joyous event that galvanized 800k of San Francisco - the Sunset Night Market. It is successful because the event was well-planned, and didn't try to appease everyone (there were many nay-sayers on Nextdoor.com from Supervisor Engerdio's original post). The content of this legislation will not satisfy everyone, but the overall importance of cleaning up the existing process of urban development is an important step. We as architects, engineers and builders will always work w/ the city to get things done. Be brave and trust the professionals to stand side by side with you on this.

Dawn Ma, PE, AAIA
principal
Q-Architecture
Certified Green Business since 2014

p +1 415-695-2700

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Campaign Name	First Name	Last Name	Email	Mailing City	Mailing Zip/Postal Code	Comments
Constraints Reduction	Aaron	VanDevender	sig@netdot.net	San Francisco	94123	
Constraints Reduction	Aaron	Baucom	aaronbaucom@gmail.com	San Francisco	94122	
Constraints Reduction	AJ	Cho	amenoartemis@gmail.com	San Leandro	94579	
Constraints Reduction	Alan	Billingsley	alanbillingsley215@gmail.com	San Francisco	94114	Thank you thank you thank you!
Constraints Reduction	Alan	Dao	alanndao@gmail.com	San Francisco	94122	
Constraints Reduction	Alexander	Salazar	salazander42@gmail.com	San Francisco	94102	
Constraints Reduction	Alger	Ciabattoni	algerciab34@gmail.com	San Francisco	04127	
Constraints Reduction	Ali	Moss	ali.moss13@gmail.com	San Francisco	94117	
Constraints Reduction	Alison	Rustagi	alison.rustagi@gmail.com	San Francisco	94122	
Constraints Reduction	Allan	LeBlanc	allan.leblanc@gmail.com	San Francisco	94131	
Constraints Reduction	Amy	Anton	amyanton2000@yahoo.com	San Francisco	94110	
Constraints Reduction	Andrew	Day	aday.nu@gmail.com	San Francisco	94115	
Constraints Reduction	Andrew	Morcos	acmorcos@gmail.com	San Francisco	94102	
Constraints Reduction	Andrew	Dupree	aidupree@gmail.com	San Francisco	94131	
Constraints Reduction	Andrew	Nguyen	andr.vu.nn@gmail.com	San Francisco	94122	
Constraints Reduction	Andrew	Selvo	andrewselvo@gmail.com	San Francisco	94109	
Constraints Reduction	Angela	Zhang	fakeemail@asdf.com	San Francisco	94110	Thank you and I support the housing for all legislation as a homeowner in the Mission
Constraints Reduction	Anika	Steig	anika.steig@gmail.com	San Francisco	94117	
Constraints Reduction	Anna	Saplitski	anna.saplitski@gmail.com	San Francisco	94114	
Constraints Reduction	Annette	Billingsley	ab94115@gmail.com	San Francisco	94115	
Constraints Reduction	Anthony	Errichetto	ae61773@gmail.com	San Francisco	94103	
Constraints Reduction	Anton	Vavedijan	avavedijan@gmail.com	Los Angeles	90007	
Constraints Reduction	Apoorv	Narang	apoorvnarang@gmail.com	San Francisco	94115-4312	
Constraints Reduction	Arvind	Ramesh	arvinddd2003@gmail.com	San Francisco	94115	
Constraints Reduction	Beth	Daecher	bdaecher@pacbell.net	San Francisco	94114	
Constraints Reduction	Bharath	Kumandan	bkumandan@gmail.com	San Francisco	94115	Thank you! All new housing in SF is welcome!
Constraints Reduction	Bill	Kee	williampkee@gmail.com	San Francisco	94110	
Constraints Reduction	Bobak	Esfandiari	besfandiari@gmail.com	San Francisco	94121	
Constraints Reduction	Brandon	Jackson	acrobat_mail-politics@yahoo.com	San Francisco	94103	
Constraints Reduction	Brandon	Weaver	brandontweaver@gmail.com	San Jose	94122	
Constraints Reduction	brett	gladstone	bgladstone@g3mh.com	San Francisco	94117	
Constraints Reduction	Brian	Quan	brian.r.quan@gmail.com	San Francisco	94121	
Constraints Reduction	Caden	King	cadenking96@gmail.com	San Francisco	94102	
Constraints Reduction	Carlos	Arnold	carlos.arnold39@gmail.com	Santa Maria	93455	
Constraints Reduction	CARYL	ITO	carylito@aol.com	San Francisco	94112	
Constraints Reduction	Chanel	Blackwell	chanelblackwell1@gmail.com	San Francisco	94134	
Constraints Reduction	Charles	Whitfield	whitfield.cw@gmail.com	San Francisco	94109	
Constraints Reduction	Charles	Ayers	cayers99@gmail.com	San Francisco	94103	
Constraints Reduction	Charlie	Natoli	charlie.natoli1@gmail.com	San Francisco	94158	
Constraints Reduction	Christina	Tucker	ctucker.0306@gmail.com	San Francisco	94109	
Constraints Reduction	Christopher	Roach	chris@studiovara.com	San Francisco	94110	
Constraints Reduction	Clare	Ellis	clareelliswebb@gmail.com	San Francisco	94117	More of this please!
Constraints Reduction	Clarissa	Kripke	ludkepay@gmail.com	San Francisco	94112	The complex bureaucracy is fueling corruption in city government and leading to urban decay. We need to be able to build and maintain properties without it being a corrupt racket.
Constraints Reduction	Cliff	Bargar	cliff.bargar@gmail.com	San Francisco	94107	
Constraints Reduction	Colby	Josey	colby.josey@gmail.com	San Francisco	94131	
Constraints Reduction	Colleen	Beach	colleenlbeach@gmail.com	San Francisco	94127	
Constraints Reduction	Cora M.	Shaw	daft-sniper-0e@icloud.com	San Francisco	94110	We need more housing!
Constraints Reduction	Corey	Smith	cwsmith17@gmail.com	San Francisco	94117	
Constraints Reduction	Corey	Busay	busayc@gmail.com	Berkeley	94702	
Constraints Reduction	Dana	Manea	dana@manea-arch.com	San Francisco	94121	
Constraints Reduction	Danforth	Dougherty	danforth86@gmail.com	San Francisco	94114	
Constraints Reduction	Dante	Briones	dbriones@gmail.com	SAN FRANCISCO	94110	
Constraints Reduction	Daphne	Poon	daudau.poonsy@gmail.com	San Francisco	94110	
Constraints Reduction	Darren	Busing	darren.busing@gmail.com	San Francisco	94110	Every little bit helps!
Constraints Reduction	David	Umberg	david.umberg@gmail.com	San Francisco	94110	
Constraints Reduction	David	Salem	dsssandg@gmail.com	San Francisco	94127	
Constraints Reduction	David	Casey	dcasey.209@gmail.com	ALAMEDA	94501	
Constraints Reduction	David	Giesen	info@thecommonssf.org	San Francisco	94110	While we're supporting this, let's also talk publicly about treating land values as community property.
Constraints Reduction	David	Kim	daveymkim@hotmail.com	Lake Elsinore	94109	Thank you so much for facilitating much needed housing for our city and region!
Constraints Reduction	David	Copeland	davecopeland@gmail.com	San Francisco	94118	More housing at all price points!!
Constraints Reduction	David	Henderson	davidhenderson1@webtv.net	San Francisco	94134	Finally. Thanks goodness someone in local government is sane.
Constraints Reduction	David	Tejeda	dtrepairs@gmail.com	San Francisco	94114	
Constraints Reduction	Derem	Lee	derekilee27@gmail.com	San Francisco	94133	
Constraints Reduction	Donald	Robertson	donaldfr@donaldfrobertson.com	San Francisco	94114	Thank you for trying to get more housing built.
Constraints Reduction	Donna	Hurowitz	donnabhurowitz@comcast.net	San Francisco	94116	
Constraints Reduction	Dylan	MacDonald	dylanmac@gmail.com	San Francisco	94118	
Constraints Reduction	Edward	Sullivan	efsullvir@aol.com	SAN FRANCISCO	94116	
Constraints Reduction	Elisabeth	Brandon	ecb1385@yahoo.com	San Francisco	94147	
Constraints Reduction	Elizabeth	Funk	elizabeth@dignitymoves.org	San Francisco	94115	
Constraints Reduction	Elizabeth	Miller	dancewithliz@gmail.com	San Francisco	94109	Thank you! Let's build more housing, especially affordable housing, everywhere in San Francisco, especially near transit and jobs!!! Build up! Build multifamily! Build build build
Constraints Reduction	Ella	Rehman	ellarehman@gmail.com	Burlingame	94010	
Constraints Reduction	Emanuel	Evans	political@eevans.co	San Francisco	94122	
Constraints Reduction	ERIC	ROBINSON	er@ptarc.com	San Francisco	94133	
Constraints Reduction	Eric	Wooley	ewooley@gmail.com	SAN FRANCISCO	94110	
Constraints Reduction	Eric	Meyerson	meyerson@rangelife.com	San Francisco	94127-2339	
Constraints Reduction	Erin	Markey	elmtree126@yahoo.com	San Francisco	94110	
Constraints Reduction	Eugene	Lew	eugene@eelew.net	San Francisco	94118	
Constraints Reduction	Finn	Smith	finnbarsmith@gmail.com	San Francisco	94121	
Constraints Reduction	Fred	von Lohmann	fred@vonlohmann.com	San Francisco	94114	
Constraints Reduction	GARY	PEGUEROS	garypegueros@sbcglobal.net	San Francisco	94107	
Constraints Reduction	Gerald	Moore	gerry@geraldrmoore.com	San Francisco	94131	
Constraints Reduction	Ginger	Yang	ginger.i.yang@gmail.com	San Francisco	94110	
Constraints Reduction	Gladys	Soto	gladysholdersoto@gmail.com	San Francisco	94112	
Constraints Reduction	Gordon	Wintrob	gwintrob@gmail.com	San Francisco	94111	
Constraints Reduction	Gregory	Szorc	gregory.szorc@gmail.com	San Francisco	94102	
Constraints Reduction	Gus	Henry	gus.henry@icloud.com	San Francisco	94117	
Constraints Reduction	Holly	Kirth	hkirth@gmail.com	San Francisco	94118	
Constraints Reduction	Holly	Black	holly_black@berkeley.edu	San Francisco	94117	
Constraints Reduction	Ian	A Miller	ianmiller2606@gmail.com	San Francisco	94102	
Constraints Reduction	Ira	Kaplan	iradkaplan@gmail.com	San Francisco	94133	
Constraints Reduction	Isa	Demeulenaere	intothedollhouse@gmail.com	San Francisco	94117	
Constraints Reduction	Issa	Kawas	issakawas0@gmail.com	San Francisco	94114	
Constraints Reduction	Jake	Price	corey@sfhac.org	San Francisco	94103	
Constraints Reduction	Jane	Natoli	wafoli@gmail.com	San Francisco	94118	
Constraints Reduction	Jane	Day	janeday@earthlink.net	San Francisco	94103	
Constraints Reduction	Jason	Cunningham	jason.e.cunningham@gmail.com	San Francisco	94117	
Constraints Reduction	Jason	Zhang	jasonz0762@gmail.com	San Francisco	94112	
Constraints Reduction	Jawwad	Zakaria	jzakaria2000@gmail.com	San Francisco	94122	
Constraints Reduction	Jay	Hansen	jch916ca@gmail.com	San Francisco	94107	Keep up the good work, we've got your backs!
Constraints Reduction	Jay	Hinman	thejayhinman@gmail.com	San Francisco	94127	
Constraints Reduction	Jeff	Miller	jmiller491@gmail.com	San Francisco	94122	
Constraints Reduction	Jeremiah	Schaub	jwpschaub@gmail.com	San Francisco	94131	
Constraints Reduction	Jessica	Perla	jessica@jperla.com	San Francisco	94107	
Constraints Reduction	Jim	Chappell	jimchappellsf@gmail.com	San Francisco	94110	
Constraints Reduction	John	Doherty	john.doherty13@gmail.com	San Francisco	94117	
Constraints Reduction	John	Oda	jandioda@aol.com	San Francisco	94115	
Constraints Reduction	John	Steponaitis	steponai@gmail.com	San Francisco	94109-7095	
Constraints Reduction	John	Marcom	john.marcom@gmail.com	San Francisco	94117	
Constraints Reduction	John	Manning	johnrmanning@gmail.com	San Francisco	94117	
Constraints Reduction	Jonah	Mann	jonah@jonahmann.com	San Francisco	94102	
Constraints Reduction	Jonathan	Bonato	bonato.jonathan@gmail.com	San Francisco	94111	
Constraints Reduction	Jonathan	Bunemann	jonathanbuenemann@gmail.com	San Francisco	94123	
Constraints Reduction	Jordon	Wing	jordonwing2@gmail.com	San Francisco	94110	
Constraints Reduction	Jorge	Garcia	jgarcia45@hotmail.com	San Francisco	94102-5143	
Constraints Reduction	Joseph	DiMento	joedimento@gmail.com	San Francisco	94131	
Constraints Reduction	Joseph	Girton	jolg92@gmail.com	San Francisco	94127	
Constraints Reduction	Joshua	Jenkins	josh@joshuajenkins.com	San Francisco	94114	
Constraints Reduction	Joshua	Seawell	seawelljoshua@gmail.com	San Francisco	94110	
Constraints Reduction	Julia	Vetromile	julia.vetromile@gmail.com	San Francisco	94108	
Constraints Reduction	Justin	Truong	justintruong56@gmail.com	San Francisco	94112	
Constraints Reduction	Karen	McCaw	mccaw.karen@yahoo.com	Los Angeles	90043	
Constraints Reduction	Karen	Wong	cloudsrest789@gmail.com	San Francisco	94108	Attagirl! Go London Breed.
Constraints Reduction	Karla	rodriguez	karla34loredo@gmail.com	San Francisco	94124	
Constraints Reduction	Kartik	Sathappan	kartiksathappan@gmail.com	San Francisco	94108	Thank you!!!!
Constraints Reduction	Kate	Blumberg	kate@acmetron.com	San Francisco	94107	
Constraints Reduction	Katherine	Henrickson	katyhenrickson@gmail.com	San Francisco	94127	
Constraints Reduction	Kathleen	Ciabattoni	kathyciab@gmail.com	SAN FRANCISCO	94127	
Constraints Reduction	Kendra	Robins	kendrasrobins@yahoo.com	San Francisco	94117	
Constraints Reduction	Kenneth	Russell	krlist+yimby@gmail.com	San Francisco	94132	
Constraints Reduction	Kenneth	Burke	kennethiburkeir@gmail.com	San Francisco	94114	
Constraints Reduction	Kristine	Andarmani	kristine.andarmani@gmail.com	San Jose	95123	
Constraints Reduction	Kurt	Thorn	kurt.thorn@gmail.com	San Francisco	94112	
Constraints Reduction	Larry	Simi	larrysimi@gmail.com	San Francisco	94122	
Constraints Reduction	Lauren	Murdock	murdock_ls@hotmail.com	Santa Barbara	93110	
Constraints Reduction	Lillian	Archer	lillian.b.archer@gmail.com	San Francisco	94122	
Constraints Reduction	Lily	Lau	lau.a.lily@gmail.com	San Francisco	94102	
Constraints Reduction	Lindsay	Haddix	lindsayleighhaddix@gmail.com	San Francisco	94108	
Constraints Reduction	Lizzie	Siegle	lizzie.siegle@gmail.com	San Francisco	94108	
Constraints Reduction	Logan	Bryck	lwbryck@gmail.com	San Francisco	94108	
Constraints Reduction	Lucas	Statler	lucas.throck@gmail.com	San Francisco	94117	
Constraints Reduction	Luke	Swartz	lswartz@gmail.com	San Francisco	94110	
Constraints Reduction	Margaret	Culver	margaretculver@sbcglobal.net	San Francisco	94114	
Constraints Reduction	Mark	Hogan	markhogan@openscopestudio.com	San Francisco	94122	
Constraints Reduction	Matt	Graves	tmattgraves@gmail.com	San Francisco	94103	
Constraints Reduction	Matthew	Volk	matthew.makoto@gmail.com	San Francisco	94114	
Constraints Reduction	Matthew	Castillon	mcastillon10@gmail.com	San Francisco	94111	
Constraints Reduction	Maureen	Sedonan	msedonaen@habitatgsf.org	SF	94104	
Constraints Reduction	Michael	Caracciolo	mcaracciolo7@gmail.com	San Francisco	94109	
Constraints Reduction	Michael	Gold	michael.e.gold@gmail.com	San Francisco	94110	
Constraints Reduction	Mike	Kehl	mdkehl@yahoo.com	San Francisco	94132	
Constraints Reduction	Milo	Trauss	milotrauss@gmail.com	san francisco	94131	
Constraints Reduction	Molly	James	molly.james@gmail.com	San Francisco	94122	I want to especially thank my new supervisor Mr. Engardio who has brought so much hard work and enthusiasm to the the Sunset!
Constraints Reduction	Nelson	Zhao	nelsonnzhao@gmail.com	San Francisco	94133	
Constraints Reduction	Nikki	Childs	caesarsfortune@gmail.com	San Francisco	94109	
Constraints Reduction	Nikki	Thompson	tastiertomato@gmail.com	San Francisco	94107	
Constraints Reduction	Noelle	Langmack	nlangmac@alumni.nd.edu	San Francisco	94117	
Constraints Reduction	Panos	Vandris	pvandris@gmail.com	San Francisco	94102	
Constraints Reduction	Pat	Thompson	patthompson5@icloud.com	Roseville	95678	
Constraints Reduction	Patricia	Delgrande	patty@dnewalter.com	San Francisco	94105	
Constraints Reduction	Patrick	Wolff	pwolff@grandmastercap.com	San Francisco	94122	
Constraints Reduction	PAUL	FOPPE	hugfoppe@gmail.com	San Francisco	94122	
Constraints Reduction	Paula	Rigoli	paula.rigoli@gmail.com	San Francisco	94117	
Constraints Reduction	Prodan	Statev	pstatev94@gmail.com	San Francisco	94117	Thank you and don't let a crisis go to waste!
Constraints Reduction	Rachel	Duarte	forachel@mac.com	San Francisco	94114	
Constraints Reduction	Read	Vanderbilt	readvanderbilt@gmail.com	San Francisco	94116	My family strongly supports more housing, not only across the city but also in our neighborhood.
Constraints Reduction	Robert	Fruchtman	rfruchtose@gmail.com	San Francisco	94117	
Constraints Reduction	Robert	Benkeser	robert.benkeser@gmail.com	San Francisco	94158	
Constraints Reduction	Rod	Shokrian	rodshokrian@gmail.com	San Francisco	94109	
Constraints Reduction	Ross	Chanin	rchanin@gmail.com	San Francisco	94116	
Constraints Reduction	RYAN	MACPHEE	ryan.macphee@gmail.com	San Francisco	94110	
Constraints Reduction	Ryan	VanZuylen	ryanvz1984@gmail.com	San Francisco	94102	
Constraints Reduction	Sade	Borghei	sadeb@mithun.com	San Francisco	94107	
Constraints Reduction	Sarah	Boudreau	boudreau.sarah.m@gmail.com	San Francisco	94121	
Constraints Reduction	Sarah	Rogers	serogers@gmail.com	San Francisco	94110	
Constraints Reduction	Scot	Conner	scot.conner@berkeley.edu	San Francisco	94123	
Constraints Reduction	Sid	Ramakrishna	r.siddhant@gmail.com	San Francisco	94109	
Constraints Reduction	Simon	Byrne	simonbyrne21@gmail.com	San Francisco	94118	
Constraints Reduction	Skye	Nygaard	skyenygaard@gmail.com	San Mateo	94401	
Constraints Reduction	skyler	salman	salman.skyler@gmail.com	San Francisco	94131	Thank you for working to finally get housing built in the city!
Constraints Reduction	Sloane	Cook	sloanewcook@gmail.com	San Francisco	94121	We need to get more affordable housing in the city and we can get it done.
Constraints Reduction	Stefan	Martin	ste00martin@gmail.com	San Francisco	94107	
Constraints Reduction	Stephen	Toliver	aharptheman@gmail.com	Dublin	94568	
Constraints Reduction	Steve	Marzo	stevemarzo07@gmail.com	San Francisco	94112	
Constraints Reduction	Steve	Branton	stevebranton@gmail.com	San Francisco	94103	
Constraints Reduction	Steven	Shoemaker	steven.benton.shoemaker@gmail.com	San Francisco	94118-1425	
Constraints Reduction	Susan	Setterholm	susan.setterholm@mba.berkeley.edu	San Francisco	94109	
Constraints Reduction	Susan	Setterholm	susan.setterholm@gmail.com	San Francisco	94109	
Constraints Reduction	Tanya	Repervash	tanya.repervash@cbnorcal.com	San Francisco	94132	
Constraints Reduction	Ted	Getten	ted.getten@gmail.com	San Francisco	94110	
Constraints Reduction	Theodore	Randolph	trandolp@gmail.com	San Francisco	94112	I appreciate Mayor Breed's efforts to make streamlining happen, even if most of the Supervisors she was dealing with were recalcitrant.
Constraints Reduction	Thomas	Shanahan	tshanahan24@gmail.com	San Francisco	94122	
Constraints Reduction	Timothy	Green	tpgreen3@gmail.com	Truckee	94110	
Constraints Reduction	Tobias	Wacker	tobiaswacker@gmail.com	San Francisco	94110	
Constraints Reduction	Todor	Markov	todor.m.markov@gmail.com	San Francisco	94105	
Constraints Reduction	Tom	Januario	januart8@gmail.com	San Francisco	94134	
Constraints Reduction	Tracy	Freedman	tracyfreedman@gmail.com	San Francisco	94117	
Constraints Reduction	Ty	Bash	tybash@yahoo.com	San Francisco	94117	
Constraints Reduction	Van	Rookhuyzen	vanrookhuyzen@comcast.net	San Francisco	94102	
Constraints Reduction	Vanessa Ross	Aquino	vanessa.r.aquino@gmail.com	San Francisco	94107	
Constraints Reduction	Vernita	Bennett	100workerbees@gmail.com	San Francisco	94103	Go team
Constraints Reduction	Veronica	Lempert	veronicalempert@gmail.com	San Francisco	94117	
Constraints Reduction	Vic	DeAngelo	phorum@me.com	San Francisco	94121-3128	
Constraints Reduction	Vickrum	Singh	vickrum701@icloud.com	San Francisco	94123	
Constraints Reduction	Victor	Shukhat	vshukhat@yahoo.com	Sacramento	95835	
Constraints Reduction	Weston	Cooper	weston.cooperuo@gmail.com	San Francisco	94133	
Constraints Reduction	Will	Wenham	wwenham@cutloose.com	San Francisco	94124	
Constraints Reduction	William	Fleishhacker	wfleish@gmail.com	San Francisco	94121	
Constraints Reduction	William	Murphy	willmurphy31@gmail.com	San Francisco	94117	Fully support this!
Constraints Reduction	Zack	Subin	zack.subin@fastmail.fm	San Francisco	94112	
Constraints Reduction	Zoe	Spiropoulou	zoeds13@gmail.com	Haidari	12436	

From: lgpetty
To: Major, Erica (BOS)
Subject: (Copy for Record - File 230446 Constraints Reduction/Housing Production proposed ordinance)
Date: Saturday, September 16, 2023 3:15:13 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: Constraints Reduction/ Housing Production proposed legislation
File 230446 - Land Use Committee Sept. 18, 2023

9/15/23
Dear Land Use Chair Myrna Melgar, Board President Peskin, Supervisor Dean Preston

I urge you to reject the Constraints Reduction proposed ordinance on the grounds it fails to provide adequate affordable housing; it largely excludes the public from having any voice in their built world, and it enables speculative investors to demolish existing rent-controlled affordable housing -- potentially displacing thousands of tenants, whole communities and cultures.

The proposed ordinance has so many flaws it is neither fixable nor redeemable by amendment. Fundamentally, we, the people, are the "Constraints" to be eliminated. This is neither democratic nor Constitutional.

A better, and fully legally-compliant course, would be to replace the current proposal with a Board committment to first begin with implementing the Housing Element and RHNA mandates for affordable housing. This can be accomplished with a Board- and community-created **San Francisco Affordable Housing Implementation and Accountability Ordinance.**

Target the streamlining process to only the units that are most needed-- the production of 47 thousand affordable rental and ownership homes --extremely low income all the way through moderate income-- with early public input and adequate tenant protections in all processes, along with the preservation and maintenance of existing affordable units. And provide a roadmap for securing **all** necessary funds.

A strategic affordability implementation plan would acknowledge that **in order for housing to be fair housing, it must be affordable**.

And it would recognize that **the time for wondering what to do is over.** Waiting for a remote bureaucrat-stacked Mayor's appointees "Leadership Council" to delay even more the charting of an affordability course -- possibly not until well into 2024 -- is not acceptable.

We already have all the ideas we need to achieve affordability...and we know it begins with MMM -- **Match Mandates with Money --- as in billions per year.**

Please reject the Constraints Reduction proposal and commit to enacting an Affordable Housing implementation plan.

Thank you for your consideration.

Lorraine Petty
affordable housing advocate for seniors
member SDA, SFTU

From: Thomas Schuttish
To: Major, Erica (BOS)
Subject: Board File No. 230446
Date: Sunday, September 17, 2023 10:02:43 AM
Attachments: Letter to LUT against Breed"s Ordinance.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Ms. Major,
Good morning.
Here is a pdf version of the letter I dropped off on Thursday in case this is easier to put on the website.
Thanks much.
Hope you are well and fine.
Sincerely,
Georgia Schuttish

September 14, 2023

BY HAND

President Aaron Peskin
Supervisor Myrna Melgar
Supervisor Dean Preston
Members of the Land Use and Transportation Committee
City Hall

Re: Mayor Breed's Constraint Reduction Ordinance **Board File No. 230446**

Dear Chair Melgar, President Peskin and Supervisor Preston:

The Mayor's Ordinance will be heard at the LUT sometime soon. *(September 18th?)*

The Committee *should not* recommend it to the full Board.

This Ordinance is not needed due to the fact of other legislation, both local and from Sacramento. For example:

The Board has passed Chair Melgar's Ordinance to expand housing with the "Family Housing Opportunity SUD".

There is SB 9. And there is the local Four-Plex Program.

The Rezoning under the Housing Element is underway and will be finalized in early 2024.

SB 35 has been extended and expanded via SB 423.

Construction on Treasure Island is underway.

Recent ADU legislation from Sacramento allows them to be sold as condos.

All the other housing bills from the Sacramento….too many to cite!

There are tons of units in the San Francisco pipeline: Stonestown, Park Merced, Schlage Lock, numerous projects around the HUB, etc, etc, etc)

Plenty of existing vacant units. (i.e. One Oak, 603 Tennessee Street, etc, etc, etc)

Let's see what happens with all of this before reducing constraints even more.

Georgia Schuttish

Copy to Erica Major, Clerk for LUT/ One Copy to each LUT Staff

From:	Calder Lorenz
To:	Major, Erica (BOS)
Subject:	Item #5, 230446: Oppose Ordinance amending the Planning Code
Date:	Monday, September 18, 2023 9:39:49 AM
Attachments:	Artboard 1.png

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Dear Chair Melgar, and Supervisors Preston and Peskin,

My name is Calder Lorenz, I am the Director of Operations for The Gubbio Project and a San Francisco resident. We strongly urge the Land Use & Transportation Committee to oppose the ordinance amending the Planning Code to encourage housing production (Item #5).

Our community is in desperate need of affordable housing and his legislation streamlines luxury development without the required housing element equity strategies undermining our rights, Affirmatively Furthering Fair Housing and cultural stabilization.

This legislation also silences our communities and takes away our power of self-determination over how our communities grow and develop. As an example, Section 9.4.2 of the Housing Element states that conditional use authorizations should only be removed outside of areas of high risk of displacement, but you can see that they are removing them from these areas without implementing community stabilization processes as required by the Housing Element.

The Gubbio Project's mission is to be in community with and to provide a sacred space and sanctuary for unhoused people in need of safe, compassionate respite during the day. Our program is housed at St. John's in the Mission and currently provides critical services to 100 individuals daily through a highly unique and successful model that combines social justice, peer support, and harm reduction. The Gubbio Project calls for a more just, compassionate and community centered approach by public agencies and policymakers.

Myself, my family and my neighbors, especially those we serve daily who are desperate for affordable housing options have a right to shape our community. The right to shape our communities is ours and should not be handed off to wealthy investors and developers. Many projects in the Mission have been shaped by the community and the Marvel in the Mission would never have been a reality if there hadn't been a requirement for developers to work with communities.

Please, oppose this Ordinance amending the planning code,

In Community, Calder

--
Calder Lorenz (he/him), *Harm Reduction Saves Lives, I carry naloxone!*
Director of Operations at the Gubbio Project
(415)-571-6391 cell phone
calder@thegubbioproject.org
thegubbioproject.org

Providing Sacred Sleep at St. John's in the Mission, San Francisco



From:	Jeantelle Laberinto
To:	MelgarStaff (BOS); Peskin, Aaron (BOS); Preston, Dean (BOS); Major, Erica (BOS)
Cc:	Board of Supervisors (BOS); BOS-Legislative Aides; Gluckstein, Lisa (MYR)
Subject:	File #230446, "Planning Code, Zoning Map - Housing Production"
Date:	Tuesday, September 12, 2023 11:45:57 AM
Attachments:	REP Letter to Supervisors re Housing Element Streamlining Legislation 12Sept23.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Chair Melgar and the Land Use and Transportation Committee,

Please find the attached letter from the Race & Equity in all Planning Coalition (REP-SF) regarding Legislative File #230446, "Planning Code, Zoning Map - Housing Production," which is on the Land Use and Transportation Committee agenda this coming Monday, September 18th.

Respectfully,
Jeantelle Laberinto
on behalf of the Race & Equity in all Planning Coalition

12 September 2023

Chair of the Land Use & Transportation Committee, Supervisor Melgar
Land Use & Transportation Committee Members, Supervisors Peskin and Preston
San Francisco Board of Supervisors

Re: Legislative File #230446, "Planning Code, Zoning Map - Housing Production"

Dear Land Use & Transportation Committee Chair Melgar and Supervisors Peskin and Preston:

The Race & Equity in all Planning Coalition of San Francisco (REP-SF), a coalition of more than 40 organizations citywide whose mission is to build a future with diverse communities, stable, affordable housing and equitable access to resources and opportunities, strongly urges the Land Use & Transportation Committee to make significant amendments to this legislation or reject it in favor of new legislation in order to focus on efforts to implement the Housing Element in a way that affirmatively furthers fair housing.

The Housing Element is a complex set of policies and implementing actions. REP-SF was encouraged when the Board of Supervisors and the State's Department of Housing and Community Development (HCD) approved the Housing Element in January, affirming that 57% of the housing San Francisco builds in the next eight years will be price restricted to be affordable for very-low, low and moderate income households. REP-SF was also encouraged that the approved Housing Element contained dozens of very strong implementing actions to build truly affordable housing, protect tenants and generally stabilize communities that have suffered from displacement for decades, and strengthen the voices of our low-income communities, communities of color, and Cultural Districts for self-determination to direct how our communities grow and develop.

Unfortunately, in the several months since the Board and the State approved the Housing Element, all of the implementing legislation that has been introduced has focused on bringing more market rate housing to San Francisco, and diminishing the amount of affordable housing that will be built. Cumulatively, these ordinances move San Francisco farther away from achieving outcomes for racial and social equity, violate San Francisco's legal obligation to affirmatively further fair housing, and violate key provisions of the Housing Element (attached as an addendum to this letter).

Approaching the current eight year Housing Element cycle with the same failed approach as the last Housing Element cycle will yield the same inequitable results - an overproduction of market

rate housing and under production of affordable housing. Currently, the only tangible effort to support affordable housing is an effort to bring a $300 million bond to San Francisco voters in 2024. Although our affordable housing goals have increased roughly three-fold, this proposed bond would only be half the size of the prior housing bond.

In order to comply with the Housing Element mandates for this new eight-year cycle, along with legal obligations to affirmatively further fair housing, San Francisco must take a different approach than it has taken in the past. REP-SF's Citywide People's Plan provides clear and concrete direction for how the City can meet its RHNA mandates while affirmatively furthering fair housing.

Many of the actions from REP-SF's Citywide People's Plan have been incorporated by Planning staff into the Housing Element's extensive set of implementing actions, but the "streamlining" or "reducing constraints" legislation that will be heard at the Board's Land Use Committee on September 18 moves our City in entirely the opposite direction with an approach that silences our communities, encourages demolitions and displacement, and provides no resources for affordable housing.

This letter details REP-SF's issues with the failures of this legislation to affirmatively further fair housing. One of those concerns is the potential impact on existing tenants and their increased vulnerability to displacement. This letter does not provide extensive detail about tenant-related concerns, because REP-SF relies on our member and partner, the SF Anti-Displacement Coalition (SFADC) to provide the Board with a detailed analysis of tenant concerns.

The Board of Supervisors can re-focus their efforts on the parts of the Housing Element that will lead to equitable outcomes and affirmatively further fair housing by significantly amending the Mayor's legislation or setting it aside in order to focus on new legislation that commits the City to implementing the Housing Element and affirmatively furthering fair housing.

REP-SF's Road Map for Housing Element Implementation
REP-SF demands that the Mayor's "streamlining" ordinance be amended significantly to incorporate the following equity provisions.

Truly Affordable Housing First

1. Nearly 57% of the housing to be built in the next eight years is supposed to be permanently affordable for very low to moderate income households, and in the past eight-year cycle, San Francisco fell short in its housing production for these income categories by more than 8,000 units. Despite these failings of San Francisco to affirmatively further fair housing by meeting its prior affordable housing production goals, and despite the fact that significantly more than half of the units in this next cycle must be affordable for households that are unable to afford market rate housing, none of the ordinances that have been proposed for Housing Element implementation provide any new policies or funding for affordable housing.

2. This legislation should be amended to contain a budget supplemental to commit significant new funding to affordable housing per Housing Element action 1.1.2: *"Include affordable housing investment needs in annual City budget process and Capital Planning process to identify existing housing funding sources, funding gaps and potential new funding sources, including regular general fund allocations that can be made as part of the budget process and local general obligation bonds or other funding sources that require voter approval."*
3. This legislation should be amended to contain a provision for identifying enough development sites and building acquisitions for San Francisco to meet its RHNA mandate for Very low, Low and Moderate income housing. This should be accompanied by a directive to aggressively purchase and land bank buildings and sites. Please refer to Housing Element action 1.2.2: *"Strategically acquire sites and identify targeted funding for land acquisition and banking for affordable housing throughout the city. This will include lots for consolidation that can accommodate permanently affordable housing of at least 50 to 100 units or more through publicly funded purchases, in balance with investment in affordable housing preservation and production and in strategic coordination with sites owned by religious, nonprofit, and public property owners. Prioritize sites of interest identified in coordination with American Indian, Black, and other communities of color. Consider sites that accommodate fewer than 50 units as additional affordable housing funding, financing, and operating approaches are secured."*
4. This legislation should also be amended to contain new fees charged to developers per Housing Element action 1.4.6: *"Utilize value capture from up-zonings to support large affordable housing developments in need of substantial repair or rehabilitation, to fund rebuilding and financial feasibility of existing affordable units for current residents while creating more affordable homes."*
5. Any additional reductions to the project review process could be considered for development proposals that meet the following criteria:
    a. In order for any project of five units or more to qualify for streamlining, it must provide at least 57% of its units as below market rate, per the RHNA affordability levels.
    b. In order for projects of four units or less to qualify for streamlining, these projects must provide two units of permanently affordable housing priced to be affordable for households earning no more than 80% of the neighborhood median income for the neighborhood in which the project is located.
    c. All State Density Bonus projects and HOME-SF projects must provide at least 57% of their units as below market rate, per the RHNA affordability levels.

Community Voice and Expertise

1. REP-SF supports efforts to reduce the duration of project reviews and uncertainty in the process. REP-SF, however, demands a process that continues to put the voices and expertise of low income and communities of color out front in the approval process. This legislation in its current form would undermine the ability for low income and communities of color to have a voice in shaping how our communities develop and grow.

a. REP-SF's demand for "streamlining" and "reducing constraints" to retain meaningful input and participation especially from low-income communities and communities of color is supported by Housing Element implementation action #8.4.21: *"Led by American Indian, Black, other communities of color, and Cultural Districts, explore options to support community engagement as part of ministerial review to simplify and shorten the approval process for housing projects citywide. All considered options must not add subjective constraints to the housing approval process and must reduce project approval timelines."*
b. Developing new project approval systems that strengthen the ability for Cultural Districts, low income communities and communities of color to direct how our communities grow and develop is supported by Housing Element implementation actions 3.4.2; 4.1.1; 4.1.2; 4.1.4; 4.2.4; 4.2.5; 4.2.6; 4.4.2; 4.5.12; 5.2.4; 5.4.1; 6.1.3; 6.3.2 among others. In its current form, the Mayor's legislation undermines these Housing Element actions.

Mapping

1. This legislation establishes a Priority Equity Geographies (PEG) Special Use District. The boundaries of this PEG-SUD and the applications of new land-use policies and procedures are extremely problematic.
    a. The PEG map is based on data compiled by the Department of Public Health in 2016. Not only is the data obsolete, DPH did not develop this dataset to be used for land use planning purposes. Additionally, the PEG data and its applicability to land use policy have never been informed by low income or people of color communities.
    b. The PEG map leaves out many "areas vulnerable to displacement based on Urban Displacement Project typologies", and also is incompatible with the network of Cultural Districts across the City as it leaves out the Sunset Chinese Cultural District, Castro Cultural District, and portions of the Japantown Cultural District, American Indian Cultural District, Calle 24 Latino Cultural District, and African American Arts and Cultural District.
    c. This legislation calls for certain types of noticing and project approval processes inside the PEG-SUD and different noticing and project approval processes outside the PEG-SUD. The PEG-SUD does not provide any protections for existing, vulnerable residents, or any new investments for affordable housing opportunities.
    d. Additionally, other ordinances for Housing Element implementation that reduce impact fees and inclusionary housing requirements for market rate developers directly affect communities within the PEG-SUD by reducing impact fees and reducing affordable housing requirements for market rate developers.
2. REP-SF demands that if the concept of Priority Equity geographies is going to be used as a policy framework for land use changes, the PEG-SUD should be responsive to the following:
    a. The legislation should be amended to expand the PEG-SUD with input from American Indian, Black and other people of color communities and low income

communities throughout the City. This re-mapping process should also include input from all Cultural Districts.

b. Public noticing, anti-displacement and other community stabilization policies and procedures should be retained and strengthened within this newly mapped PEG-SUD.
c. Impact fees and inclusionary housing requirements should be restored to their current levels within the newly mapped PEG-SUD.
d. Significant new investments and resources for affordable housing should be made available for communities within the newly mapped PEG-SUD.

3. REP-SF's Citywide People's Plan calls for a shortened housing project review and approval process **citywide** per Housing Element action #8.4.21 (referenced above), rather than creating the problematic geographical distinction that this legislation proposes. Attached is a flow chart that summarizes how REP-SF's proposed review and approval process could work.

4. The Well-Resourced Neighborhoods areas have been designated by the State as priority areas for investment in affordable housing development. San Francisco's Housing Element ignores this equity policy and instead targets the Well-Resourced Neighborhoods for increasing high-priced market-rate housing. In order to align the Housing Element with the State's mandate to affirmatively further fair housing, there must be prioritization of policies and resources for affordable housing in the Well-Resourced Neighborhoods.

REP-SF hopes that the Board of Supervisors will significantly amend this legislation so it affirmatively furthers fair housing and embraces the potential for San Francisco to implement our Housing Element in a way that truly centers equity. If it is not possible to amend this legislation, REP-SF hopes that the Board will reject this legislation and work with low income and people of color communities throughout the City to move forward legislation that implements the Housing Element in a way that prioritizes the Implementing Actions from the Housing Element that the Board approved that do promise to affirmatively further fair housing and center equity.

REP-SF looks forward to working with the Board of Supervisors and the Mayor's office on re-orienting the priorities of Housing Element implementation.

Respectfully submitted,

Jeantelle Laberinto
on behalf of the Race & Equity in all Planning Coalition

Addendum #1:
Housing Element Implementation Actions that Support Equitable Outcomes

The Housing Element implementation actions listed below are a direct result of advocacy from REP-SF and our member organizations articulating a detailed set of strategies for developing nearly 47,000 new affordable housing units in eight years; and strengthening the voices and self-determination of communities of color and low-income communities to determine how our communities grow and develop.

The "Timeframes" as defined by Planning are as follows:
"Short" = 0 - 2 years; "Medium" = 3 - 5 years; "Long" = 6 - 8 years

Action # & Timeframe	Housing Element Category	Action Text
1.1.2 - Short	Affordable Housing Funding	Include affordable housing investment needs in annual City budget process and Capital Planning process to identify existing housing funding sources, funding gaps and potential new funding sources, including regular general fund allocations that can be made as part of the budget process and local general obligation bonds or other funding sources that require voter approval.
1.1.3 - Short, Ongoing	Affordable Housing Funding	Create a budgeting tool to track housing investments, including permanently affordable housing production, preservation, and housing services; including investments that advance community identified priority actions, per Action 4.1.3; tracking investments that advance racial and social equity, per Action 4.1.1 and achieve targets for investment in Well-resourced Neighborhoods as referenced in Action 1.2.1 and in Priority Equity Geographies.
1.1.11 - Medium	Affordable Housing Funding	Assess the City's capacity to finance a mixed-income and/ or mixed-use, social housing program.
1.1.14 - Short	Affordable Housing Funding	Explore expanding jobs-housing linkage fees to large employer institutional developments (medical and educational) who are currently not subject to jobs-housing linkage fees, in coordination with Action 1.1.12.
1.1.15 - Short	Affordable Housing Funding	Increase staffing at responsible agencies for analysts and community development specialists to implement expanded affordable housing programs in relation to increased funding and targets and to incorporate community strategies into the implementation of the Housing Element.
1.2.2 - Short	Affordable Housing Production	Strategically acquire sites and identify targeted funding for land acquisition and banking for affordable housing throughout the city. This will include lots for consolidation that can accommodate permanently affordable housing of at least 50 to 100 units or more through publicly funded purchases, in balance with investment in affordable housing preservation and production and in strategic coordination with sites owned by religious, nonprofit, and public property owners. Prioritize sites of interest identified in coordination with American Indian, Black,

		and other communities of color. Consider sites that accommodate fewer than 50 units as additional affordable housing funding, financing, and operating approaches are secured.
1.2.3 - Short	Affordable Housing Production	Prioritize land dedication, donation, or purchase of sites as a major strategy for securing affordable housing, including social housing and shared equity cooperatives, through partnerships with religious institutions, other philanthropic or private property owners, and non-profit developers, including ownership models referenced under Action 1.6.1.
1.2.4 - Short	Affordable Housing Production	Regularly track the pipeline of development sites and land banked for affordable housing development funded by OCII, MOHCD, and other relevant agencies, and develop strategies to ensure sufficient sites to accommodate affordable housing production relative to available funding over a rolling 4- to 8-year outlook and to meet the goals to construct housing in Priority Equity Geographies and Well-resourced neighborhoods per Action 1.2.1.
1.2.5 - Short	Affordable Housing Production	Develop a land acquisition process and program that permits inexpensive long-term leases for land developed with high affordability.
1.2.8 - Short	Affordable Housing Production	Prioritize support to neighborhood-based affordable housing developers, particularly those managed by American Indian, Black, and other communities of color. Partner with affordable housing developers to purchase privately owned entitled sites where construction may be stalling.
1.4.6- Short	Affordable Housing Preservation	Utilize value capture from up-zonings to support large affordable housing developments in need of substantial repair or rehabilitation, to fund rebuilding and financial feasibility of existing affordable units for current residents while creating more affordable homes.
1.4.7 - Short	Affordable Housing Preservation	Strengthen monitoring and enforcement of Below Market Rate units to avoid fraud and abuse of units and to unlock more units for those eligible and in need, through active enforcement of existing obligations, expedited leasing of new and turnover units, and completing the build out of the DAHLIA partners database.
1.5.1 - Medium	Deep Affordability and Rent Assistance for Lowest Income Renters	Increase production of housing affordable to extremely low and very low-income households and increase the share of units affordable to these households in affordable housing. This includes identifying and deploying operating subsidies necessary to serve these income groups.
1.5.2 - Short	Deep Affordability and Rent Assistance for Lowest Income Renters	Maximize the use of ongoing tenant-based rental assistance to expand eligibility for extremely and very low-income households who otherwise do not qualify for affordable units.
1.5.3 - Medium	Deep Affordability and Rent Assistance for Lowest Income Renters	Increase housing that is affordable to extremely low and very low-income households in Well-resourced Neighborhoods, as well as in Priority Equity Geographies and Cultural Districts, through City-funded permanently affordable housing projects.

1.5.4 - Short	Deep Affordability and Rent Assistance for Lowest Income Renters	Reduce severe cost burdens and increase stability for extremely low- and very low-income renters through ongoing rental assistance for qualifying vulnerable households, including people harmed by past government discrimination, seniors, people with disabilities, transgender people, and families with children, particularly those living in SROs.
1.5.5 - Short	Deep Affordability and Rent Assistance for Lowest Income Renters	Engage with target communities to determine needs and advocate for expanded tenant and building-based rental assistance programs at the federal and state and local levels to meet the needs of extremely and very low-income households and households with fixed incomes, such as seniors and people with disabilities, as also referenced in Actions 2.1.2, 3.2.1, 1.5.4.
1.7.1 - Short	Eligibility and Access for Affordable Housing	Identify racial, ethnic, and social groups who have been disproportionately underserved by MOHCD's Affordable Rental and Homeownership units and the underlying reasons why those groups are underrepresented in obtaining such housing. Previously identified groups include American Indian, Black, Latinos, and other people of color, transgender and LGBTQ+ people, transitional-aged youth, people with disabilities, senior households, and households currently living in SROs. This study can inform the housing portal and access points cited in Action 1.7.6.
1.7.4 - Short	Eligibility and Access for Affordable Housing	Identify and adopt local strategies and advocate for State legislation to remove barriers to access permanently affordable housing for immigrants or people who lack standard financial documentation such as credit histories, bank accounts, or current leases; and for transgender people whose documentation may need corrections not possible due to immigration status, and/or non-California state laws.
1.7.5 - Short	Eligibility and Access for Affordable Housing	Expand existing culturally responsive housing counseling to applicants of MOHCD Affordable Rental and Homeownership Opportunities through a network of community-based housing counseling agencies, in consultation with Cultural Districts, and as informed by the needs identified under Actions 1.7.1, 1.7.2, and 5.4.9. These programs include financial counseling, market-rate and below market rate rental readiness counseling, and other services that lead to finding and keeping safe and stable housing; expansion of such services should be in coordination with Actions 2.1.4 and 4.1.2.
1.7.7 - Short	Eligibility and Access for Affordable Housing	Identify new strategies to address the unique housing and service needs of specific vulnerable populations to improve housing access and security for each group, using the findings from the City's housing Consolidated Plans and through direct engagement of these populations. Studies should address the needs of veterans, seniors, people with disabilities, transitional-aged youth, transgender and LGBTQ+ populations.
1.7.8 - Short	Eligibility and Access for Affordable Housing	Evaluate increasing neighborhood preference allocation for Below Market Rate units in Priority Equity Geographies to better serve American Indian, Black, and other communities of color, if possible, per the Federal Fair Housing regulations, as informed by Policy 5 and related actions.
1.7.9 - Short	Eligibility and Access for	Create or expand programs to provide housing counseling, financial literacy education, and housing readiness to low-income American Indian, Black and

	Affordable Housing	other people of color households who seek housing choices in Well-resourced Neighborhoods by 2024, and provide incentives and counseling to landlords in Well-resourced Neighborhoods to offer units to low-income households. Consider similar incentives referenced in Action 8.4.16.
1.7.10 - Medium	Eligibility and Access for Affordable Housing	Expand housing for transitional-aged youth in permanently affordable housing, integrated with supportive programs that address their unique needs such as a past criminal record, substance abuse, sexual orientation, gender identity, or other specific needs, as informed by the strategies referenced in Action 8.7.3.
1.7.11 - Short	Eligibility and Access for Affordable Housing	Study and identify programs, geographies, and building types that respond to the needs of recently arrived immigrants to inform permanently affordable housing investments in the neighborhoods in which they initially settle, such as Chinatown, the Tenderloin, the Mission, Cultural Districts, and other gateway neighborhoods.
2.1.1 - Short	Eviction Prevention and Anti-displacement	Fund the Tenant Right-to-Counsel program to match the need for eviction defense.
2.1.2 - Short	Eviction Prevention and Anti-displacement	Provide a priority in the allocation of direct rental assistance to vulnerable populations and in areas vulnerable to displacement. Geographies will be updated based on most up-to-date data and analysis. Assess rental assistance need for these groups and allocate additional funding secured by Action 1.1.1.
2.1.3 - Medium	Eviction Prevention and Anti-displacement	As informed by Action 2.1.4 and in coordination with community liaisons referenced under Action 4.1.2, support and expand community-led navigation services and systems to provide tenants' rights education and support and expand other related programs such as the existing culturally competent Code Enforcement Outreach Program that is offered within the Department of Building Inspection.
2.1.4 - Short	Eviction Prevention and Anti-displacement	Increase funding to expand the services of community-based organizations and providers for financial counseling services listed under Action 1.7.5, as well as tenant and eviction prevention services listed under Program 2, to better serve vulnerable populations, populations in areas vulnerable to displacement, and Cultural Districts. Tenant and eviction protection services include legal services, code enforcement outreach, tenant counseling, mediation, and housing-related financial assistance; expansion of such services should be informed by community priorities referenced under Action 4.1.3. Complete by completion of Rezoning Program or no later than January 31, 2026.
2.1.5 - Short	Eviction Prevention and Anti-displacement	Provide adequate legal services to support eviction prevention including support for rent increase hearings, habitability issues, or tenancy hearings with the Housing Authority.
2.1.6 - Medium	Eviction Prevention and Anti-displacement	Expand on-site case management services that focus on removing barriers to housing stability to support non-profit housing providers in preventing evictions of their tenants.
2.1.7 -	Eviction	Expand housing retention requirements to prevent evictions and support tenants

Short	Prevention and Anti-displacement	of non-profit affordable housing. Allocate additional funding needed to support these functions and staff in non-profit organizations.
2.1.8 - Medium	Eviction Prevention and Anti-displacement	Develop a system to respond to housing transfer requests, especially in affordable and supportive housing, and monitor their potential as a housing retention and eviction prevention strategy.
2.2.1 - Short	Tenant Protections	Implement the digital Rental Housing Inventory to collect data that informs the evaluation of anti displacement programs, including rental rates, rent control status, vacancy, and services provided.
2.2.2 - Short	Tenant Protections	Increase relocation assistance for tenants experiencing either temporary or permanent evictions, including increasing the time period during which relocation compensation is required for temporary evictions from three to six months. Explore options to ensure long-term affordability of low-income tenants who return to their units.
2.2.4 - Short	Tenant Protections	Pursue proactive and affirmative enforcement of eviction protections programs, especially for Owner Move-in and Ellis Act evictions, including annual reporting by owners that is enforced by site inspections and confirmation of owner occupancy, funded through owner fees.
2.2.6 - Medium	Tenant Protections	Advocate for State legislation to reform the Ellis Act (Government Code Chapter 12.75) to stabilize rental housing by, for example, imposing a minimum holding period of five years before the Act can be used to evict tenants.
2.2.7 - Medium	Tenant Protections	Advocate for State legislation to reform the Costa-Hawkins Housing Law to allow cities to better stabilize tenants by, for example, allowing cities to extend rent control to multifamily housing that is at least 25 years old. Assign City staff to lead this task.
2.2.8 - Short	Tenant Protections	Increase fines and enforcement for illegally preventing SRO residents from establishing tenancy by forcing short-term stays.
2.2.9 - Short	Tenant Protections	Collaborate with HCD and the State legislature to clarify expectations and advocate for changes for tenant protections and community anti-displacement based on recent legislation.
2.3.1 - Short	Acquisitions and Rehabilitation for Affordability	Prioritize and expand funding for the purchase of buildings, including those with chronically high residential vacancy, underutilized tourist hotels, and SRO residential hotels, for acquisition and rehabilitation programs that serve extremely low to moderate-income households, including unhoused populations.
2.3.2 - Medium	Acquisitions and Rehabilitation for Affordability	Identify SRO residential hotels in advanced states of disrepair, particularly those owned by nonprofits and/or master-leased by the City as supportive housing, for rehabilitation and repair with public and/or philanthropic assistance. Explore cost-effectiveness of acquisition and demolition of severely deteriorated SROs and rebuilding as Permanent Supportive Housing, if it is cheaper than rehabilitation, allowed by planning code, and meets requirements for tenant relocation during construction and right to return for tenants.

2.3.3 - Short	Acquisitions and Rehabilitation for Affordability	Increase non-profit capacity-building investments, particularly for American Indian, Black, and other community organizations of color, to purchase and operate existing tenant-occupied buildings as permanent affordable housing in Well-resourced Neighborhoods, particularly for populations at risk and in areas vulnerable to displacement, to expand implementation of the Community Opportunity to Purchase Act (COPA).
2.3.4 - Short	Acquisitions and Rehabilitation for Affordability	Evaluate the feasibility of utilizing the Small Sites program to increase shared equity or cooperative ownership opportunities for tenants. This study would also inform expansion of shared equity homeownership models cited in Actions 5.4.6 and 1.6.1.
2.3.5 - Medium	Acquisitions and Rehabilitation for Affordability	Incentivize private owners to sell residential buildings to non-profit affordable housing developers via transfer tax exemptions or other financial measures.
2.4.1 - Short	Preserving Rental Unit Availability	Implement recently voter-approved vacancy tax for residential units that stay empty for over 6 months on owners of properties with at least three residential units. Explore additional legislation to tax other unit types and vacancies, such as units used as secondary or vacation homes.
2.4.2 - Short	Preserving Rental Unit Availability	Explore regulatory paths, including a tax or other regulatory structures, to discourage short term speculative resale of residential units, particularly those which seek to extract value out of evicting tenants, or rapid reselling to more lucrative markets.
2.4.3 - Short, Ongoing	Preserving Rental Unit Availability	Continue to improve compliance, enforcement, and restrictions on intermediate-length occupancy dwelling units. Explore tracking and publishing data on short-term rentals on the Rental Housing Inventory.
2.4.4 - Short	Preserving Rental Unit Availability	Increase fines and enforcement for illegally converting SROs to new uses.
3.4.2 - Medium	Supportive Housing	Increase funding needed to meet the targets set in Action 3.4.1, in balance with funding needed for the other actions to reduce homelessness, including short and long-term rental subsidies, temporary shelter and targeted homelessness prevention.
4.1.1 - Short	Accountability	Develop and align citywide metrics that measure progress towards positive outcomes for American Indian, Black, and other people of color, and other disadvantaged communities resulting from housing policies using methods consistent with the San Francisco Equity Index prepared by the Office of Racial Equity. These metrics will be part of the Monitoring Program in Action 8.1.9 and will include affordable housing placement, displacement mitigation measures, and homeownership rates.
4.1.2 - Short	Accountability	Identify and fund liaisons within key City agencies such as MOHCD and Planning to support the housing needs and priorities of American Indian, Black, and other people of color, and other disadvantaged communities; such liaisons should provide regular check-ins with the community at centralized community spaces and reporting on housing programs and Housing Element implementation

		progress.
4.1.3 - Short	Accountability	Identify priority actions in the Housing Element Implementing Programs that respond to the needs of American Indian, Black, and other people of color, and other disadvantaged communities, through collaboration with Cultural Districts or other racial and social equity-focused community bodies such as the Community Equity Advisory Council or the African American Reparations Committee. Report back to communities on the progress of those priority actions and update prioritization annually.
4.1.4 - Short	Accountability	By January 31, 2023, establish an interagency Housing Element implementation committee. This committee should meet with members of racial and social equity focused bodies as cited in Action 4.1.3, to inform the City's budget and work program on housing equity. The committee would be responsible for creating a Monitoring Program described in Action 8.1.9, developing an affordable housing strategy, reviewing the City's annual affordable housing funding budget, and reporting progress measured in Actions 8.1.9, 4.1.1 and 4.1.3 to the Planning Commission and Mayor's Office and for identifying financial or legal challenges to progress.
4.1.5 - Short	Accountability	Monitor and shape housing investments, including permanently affordable housing production, preservation, and housing services, using the affordable housing funding and investment tracking cited in Action 4.1.1 so that resource allocation is accountable to the community priority actions identified in Action 4.1.3.
4.1.7 - Medium	Accountability	Continue racial and social equity and displacement analysis to target levels of investments that prevent community displacement through increased permanently affordable housing production, equitable access to housing, and other community stabilization strategies for vulnerable populations. This will include a triennial progress report on the displacement of population by income, race, and geography in relation to existing community stabilization programs and production of affordable housing.
4.1.9 - Short	Accountability	Develop and require community accountability measures, including notification and engagement of residents, when building housing on environmentally contaminated sites.
4.2.1 - Short	Community Planning	Develop and implement community outreach and engagement strategies that center racial and social equity and cultural competency to be used by Planning Department staff as well as developers or community groups.
4.2.4 - Medium	Community Planning	Implement the upcoming housing strategies recommended by the African American Reparations Advisory Committee.
4.2.5 - Short	Community Planning	Support the development and implementation of community-led plans in the Tenderloin, the Fillmore, the Mission, Sunset and all Cultural Districts through their CHHESS reports. These community plans, reports, and boards will guide priorities and investments in their neighborhoods.
4.2.6 -	Community	Identify and adopt zoning changes that implement priorities of American Indian,

Medium	Planning	Black, Filipino, Latino(a,e), and other communities of color identified in Cultural Districts or other community-led processes within Priority Equity Geographies.
4.2.11 - Medium, Ongoing	Community Planning	Simplify language used in project notifications and hearing notices with the aim of clearly communicating a project's proposal or the topic of the hearing. Pursuant to the Language Access Ordinance, continue to provide translation services at commission hearings and for hearing agendas and minutes upon request. Aim to translate at least crucial portions of notifications, such as the project descriptions or hearing topics, into languages that comprise 5% or more of the total city population.
4.4.2 - Short	Cultural Districts	Update the Planning Code and Planning Department protocols where necessary to reflect strategies developed in Action 4.2.1, this includes updating Planning Department requirements to require project sponsors to engage with interested Cultural Districts to allow these communities to provide input upon initiation of a project application and to allow the project sponsor adequate time to address the input through dialogue or project revisions.
4.4.4 - Medium	Cultural Districts	Ensure Cultural Districts and their CHHESS reports guide culturally supportive housing developments, affordable housing investments, and neighborhood investments in coordination with Program 5.2.
4.5.1 - Short	Cultural Heritage and Expression	Improve consultation with local Native Ohlone representatives, including the Association of Ramaytush Ohlone representatives, and American Indian residents in policy development and project review regarding tribal and cultural resource identification, treatment, and management while compensating them for their knowledge and efforts. Improvements should include commissioning the development of community-led, culturally relevant guidelines for identifying and protecting tribal and cultural resources and identifying funding sources for cultural resource identification, treatment and management.
4.5.5 - Short	Cultural Heritage and Expression	Designate historically and culturally significant buildings, landscapes, and districts for preservation using the Citywide Cultural Resource Survey, Planning Code Articles 10 and 11, and state and national historic resource registries to ensure appropriate treatment of historic properties that are important to the community, with a focus on those that are important to American Indian, Black, Japanese, Filipino, and other communities directly harmed by discriminatory government actions, and to unlock historic preservation incentives for more potential housing development sites.
4.5.12 - Short	Cultural Heritage and Expression	Consider the effects on housing in balance with the Planning Department's racial and social equity goals for any recommendation of approval, disapproval, or modification of landmark designations or historic district designations, or approval of substantive new review processes or requirements for historic resources.
5.1.6 - Long	Truth-telling and Acknowledging Past Harm	Report on the cumulative impacts to San Francisco's American Indian, Black, and other communities of color resulting from discriminatory practices and government actions as understood from the studies called for in Program 5.1 and Actions 5.1.1 through 5.1.5 to present a holistic view of the harms incurred and redress the harms comprehensively. Provide annual updates on new displacement trends and patterns and expand resources and programs to

		reverse negative trends.
5.2.1 - Short	Cultural Investment and Restitution	In recognition of the dispossession of American Indians of their ancestral lands, identify opportunities to give land back for traditional cultural and ceremonial uses and to invest in spaces for the American Indian community to participate in traditional cultural practices and convene community gatherings.
5.2.2 - Short	Cultural Investment and Restitution	In recognition of the disproportionate loss of Black residents from San Francisco in recent decades resulting in part from a culmination of discriminatory government actions, identify opportunities to donate or dedicate land for use or development by Black-led, community-serving organizations.
5.2.3 - Short	Cultural Investment and Restitution	Fund the development and implementation of community-led strategies in Cultural Districts to retain and grow culturally associated businesses and services that attract residents back to the area.
5.2.4 - Short	Cultural Investment and Restitution	Recognize spaces of cultural importance identified by American Indian, Black, Japanese, Filipino, and other communities directly harmed by discriminatory government actions in community planning and regulatory review for development projects, consult them in decisions affecting those spaces, and direct resources towards their preservation and management.
5.2.5 - Medium	Cultural Investment and Restitution	Fund the development of cultural spaces that serve communities harmed as described under Program 5.2, using potential new funding sources such as the mitigation fund referenced under Action 4.5.4 or community facilities fees.
5.2.6 - Short	Cultural Investment and Restitution	Prioritize businesses and non-profit organizations associated with American Indian, Black, Japanese, Filipino, and other communities directly harmed by discriminatory government actions for grant funding and technical assistance through the Legacy Business Program.
5.3.1 - Medium	Fair Housing Compliance and Enforcement	Evaluate and identify common cases of discrimination and violation of fair housing law and groups who continuously face such discrimination, including transgender and LGBTQ+, or people with disabilities, and implement solutions to strengthen enforcement of fair housing law in those cases.
5.3.2 - Short	Fair Housing Compliance and Enforcement	Amend the City's Fair Chance Ordinance to incorporate best practices to expand housing access for people with criminal records to privately owned units, Housing Choice Voucher units, and other federally funded units.
5.3.3 - Short	Fair Housing Compliance and Enforcement	Create and expand incentives for private landlords to use rental assistance programs (e.g., Housing Choice Vouchers) to rent their units to extremely and very low-income households. Incentives could include covering lease up fees, rent payment during the inspection period, providing tenant support for housing retention, and covering unit damage upon separation, as well as establishing a fund to support these incentives.
5.4.1 - Short	Housing Programs to Redress Harm	Prioritize American Indian residents for housing opportunities to redress the historic dispossession of resources affecting these communities, such as by the Indian Relocation Act, and other government actions that broke the cohesion of this community.

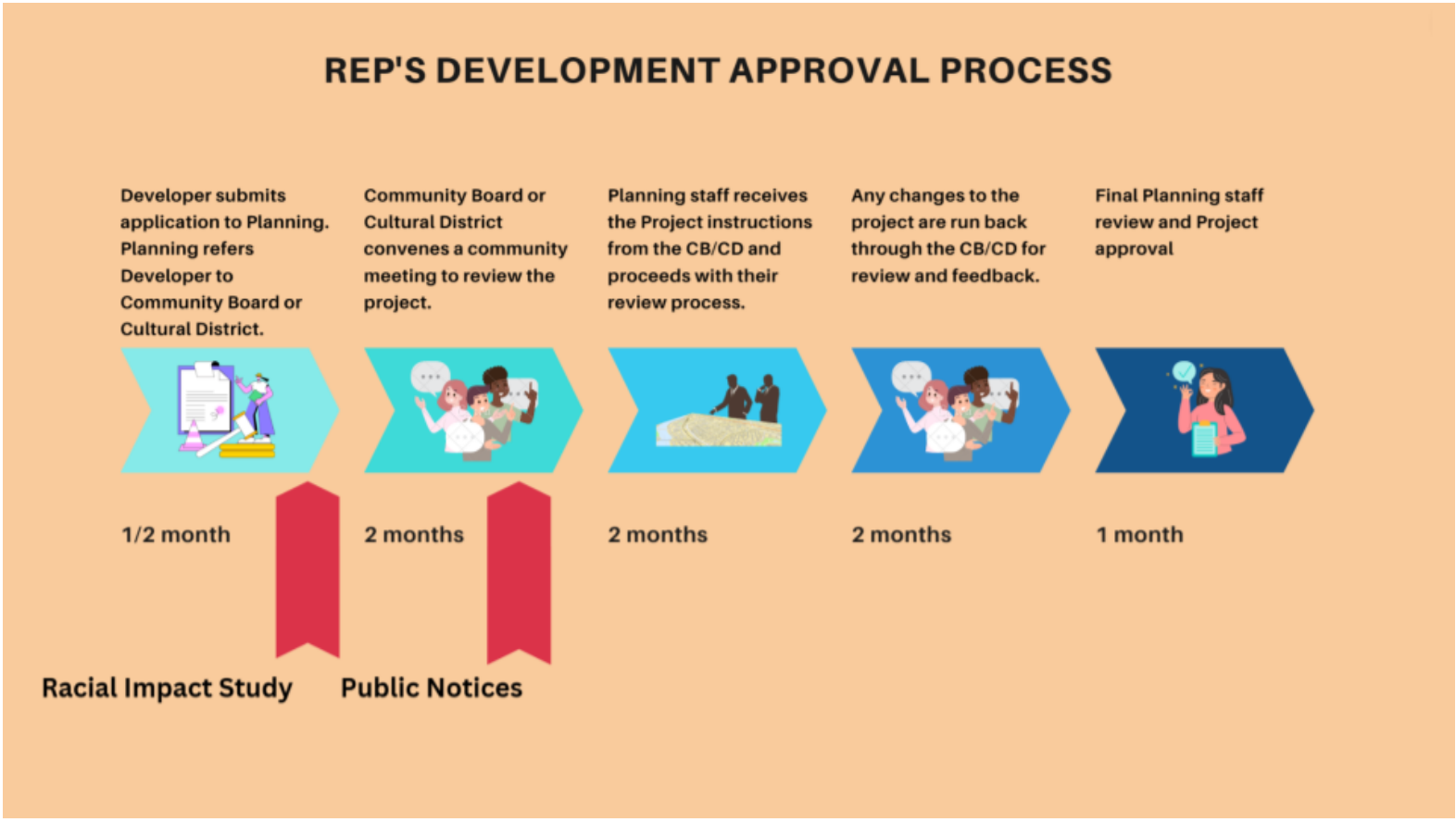
5.4.2 - Medium	Housing Programs to Redress Harm	Establish pilot and permanent programs that offer homeownership opportunities targeted to Black households harmed through redlining or urban renewal or other forms of systemic racism related to housing, including Black individuals and their descendants who hold Certificates of Preference from the urban renewal period, as referenced in Actions 5.4.8 and 5.4.9. Building on the Dream Keeper initiative, such programs should include silent second loans or grants for down payment assistance, as well as other financial assistance to reduce income eligibility as a barrier to access homeownership opportunities.
5.4.4 - Short	Housing Programs to Redress Harm	Target increased investment in the Down Payment Assistance Loan Program to American Indian, Black, Japanese, Filipino, and other communities directly harmed by redlining or urban renewal or by other discriminatory government actions.
5.4.5 - Medium	Housing Programs to Redress Harm	Implement right to return legislation for residents of public housing including opportunities to those previously displaced.
5.4.6 - Medium	Housing Programs to Redress Harm	Pursue expanding and modifying the shared equity homeownership and land trust models to address their effectiveness and scalability, including capacity and expertise of community-based organization to manage and support such projects, to serve communities harmed by past discrimination. Use the findings of the study referenced in Action 2.3.4 to inform expansion of these models.
5.4.7 - Short	Housing Programs to Redress Harm	Create and pilot programs to increase access to Affordable Rental and Homeownership units and other housing services as redress for American Indian, Black, Japanese, Filipino, and other communities directly harmed by past discriminatory government actions including redlining, urban renewal, the Indian Relocation Act, or WWII Japanese incarceration. Programs should be informed by the truth-telling processes described in Program 5.1.
5.4.8 - Short	Housing Programs to Redress Harm	Expand the Certificates of Preference program as required per recent State Law, Assembly Bill 1584 (Health and Safety Code, SEC 13 – 16), to qualify eligible descendants of those displaced by redevelopment projects for priority in renting or buying affordable housing. Conduct comprehensive outreach and engagement to identify the descendants of households who have been displaced. Expanding this program should rely on strategies that ensure such units meet the preferences and needs of eligible households as informed by Action 5.4.9.
5.4.9 - Short	Housing Programs to Redress Harm	Conduct a study to engage with Certificates of Preference holders and their descendants to identify their housing needs, preferences, and income levels and create a tracking system to better monitor who has obtained or declined affordable rental and homeownership opportunities and why.
5.4.10	Housing Programs to Redress Harm	Expand and fund community capacity to implement housing programs and investments for American Indian residents as one strategy to redress the historic dispossession of resources affecting these communities, such as the Indian Relocation Act, and other government actions that broke the cohesion of this community.
6.1.1 -	Families With	Pursue multi-generational living for extended families and communal households

Long	Children	that have space and amenities for children, working-age adults, seniors and persons with disabilities, when building permanently affordable housing or cooperative housing referenced in Action 1.6.1.
6.1.2 - Short	Families With Children	Establish programs to assist extremely low and very low-income families with children to relocate from SROs and overcrowded living conditions to appropriate permanently affordable housing.
6.1.3 - Medium	Families With Children	Encourage family-friendly housing, which could include higher numbers of two- or three- bedroom units, units that are affordable to a wide range of low- to middle-income households, and child-friendly amenities such as playgrounds, on-site childcare, or designated childcare units.
6.1.4 - Ongoing	Families With Children	Continue to require multi-bedroom unit mixes.
6.2.1 - Short	Transgender and LGBTQ+ People	Study and identify programs that respond to the needs of transgender and LGBTQ+ groups, particularly those who are refugees, lack family connections, or previously incarcerated, to incorporate into permanently affordable housing investments that are concentrated in the neighborhoods where they have historically found community, such as the Castro for LGBTQ+ communities or the Tenderloin for transgender people of color, building upon research spearheaded by the Castro LGBTQ Cultural District.
6.2.2 - Medium	Transgender and LGBTQ+ People	Support and fund the implementation of San Francisco's "Ending Trans Homelessness Plan," as well as the ongoing housing placement for the transgender community, in recognition of the severe disparities in housing access and safety experienced by this group.
6.3.1 - Short	Seniors and People with Disabilities and Chronic Illness	Expand the Senior Operating Subsidy (SOS) program to allow extremely and very low-income seniors to be eligible for new senior Below Market Rate rental units.
6.3.2 - Long	Seniors and People with Disabilities and Chronic Illness	Increase permanently affordable senior housing along transit corridors to improve mobility of aging adults and seniors, particularly for extremely and very low-income households including through expansion of Senior Operating Subsidies as referenced in Action 6.3.1.
6.3.3 - Short	Seniors and People with Disabilities and Chronic Illness	Create or support financing programs that support aging in place, including improvements to accessibility through home modifications or building ADUs, and supported by technical assistance programs referenced in Action 8.2.2.
6.3.6 - Short	Seniors and People with Disabilities and Chronic Illness	Strengthen interagency coordination to identify and implement strategies to address the housing needs of seniors and people with disabilities, informed by the Housing Needs Assessments referenced in Action 6.3.7.
6.3.9 - Short	Seniors and People with Disabilities and Chronic Illness	Explore a Disabled Operating Subsidy (DOS) program to allow extremely and very low-income people with disabilities better access to permanently affordable housing units.

7.4.3 - Short	Accessory Dwelling Units (ADUs)	Create an affordable ADU program that provides financial support for professional services and construction of units that serve low-income households.
8.1.10 - Medium	Cost and Fees	By January 2026, the Interagency Housing Element Implementation committee (see Action 4.1.4) will assess if the City has approved the appropriate housing units by income level to meet the RHNA goals. If the City is behind the pro rata affordable housing production goals the Interagency Housing Element Implementation committee should trigger: Increase of additional City funding for affordable housing and pursuit of additional State funding. Increase the land banking strategy to accommodate 50 percent more affordable housing units than the capacity of the sites acquired from 2022 through 2025 The City will implement these actions in consultation with HCD.
8.4.21 - Short	Process and Permit Procedures	Led by American Indian, Black, other communities of color, and Cultural Districts, explore options to support community engagement as part of ministerial review to simplify and shorten the approval process for housing projects citywide. All considered options must not add subjective constraints to the housing approval process and must reduce project approval timelines.
8.6.2 - Short	Support for Affordable Housing and Shelters	Utilize and comply with the state-wide streamlining opportunities to expedite and increase the production of Permanent Supportive Housing. Continue the non discretionary approval of Supportive Housing projects in accordance AB 2162 and of all shelters, including Low Barrier Navigation Centers, in accordance with AB 101.
8.6.4 - Medium	Support for Affordable Housing and Shelters	Remove requirement for General Plan referrals for shelters, 100% affordable housing, permanent supportive housing, and development agreement projects.
8.6.7 - Short	Support for Affordable Housing and Shelters	Strengthen the interagency coordination to streamline the requirements for the associated approvals for publicly funded affordable housing by creating a public inventory of all such approvals, establishing a baseline process and expected duration for each approval, and ensuring clear project management; examples of associated approvals include the PG&E requirements to accommodate Public Utilities Commission (PUC) low-cost electric service, or the multi-agency review of disability access to reduce per-unit construction costs.
8.6.10 - Short	Support for Affordable Housing and Shelters	Streamline plan checks, response to revisions, and field inspection process to support and reduce review time from the Mayor's Office of Disability by 20% for 100% affordable housing projects.
8.6.14 - Medium	Support for Affordable Housing and Shelters	Expand use of third-party consulting peer review of construction documents on publicly subsidized 100% affordable housing projects, in addition to continuing to maintain staff experts on affordable housing project review and assigning them to affordable housing projects.
8.6.16 - Medium	Support for Affordable Housing and	Expand nonprofit project management capacity, especially focused on areas of the city that have not seen much affordable housing development and where there are few or no community based affordable housing developers.

	Shelters	

Addendum #2:
Project Review and Approval Process



From:	Eric Brooks
To:	Peskin, Aaron (BOS); Angulo, Sunny (BOS); PeskinStaff (BOS); Preston, Dean (BOS); Smeallie, Kyle (BOS); PrestonStaff (BOS); Major, Erica (BOS); Board of Supervisors (BOS); Melgar, Myrna (BOS); Fieber, Jennifer (BOS); MelgarStaff (BOS); Chan, Connie (BOS); Groth, Kelly (BOS); ChanStaff (BOS); Mandelman, Rafael (BOS); MandelmanStaff, [BOS]; Thongsavat, Adam (BOS); Ronen, Hillary; Herrera, Ana (BOS); RonenStaff (BOS); Walton, Shamann (BOS); Burch, Percy (BOS); Waltonstaff (BOS); Safai, Ahsha (BOS); Buckley, Jeff (BOS); SafaiStaff (BOS); Stefani, Catherine (BOS); Rosas, Lorenzo (BOS); StefaniStaff, (BOS); Engardio, Joel (BOS); Goldberg, Jonathan (BOS); EngardioStaff (BOS); Dorsey, Matt (BOS); Tam, Madison (BOS); DorseyStaff (BOS)
Subject:	15 Env, EJ & Community Orgs Sign To Strongly *OPPOSE* MELGAR "Family Housing" & Engardio-Breed "Constraints Reduction"
Date:	Monday, July 17, 2023 8:37:59 AM
Attachments:	SF_CEQA_Defenders_Sign-On_July-17-2023.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

15 Environmental, Environmental Justice & Community Orgs Sign To Strongly *OPPOSE* MELGAR 'Family Housing' & Engardio-Breed 'Constraints Reduction' *(Also see attached in PDF format)*



SPEAK Sunset Parkside Education & Action Committee

July 17, 2023
To: City and County of San Francisco Decision Makers - 1 Dr Carlton B Goodlett Pl, San Francisco, CA 94102

Re: **OPPOSE** Engardio-Breed-Dorsey “Constraints Reduction Ordinance” (“Housing Production”) **File #230446** and **OPPOSE** Melgar-Engardio “Family Housing Opportunity Special Use District Ordinance” **File #230026**
Dear San Francisco Decision Makers:
The undersigned environmental, housing, economic justice, community, and climate crisis response organizations write to voice our strong opposition to the Engardio-Breed-Dorsey “Constraints Reduction” and the Melgar-Engardio “Family Housing Opportunity Special Use District” ordinances. They would enact drastic and sweeping exceptions to San Francisco's

environmental and community review of real estate projects and would undermine health, environmental, economic and neighborhood protections. The Engardio-Breed-Dorsey “Constraints Reduction Ordinance” (aka “Housing Production Ordinance”) contains massive unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year! The Melgar-Engardio “Family Housing Opportunity Special Use District Ordinance” unacceptably waives nearly all environmental and community review for housing expansions in its large target project area to allow sweeping height increases, project design exemptions, open space requirement reductions, and condo conversions that will remove badly needed affordable rental housing! Together these ordinances would worsen:

- **The Unaffordable Housing Crisis** - These ordinances promote building new high priced housing that is *not* affordable, and condo conversions that displace rental housing. It is ridiculous that the Engardio-Breed-Dorsey ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year “affordable”. We already have a 50% *oversupply* of housing for those income levels! And the Melgar-Engardio ordinance relies on existing “affordable” standards that are not working and have already allowed gentrification to destroy San Francisco neighborhoods.

- **The Homelessness Crisis** - The gentrification spurred by these ordinances would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.

- **The Vacant Housing Crisis** - San Francisco has at least 40,000 vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands more apartments. We do not need more housing construction, we need to make our existing housing space affordable!

- **The Environmental Justice & Equity Crisis** - These ordinances would gut environmental and community review protections and would establish “Urban Renewal” style redevelopment zones, setting precedents that would allow corporate real estate giants to even more easily build unhealthy housing on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared “cleaned up”).

- **The Climate Crisis** - These bills are bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other building materials releasing *more* greenhouse gases, not less.

These ordinances would build housing for the wealthy, create more homelessness, and are an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators. Please vote DOWN these unacceptable corporate attacks on San Francisco's environmental, economic, cultural, and community integrity!

Sincerely:
California Alliance of Local Electeds Californians for Energy Choice Concerned Residents of the Sunset East Mission Improvement Association Extinction Rebellion SF Bay Area Greenaction for Health & Environmental Justice Mid-Sunset Neighborhood Association Our City SF Our Neighborhood Voices San Franciscans for Urban Nature San Francisco Green Party San Francisco Tomorrow Save Our Neighborhoods SF Sunflower Alliance Sunset Parkside Education & Action Committee



July 17, 2023

To: City and County of San Francisco Decision Makers - 1 Dr Carlton B Goodlett Pl, San Francisco, CA 94102

Re: **OPPOSE** Engardio-Breed-Dorsey "Constraints Reduction Ordinance" ("Housing Production") **File #230446**
and **OPPOSE** Melgar-Engardio "Family Housing Opportunity Special Use District Ordinance" **File #230026**

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The Engardio-Breed-Dorsey "Constraints Reduction Ordinance" (aka "Housing Production Ordinance") contains massive unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year!

The Melgar-Engardio "Family Housing Opportunity Special Use District Ordinance" unacceptably waives nearly all environmental and community review for housing expansions in its large target project area to allow sweeping height increases, project design exemptions, open space requirement reductions, and condo conversions that will remove badly needed affordable rental housing!

Together these ordinances would worsen:

- **The Unaffordable Housing Crisis** - These ordinances promote building new high priced housing that is *not* affordable, and condo conversions that displace rental housing. It is ridiculous that the Engardio-Breed-Dorsey ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year "affordable". We already have a 50% *oversupply* of housing for those income levels! And the Melgar-Engardio ordinance relies on existing "affordable" standards that are not working and

have already allowed gentrification to destroy San Francisco neighborhoods.

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Sincerely:

California Alliance of Local Electeds
Californians for Energy Choice
Concerned Residents of the Sunset
East Mission Improvement Association
Extinction Rebellion SF Bay Area
Greenaction for Health & Environmental Justice
Mid-Sunset Neighborhood Association
Our City SF
Our Neighborhood Voices
San Franciscans for Urban Nature
San Francisco Green Party
San Francisco Tomorrow
Save Our Neighborhoods SF
Sunflower Alliance
Sunset Parkside Education & Action Committee

From:	Board of Supervisors (BOS)
To:	BOS-Supervisors; BOS-Legislative Aides
Cc:	Calvillo, Angela (BOS); Somera, Alisa (BOS); Ng, Wilson (BOS); De Asis, Edward (BOS); Mchugh, Eileen (BOS); BOS Legislation, (BOS); Major, Erica (BOS)
Subject:	FW: Encouraging Your Support for Ordinance 230446
Date:	Thursday, July 13, 2023 1:50:56 PM

Hello,

Please see below for communication from Keegan Clark regarding File No. 230446.

> **File No. 230446 -** Planning Code, Zoning Map - Housing Production (Mayor, Engardio, Dorsey)

Sincerely,

Joe Adkins
Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
Phone: (415) 554-5184 | Fax: (415) 554-5163
board.of.supervisors@sfgov.org | www.sfbos.org

From: Keegan Clark <keegan@sync-arch.com>
Sent: Wednesday, July 12, 2023 5:03 PM
To: ChanStaff (BOS) <chanstaff@sfgov.org>; DorseyStaff (BOS) <DorseyStaff@sfgov.org>; EngardioStaff (BOS) <EngardioStaff@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; MelgarStaff (BOS) <melgarstaff@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>
Subject: Encouraging Your Support for Ordinance 230446

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Supervisors,

I am writing to express my strong support for Ordinance 230446 and to encourage you to vote in favor of its passage. This legislation presents a critical opportunity to remove numerous barriers that have been hindering the construction of new housing in our beloved city of San Francisco. As a Junior project manager working and living in San Francisco I have experience firsthand the ways in which the current planning review process has SEVERLY impacted the timeline of projects. Under this new legislation, projects that were previously held up for 2-5 years could be streamlined and completed through over the counter review in a matter of months. This is an imperative change if

San Francisco is to meet its goal of 82,000 new units in the next 8 years.

As you are aware, San Francisco is facing a severe housing crisis, with an acute shortage of affordable and available homes. This crisis has led to increased homelessness, displacement, and a diminishing sense of community. It is essential that we take swift and decisive action to address this issue, and Ordinance 230446 is a step in the right direction. By streamlining the permitting process and removing unnecessary red tape, this ordinance would pave the way for more efficient and timely development of new housing units. It aims to tackle the bureaucratic hurdles and burdensome regulations that have contributed to delays, higher costs, and limited housing supply. By doing so, we can encourage the construction of more homes, both affordable and market-rate, to meet the diverse needs of our residents.

I kindly request that you carefully consider the impact and potential benefits of Ordinance 230446 and lend your support to its passage. Your vote will not only be a catalyst for positive change but also a testament to your dedication to serving the best interests of our community. I trust in your wisdom and leadership to make the right decision for the future of San Francisco.
Thank you for your time and attention to this matter. I look forward to hearing about your support for Ordinance 230446 and witnessing the positive impact it will have on our city.

Sincerely,

Keegan Clark
Junior Associate
syncopated architecture
www.sync-arch.com
415-558-9843

From:	Robert Hall
To:	Board of Supervisors (BOS); PrestonStaff (BOS)
Subject:	Oppose "Constraints Reduction Ordinance" ("Housing Production") File #230446 and "Family Housing Opportunity Special Use District Ordinance" File #230026
Date:	Wednesday, July 12, 2023 7:26:41 PM
Attachments:	image.png

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Please oppose "Constraints Reduction Ordinance" ("Housing Production") File #230446 and "Family Housing Opportunity Special Use District Ordinance" File #230026.

Nearly every media outlet is talking about the biodiversity crisis and the climate crisis. This is not a time to weaken the environmental review process. It's a time to strengthen it. With recent changes at the state level like SB9, San Francisco already has parks like Palou Phelps in the developers cross hairs. Why loosen the rules to build more luxury condos? Please concentrate your energies on protecting San Francisco from the looming environmental crises and redeveloping our flagging downtown. There's an urgent need to reimagine the empty commercial space to create a community people want to live in, not just commute to.

I'm a huge supporter and advocate of the city and sympathize what you're up against. Please don't compromise the environment or eliminate the beauty of our natural heritage. Fill the empty buildings where all the concrete has already been poured.

Robert Hall
1946 Grove St. Apt. 6
San Francisco, CA 94117

Context

What's at Risk if We Don't Adapt?

Assets at risk of SLR flooding[1]:

75,000 **total households,** including **12,000** in the most socially vulnerable communities[3].

200,000 **total jobs,** and **15,000** total businesses.

20,000 **vulnerable acres at risk,** including wetlands, lagoons, and tidal marshes.[3]



Photo credit: Ben Botkin, 2020

Estimates of a Subset of Assets at Risk:
(in 2022 dollars)

$85 billion
Estimated *assessed value* of parcels at risk[1]

$151 billion
Estimated value of major roadways at risk[2]

[1] Assuming 4.9 feet of inundation by 2050.

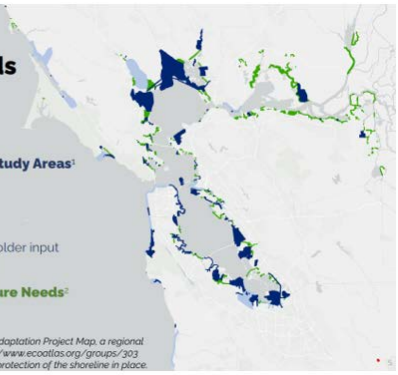
[2] Calculated based on 230 miles of vulnerable major class roadways, using a median transportation adaptation cost of $125,000 per foot. Adaptation assumes only elevation or realignment and not protection in place or multi-benefit solutions.

[3] Social vulnerability defined by the high and highest levels of BCDC's Community Vulnerability Data.

[4] From Adapting to Rising Tides Bay Area, 2020

Inventory

Inventory of Adaptation Needs



Local Adaptation Projects and Study Areas[1]

- Local Adaptation Projects
- Local Study Areas

192 projects in original inventory
132 projects updated with stakeholder input
Includes 47 new projects added

Potential Protective Infrastructure Needs[2]

- Placeholder Adaptation Needs

[1] Includes projects identified in BCDC's Shoreline Adaptation Project Map, a regional project inventory hosted through EcoAtlas: https://www.ecoatlas.org/groups/303
[2] Placeholder needs determined by assuming the protection of the shoreline in place.

From:	Candace Low
To:	Board of Supervisors (BOS)
Subject:	Opposition to: Constraints Reduction Ordinance ("Housing Production") File #230446 and "Family Housing Opportunity Special Use District Ordinance" File #230026
Date:	Wednesday, July 12, 2023 12:25:39 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear Members of the San Francisco Board of Supervisors,

As a native of San Francisco for over 50 years, and an active member of the community, I am writing to oppose Constraints Reduction Ordinance ("Housing Production") File #230446 and "Family Housing Opportunity Special Use District Ordinance" File #230026.

It should be a priority to conduct an environmental assessment of impacts to the rare community of the San Francisco sand dune communities and the mental health and well-being of the people who live and visit the neighborhood this project would impact.

Sincerely,
Candace Low
A concerned citizen of the outer sunset community.

_____

Candace Low, PhD
Biology Department
San Francisco State University
E-mail: clowsf@sfsu.edu

_____

From:	Board of Supervisors (BOS)
To:	BOS-Supervisors; BOS-Legislative Aides
Cc:	Calvillo, Angela (BOS); Somera, Alisa (BOS); Ng, Wilson (BOS); De Asis, Edward (BOS); Mchugh, Eileen (BOS); BOS Legislation, (BOS); Major, Erica (BOS)
Subject:	FW: Board File Number 230446: Letter of support from the AIASF Public Policy and Advocacy Committee
Date:	Thursday, July 13, 2023 1:26:45 PM
Attachments:	AIASF Housing for All ordinance Support.pdf

Hello,

Please see below and attached for communication from the AIA Public Policy and Advocacy Committee regarding File No. 230446.

> **File No. 230446 -** Planning Code, Zoning Map - Housing Production (Mayor, Engardio, Dorsey)

Sincerely,

Joe Adkins
Office of the Clerk of the Board
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
Phone: (415) 554-5184 | Fax: (415) 554-5163
board.of.supervisors@sfgov.org | www.sfbos.org

From: vivian dwyer <viv@dwyer-design.com>
Sent: Wednesday, July 12, 2023 1:36 PM
To: Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>
Cc: Christopher Roach <chris@studiovara.com>; Karin Payson <karinp@kpad.com>; Stacy Williams <swilliams@aiasf.org>; Kevin Riley <kriley82@gmail.com>
Subject: Board File Number 230446: Letter of support from the AIASF Public Policy and Advocacy Committee

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

To the Board of supervisors,

The AIA Public Policy and Advocacy Committee is submitting this letter of support for Mayor Breeds, Constraints Reduction(AKA Housing Production) Case Number 2023-00367CAMAP, Board File number 230446 to be on file.

We understand there is no date set yet when this will next be heard with opportunity for the public

to speak up, but will look for conformation and want this to be in the file.

Thank you

Vivian

DWYER DESIGN
1965 page street #201
san francisco ca 94117
415.730.5856

AIA San Francisco

Board of Supervisors
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689

July 12, 2023

Re: Project Name: Constraints Reduction (AKA Housing Production)
Case Number: 2023-003676PCAMAP
Board File No. 230446
By Mayor Breed

Dear San Francisco Board of Supervisors,

AIA San Francisco Public Policy and Advocacy Committee are writing to express our support for the proposed 'Housing for All' ordinance.

We commend the efforts made under the 2022 Housing Element Update, which focuses on racial and social equity, to address San Francisco's housing challenges. With a state-mandated goal of constructing 82,000 housing units within the next eight years, this plan aims to provide diverse housing options that strengthen our communities and improve overall affordability and diversity.

The 'Housing for All' ordinance aligns with several policies outlined in the Housing Element. It specifically targets the removal of obstacles that hinder housing construction, especially based on subjective criteria. The proposed changes include process improvements, development standards modifications, and expanded housing development incentives throughout the city. Implementing these changes will offer diverse housing options for all residents of San Francisco, thereby expanding affordability and opportunity.

Process Improvements:

The ordinance introduces several changes to eliminate costly and time-consuming requirements that impede housing construction and increase costs. We can save valuable time and resources by exempting code-compliant projects from certain processes like Conditional Use permits, the 311 process, and public hearings for projects outside the Priority Equity Geographies SUD. Additionally, allowing "as of right" development for heights and large lot projects, streamlining the approval of State Density Bonus Projects, enabling senior housing development wherever housing is permitted, and providing administrative approval for reasonable accommodations will further facilitate housing construction.

Development Standards:

The proposed ordinance brings about standardization and changes in development standards to foster creativity and high-quality housing. Consolidating rear yard requirements, reducing front setbacks, and adjusting minimum lot widths and areas will allow for greater flexibility in designing housing that meets the higher densities mandated by the Housing Element. Other changes, such as allowing open space in specific locations and reevaluating street-facing ground floor uses, will contribute to a more inclusive and vibrant urban environment.

AIA San Francisco
Hallidie Building
150 Sutter Street #814
San Francisco, CA 94104

(415) 874-2620
info@aiasf.org

www.aiasf.org

Expand Affordable Housing Incentives:

The ordinance includes code changes that simplify the process of building affordable housing. Expanding fee waivers for all 100% affordable projects, broadening the eligibility for Home SF, and removing restrictions on eligibility requirements will increase the availability of affordable units to individuals with modest incomes. These measures will help address San Francisco's pressing need for affordable housing options.

We can expand housing options for all San Francisco residents by passing the' Housing for All' ordinance. The correlation between supply and demand is undeniable, and the lack of adequate housing significantly contributes to the city's high cost of living. Private market-driven housing construction, with limited public subsidies, is the foundation of housing in San Francisco, the state, and the entire country. Streamlining the process and allowing developers to increase density will reduce construction costs per unit, ultimately benefiting renters and homeowners.

Higher density in our neighborhoods will promote stronger communities as it increases the number of individuals actively observing and engaging with their surroundings. Moreover, a denser population in our neighborhood commercial districts will create opportunities for residents to successfully launch and operate small retail businesses, surpassing the impact of mandated ground-floor retail spaces.

Expanding the inventory of housing options in San Francisco will foster greater neighborhood diversity, provide better housing opportunities for vulnerable populations, and contribute to a thriving city culture where everyone can flourish.

We urge the Land Use Committee and the Board of Supervisors to approve the "Housing for All" ordinance. Together, we can create a more inclusive and affordable housing landscape for all residents of San Francisco.

Respectfully submitted,

AIA San Francisco Public Policy and Advocacy Committee

From:	Robert Hall
To:	Major, Erica (BOS)
Subject:	Oppose "Constraints Reduction Ordinance" ("Housing Production") File #230446 and "Family Housing Opportunity Special Use District Ordinance" File #230026
Date:	Wednesday, July 12, 2023 8:15:40 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Please oppose "Constraints Reduction Ordinance" ("Housing Production") File #230446 and "Family Housing Opportunity Special Use District Ordinance" File #230026.

Nearly every media outlet is talking about the biodiversity crisis and the climate crisis. This is not a time to weaken the environmental review process. It's a time to strengthen it. With recent changes at the state level like SB9, San Francisco already has parks like Palou Phelps in the developers cross hairs. Why loosen the rules to build more luxury condos? Please concentrate your energies on protecting San Francisco from the looming environmental crises and redeveloping our flagging downtown. There's an urgent need to reimagine the empty commercial space to create a community people want to live in, not just commute to.

I'm a huge supporter and advocate of the city and sympathize what you're up against. Please don't compromise the environment or eliminate the beauty of our natural heritage. Fill the empty buildings where all the concrete has already been poured.

Robert Hall
1946 Grove St. Apt. 6
San Francisco, CA 94117

From:	Eric Brooks
To:	Major, Erica (BOS)
Subject:	*FOR TODAY* Land Use, July 10 - Org Sign-On - OPPOSE: Melgar "Family Housing" & Engardio "Constraints Reduction"
Date:	Monday, July 10, 2023 7:08:59 AM
Attachments:	SF_CEQA_Defenders_Sign-On_July-10-2023.pdf

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Hi Erica, Please distribute printed paper hard copies of the attached PDF public comment letter to the Land Use & Transportation Committee members, Melgar, Peskin, and Preston, for today's hearing. Please see below, and attached in PDF format with organization logos, for today's Land Use & Transportation Committee: Organization Sign-On, OPPOSE: Melgar "Family Housing" & Engardio "Constraints Reduction" July 10, 2023 To: City and County of San Francisco Decision Makers - 1 Dr Carlton B Goodlett Pl, San Francisco, CA 94102 Re: **OPPOSE** Engardio-Breed-Dorsey “Constraints Reduction Ordinance” (“Housing Production”) **File #230446** and **OPPOSE** Melgar-Engardio “Family Housing Opportunity Special Use District Ordinance” **File #230026** Dear San Francisco Decision Makers: The undersigned environmental, housing, economic justice, community, and climate crisis response organizations write to voice our strong opposition to the Engardio-Breed-Dorsey “Constraints Reduction” and the Melgar-Engardio “Family Housing Opportunity Special Use District” ordinances. They would enact drastic and sweeping exceptions to San Francisco's environmental and community review of real estate projects and would undermine health, environmental, economic and neighborhood protections. The Engardio-Breed-Dorsey “Constraints Reduction Ordinance” (aka “Housing Production Ordinance”) contains massive unprecedented waivers of local environmental, community and demolition review that are absolutely unacceptable, all in the name of producing housing called "affordable" when most of that housing would be for families making $150,000 to $190,000 per year!

The Melgar-Engardio “Family Housing Opportunity Special Use District Ordinance” unacceptably waives nearly all environmental and community review for housing expansions in its large target project area to allow sweeping height increases, project design exemptions, open space requirement reductions, and condo conversions that will remove badly needed affordable rental housing!

Together these ordinances would worsen:

- **The Unaffordable Housing Crisis** - These ordinances promote building new high priced housing that is *not* affordable, and condo conversions that displace rental housing. It is ridiculous that the Engardio-Breed-Dorsey ordinance calls housing built mostly for families making $150,000 to $190,000 dollars per year “affordable”. We already have a 50% *oversupply* of housing for those income levels! And the Melgar-Engardio ordinance relies on existing “affordable” standards that are not working and have already allowed gentrification to destroy San Francisco neighborhoods.

-

The Homelessness Crisis - The gentrification spurred by these ordinances would push most rents citywide even higher, driving more middle, working and lower class San Franciscans either out of the city, or onto our streets where they will face unacceptable dangers of declining health, street crime, and underemployment.

- **The Vacant Housing Crisis** - San Francisco has at least 40,000 vacant housing units, most of them *far* overpriced. We also have empty office space that can be converted into thousands more apartments. We do not need more housing construction, we need to make our existing housing space affordable!

- **The Environmental Justice & Equity Crisis** - These ordinances would gut environmental and community review protections and would establish "Urban Renewal" style redevelopment zones, setting precedents that would allow corporate real estate giants to even more easily build unhealthy housing on toxic and radioactive waste sites like those in Bayview Hunters Point and on Treasure Island (which local, state and federal agencies have falsely declared "cleaned up").

- **The Climate Crisis** - These bills are bad for the environment. Allowing sweeping demolitions and expansions of existing homes and apartments, to replace them with luxury condo and rental towers, will use massive amounts of new cement and other building materials releasing *more* greenhouse gases, not less.

These ordinances would build housing for the wealthy, create more homelessness, and are an environmentally destructive giveaway to rapacious Wall Street and corporate real estate speculators. Please vote DOWN these unacceptable corporate attacks on San Francisco's environmental, economic, cultural, and community integrity! Sincerely: California Alliance of Local Electeds Californians for Energy Choice
East Mission Improvement Association
Extinction Rebellion SF Bay Area
Our City SF
Our Neighborhood Voices
San Francisco Green Party
Save Our Neighborhoods SF

July 10, 2023

To: City and County of San Francisco Decision Makers - 1 Dr Carlton B Goodlett Pl, San Francisco, CA 94102

Re: **OPPOSE** Engardio-Breed-Dorsey "Constraints Reduction Ordinance" ("Housing Production") **File #230446**
and **OPPOSE** Melgar-Engardio "Family Housing Opportunity Special Use District Ordinance" **File #230026**

Dear San Francisco Decision Makers:

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Sincerely:

California Alliance of Local Electeds
Californians for Energy Choice
East Mission Improvement Association
Extinction Rebellion SF Bay Area
Our City SF
Our Neighborhood Voices
San Francisco Green Party
Save Our Neighborhoods SF

From:	zrants
To:	Melgar, Myrna (BOS); Major, Erica (BOS)
Cc:	Peskin, Aaron (BOS); Preston, Dean (BOS)
Subject:	re: oppostion to Engardio-Breed-Dorsey “Constraints Reduction Ordinance” # 230446
Date:	Thursday, July 6, 2023 5:58:32 PM
Attachments:	Ordinanace 230446.docx

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

July 6, 2023

Supervisors:

re: Opposition to Engardio-Breed-Dorsey “Constraints Reduction Ordinance” # 230446

There is a lot the Engardio-Breed-Dorsey “Constraints Reduction Ordinance” (aka “Housing Production Ordinance”) # 230446 does and doesn’t do that is concerning to those of us who are familiar with it. Unfortunately, it has not had a lot of covering in the press. Thanks to the sudden appearance of the 50 story renderings of the 2700 Sloat project more people are taking notice and they do not like what they see. People who might have appreciated a little extra density are horrified and disturbed by the sudden third finger in the air at the beach. Please do not pass Ordinance # 230446 at the Land Use Committee.

There are a lot of questions that remain unanswered about how this Ordinance will help produce housing and where the funds will come from.

What we do know:

- Increasing density does not make housing more affordable.
- Cities do not build housing. Developers do and only when they can realize a large profit from doing so.
- This Ordinance allows demolition without notice to neighbors, and gives property owners more incentives to empty their buildings.
- The Ordinance eliminates Conditional-Use hearings and opportunities for neighbors and the Planning Commission to improve the projects.
- There is no guarantee that any of these projects will be affordable or that they will be built any time soon.
- Current economic conditions with declining property values, high labor rates and materials costs are not attracting investors.
- Demolishing buildings creates a huge amount of solid waste and we are running out of room to put it.
- Nothing in this ordinance will build the already entitled units or fill the empty units.
- The most affordable housing is existing housing.

- Very few people are aware of the Ordinance that could have a major effect on their lives.

What we don't know:

- How to protect the affordable housing units we have from demolition.
- How to protect tenants from being evicted.
- How to administer a right to return program.
- How to protect affordable units from Ellis Act evictions or owner buy-outs.
- Where the money will come from to build affordable housing.

Please do not pass Ordinance # 230446 at the Land Use Committee.

Sincerely,

Mari Eliza, Concerned SF Citizen, zrants@gmail.com

July 6, 2023

Supervisors:

re: Opposition to Engardio-Breed-Dorsey “Constraints Reduction Ordinance” # 230446

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Please do not pass Ordinance # 230446 at the Land Use Committee.

Sincerely,

Mari Eliza, Concerned SF Citizen, zrants@gmail.com

From:	Board of Supervisors (BOS)
To:	BOS-Supervisors; BOS-Legislative Aides
Cc:	Calvillo, Angela (BOS); Somera, Alisa (BOS); Ng, Wilson (BOS); De Asis, Edward (BOS); Entezari, Mehran (BOS); Major, Erica (BOS)
Subject:	FW: Letter Re: Planning Case Number 2023-003676PCAMAP
Date:	Monday, July 3, 2023 1:11:30 PM
Attachments:	Letter Re Planning Case Number 2023-003676PCAMAP.pdf

Dear Supervisors,

Please see the attached communication regarding File No. 230446.

File No. 230446 - Ordinance amending the Planning Code to encourage housing production by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain development fees; 7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and 8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Thank you,

Eileen McHugh
Executive Assistant
Office of the Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689

Phone: (415) 554-5184 | Fax: (415) 554-5163
eileen.e.mchugh@sfgov.org| www.sfbos.org

From: Avi Gandhi <avi.gandhi@chinatowncdc.org>
Sent: Wednesday, June 28, 2023 4:52 PM
To: Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Braun, Derek (CPC) <derek.braun@sfgov.org>; Ruiz, Gabriella (CPC) <gabriella.ruiz@sfgov.org>
Cc: Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Gluckstein, Lisa (MYR) <lisa.gluckstein@sfgov.org>; Gen Fujioka <gfujioka@chinatowncdc.org>; Rosa Chen <rosa.chen@chinatowncdc.org>; Zachary Weisenburger <zweisenburger@ycdjobs.org>; David Elliott Lewis <ideazones@yahoo.com>
Subject: Letter Re: Planning Case Number 2023-003676PCAMAP

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June 28, 2023

Rachael Tanner
President, SF Planning Commission
Rachael.Tanner@sfgov.org

Kathrin Moore
Vice President, SF Planning Commission
Kathrin.Moore@sfgov.org

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
commissions.secretary@sfgov.org

Re: Streamlining Legislation
"Constraints Reduction AKA Housing Production Ordinance [BF 230446]
Planning Case Number 2023-003676PCAMAP
Legislative File #230446

Dear President Tanner, Vice President Moore, and Planning Commissioners

Chinatown Community Development Center (CCDC) is a nonprofit community based organization providing affordable housing for low income tenants across San Francisco with decades long experience in community engaged planning in the Chinatown area.

Young Community Developers (YCD) is a Black-led nonprofit that has served the

historically under-resourced Black community in San Francisco's Bayview-Hunters Point for over 50 years.

Tenderloin People's Congress is an all volunteer, grassroots resident advocacy group since 2015.

We write to express our concerns regarding the Planning Department's apparent lack of consideration of the potential adverse social, economic, and equity impacts of the proposed Planning Code and Zoning Map Amendments, particularly in relation to their impacts on the Priority Equity Geographies (PEGs)[1].

We had previously looked forward to the Department's analysis of the Mayor's proposal given the Department's extensive technical and research capacity to provide neighborhood and parcel level assessment of impacts and outcomes. But the Executive Summary offers no such analysis specific to Priority Equity Geographies aside from a map of the outline of the areas. While the Department extensively extolls its previous attention to equity areas in the drafting for the Housing Element, the Executive Summary does not even summarize the extent to which the proposed policy changes impact Priority Equity Geographies. This lack of consideration of the areas of the City where a majority of lower-income communities of color reside is both disappointing and troubling.

Unless that omission is corrected, the absence of specific analyses of impacts on Priority Equity Geographies will make it impossible for this Commission to adopt informed findings or recommendations to address or mitigate the impacts of the proposal.

Based upon our own reading of the legislation, the proposal appears to change multiple policies impacting thousands of residential, commercial, and mixed-use sites in the Priority Equity areas such as the Mission, Chinatown, Tenderloin, SOMA, Bayview, Excelsior, and others. These changes include:

- Development on large lots: Eliminates Conditional Use hearings ("CU") for construction on larger parcels in RH, NC, and Chinatown Mixed-Use Districts (Staff Report, pg. 7).
- Allowable Heights: Eliminates CU hearings for height in districts where hearings are currently required in RH, RM, RC and certain NC Districts (Staff Report, pg. 7).
- State Density Bonus: Eliminates hearings for projects using the State Density Bonus given that State law prevents the Planning Commission from denying or modifying a State Density Bonus project (Staff Report, pg. 8).
- Group Housing: Permits Group Housing in RH-1 zoning districts via the four-plex program and removes the conditional use requirement for Group Housing in RH-2 and RH-3 zoning districts (Staff Report, pg. 13).

Likely unanalysed impacts:

- Without any affordability requirements, these provisions incentivize upscale market-rate developments, taking away the opportunity for much-needed affordable housing projects to be built, particularly in historically low-income neighborhoods within PEGs. CUs are one of the few tools for communities to become aware of and weigh in on potential impacts of developments in their neighborhoods including the loss of

rent-controlled units, community-serving businesses, open spaces, etc.
- Allowing Group Housing by-right negates the years of work that communities within Priority Equity Geographies like Chinatown and Tenderloin have done to discourage Group Housing Projects that incentivize luxury studios and smaller apartments aimed at young professionals and single adults instead of more family-friendly housing, changing the character of low-income, immigrant, and people of color neighborhoods.

With each of these changes, the communities in this city which have been most adversely impacted by gentrification, displacement, and disempowerment will have less opportunity to speak out and have a voice in future market driven development in what remains of their neighborhood.

And while the Executive Summary repeatedly and extensively claims that such market driven development will produce new housing development for everyone, there is not a single chart, paragraph, or data point that is offered that establishes that the housing that will be developed in the Priority Equity Geographies will be affordable to the people who need the housing in those neighborhoods. With limited remaining sites available for new developments in Priority Equity Areas, streamlining of public process makes these limited sites prime targets for market-rate upscale projects. This increased competition from non-affordable projects directly undermines the pressing need for affordable housing in these neighborhoods and risks perpetuating gentrification and further displacement.

Furthermore, while we appreciate the legislation for maintaining residential demolition controls within the PEG-SUD, we believe that the Executive Summary completely lacks discussion or analysis on the impacts that this streamlining legislation will have on incentivizing demolitions of non-residential uses including community-serving retail, restaurants, cultural institutions, banquet halls, and other businesses and services, particularly in mixed-use districts of PEGs. These community-serving commercial establishments are integral to the fabric of these neighborhoods, and it is essential to examine both impacts simultaneously. While housing stability is undoubtedly crucial, access to jobs, local businesses, and community-based services is equally vital for the holistic well-being of low-income communities.

Unfortunately none of the above described foreseeable adverse impacts of the proposal as written were identified or addressed by the Planning Departments' Executive Summary -- the only publicly provided analysis of the proposed legislation. We urge the Commission to delay a decision until we receive a comprehensive analysis of the potential consequences of the proposed amendments on Priority Equity Goegraphies. This analysis should consider the impacts on both residential and non-residential demolitions, taking into account the unique character and needs of these neighborhoods. Additionally, an assessment of the cumulative effects of the amendments, along with the existing Housing Element Actions, is necessary to comprehend the broader implications of these policy changes.

Furthermore, considering the existence of at least four legislative proposals for Housing Element implementation[2], we urge the Planning Staff to evaluate the cumulative impacts of all these proposals as per the Housing Element Project EIR, ensuring a comprehensive understanding of their combined effects on the proposed Priority Equity Geographies SUD.

We also want to highlight that we appreciate the legislation for expanding fee waivers to more 100% affordable housing projects, as well as providing greater housing choice for seniors by allowing double density in additional zoning districts but these positive reforms could be considered as stand alone measures or along with land use policies that also recognize other needs in Priority Equity Geographies.

In conclusion, we strongly urge the Planning Commission to continue the hearing of Mayor Breed's streamlining legislation to allow for a re-evaluation of impacts by Planning Staff as well as comprehensive public review and comment. The lack of analysis, community engagement, and clear communication regarding the potential impacts of this legislation necessitates a more robust and transparent process.

Sincerely,

Avi Gandhi
Senior Planner
Chinatown Community Development Center

Zachary Weisenburger
Land Use Policy Analyst
Young Community Developers

David Elliott Lewis
Co-Chair
Tenderloin People’s Congress

June 28, 2023

Rachael Tanner
President, SF Planning Commission
Rachael.Tanner@sfgov.org

Kathrin Moore
Vice President, SF Planning Commission
Kathrin.Moore@sfgov.org

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
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Planning Case Number 2023-003676PCAMAP
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We had previously looked forward to the Department's analysis of the Mayor's proposal given the Department's extensive technical and research capacity to provide neighborhood and parcel level assessment of impacts and outcomes. But the Executive Summary offers no such analysis specific to Priority Equity Geographies aside from a map of the outline of the areas. While the

[1] Priority Equity Geographies are areas with a higher density of vulnerable populations as defined by the San Francisco Department of Health, including but not limited to people of color, seniors, youth, people with disabilities, linguistically isolated households, and people living in poverty or unemployed.

Department extensively extolls its previous attention to equity areas in the drafting for the Housing Element, the Executive Summary does not even summarize the extent to which the proposed policy changes impact Priority Equity Geographies. This lack of consideration of the areas of the City where a majority of lower-income communities of color reside is both disappointing and troubling.

Unless that omission is corrected, the absence of specific analyses of impacts on Priority Equity Geographies will make it impossible for this Commission to adopt informed findings or recommendations to address or mitigate the impacts of the proposal.

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Likely unanalysed impacts:

- Without any affordability requirements, these provisions incentivize upscale market-rate developments, taking away the opportunity for much-needed affordable housing projects to be built, particularly in historically low-income neighborhoods within PEGs. CUs are one of the few tools for communities to become aware of and weigh in on potential impacts of developments in their neighborhoods including the loss of rent-controlled units, community-serving businesses, open spaces, etc.
- Allowing Group Housing by-right negates the years of work that communities within Priority Equity Geographies like Chinatown and Tenderloin have done to discourage Group Housing Projects that incentivize luxury studios and smaller apartments aimed at young professionals and single adults instead of more family-friendly housing, changing the character of low-income, immigrant, and people of color neighborhoods.

With each of these changes, the communities in this city which have been most adversely impacted by gentrification, displacement, and disempowerment will have less opportunity to speak out and have a voice in future market driven development in what remains of their neighborhood.

And while the Executive Summary repeatedly and extensively claims that such market driven development will produce new housing development for everyone, there is not a single chart, paragraph, or data point that is offered that establishes that the housing that will be developed in the Priority Equity Geographies will be affordable to the people who need the housing in those neighborhoods. With limited remaining sites available for new developments in Priority Equity Areas, streamlining of public process makes these limited sites prime targets for market-

rate upscale projects. This increased competition from non-affordable projects directly undermines the pressing need for affordable housing in these neighborhoods and risks perpetuating gentrification and further displacement.

Furthermore, while we appreciate the legislation for maintaining residential demolition controls within the PEG-SUD, we believe that the Executive Summary completely lacks discussion or analysis on the impacts that this streamlining legislation will have on incentivizing demolitions of non-residential uses including community-serving retail, restaurants, cultural institutions, banquet halls, and other businesses and services, particularly in mixed-use districts of PEGs. These community-serving commercial establishments are integral to the fabric of these neighborhoods, and it is essential to examine both impacts simultaneously. While housing stability is undoubtedly crucial, access to jobs, local businesses, and community-based services is equally vital for the holistic well-being of low-income communities.

Unfortunately none of the above described foreseeable adverse impacts of the proposal as written were identified or addressed by the Planning Departments' Executive Summary -- the only publicly provided analysis of the proposed legislation. We urge the Commission to delay a decision until we receive a comprehensive analysis of the potential consequences of the proposed amendments on Priority Equity Goegraphies. This analysis should consider the impacts on both residential and non-residential demolitions, taking into account the unique character and needs of these neighborhoods. Additionally, an assessment of the cumulative effects of the amendments, along with the existing Housing Element Actions, is necessary to comprehend the broader implications of these policy changes.

Furthermore, considering the existence of at least four legislative proposals for Housing Element implementation[2], we urge the Planning Staff to evaluate the cumulative impacts of all these proposals as per the Housing Element Project EIR, ensuring a comprehensive understanding of their combined effects on the proposed Priority Equity Geographies SUD.

We also want to highlight that we appreciate the legislation for expanding fee waivers to more 100% affordable housing projects, as well as providing greater housing choice for seniors by allowing double density in additional zoning districts but these positive reforms could be considered as stand alone measures or along with land use policies that also recognize other needs in Priority Equity Geographies.

In conclusion, we strongly urge the Planning Commission to continue the hearing of Mayor Breed's streamlining legislation to allow for a re-evaluation of impacts by Planning Staff as well as comprehensive public review and comment. The lack of analysis, community engagement, and clear communication regarding the potential impacts of this legislation necessitates a more robust and transparent process.

[2] Legislative File #230446, Mayor Breed's Housing Production Ordinance; Legislative File #230026, Supervisor Melgar's proposal creates a Family Housing Opportunity SUD; Legislative File #230734, proposes to upzone commercial corridors outside the PEG-SUD; and Legislative File #230735, proposes to eliminate density controls for housing built along Neighborhood Commercial streets.

Sincerely,

Avi Gandhi
Senior Planner
Chinatown Community Development Center

Zachary Weisenburger
Land Use Policy Analyst
Young Community Developers

David Elliott Lewis
Co-Chair
Tenderloin People's Congress

From:	Board of Supervisors (BOS)
To:	BOS-Supervisors; BOS-Legislative Aides
Cc:	Calvillo, Angela (BOS); Somera, Alisa (BOS); Ng, Wilson (BOS); De Asis, Edward (BOS); Entezari, Mehran (BOS); Major, Erica (BOS)
Subject:	FW: Constraints Reduction proposal Board file 230446. Copy of letter to Planning Commission June 28 for all Supervisors
Date:	Monday, July 3, 2023 1:14:50 PM

Dear Supervisors,

Please see the below communication regarding File No. 230446.

File No. 230446 - Ordinance amending the Planning Code to encourage housing production by 1) exempting, under certain conditions, specified housing projects from the notice and review procedures of Section 311 and the Conditional Use requirement of Section 317, in areas outside of Priority Equity Geographies, which are identified in the Housing Element as areas or neighborhoods with a high density of vulnerable populations; 2) removing the Conditional Use requirement for several types of housing projects, including housing developments on large lots, projects to build to the allowable height limit, projects that build additional units in lower density zoning districts, and senior housing projects that seek to obtain double density; 3) amending rear yard, front setback, lot frontage, minimum lot size, and residential open space requirements in specified districts; 4) allowing additional uses on the ground floor in residential buildings, homeless shelters, and group housing in residential districts, and administrative review of reasonable accommodations; 5) expanding the eligibility for the Housing Opportunities Mean Equity - San Francisco (HOME - SF) program and density exceptions in residential districts; 6) exempting certain affordable housing projects from certain development fees; 7) authorizing the Planning Director to approve State Density Bonus projects, subject to delegation from the Planning Commission; and 8) making conforming amendments to other sections of the Planning Code; amending the Zoning Map to create the Priority Equity Geographies Special Use District; affirming the Planning Department's determination under the California Environmental Quality Act; and making public necessity, convenience, and welfare findings under Planning Code, Section 302, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.

Thank you,

Eileen McHugh
Executive Assistant
Office of the Clerk of the Board
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689

Phone: (415) 554-5184 | Fax: (415) 554-5163
eileen.e.mchugh@sfgov.org| www.sfbos.org

From: lgpetty <lgpetty@juno.com>
Sent: Wednesday, June 28, 2023 4:35 PM
To: Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>
Subject: Re: Constraints Reduction proposal Board file 230446. Copy of letter to Planning Commission June 28 for all Supervisors

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear President Tanner and Planning Commissioners,

Re: The Constraints Reduction Act: Planning Code and Zoning Map Amendments

2023-003676PCAMAP

I urge the Commissioners to recommend setting aside this proposed legislation in order to replace it with a more considered, and compliant, Two-Stage process.

As one of four bills (so far) to implement the Housing Element and State laws, this proposal serves as the core. And it is a massive, overstuffed Pandora's box of code and zoning changes, accompanied by an outdated and unexamined map. All of which bypass the stated priorities of the Housing Element and the Board of Supervisors-- for equity and affordable housing.

However, there IS a way to meet state mandates for streamlining and rezoning, while abiding by our own priorities. With the roll-out of previous individual bills we see that the State does not dictate a massive overhaul all at once in the same bill.

Thus, in the interests of city priorities, equity, fairness, common sense, and fulfillment of the city's Number One need, the way forward should be to replace the "Constraints" proposal with two separate pieces of code and zoning implementation legislation.

There is no immediate reason to rush into offering more benefits to expensive market rate housing developers, when San Francisco has a known record of overbuilding it. We've already stockpiled a huge surplus of vacant market rate units. Many developers have said their major projects won't "pencil out" until affluent workers able to pay market rents and prices return.

But there are 46,000 reasons to immediately start to smooth the way for 100 per cent affordable housing developments. That whopping number is the total affordable units San Francisco is required to build by the State-imposed RHNAs.

As currently written, the Constraints Reduction proposal is an unregulated do-it-yourself kit for developers to put together high-rent, high-price condo projects that will only benefit

investors. It is a campaign to put the fox in charge of the henhouse. Meanwhile, there is no money; no plan or commitment for affordable housing in this legislation except a few hazy promises.

High-end market rate housing does not empty our tents; it does not insure stable homes for seniors and others on fixed incomes; it offers no hope for the families of our essential workers. This legislation is based on the bankrupt idea that affordability comes from expanding market rate housing. It is a continuation, on steroids, of the disastrous policies that enabled the rising rents which pushed our people into homelessness and exile.

In this legislation, the Mayor continues to sidetrack affordable housing production into a vague, undefined future… guided by a committee whose only task is to issue a report…in 2024.

Also please consider that "fair housing" is a stated goal in both in the Housing Element and in this legislation. But you won't find in them an understanding that there can be no fair housing without affordable housing. Affordable housing IS fair housing. And there is no fairness about housing that most San Franciscans can't afford. What good is greater access to new housing in better-resourced areas, if it's priced beyond most people's budgets? There is also no fairness if residents are dispossessed and disenfranchised by excluding their voices in planning projects that upend their lives…and certainly no fairness in removal of demolition restrictions, and inadequate solutions for its impacts.

Proponents of this legislation claim it's merely a mandatory response to bring San Francisco into compliance with the demands of state law. It's also alleged that we have no choice but to obey. But there are choices available. For example, someone chose to accelerate the timeline, and chose, in this legislation, that for every change the state requires...the city should go one better. And keep in mind, however, the "Constraints" legislation and the other "implementation" bills do not collectively offer, as the Planning Dept. deceptively implies, a plan where affordability is a choice open to all.

But despite all the mandates, it's still up to us to choose in what order we do things. So why not begin with implementing incentives only for affordable housing? We really can't create enough affordable housing unless the city puts it ahead of all other goals and follows up with adequate (read enormous amounts of) money and commitment. That commitment came into question just this week, with the proposal to reduce inclusionary housing requirements in new construction. The Inclusionary program accounted for a third of the affordable units built in the last ten years.

So I recommend putting forth at this time, only a First Stage ordinance for code and zoning changes. Create an Affordable Housing Implementation Act. It would limit streamlining, generous incentives, and zoning exceptions only to those who'll deliver the 100 per cent housing we need. We must then back this up with enough funds for the affordable developer's projects, and for landbanking and preservation of existing affordable housing.

To mitigate hardships, add unequivocal support for community notification and input at the very beginning of every project application. Keep CUA. Put teeth in an anti-displacement program by guaranteeing specific expanded protections, including rent control for every replacement unit. Declare hands-off every block in the Priority Equity Geographies, especially in any PEG areas that overlap High Resource Areas. And commit to investing enough money in the PEG areas to assure they will be just as "high-resourced" as the Westside, Pacific

Heights and the northern waterfront. Why should PEG residents have to move from their generational homes in order to enjoy great schools, transit, and infrastructure?

Assistance for market rate developers can be addressed in a Second Stage of code and zoning implementation legislation. After making significant progress toward building those mandated 46,000 affordable units, the city could open up streamlining and incentives for other developers if needed. Who knows…if high-income workers have flooded back into San Francisco by then, as is likely, San Francisco might have already met its RHNA goals for market rate housing. Then, instead of having to destroy its policies of community collaboration, the city could work on improving them.

And finally…just for the record: People should never be diminished or demeaned by labeling their voices as "Constraints." Our voices, along with those of Planning Commissioners, Supervisors and the City of San Francisco itself, must not be denied. All of us have a Constitutional right to participation in the making of rules and the processes that govern our lives.

Thank you for your consideration.

Lorraine Petty, affordable housing and tenant advocate for seniors and people with disabilities.

D2 resident

From:	Board of Supervisors (BOS)
To:	BOS-Supervisors
Cc:	Major, Erica (BOS); Calvillo, Angela (BOS); De Asis, Edward (BOS); Entezari, Mehran (BOS); Mchugh, Eileen (BOS); Ng, Wilson (BOS); Somera, Alisa (BOS)
Subject:	FW: Streamlining Legislation File #230446
Date:	Wednesday, May 31, 2023 8:21:37 AM
Attachments:	image.png REP Request for Planning Staff Report 30May23.pdf

From: Joseph Smooke <joseph@peoplepowermedia.org>
Sent: Tuesday, May 30, 2023 4:48 PM
To: Starr, Aaron (CPC) <aaron.starr@sfgov.org>; Flores, Veronica (CPC) <Veronica.Flores@sfgov.org>
Cc: Hillis, Rich (CPC) <rich.hillis@sfgov.org>; Chion, Miriam (CPC) <miriam.chion@sfgov.org>; Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Board of Supervisors (BOS) <board.of.supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative_aides@sfgov.org>; Race & Equity in all Planning Coalition (REP) <repsf@googlegroups.com>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Braun, Derek (CPC) <derek.braun@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Ruiz, Gabriella (CPC) <gabriella.ruiz@sfgov.org>; John Avalos <john@sfccho.org>; Charlie Sciammas <charlie@sfccho.org>
Subject: Streamlining Legislation File #230446

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30 May 2023

Aaron Starr
Manager of Legislative Affairs
aaron.starr@sfgov.org

Veronica Flores
Legislative Affairs
veronica.flores@sfgov.org

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103

Re: Streamlining Legislation Titled "Planning Code, Zoning Map - Housing Production"
Legislative File #230446
Dear Aaron and Veronica,

The legislation referenced above is on the Planning Commission's advance calendar for June 15, 2023. This is extremely complex, technical legislation that requires extensive review and cross-referencing of multiple sections of the Planning Code.

We are eagerly looking forward to Planning's Staff Report on this item to help our understanding of all the ramifications of this legislation. We are concerned, however, that the Staff Report will not be published until just one week prior to the hearing- because this is unfortunately the pattern that Planning has been following.

The Race & Equity in all Planning Coalition (REP-SF) requests that the Staff Report for this legislation be made available to Planning Commissioners and to the public at least two weeks prior to the Planning Commission hearing on this legislation. This would mean publication of the Staff Report this Thursday, June 1.

If it is not possible for staff to publish their report by or before this Thursday, June 1, REP-SF requests that the hearing be postponed to a date that is at least two weeks after the actual publication date of the Staff Report.

Thank you for your consideration of this request.

Respectfully submitted,

The Race & Equity in all Planning Coalition, San Francisco (REP-SF)

cc
Planning Director, Rich Hillis
Planning Equity Director, Miriam Chion
Planning Commissioners
Planning Commission Clerk, Jonas Ionin
Board of Supervisors
Board of Supervisors, Legislative Aides
Council of Community Housing Organizations

co-founder of People Power Media
Creators of PRICED OUT
See the animation that will change the way you think about housing!

30 May 2023

Aaron Starr
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