

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

3 Ordinance amending the San Francisco Planning Code by adding new Section 318 to
4 put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code,
5 that can be constructed with reduced square footage unless the units are group
6 housing, affordable housing, or student housing; amending Subsection 135(d) and
7 adding new Section ~~135.4~~ 140.1 to impose open space and common space
8 requirements on Efficiency Dwelling Units with reduced square footage; and making
9 environmental findings, Planning Code, Section 302 findings, and findings of
10 consistency with the General Plan and the Priority Policies of Planning Code, Section
11 101.1.

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

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

16 Section 1. Findings.

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

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

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

5
6 Section 2. The San Francisco Planning Code is hereby amended by adding new
7 Section 318, to read as follows:

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

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

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

18 *(c) Reporting and reauthorization. After the approval of approximately 325 Efficiency*
19 *Dwelling Units with reduced square footage, the Planning Department in collaboration with the*
20 *Mayor's Office of Housing shall submit a report to the Board of Supervisors that provides whatever*
21 *information ~~the~~ those Departments believes will assist the Board in determining whether to increase*
22 *the numerical cap on the number of Efficiency Units with reduced square footage or to otherwise*
23 *modify the requirements. At a minimum, the report shall include the following information:*
24
25

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

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

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

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

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

15
16 Section 3. The San Francisco Planning Code is hereby amended by amending Sub-
17 Section 135(d), to read as follows:

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

20 ---
21 (d) **Amount Required.** Usable open space shall be provided for each building in the
22 amounts specified herein and in Tables 135A and B for the district in which the building is
23 located.

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

1 amount of open space required shall be in no case greater than the amount set forth in Table
2 135A for the district in which the building is located. The distance to each Residential District
3 shall be measured from the midpoint of the front lot line or from a point directly across the
4 street there from, whichever requires less open space.

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

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

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

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

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

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

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

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

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

	property		
1			
2	NC-1, NC-2, NCT-1, NCT-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue, Ocean Avenue, Glen Park	100	1.33
3			
4			
5	NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street- Mission, 24th Street- Noe Valley, NCT-3, SoMa, Mission Street	80	1.33
6			
7			
8			
9			
10			
11	Broadway, Hayes- Gough, Upper Market Street, North Beach, Polk Street	60	1.33
12			
13	Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
14			
15			
16			
17	DTR	This table not applicable. 75 square feet per dwelling. See Sec. 135(d)(4).	

**TABLE 135B
MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING IN THE
EASTERN NEIGHBORHOODS MIXED USE DISTRICTS**

Square feet of usable open space per dwelling unit, if not publicly accessible	Square feet of usable open space per dwelling unit, if publicly accessible	Percent of open space that may be provided off site
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1 80 square feet

2 54 square feet

3 50%

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

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

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

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

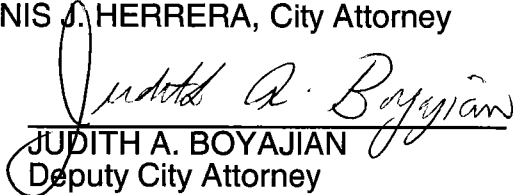
17 ~~Buildings with 20 or more Efficiency Dwelling Units with reduced square footage, as~~
18 ~~defined in Section 318 of this Code, shall include at least one common room for use by the~~
19 ~~residents. Such common room(s) may be used as study or reading rooms, shared kitchen or~~
20 ~~dining facilities,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

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

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

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

13 By:


14 JUDITH A. BOYAJIAN
15 Deputy City Attorney



City and County of San Francisco
Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 120996

Date Passed: December 04, 2012

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

November 19, 2012 Land Use and Economic Development Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

November 19, 2012 Land Use and Economic Development Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

November 20, 2012 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

November 20, 2012 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

Ayes: 10 - Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

Noes: 1 - Avalos

December 04, 2012 Board of Supervisors - FINALLY PASSED

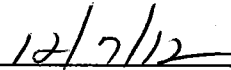
Ayes: 11 - Avalos, Campos, Chiu, Chu, Cohen, Elsbernd, Farrell, Kim, Mar, Olague and Wiener

File No. 120996

I hereby certify that the foregoing
Ordinance was **FINALLY PASSED** on
12/4/2012 by the Board of Supervisors of the
City and County of San Francisco.



Angela Calvillo
Clerk of the Board


Mayor

Date Approved