

1 [Adopting findings related to the appeal of the CEQA determination by the Planning
2 Department for the Secondary Unit Ordinance]

3 **Motion adopting findings related to the appeal of the determination by the Planning**
4 **Department that the Secondary Unit Ordinance is exempt/excluded from the California**
5 **Environmental Quality Act.**

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7 On April 23, 2003, the Environmental Review Officer of the Planning Department
8 issued a certificate of determination of exemption/exclusion from environmental review under
9 the California Environmental Quality Act in accordance with San Francisco Administrative
10 Code Chapter 31. A copy of said document is on file with the Clerk of the Board of
11 Supervisors in File No. 030838 and is incorporated by reference herein.

12 By letter to the Clerk of the Board of Supervisors dated May 14, 2003, Preserve Our
13 Neighborhoods filed an appeal of the determination to the Board of Supervisors, which the
14 Clerk of the Board of Supervisors received on or around May 14, 2003.

15 By letter to the Clerk of the Board of Supervisors dated May 23, 2003, Mr. Bud Wilson
16 filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board
17 of Supervisors received on or around May 23, 2003.

18 By letter to the Clerk of the Board of Supervisors dated May 31, 2003, the Coalition for
19 San Francisco Neighborhoods filed an appeal of the determination to the Board of
20 Supervisors, which the Clerk of the Board of Supervisors received on or around June 2, 2003.

21 On July 15, 2003, this Board held a duly noticed public hearing to consider the
22 consolidated appeals of the determination. Following the conclusion of the public hearing, the
23 Board affirmed the decision of the Planning Department on the use of the
24 exemption/exclusion for the Secondary Unit Ordinance based on the written record before the
25 Board in File No. 030838, which is hereby declared to be a part of this motion as if set forth

1 fully herein, as well as all of the fact and circumstances concerning the Planning Department
2 determination and deliberation of the oral and written testimony at the public hearing by all
3 parties and the public in support of and opposed to the appeals.

4 MOVED, That the Board of Supervisors finds that Section 21080.17 of the California
5 Environmental Quality Act (CEQA) and Section 15282(I) of the CEQA Guidelines provide a
6 statutory exemption from environmental review for the adoption of ordinances regarding
7 second units in a single-family or multifamily residential zone to implement the provisions of
8 Section 65852.1 or Section 65852.2 of the Government Code.

9 FURTHER MOVED, That the Board of Supervisors finds that the proposed Ordinance
10 would permit second units within the meaning of the Government Code Sections 65852.1 and
11 65852.2 by permitting an additional unit on lots with existing single-family buildings in single-
12 family or multifamily residential zones under the circumstances specified in the proposed
13 Ordinance.

14 FURTHER MOVED, That the Board of Supervisors finds that to the extent that the
15 Ordinance would permit an additional unit on lots with existing multifamily buildings, that the
16 proposed Ordinance is exempt under CEQA's General Rule Exclusion because there is no
17 possibility that an additional unit on these lots under the circumstances allowed by the
18 proposed Ordinance would result in significant environmental impacts.

19 FURTHER MOVED, That in regard to the use of the General Rule Exclusion, the Board
20 of Supervisors finds that many of the issues raised by the public in opposition to the proposed
21 Ordinance concerned issues relating to an additional unit on lots containing single family
22 buildings and not significant environmental impacts of an additional unit on lots in transit
23 corridors with existing multifamily buildings.

24 FURTHER MOVED, That the Board of Supervisors concurs with the conclusions of the
25 Planning Department that little increase in housing production is likely to occur as a result of

1 the provisions in the Ordinance to allow secondary units in multifamily dwellings because
2 adding secondary units in existing two-units buildings would be cost-prohibitive for most
3 building owners; little surplus space is available in buildings containing three or more dwelling
4 units; secondary units are not likely to be constructed in buildings where an additional dwelling
5 unit could presently and legally be added under existing Planning Code provisions; and the
6 Ordinance only allows construction of new units within the dimensions of the existing building.

7 FURTHER MOVED, That the Board of Supervisors finds that it concurs with the
8 conclusions of the Planning Department that construction of an additional unit of up to 750
9 square feet in existing multifamily dwelling would not affect land uses as the additional units
10 would be constructed within an existing structure and could not expand the building envelope
11 and would result in minimal population, traffic, noise, air quality, hazardous materials,
12 geotechnical or other impacts.

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