

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

3 **Ordinance amending the San Francisco Planning Code by adding Section 318 to put a**
4 **cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that**
5 **can be constructed with reduced square footage unless the units are group housing,**
6 **affordable housing, or student housing; amending Section 135(d) and adding Section**
7 **~~435.4~~ 140.1 to impose open space and common space requirements on Efficiency**
8 **Dwelling Units with reduced square footage; and making environmental findings,**
9 **Planning Code Section 302 findings, and findings of consistency with the General Plan**
10 **and the Priority Policies of Planning Code Section 101.1.**

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

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

15 Section 1. Findings.

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

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

25

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

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

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

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

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

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

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

3 (3) A map showing where the Efficiency Dwelling Units with reduced square footage are
4 located;

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

7 (5) A comparison of the numbers of Efficiency Dwelling Units with reduced square footage
8 with the goals set forth in the Regional Housing Needs Allocation.

9
10 Section 3. The San Francisco Planning Code is hereby amended by amending Sub-
11 Section 135(d), to read as follows:

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

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

18 In Neighborhood Commercial Districts, the amount of usable open space to be
19 provided shall be the amount required in the nearest Residential District, but the minimum
20 amount of open space required shall be in no case greater than the amount set forth in Table
21 135A for the district in which the building is located. The distance to each Residential District
22 shall be measured from the midpoint of the front lot line or from a point directly across the
23 street there from, whichever requires less open space.

24 (1) For dwellings other than those specified in Paragraphs (d)(2) through (d)(5) below,
25 the minimum amount of usable open space to be provided for use by each dwelling unit shall

1 be as specified in the second column of Table 135A if such usable open space is all private.
2 Where common usable open space is used to satisfy all or part of the requirement for a
3 dwelling unit, such common usable open space shall be provided in an amount equal to 1.33
4 square feet for each one square foot of private usable open space specified in the second
5 column of Table 135A. In such cases, the balance of the required usable open space may be
6 provided as private usable open space, with full credit for each square foot of private usable
7 open space so provided.

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

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

19 (4) **DTR Districts.** For all residential uses, 75 square feet of open space is required per
20 dwelling unit. All residential open space must meet the provisions described in this Section
21 unless otherwise established in this subsection or in Section 825 or a Section governing an
22 individual DTR District. Open space requirements may be met with the following types of open
23 space: "private usable open space" as defined in Section 135(a) of this Code, "common
24 usable open space" as defined in Section 135(a) of this Code, and "publicly accessible open
25 space" as defined in subsection (h) below. At least 40 percent of the residential open space is

1 required to be common to all residential units. Common usable open space is not required to
 2 be publicly-accessible. Publicly-accessible open space, including off-site open space
 3 permitted by subsection (i) below and by Section 827(a)(9), meeting the standards of
 4 subsection (h) may be considered as common usable open space. For residential units with
 5 direct access from the street, building setback areas that meet the standards of Section 145.1
 6 and the Ground Floor Residential Design Guidelines may be counted toward the open space
 7 requirement as private non-common open space.

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

13 (6) *Efficiency Dwelling Units With Reduced Square Footage.* Common usable open space
 14 shall be the preferred method of meeting the open space requirement for Efficiency Dwelling Units with
 15 reduced square footage, as defined in Section 318 of this Code. Private open space shall not be
 16 credited toward satisfaction of the open space requirement for such units unless the Zoning
 17 Administrator determines that the provision of common open space is infeasible or undesirable, in
 18 whole or in part, due to (i) site constraints, (ii) the special needs of anticipated residents, or (iii)
 19 conflicts with other applicable policies and regulations, including but not limited to standards for the
 20 treatment of historic properties, the Americans with Disabilities Act, or the Building Code.

21 TABLE 135A 22 MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP 23 HOUSING 24 OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT		
25 District	Square Feet Of Usable Open Space Required For Each	Ratio of Common Usable Open Space

	Dwelling Unit If All Private	That May Be Substituted for Private	
1			
2			
3	RH-1(D), RH-1	300	1.33
4	RH-1(S)	300 for first unit;	1.33
5		100 for minor	
6		second unit	
7			
8	RH-2	125	1.33
9	RH-3	100	1.33
10	RM-1, RC-1, RTO, RTO-M	100	1.33
11	RM-2, RC-2, SPD	80	1.33
12			
13	RM-3, RC-3, RED	60	1.33
14	RM-4, RC-4, RSD	36	1.33
15	C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
16			
17	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	
18			
19			
20	NC-1, NC-2, NCT-1, NCT-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue, Ocean Avenue, Glen Park	100	1.33
21			
22			
23	NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street,	80	1.33
24			
25			

1	Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, NCT-3, SoMa, Mission Street		
2			
3			
4	Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
5			
6	Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
7			
8			
9			
10	DTR	This table not applicable. 75 square feet per dwelling. See Sec. 135(d)(4).	
11			

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

15	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
16			
17			
18			
19			
20	80 square feet	54 square feet	50%
21			

22

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24 Section 4. The San Francisco Planning Code is hereby amended by adding new Section

25 140.1 135.4, to read as follows:

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

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

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

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

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

21 Section 6. This section is uncodified. In enacting this ordinance, the Board intends to
22 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
23 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are
24 explicitly shown in this legislation as additions, deletions, Board amendment additions, and
25

1 Board amendment deletions in accordance with the "Note" that appears under the official title
2 of the legislation.

3

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

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7 By: KATE HERRMANN STACY
8 Deputy City Attorney

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