

File No. 211092 Committee Item No. 8  
Board Item No. \_\_\_\_\_

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date July 11, 2022

Board of Supervisors Meeting Date \_\_\_\_\_

**Cmte Board**

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input type="checkbox"/>            | <input type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
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**OTHER (Use back side if additional space is needed)**

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral CEQA 102221</u>         |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral PC 102221</u>           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral FYI 102221</u>          |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>CEQA Determination 122321</u>    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PC Transmittal 122021</u>        |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral PC 022322</u>           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral CEQA 022322</u>         |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral SBC 022322</u>          |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral FYI 022322</u>          |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>BOS Reso No. 160-19</u>          |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>BOS Ordinance No. 117-21</u>     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>SFE Focus 2030 Rpt July 2019</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PC Response 022422</u>           |

Completed by: Erica Major Date July 7, 2022

Completed by: Erica Major Date \_\_\_\_\_

1 [Planning Code - Automotive Uses; Housing Density]

2

3 **Ordinance amending the Planning Code to increase density on lots with auto-oriented**  
4 **uses where housing is permitted, except for Residential-Mixed (RM) and Residential-**  
5 **Commercial (RC) districts and designated historic districts, but which do not currently**  
6 **have any residential use or a legacy business, and to remove the Conditional Use**  
7 **requirement to change the use of an Automobile Service Station or Automotive Use to**  
8 **another use, and amend zoning control tables to reflect this change; affirming the**  
9 **Planning Department’s determination under the California Environmental Quality Act;**  
10 **making findings of consistency with the General Plan and the eight priority policies of**  
11 **Planning Code, Section 101.1; and making findings of public necessity, convenience,**  
12 **and welfare as required by Planning Code, Section 302.**

13

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

18

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

20

21 Section 1. Environmental and Land Use Findings.

22 (a) The Planning Department has determined that the actions contemplated in this  
23 ordinance comply with the California Environmental Quality Act (California Public Resources  
24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
25

25

1 Supervisors in File No. 211092 and is incorporated herein by reference. The Board affirms  
2 this determination.

3 (b) On December 9, 2021, the Planning Commission, in Resolution No. 21045,  
4 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
5 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
6 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
7 the Board of Supervisors in File No. 211092, and is incorporated herein by reference.

8 (c) On December 9, 2021, the Planning Commission, in Resolution No. 21045,  
9 recommended this ordinance for adoption by the Board of Supervisors, and adopted findings  
10 that it will serve the public necessity, convenience, and welfare, as provided in Planning Code  
11 Section 302. The Board adopts these findings as its own. A copy of said Resolution is on file  
12 with the Clerk of the Board of Supervisors in File No. 211092, and is incorporated herein by  
13 reference.

14

15 Section 2. General Background and Findings.

16 This ordinance shall be known as "Cars to Casas," and is based on the following  
17 findings:

18 (a) For the past several years, San Francisco has consistently ranked as the most, or  
19 one of the most, expensive housing markets in the country. There are several factors that  
20 contribute to these high costs, but two of the main drivers are an increased demand for  
21 housing caused by job growth, and a limited supply of housing caused by a lack of new  
22 housing construction.

23 (b) Job growth in San Francisco from 2010 to 2019 far exceeded housing produced.  
24 The number of workers increased by 225,000 while housing increased by 28,000 units; more  
25 than eight workers added for every housing unit added.

1 (c) Compounding the City's existing lack of housing supply, San Francisco's Regional  
2 Housing Needs Assessment (RHNA) for 2023-2031 is 82,069 units, including 46,598 units at  
3 very low, low, and moderate income levels. The 2023-2031 RHNA is nearly triple the previous  
4 (2015-2023) RHNA. The annual targets for each income group has increased to amounts  
5 higher than what has been approved or permitted in the past, including for above moderate-  
6 income levels. In the past, San Francisco has struggled to meet existing RHNA targets for  
7 low- and moderate-income households.

8 (d) 41% of the land area that is zoned for housing in San Francisco does not allow  
9 more than one unit per lot. Further, an additional 29% of the land zoned for housing in San  
10 Francisco is limited to two- and three-unit buildings. San Francisco went through a massive  
11 downzoning in the mid-1970s when it created the RH zoning districts. As a result, 70% of  
12 land zoned to permit housing in San Francisco does not permit apartment buildings with four  
13 or more units. This downzoning makes it difficult for San Francisco to build what is often  
14 referred to as "Missing Middle Housing."

15 (e) Missing Middle Housing offers a greater choice in housing types that still blend into  
16 existing single-family neighborhoods, create more affordable housing options, and help reach  
17 sustainability goals. Missing middle housing units are usually smaller units than single-family  
18 homes because they share a lot with other homes, which results in lower per-unit land costs.  
19 Missing middle housing types are also one of the least expensive forms of housing to produce  
20 because they are typically low-rise and wood-frame construction, which avoids expensive  
21 concrete podiums. Because the construction and building materials are comparatively less  
22 complicated than larger mid- and high-rise structures, a larger pool of small-scale and local  
23 home builders can participate in the creation of this form of housing.

1 (f) Since the early 2000s, San Francisco has been moving away from numerical caps  
2 on units per lot and toward a form-based density; however, a significant area of the City still  
3 relies on numerical unit caps.

4 (g) Nearly all new housing, both affordable and market rate, is added in areas with  
5 form-based density controls, including the City's commercial areas like Downtown, former  
6 redevelopment areas, and form-based density districts like Neighborhood Commercial Transit  
7 districts (NCTs) and Urban Mixed Use districts (UMUs). 62% of affordable housing and 79%  
8 of all housing is built in these districts, even though they make up just 17% of the city's  
9 residential land area.

10 (h) Because form-based zoning is present in only certain neighborhoods, housing  
11 production is heavily focused in just eight neighborhoods, reducing housing opportunities in  
12 the rest of the City. Indeed, 85% of new housing is constructed in those eight neighborhoods:  
13 Downtown/South Beach, SoMa, Mission Bay, Potrero Hill/ Dogpatch, Bayview Hunters Point,  
14 the Mission, the Tenderloin, and Hayes Valley. Similarly, 82% of all new affordable housing  
15 has been built in these eight neighborhoods.

16 (i) Personal vehicles are a major cause of global warming. Collectively, cars and trucks  
17 account for nearly one-fifth of all U.S. emissions, emitting around 24 pounds of carbon dioxide  
18 and other global-warming gases for every gallon of gas.

19 (j) In San Francisco, 47% of carbon dioxide emissions come from transportation and  
20 41% come from buildings. San Francisco has been able to reduce its carbon emissions by  
21 41% from 1990 levels, but most of that reduction has come from reducing emissions from  
22 buildings; emissions from transportation has remained relatively stable.

23 (k) In 2016, the Paris Climate Agreement committed national governments to pursue  
24 efforts to limit temperature rises to 1.5 degrees Celsius. In 2018, the Intergovernmental Panel  
25 on Climate Change (IPCC) issued a special report on the impacts of global warming and the

1 need to significantly reduce global greenhouse gas emissions well before 2030 to reduce the  
2 most detrimental impacts to ecosystems and to human health.

3 (l) In 2018, the United States' Fourth National Climate Assessment made clear  
4 that climate change will wreak havoc across the United States, and that the current pace and  
5 scale of national climate action are not sufficient to avert substantial damage to the  
6 environment, human health, and economy. According to the San Francisco Department of  
7 Public Health's Climate and Health Adaptation Framework (2017), the direct and indirect  
8 impacts of climate change will disproportionately affect San Francisco communities least able  
9 to prepare for, cope with, and recover from those impacts. Those communities include  
10 communities of color, low-income communities, and other vulnerable populations.

11 (m) San Francisco, the Bay Area, and the State of California are already suffering the  
12 effects of climate change in the form of droughts, air pollution, extreme heat, frequent  
13 wildfires, flooding, and much more.

14 (n) At the 2018 Global Climate Action Summit, San Francisco committed to meet the  
15 Paris Agreement by achieving a net zero city by 2050. The City joined in a Climate Equity  
16 Pledge to ensure that the City's 2020 Climate Action Strategy update achieves the dual goals  
17 of advancing racial equity and decreasing carbon emissions.

18 (o) San Francisco's climate commitments and climate action strategy are framed by  
19 the City's "0-80-100-Roots" framework, which defines climate and sustainability goals in four  
20 key areas: zero waste ("0% zero waste"), transportation ("80% low-carbon trips"), energy  
21 ("100% renewable energy"), and carbon sequestration ("Roots").

22 (p) One of the City's fundamental goals in implementing the 0-80-100-Roots Climate  
23 Action Framework is to promote equity by ensuring that implementation reflects and responds  
24 to the economic, and social needs of different San Francisco vulnerable communities.

25

1 (q) Achieving the “0-80-100-Roots” goals in the City will mean cleaner air, fewer  
2 vehicles on the road, more reliable transit systems, more bike lanes and pedestrian-friendly  
3 networks, highly efficient homes and businesses powered by 100% clean electricity, a robust  
4 urban tree canopy, plentiful green spaces, improved soil health, and a regenerative  
5 ecosystem.

6 (r) Meaningful climate solutions will require increasing supplies of high-quality housing  
7 affordable to households at all income levels and located near local and regional transit  
8 services. These solutions will also require well-coordinated land use and transportation  
9 planning and investments to support low-carbon trips using efficient travel modes such as  
10 transit, walking, and biking, to reduce vehicle miles traveled and associated emissions.

11 (s) In 2019, the Board of Supervisors unanimously adopted Resolution No. 160-19,  
12 declaring a climate emergency in San Francisco, and advocating for immediate action to  
13 address the climate crisis, limit global warming to 1.5 degrees Celsius, and eliminate  
14 greenhouse gas emissions.

15 (t) The Department of the Environment’s 2019 report titled “Focus 2030: A Pathway to  
16 Net Zero Emissions” shows that achieving accelerated emissions reductions by 2050 will  
17 require an ongoing commitment that builds upon and surpasses San Francisco’s past  
18 successes and increases resources accordingly to continue to reduce emissions all the way to  
19 net zero.

20 (u) In 2021, the Board of Supervisors adopted Ordinance No. 117-21, which  
21 established the following targets for reducing San Francisco Greenhouse Gas Emissions: (1)  
22 by 2030, a reduction in Sector-Based Greenhouse Gas Emissions of at least 61% compared  
23 to 1990 levels; (2) by 2030 a reduction in Consumption Based Greenhouse Gas Emissions to  
24 30 mtCO<sub>2</sub>e per household or less, equivalent to a 40% reduction compared to 1990 levels; (3)  
25 by 2040 achievement of Net Zero Sector-Based Greenhouse Gas Emissions by reducing

1 such emissions by at least 90% compared to 1990 levels and sequestering any residual  
2 emissions; and (4) by 2050, a reduction in Consumption-Based Greenhouse Gas Emissions  
3 to 10 mtCO<sub>2</sub>e per household or less, equivalent to an 80% reduction compared to 1990  
4 levels.

5 (v) In 2014, San Francisco adopted Vision Zero as City Policy, which seeks to  
6 eliminate traffic deaths on our streets by 2024.

7 (w) Between 2014 and 2021, the City had on average 28 traffic deaths a year, or 223  
8 deaths in total.

9 (x) In addition to designing better roads and improving enforcement, traffic deaths can  
10 be reduced by discouraging private automobile travel within the City and encouraging public  
11 transit and active forms of transportation like walking and biking.

12 (y) With less space dedicated to the automobile, more space can be used for housing  
13 as well as creating a more livable and vibrant city by reducing noise and air pollution,  
14 expanding green space, and creating more people-oriented spaces.

15

16 Section 3. The Planning Code is hereby amended by revising Sections 102 and 207,  
17 to read as follows:

18 **SEC. 102. DEFINITIONS.**

19

\* \* \* \*

20 **Automotive Service Station.** A Retail Automotive Use that provides motor fuels and  
21 lubricating oils directly into motor vehicles and minor auto repairs (excluding engine repair,  
22 rebuilding, or installation of power train components, reconditioning of badly worn or damaged  
23 motor vehicles, collision service, or full body paint spraying) and services that remain  
24 incidental to the principal sale of motor fuel. Repairs shall be conducted within no more than  
25 three enclosed service bays in buildings having no openings, other than fixed windows or



1 exits required by law, located within 40 feet of any R District. It may include other incidental  
2 services for automobiles including, but not limited to, accessory towing, if the number of  
3 towing vehicles does not exceed one, and all towed vehicles stored on the premises are  
4 limited to those vehicles that are to be repaired on the premises. This use is subject to the  
5 controls in Sections 187.1; and 202.2(b), ~~and 202.5~~.

6 \* \* \* \*

7 **SEC. 207. DWELLING UNIT DENSITY LIMITS.**

8 \* \* \* \*

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

11 \* \* \* \*

12 **(8) Replacing Auto-Oriented Uses with Housing.**

13 (A) **Purpose.** The purpose of this subsection (c)(8) is to encourage housing  
14 development on parcels that are being used for Auto-Oriented Uses, with the goal of easing the City’s  
15 housing shortage while addressing the adverse impacts that automobiles have on climate change,  
16 pedestrian safety, and livability.

17 (B) **Definition.** For the purposes of this subsection (c)(8), an Auto-Oriented Use  
18 shall mean any parcel that has, or had as its last permitted use, an accessory parking lot or garage, or  
19 any use defined as an Automotive Use in Planning Code Section 102.

20 (C) **Applicability.** This subsection (c)(8) shall apply to all properties (i) with an  
21 Auto-Oriented Use on which a residential use is permitted as a Principal Use but does not contain a  
22 Residential Use, and which also (ii) have not had a Legacy Business, as defined in Administrative Code  
23 Section 2A.242(b), on the site for four years prior to submittal of an application under this subsection  
24 (c)(8). Notwithstanding the previous sentence, this subsection (c)(8) shall not apply to  
25 properties located in RM or RC districts, or to properties located in a designated historic

1 district under Article 10 of this Code. Sites that contain a business that has been nominated for  
2 inclusion in the Legacy Business Registry shall be ineligible for this subsection (c)(8), unless the Small  
3 Business Commission finally determines that such business does not meet the criteria for a Legacy  
4 Business under Administrative Code section 2A.242(b).

5 (D) **Density Controls.** Notwithstanding any other provision of this Code,  
6 eligible properties shall be subject to the following density controls:

7 (i) **Eligible Sites in RH Zoning Districts:** Four Dwelling Units per lot as  
8 a Principally Permitted use.

9 (ii) **Eligible Sites in Other Zoning Districts:** Density shall be regulated  
10 by the permitted height and bulk, and required setbacks, exposure, open space, and any adopted design  
11 standards or guidelines for each parcel as a Principally Permitted Use. Notwithstanding any contrary  
12 provision of this Code, projects using this subsection (c)(8) may also seek a density bonus under  
13 Section 206.6.

14 (E) **Conditional Use.** Any other Conditional Use required by this Code that is  
15 not related to permitted residential density shall continue to apply.

16 (F) **Parking Requirements.**

17 (i) **Residential Parking.** Proposed projects using the density  
18 exception in this subsection (c)(8) are subject to the following parking controls:

19 P: up to 0.25 parking spaces per residential unit

20 C: up to 0.5 parking spaces per unit

21 NP: above 0.5 spaces per unit

22 (ii) **Non-Residential Parking.** Notwithstanding any other provision of  
23 this Code, up to 75% of Non-Residential Parking otherwise allowed by this Code shall be permitted for  
24 projects using the density exception in this subsection (c)(8).

1                                    **(G) Review of Program and Limit on Number of Residential Units.** *The*  
2 *Planning Department shall include the number and location of projects using this subsection (c)(8) and*  
3 *number of units provided in such projects in the Housing Inventory Report. This subsection (c)(8) shall*  
4 *remain in effect until the Planning Department approves a total of 5,000 residential units under the*  
5 *authority of this subsection (c)(8). When the Planning Director certifies in writing that the Planning*  
6 *Department has approved 5,000 residential units under this subsection 207(c)(8), the subsection shall*  
7 *expire by operation of law, and the City Attorney shall cause the subsection to be removed from the*  
8 *Planning Code.*

9  
10                    Section 4. The Planning Code is hereby amended by deleting Section 202.5 in its  
11 entirety, as follows:

12  
13 **~~SEC. 202.5. CONVERSION OF AUTOMOTIVE SERVICE STATIONS.~~**

14                    ~~—(a) Findings.~~

15                    ~~—(1) The recent trend toward conversion of service stations to non-service station use has~~  
16 ~~resulted in the curtailment of essential services, including automobile refueling and emergency~~  
17 ~~services, and is contrary to the public health, safety, peace and general welfare.~~

18                    ~~—(2) To address this problem, the Board of Supervisors adopted Resolution No. 759-89 to~~  
19 ~~impose interim controls on the conversion of service stations and to create a task force to study this~~  
20 ~~problem and make recommendations to this Board regarding how to address this problem.~~

21                    ~~—(3) In the 17 months since Resolution 759-89, 11 more service stations have been~~  
22 ~~converted to other uses. The Service Station Conversion Task Force has recommended that the Board~~  
23 ~~of Supervisors adopt permanent legislation to address this problem.~~

24                    ~~—(4) The Board of Supervisors recognizes that service station operators and those who own~~  
25 ~~property on which such stations are located are entitled to earn a fair rate of return on their~~

1 ~~investment. Where a fair rate of return is being earned, the Board finds that service stations should be~~  
2 ~~allowed to convert to other uses only where it is determined that the conversion would benefit the~~  
3 ~~public.~~

4 ~~—(b) Definitions. Whenever used in this Section, unless a different meaning clearly appears~~  
5 ~~from the context:~~

6 ~~—(1) "Automotive Service Station" or "service station" shall mean a retail automotive~~  
7 ~~service use as defined in Section 102 of this Code.~~

8 ~~—(2) "Conversion" shall mean to change the use of a property from a service station use to a~~  
9 ~~different type of use.~~

10 ~~—(3) "Return on investment" shall mean:~~

11 ~~—(A) where the property owner does not own the Automotive Service Station business, the~~  
12 ~~before income tax total annual rent and other compensation received from the service station business~~  
13 ~~for the lease of the land and buildings, less the expenses of the lessor, on a cash basis.~~

14 ~~—(B) where the property owner also owns the Automotive Service Station business, the~~  
15 ~~before income tax profit on the sale of all goods and services at the service station, including the sale of~~  
16 ~~gasoline, less the cost of goods sold and operating costs, on a cash basis.~~

17 ~~—(4) "Total investment in the property" shall mean the fair market value of the property at~~  
18 ~~the time the application is filed with the Zoning Administrator.~~

19 ~~—(5) "Demolition" shall mean the physical removal of underground, and/or surface tanks~~  
20 ~~used in storage and dispensing of gasoline and/or any building or canopy without the replacement of~~  
21 ~~such equipment or structures to allow continued operation of the service station.~~

22 ~~—(c) Limitation on Conversions:~~

23 ~~—(1) No owner of a property used as an Automotive Service Station shall change the use of~~  
24 ~~the property to a different type of use without first applying for and receiving either a Conditional Use~~  
25 ~~authorization from the City Planning Commission, or a conversion determination from the Zoning~~

1 ~~Administrator. Such authorizations shall be in addition to any other permit or authorization required~~  
2 ~~for a proposed service station conversion under any applicable City, State or federal law or regulation.~~  
3 ~~Automotive Service Stations which front on Primary Transit Streets or Citywide Pedestrian Network~~  
4 ~~Streets, as designated in the General Plan, shall be exempt from the conversion limitations of this~~  
5 ~~Section. The procedures for service station conversion applications shall be as described in Sections~~  
6 ~~306 and 306.1 of this Code for conditional use and variance actions.~~

7 ~~—(2) Either the Planning Commission or the Zoning Administrator shall determine at a~~  
8 ~~public hearing whether an applicant is entitled to convert the service station, depending on the grounds~~  
9 ~~on which the permit is sought. The Planning Commission shall make Conditional Use authorization~~  
10 ~~determinations based on the criteria set forth in Subsection (d). The Zoning Administrator shall make~~  
11 ~~service station conversion determinations under the grounds set forth in Subsection (e). An applicant~~  
12 ~~may, but need not, apply to the Planning Commission for a Conditional Use authorization pursuant to~~  
13 ~~Subsection (d) and apply to the Zoning Administrator for a conversion authorization pursuant to~~  
14 ~~Subsection (e), provided that if either one approves the application at the first hearing held on it, no~~  
15 ~~hearing shall be necessary before the other. The procedures for service station conversion hearings~~  
16 ~~shall be as described in Sections 306 through 306.5 and 306.8 of this Code for conditional use action~~  
17 ~~(Planning Commission hearings) and variance action.~~

18 ~~—(d) Criteria for Planning Commission Conditional Use Authorization. In acting on any~~  
19 ~~application for Conditional Use authorization for conversion, the Commission shall consider the~~  
20 ~~following criteria in lieu of the criteria set forth in Section 303(e) of this Code.~~

21 ~~—(1) The Planning Commission shall approve the application and authorize the service~~  
22 ~~station conversion if it determines from the facts presented that the reduction in availability of~~  
23 ~~automotive goods and services resulting from the service station conversion would not be unduly~~  
24 ~~detrimental to the public because either:~~

1           ~~——(A) Comparable automotive goods and services are available at other reasonably~~  
2 ~~accessible locations; or~~

3           ~~——(B) The benefits to the public of the service station conversion would outweigh any~~  
4 ~~reduction in automotive goods and services availability because the proposed new use is more~~  
5 ~~necessary or desirable for the neighborhood or community than continued service station use.~~

6           ~~——(2) In making determinations under Subsection (1)(A), the Planning Commission shall~~  
7 ~~consider the following factors:~~

8           ~~——(A) The types of services offered by the service station sought to be converted and the~~  
9 ~~hours and days during which such goods and services are available;~~

10           ~~——(B) The volume of gasoline and other motor fuel sold and the number of vehicles serviced~~  
11 ~~at such service station during each of the 24 months preceding the filing of the conditional use~~  
12 ~~authorization application;~~

13           ~~——(C) Whether the volume of gasoline and other motor fuel sold and the number of vehicles~~  
14 ~~serviced each month has increased or decreased during the 24-month period immediately preceding the~~  
15 ~~conditional use authorization;~~

16           ~~——(D) The accessibility of comparable automotive goods and services offered by other~~  
17 ~~service stations and repair garages which serve the same geographic area and population segments~~  
18 ~~(e.g., neighborhood residents, in town or out of town commuters, tourists) as the service station sought~~  
19 ~~to be converted.~~

20           ~~——(3) In making determinations under Subsection (1)(B), the Planning Commission shall~~  
21 ~~consider the following factors:~~

22           ~~——(A) If the proposed use is a Residential use, the total number of units to be provided and~~  
23 ~~the number of those units that are affordable units;~~

24           ~~——(B) If the proposed new use is a Commercial use, the types of goods and services to be~~  
25 ~~offered and the availability of comparable products and services in the vicinity;~~

1           ~~——(C) The importance of the street on which the service station fronts to walking, cycling,~~  
2 ~~and public transit, and the impact of automobile access and egress to the service station and of the~~  
3 ~~proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders;~~

4           ~~——(D) The relative environmental dangers posed by the current and proposed uses,~~  
5 ~~including but not limited to the quality and character of waste generated, noxious or offensive~~  
6 ~~emissions, fire and explosion hazards and noise, and whether the service station conversion would~~  
7 ~~facilitate the cleanup of existing contamination at the property;~~

8           ~~——(E) The relative employment opportunities offered by the service station and the~~  
9 ~~proposed new use;~~

10          ~~——(F) The relative amount of taxes or other revenues to be received by the City or other~~  
11 ~~governmental bodies from service station use and the proposed new use;~~

12          ~~——(G) The compatibility of the existing service station and of the proposed new use or~~  
13 ~~structure with the General Plan and area plan urban design policies and the street frontage standards~~  
14 ~~of this Code;~~

15          ~~——(H) Whether the service station use and the proposed use are permitted principal uses,~~  
16 ~~conditional uses or nonconforming uses.~~

17          ~~—(e) Criteria for Zoning Administrator Conversion Determination. The Zoning Administrator~~  
18 ~~shall approve the application and authorize the service station conversion if the Zoning Administrator~~  
19 ~~determines from the facts presented that the owner of the subject property is not earning a Fair Return~~  
20 ~~on Investment, as defined in Section 102. The owner shall bear the burden of proving that the owner is~~  
21 ~~not earning a Fair Return on Investment.~~

22          ~~——(I) Application. A property owner's application under this Section shall be signed by the~~  
23 ~~owner or an authorized representative of the owner and, under penalty of perjury, declared to contain~~  
24 ~~true and correct information. The application shall be accompanied by:~~

25          ~~——(A) An independent appraisal of the property stating its value;~~

1           ~~——(B) A written statement from an independent Certified Public Accountant summarizing~~  
2 ~~the applicant's financial records, including the property appraisal and stating the return on investment~~  
3 ~~calculated pursuant to Section 102;~~

4           ~~——(C) A certified statement from the Certified Public Accountant identifying the owner of~~  
5 ~~the property and the owner of the service station business;~~

6           ~~——(D) Such other financial information as the Zoning Administrator may reasonably~~  
7 ~~determine is necessary to make the determination provided for in this Section.~~

8           ~~——(2) Rebuttable Presumption. There shall be a rebuttable presumption that the property~~  
9 ~~owner is earning a Fair Return on Investment if the property owner has earned at least a 9% return on~~  
10 ~~the property owner's total investment in the property for the 24-month period immediately preceding~~  
11 ~~the filing of the application, or in the case of a service station business that ceased operations after~~  
12 ~~October 12, 1989, for the 24-month period immediately preceding the date the service station ceased~~  
13 ~~operations. The property owner may rebut this presumption by offering evidence demonstrating that~~  
14 ~~because of special facts regarding his or her property the property owner is not earning a Fair Return~~  
15 ~~on Investment or that because of special demonstrated circumstances the applicant would not earn a~~  
16 ~~fair return on investment from service station use during that 12-month period after the filing of the~~  
17 ~~service station conversion application.~~

18           ~~——(3) Notice of Hearing. Prior to conducting the hearing required by subsection (c)(1), the~~  
19 ~~Zoning Administrator shall provide public notification of the hearing pursuant to the requirements of~~  
20 ~~Section 333 of this Code.~~

21           ~~——(4) Determination. The Zoning Administrator shall render written determination within 60~~  
22 ~~days of the hearing.~~

23           ~~——(5) Consultation With Other City Departments. If necessary, the Zoning Administrator~~  
24 ~~shall have the authority to consult with or retain the assistance of the staffs of the Department of Public~~  
25



1 ~~Works, Real Estate Department, and Mayor's Office of Workforce and Economic Development in the~~  
2 ~~review of applications for service station conversion.~~

3 ~~—(f) Demolition and Tank Removal.~~

4 ~~—(1) No service station shall be demolished except to enable a new service station to be~~  
5 ~~constructed on the property, unless:~~

6 ~~—(A) The property owner has first obtained a conditional use authorization from the~~  
7 ~~Planning Commission pursuant to Subsection (d) above or a conversion determination from the Zoning~~  
8 ~~Administrator pursuant to Subsection (e) above; or~~

9 ~~—(B) The Department of Building Inspection and the Bureau of Fire Prevention and Public~~  
10 ~~Safety determines that the building is unsafe or dangerous and that demolition is the only feasible~~  
11 ~~means to secure the public safety.~~

12 ~~—(2) Notwithstanding subsections (f)(1)(A) and (f)(1)(B) above, if a service station is owned~~  
13 ~~by a lessee of the property and the property lease was signed prior to the effective date of Ordinance~~  
14 ~~288-91, which lease permits or requires the lessee to remove the service station from the property~~  
15 ~~before or after the expiration or termination of the lease, and the lease has expired or terminated or~~  
16 ~~will do so within 60 days, the lessee may cease operation of the service station as permitted or required~~  
17 ~~in the lease. Nothing in this provision, however, shall relieve the property owner from continued use of~~  
18 ~~property as an Automotive Service Station as defined by Sections 102 and 890.18 of this Code or the~~  
19 ~~requirements of subsection (f)(1)(A) above.~~

20 ~~—(3) This Section shall not limit the removal of any underground storage tank at a service~~  
21 ~~station where removal of the tank is required to comply with any other local, State or federal law or~~  
22 ~~regulation or where the Director of Public Health or a State or federal regulatory agency with~~  
23 ~~jurisdiction over underground storage tanks determines that the tank poses, or removal of the tank is~~  
24 ~~necessary to mitigate, a threat to public health or safety, including but not limited to waters of the~~  
25 ~~State. All appropriate permits (other than the authorizations required by this Section for conversions)~~

1 ~~shall be obtained prior to such authorized tank removals. The removal of an underground tank~~  
2 ~~pursuant to this Section does not otherwise exempt a property owner from the requirement of obtaining~~  
3 ~~conditional use authorization to convert an Automotive Service Station.~~

4  
5 Section 5. PLANNING CODE AMENDMENTS TO ZONING CONTROL TABLES TO  
6 CONFORM TO DELETION OF PLANNING CODE SECTION 202.5.

7 Consistent with Section 4 of this ordinance, which deletes Section 202.5, “Conversion  
8 of Automotive Service Stations,” from the Planning Code:

9  
10 (a) The following Zoning Control Tables in Planning Code Article 2 are revised to  
11 delete the cross-reference to Planning Code Section 202.5 where “Automotive Service  
12 Station” is listed in the tables:

13 Table 210.1 (C-2 Districts: Community Business)

14 Table 210.2 (C-4 Districts: Downtown Commercial)

15 Table 210.3 (PDR Districts)

16  
17 (b) The following Neighborhood Commercial and Neighborhood Commercial Transit  
18 Zoning Control Tables in Planning Code Article 7 are revised to delete the cross-reference to  
19 Planning Code Section 202.5 where “Automotive Service Station” is listed in the tables:

20 Table 731, Noriega Street Neighborhood Commercial District

21 Table 732, Irving Street Neighborhood Commercial District

22 Table 733, Taraval Street Neighborhood Commercial District

23 Table 734, Judah Street Neighborhood Commercial District

24 Table 751, NC-2 – Small Scale Neighborhood Commercial Transit District

25 Table 753, SOMA Neighborhood Commercial Transit District

- 1 Table 754, Mission Street Neighborhood Commercial Transit District
- 2 Table 755, Ocean Avenue Neighborhood Commercial Transit District
- 3 Table 756, Glen Park Neighborhood Commercial Transit District
- 4 Table 759, Divisadero Street Neighborhood Commercial Transit District

5

6 (c) The following Neighborhood Commercial and Neighborhood Commercial Transit  
7 Zoning Control Tables in Planning Code Article 7 are revised to delete the cross-reference to  
8 Planning Code Section 202.5, where “Automotive Use” is listed in the table:

- 9 Table 712, Moderate-Scale Neighborhood Commercial District NC-3
- 10 Table 714, Broadway Neighborhood Commercial District
- 11 Table 715, Castro Street Neighborhood Commercial District
- 12 Table 716, Inner Clement Street Neighborhood Commercial District
- 13 Table 717, Outer Clement Street Neighborhood Commercial District
- 14 Table 718, Upper Fillmore Street Neighborhood Commercial District
- 15 Table 719, Haight Street Neighborhood Commercial District
- 16 Table 720, Excelsior Outer Mission Neighborhood Commercial District
- 17 Table 721, Japantown Neighborhood Commercial District
- 18 Table 722, North Beach Neighborhood Commercial District
- 19 Table 723, Polk Street Neighborhood Commercial District
- 20 Table 724, Sacramento Street Neighborhood Commercial District
- 21 Table 725, Union Street Neighborhood Commercial District
- 22 Table 726, Pacific Avenue Neighborhood Commercial District
- 23 Table 728, 24th Street – Noe Valley Neighborhood Commercial District
- 24 Table 729, West Portal Avenue Neighborhood Commercial District
- 25 Table 730, Inner Sunset Neighborhood Commercial District

- 1 Table 737, Bayview Neighborhood Commercial District
- 2 Table 739, Geary Boulevard Neighborhood Commercial District
- 3 Table 740, Mission Bernal Neighborhood Commercial District
- 4 Table 744, Lower Polk Street Neighborhood Commercial District
- 5 Table 750, NCT-1 – Neighborhood Commercial Transit Cluster District
- 6 Table 752, NCT-3 – Moderate Scale Neighborhood Commercial Transit District
- 7 Table 757, Folsom Street Neighborhood Commercial Transit District
- 8 Table 758, Regional Commercial District
- 9 Table 760, Fillmore Street Neighborhood Commercial Transit District
- 10 Table 761, Hayes-Gough Neighborhood Commercial Transit District
- 11 Table 762, Valencia Street Neighborhood Commercial Transit District
- 12 Table 763, 24th Street-Mission Neighborhood Commercial Transit District
- 13 Table 764, Upper Market Street Neighborhood Commercial Transit District

15 Section 6. The Planning Code is hereby amended by revising Sections 810, 811, 812,  
 16 and 899, to read as follows:

17 **SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

18 \* \* \* \*

19 **TABLE 810**

20 **CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL USES</b>		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
<b>Automotive Use Category</b>				

Automotive Uses*	§§ 102, <del>202.4</del>	NP	NP	NP
* * * *	* * * *	* * * *		

\* \* \* \*

**SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.**

\* \* \* \*

**TABLE 811**

**CHINATOWN VISITOR RETAIL DISTRICT**

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL USES</b>		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
<b>Automotive Use Category</b>				
Automotive Uses*	§§ 102, <del>202.4</del>	NP	NP	NP
* * * *	* * * *	* * * *		

\* \* \* \*

**SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**TABLE 812**

**CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL USES</b>		Controls by Story		
		1st	2nd	3rd+
* * * *	* * * *	* * * *		
<b>Automotive Use Category</b>				

Automotive Uses*	§§ 102, <del>202.4</del>	NP	NP	NP
* * * *	* * * *	* * * *		

\* \* \* \*

**SEC. 899. OTHER APPLICABLE SECTIONS OF THE PLANNING CODE.**

Certain sections of the Planning Code in Articles other than this Article also apply to Mixed Use Districts. Such sections and their titles are listed below. The following listing is set forth for convenience; in the event of any omission of a provision, that provision shall nevertheless still apply.

\* \* \* \*

**Uses**

\* \* \* \*

~~Section 202.5~~ *Conversion of Automotive Service Stations*

\* \* \* \*

Section 7. 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



**REVISED LEGISLATIVE DIGEST**  
(Amended in Committee, 6/13/2022)

[Planning Code - Automotive Uses; Housing Density]

**Ordinance amending the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, except for Residential-Mixed (RM) and Residential-Commercial (RC) districts and designated historic districts, but which do not currently have any residential use or a legacy business, and to remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use, and amend zoning control tables to reflect this change; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare as required by Planning Code, Section 302.**

Existing Law

Under existing Planning Code requirements, changing the use of an automotive service station to another use requires a conditional use permit and adoption of specified findings.

The Planning Code contains different density controls and limits for residential uses, depending on the particular zoning district. Density may also be controlled by floor area ratio, or by height and bulk restrictions. The Planning Code also regulates the amount of parking for different uses.

Amendments to Current Law

The proposed legislation would eliminate the requirement to procure a conditional use permit for a conversion of an automotive service station to another use.

The proposed legislation also creates a new program in the Planning Code that allows parcels currently used for auto-oriented uses, (defined as accessory parking lots or garages or any use defined as an Automotive Use), to be developed as housing at densities greater than otherwise allowed. Eligible parcels must (1) not currently contain a residential use; and (2) must not have contained a Legacy Business for the previous 4 years. Sites in RM and RC districts, or historic districts designated in Article 10 of the Planning Code are not eligible. Sites with properties that have been nominated for a Legacy Business are also ineligible, unless the Small Business Commission finally determines that the business does not meet the criteria for a Legacy Business.

The program allows eligible sites in RH zoning districts to develop up to four dwelling units per lot as a principally permitted use. In other zoning districts, density would be regulated by the permitted height and bulk, and required setbacks, exposure, open space, and any adopted



design standards or guidelines for each parcel. Any other conditional use requirement not related to permitted residential density would continue to apply. The proposed legislation would apply reduced parking requirements for the sites, and would allow no more than 75% of otherwise allowed parking for non-residential uses.

The Planning Department must monitor and report on the number of units that are approved using the program. The program expires after 5000 units have been approved.

### Background

This version of the legislation includes amendments made at the Land Use and Transportation Committee on June 6, 2022 to the substitute legislation introduced on February 15, 2022. These amendments make parcels in RM and RC districts, or in historic districts designated in Article 10 of the Planning Code ineligible for the program.

n:\legana\as2021\2100395\01608376.docx

**From:** [Starr, Aaron \(CPC\)](#)  
**To:** [Major, Erica \(BOS\)](#); [Paulino, Tom \(MYR\)](#)  
**Subject:** Re: Pls Submit Supporting Doc (211092) Planning Code - Automotive Uses; Housing Density  
**Date:** Thursday, February 24, 2022 4:06:33 PM  
**Attachments:** [image001.png](#)  
[image002.png](#)  
[image003.png](#)  
[image004.png](#)  
[image005.png](#)  
[image006.png](#)  
[image007.png](#)  
[image008.png](#)  
[image009.png](#)  
[image010.png](#)  
[image011.png](#)  
[image012.png](#)  
[image013.png](#)  
[image014.png](#)  
[image015.png](#)

---

The changes did not warrant a new hearing. All the amendments were discussed at the Planning Commission.

Thanks,

**Aaron Starr, MA**  
**Manager of Legislative Affairs**  
San Francisco Planning  
49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103  
Direct: +1628-652-7533 | [sfplanning.org](http://sfplanning.org)  
Email: [aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)  
Web: [www.sfplanning.org](http://www.sfplanning.org)



---

**From:** "Major, Erica (BOS)" <[erica.major@sfgov.org](mailto:erica.major@sfgov.org)>  
**Date:** Thursday, February 24, 2022 at 4:03 PM  
**To:** Aaron Starr <[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)>, "Paulino, Tom (MYR)" <[tom.paulino@sfgov.org](mailto:tom.paulino@sfgov.org)>  
**Subject:** RE: Pls Submit Supporting Doc (211092) Planning Code - Automotive Uses; Housing Density

Thanks Aaron, I have that one. Is there a transmittal for Version 2? This legislation was substituted on February 15<sup>th</sup> and referred out yesterday (inadvertently emailed with the wrong number). Has the Commission heard the language for Version 2?

Planning Code - Automotive Uses; Housing Density

**Ordinance amending the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, but which do not currently have any residential use or a legacy business, and remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use, and amend zoning control tables to reflect this change; affirming the Planning Department's determination under the California**

**Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare as required by Planning Code, Section 302.**

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](mailto:Erica.Major@sfgov.org) | [www.sfbos.org](http://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.*

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**Disclosures:** *Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information provided will not be redacted. Members of the public are not required to provide personal identifying information when they communicate with the Board of Supervisors and its committees. All written or oral communications that members of the public submit to the Clerk's Office regarding pending legislation or hearings will be made available to all members of the public for inspection and copying. The Clerk's Office does not redact any information from these submissions. This means that personal information—including names, phone numbers, addresses and similar information that a member of the public elects to submit to the Board and its committees—may appear on the Board of Supervisors website or in other public documents that members of the public may inspect or copy.*

---

**From:** Starr, Aaron (CPC) <aaron.starr@sfgov.org>

**Sent:** Thursday, February 24, 2022 3:55 PM

**To:** Major, Erica (BOS) <erica.major@sfgov.org>; Paulino, Tom (MYR) <tom.paulino@sfgov.org>

**Subject:** Re: Pls Submit Supporting Doc (211092) Planning Code - Automotive Uses; Housing Density

Here it is.

**Aaron Starr, MA**

**Manager of Legislative Affairs**

San Francisco Planning

49 South Van Ness Avenue, Suite 1400, San Francisco, CA 94103

Direct: +1628-652-7533 | [sfplanning.org](http://sfplanning.org)

Email: [aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org)

Web: [www.sfplanning.org](http://www.sfplanning.org)



December 20, 2021

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 2021-011130PCA:  
Automotive Uses; Housing Density  
Board File No. 211092

Planning Commission Recommendation: **Approval with Modification**

Dear Ms. Calvillo and Mayor Breed,

On December 9, 2021, 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 Sections 102 and 207 and delete 202.5. At the hearing the Planning Commission recommended approval with modification.

The Commission's proposed modifications were as follows:

1. Eliminate the RH zoning districts site eligibility provision.
2. Allow parcels where the last legal use was an Automotive Use to also be eligible for this program.
3. Reduce the Legacy Business eligibility criterion from the past ten years to four years.
4. Clarify that this program can be combined with the State Density Bonus Program.
5. Require a monitoring component to understand how many units have used the program and where they

are located.

6. Perform community outreach before and after adoption.
7. Consider a different shorthand title.
8. Amend the Legacy Business eligibility to also consider Legacy Business applications that have been submitted but not yet reviewed/approved.

The proposed Ordinance and amendments have been determined that the environmental impacts of the proposed Ordinance in Board File No. 211092 have been adequately identified and analyzed under CEQA in the 2004 and 2009 Housing Element FEIR, and the proposed ordinance would not result in any new or more severe environmental impacts than were identified in the FEIR.

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: Audrey Pearson, Deputy City Attorney  
Victor Ruiz-Cornejo, Policy Advisor to Mayor Breed  
Erica Major, Office of the Clerk of the Board

**Attachments :**

Planning Commission Resolution  
Planning Department Executive Summary



# PLANNING COMMISSION RESOLUTION NO. 21045

**HEARING DATE: DECEMBER 9, 2021**

**Project Name:** Automotive Uses; Housing Density  
**Case Number:** 2021-011130PCAMAP [Board File No. 211092]  
**Initiated by:** Mayor Breed / Introduced October 19, 2021  
**Staff Contact:** Veronica Flores Legislative Affairs  
veronica.flores@sfgov.org, 628-652-7525  
**Reviewed by:** Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

**RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO INCREASE DENSITY ON LOTS WITH AUTO-ORIENTED USES WHERE HOUSING IS PERMITTED, BUT WHICH DO NOT CURRENTLY HAVE ANY RESIDENTIAL USE OR A LEGACY BUSINESS, AND REMOVE THE CONDITIONAL USE REQUIREMENT TO CHANGE THE USE OF AN AUTOMOBILE SERVICE STATION OR AUTOMOTIVE USE TO ANOTHER USE AND AMEND ZONING CONTROL TABLES TO REFLECT THIS CHANGE; AFFIRMING THE PLANNING DEPARTMENT’S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE AS REQUIRED BY PLANNING CODE, SECTION 302.**

WHEREAS, on October 19, 2022, Mayor Breed introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 211092, which would amend the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, but which do not currently have any residential use or a legacy business, and remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use and amend zoning control tables to reflect this change; affirming the Planning Department’s determination under the California Environmental Quality Act;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on December 9, 2021; and,

WHEREAS, the proposed Ordinance has been determined that the environmental impacts of the proposed Ordinance in Board File No. 211092 have been adequately identified and analyzed under CEQA in the 2004 and 2009 Housing Element FEIR, and the proposed ordinance would not result in any new or more severe environmental impacts than were identified in the FEIR; and

WHEREAS, the Planning 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 Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning 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 recommendations are as follows:

1. Eliminate the RH zoning districts site eligibility provision.
2. Allow parcels where the last legal use was an Automotive Use to also be eligible for this program.
3. Reduce the Legacy Business eligibility criterion from the past ten years to four years.
4. Clarify that this program can be combined with the State Density Bonus Program.
5. Require a monitoring component to understand how many units have used the program and where they are located.
6. Perform community outreach before and after adoption.
7. Consider a different shorthand title.
8. Amend the Legacy Business eligibility to also consider Legacy Business applications that have been submitted but not yet reviewed/approved.

## 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:

1. The Commission finds that the proposed Ordinance supports the Housing Element's goals to ensure adequate housing for current and future San Franciscans.

## General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

## HOUSING ELEMENT

### OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

#### Policy 1.3

Work proactively to identify and secure opportunity sites for permanently affordable housing.

#### Policy 1.6

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

#### Policy 1.7

Consider public health objectives when designating and promoting housing development sites.

### OBJECTIVE 2

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

#### Policy 2.1

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

#### Policy 2.3

Prevent the removal or reduction of housing for parking.

### OBJECTIVE 3

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

#### Policy 3.4

Preserve "naturally affordable" housing types, such as smaller and older ownership units.

### OBJECTIVE 4

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

#### Policy 4.7

Encourage an equitable distribution of growth according to infrastructure and site capacity.

### OBJECTIVE 10

ENSURE A STREAMLINED, YET THOROUGH, AND TRANSPARENT DECISION-MAKING PROCESS.

#### Policy 10.2

Implement planning process improvements to both reduce undue project delays and provide clear information to support community review.



## TRANSPORTATION ELEMENT

### OBJECTIVE 2

#### USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT

##### Policy 2.2

Reduce pollution, noise and energy consumption.

*The proposed Ordinance supports two primary goals of the General Plan: move the city away from auto-centric uses and increase our housing supply for all residents. San Francisco is a transit-first city and needs to reduce our auto-dependency. The proposed Ordinance helps reduce greenhouse gas emissions and the impacts of global warming. The proposed Ordinance also maximizes lot density by allowing more form-based density instead of numeric caps based on lot square footage. This is especially impactful on underutilized lots with Auto-Oriented Uses. The proposed Ordinance, with the anticipated amendments and Commission's modifications, would allow a modest density opportunity on all eligible parcels.*

#### 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 not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on 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 WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 9, 2021.



Jonas P Ionin Digitally signed by Jonas P Ionin  
Date: 2021.12.17 08:51:42 -0800

Jonas P. Ionin  
Commission Secretary

AYES: Tanner, Chan, Diamond, Fung, Koppel

NOES: Imperial, Moore

ABSENT: None

ADOPTED: December 9, 2021



## EXECUTIVE SUMMARY PLANNING CODE TEXT

**HEARING DATE:** December 9, 2021

**90-Day Deadline:** January 20, 2022

**Project Name:** Automotive Uses; Housing Density  
**Case Number:** 2021-011130PCA [Board File No. 211092]  
**Initiated by:** Mayor Breed / Introduced October 19, 2021  
**Staff Contact:** Veronica Flores Legislative Affairs  
 veronica.flores@sfgov.org, 628-652-7525  
**Reviewed by:** Aaron Starr, Manager of Legislative Affairs  
 aaron.starr@sfgov.org, 628-652-7533

**Recommendation:** Approval with Modifications

### Planning Code

The proposed Ordinance would amend the Planning Code to increase density on lots with Auto-Oriented Uses<sup>1</sup> where housing is permitted, but which do not currently have any residential use or a legacy business. It would also remove the Conditional Use requirement to change the use of an Automobile Service Station to another use and amend zoning control tables to reflect this change.

| The Way It Is Now:                                                                                                               | The Way It Would Be:                                                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| Housing proposed on properties with Auto-Oriented Uses need to comply with the density limits of the underlying zoning district. | Housing proposed on properties with an Auto-Oriented Use and eligible for Cars to Casas would be afforded the following density exceptions: |

<sup>1</sup> For this ordinance, Auto-Oriented Uses is defined as any Use with an accessory parking lot or garage, or an Automotive Use as defined in Section 102. Automotive Use is defined in Planning Code Section 102 as: "A Commercial Use category that includes Automotive Repair, Ambulance Services, Automobile Sale or Rental, Automotive Service Station, Automotive Wash, Gas Station, Parcel Delivery Service, Private Parking Garage, Private Parking Lot, Public Parking Garage, Public Parking Lot, Vehicle Storage Garage, Vehicle Storage Lot, and Motor Vehicle Tow Service."

|                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                                                                                                                                                                                                                                                             | <ul style="list-style-type: none"> <li>• RH Zoning Districts: up to four units.</li> <li>• Other Zoning Districts: density would be determined based on the applicable height/bulk, setbacks, exposure, open space, and other requirements of the underlying zoning district.</li> </ul> <p>Properties would be eligible for Cars to Casas if the site 1) does not contain an existing residential use and 2) has not had a Legacy Business within the past ten years.</p> |
| <p>Most development projects are subject to the parking maximums outlined in Planning Code Section 151 or 151.1 depending on the Zoning District. Parking maximums for housing range from .25 spaces per unit to 1.5 spaces per unit, depending on the Zoning District or SUD. Non-Residential Parking is based on the proposed Use. Parking minimums are not required.</p> | <p>For Cars to Casas projects, Residential parking requirements would be as follows:</p> <ul style="list-style-type: none"> <li>• Permitted up to 0.25 parking spaces per residential unit</li> <li>• Up to .5 parking spaces per unit with Conditional Use Authorization</li> <li>• Not permitted above 0.5 parking spaces per unit</li> </ul> <p>Non-residential parking would not be allowed.</p>                                                                       |
| <p>Planning Code Section 202.5 requires a Conditional Use Authorization to convert an Automotive Service Station.</p>                                                                                                                                                                                                                                                       | <p>This Section and all references to it would be deleted from the Code.</p>                                                                                                                                                                                                                                                                                                                                                                                               |

## Anticipated Amendments

Mayor Breed intends to reintroduce the Ordinance with changes that would further enhance the housing development opportunities. A summary of the proposed additional amendments is included below:

- Revise the climate change findings with more recent data.
- Eliminate the RH zoning districts site eligibility provision.
- Allow for some non-residential parking, potentially with an electric vehicle space requirement.
- Clarify that this program can be combined with the State Density Bonus Program.

## Background

Mayor Breed introduced Cars to Casas in an effort to reduce the city’s auto-dependency and increase our housing supply. In San Francisco, 47% of carbon dioxide emissions come from transportation, with the majority of that coming from private automobiles. If the city is to reach its goal of achieving a net zero city by 2050, we must find ways to eliminate or reduce our dependency on private automobiles. Further, San Francisco is notoriously one of the most expensive housing markets in the country. There are several factors that contribute to the high cost of housing; however, two of the main drivers are an increased demand for housing caused by job

growth, and a limited supply of housing caused by a lack of new housing construction. Contributing to that scarcity is the fact that 41% of the land area that is zoned for housing in San Francisco does not allow more than one unit per lot. Further, many higher density neighborhoods, such as Neighborhood Commercial Districts, have arbitrary limits on density reducing housing opportunities in some of our most transit-rich areas. This Ordinance, in conjunction with [Board File No. 210866](#)<sup>2</sup>, would increase much-needed housing construction opportunities on low-density and underutilized lots while eliminating auto-oriented uses.

## Issues and Considerations

### Housing Crisis

San Francisco has historically had a high Jobs-Housing Balance. This is due to San Francisco (and the greater Bay Area region) not producing enough housing to keep up with rate of economic and job growth. If Jobs-Housing Balance is too high - as it is in San Francisco - housing demand outpaces housing supply leading to increasingly unaffordable housing. This results in many workers having to live farther away from their jobs, increasing traffic congestion and carbon emissions from commuters.

**San Francisco needs to increase its housing supply and variety.**

Restrictive density caps in San Francisco make it difficult to produce “Middle Housing”, which is a range of house-scale buildings with multiple units within neighborhoods that may be predominantly single-family homes. Middle housing provides a mix of residential types all while keeping in context of the neighborhood. Due to the smaller scale, middle housing is more financially feasible than mid- to high-rise buildings which have more expensive construction costs.

### Reducing Greenhouse Gas Emissions

San Francisco has made significant progress on its climate action goals to-date, including a 41% reduction in emissions from 1990 levels six years ahead of schedule.<sup>3</sup> At the 2018 Global Climate Action Summit, San Francisco committed to meet the Paris Agreement by achieving a net-zero city by 2050. The City also joined in a Climate Equity Pledge to ensure that the City’s 2020 Climate Action Strategy update achieves the dual goals of advancing racial equity and decreasing carbon emissions. Building on these efforts, Mayor Breed introduced [Board File No. 210563](#) earlier this summer to revise the City’s climate action goals. The latest goals include 61% reduction in greenhouse gas emissions by 2030 and net-zero emissions by 2040.

**San Francisco needs to reduce its carbon footprint by decreasing its auto-dependency by moving away from private automobile use.**

One of the biggest ways to reduce carbon footprint is to drive less. More sustainable modes of transportation include public transit, biking, and walking. This reduction of automobile usage also reduces or even eliminates the need for certain accessory parking lots and garages. The proposed Ordinance creates an opportunity to provide greater density when replacing Auto-Oriented Uses.

<sup>2</sup> [Board File No. 210866: Supervisor Mandelman introduced this Ordinance on July 27, 2021. The Ordinance, which appeared in front of Planning Commission on November 18, 2021, would grant a density exception for parcels in all RH district lots.](#)

<sup>3</sup> <https://sfmayor.org/article/san-francisco-adopts-new-climate-action-goals>

## Vision Zero

In addition to the environmental damage automobiles cause, they also reduce the safety of our streets for pedestrians and cyclists. In 2014, San Francisco adopted Vision Zero<sup>4</sup> as City Policy, which seeks to eliminate traffic deaths on our streets by 2024. Since 2014, the City has had on average 28 traffic deaths a year, or 195 deaths in total. As of October 2021, the number of fatalities that have occurred this year is 24, with 11 of those deaths being pedestrians. In addition to designing better roads and improving enforcement, traffic deaths can be reduced by discouraging private automobile travel within the City and encouraging public transit and active forms of transportation like walking and biking. With less space dedicated to the automobile, more space can be used for housing as well as creating a more livable and vibrant city by increasing street safety and reducing noise and air pollution, expanding green space, and creating more people-oriented spaces.

## Eligible Sites

The proposed Ordinance would increase the development potential for a small subset of parcels that have Auto-Oriented Uses and principally permit housing. To be eligible for Cars to Casas, such parcels cannot have any existing residential units or have had a Legacy Business at the site for the past ten years. This is to avoid both tenant and Legacy Business displacement. Further, while this Ordinance applies to properties throughout the city, in practice it will only benefit properties in zoning districts that don't already have form-based density.

### Auto-Oriented Uses

Auto-Oriented Uses include uses with accessory parking lots or garages, as well as parcels with an Automotive Use as defined in Section 102 of the Planning Code. Automotive Uses include such uses as Automotive Repair, Gas Stations, Vehicle Storage Lot, Motor Vehicle Tow Service, and the like. Currently, Automotive Service Stations require a Conditional Use Authorization to be converted to a different use. This Conditional Use requirement originated in the early 1990s when this use was deemed as essential services and the Board of Supervisors had concerns after a significant number of automotive service stations closed. The public hearing process is intended to determine if there are like uses in the area and if there would be a greater public benefit resulting from the proposed use.

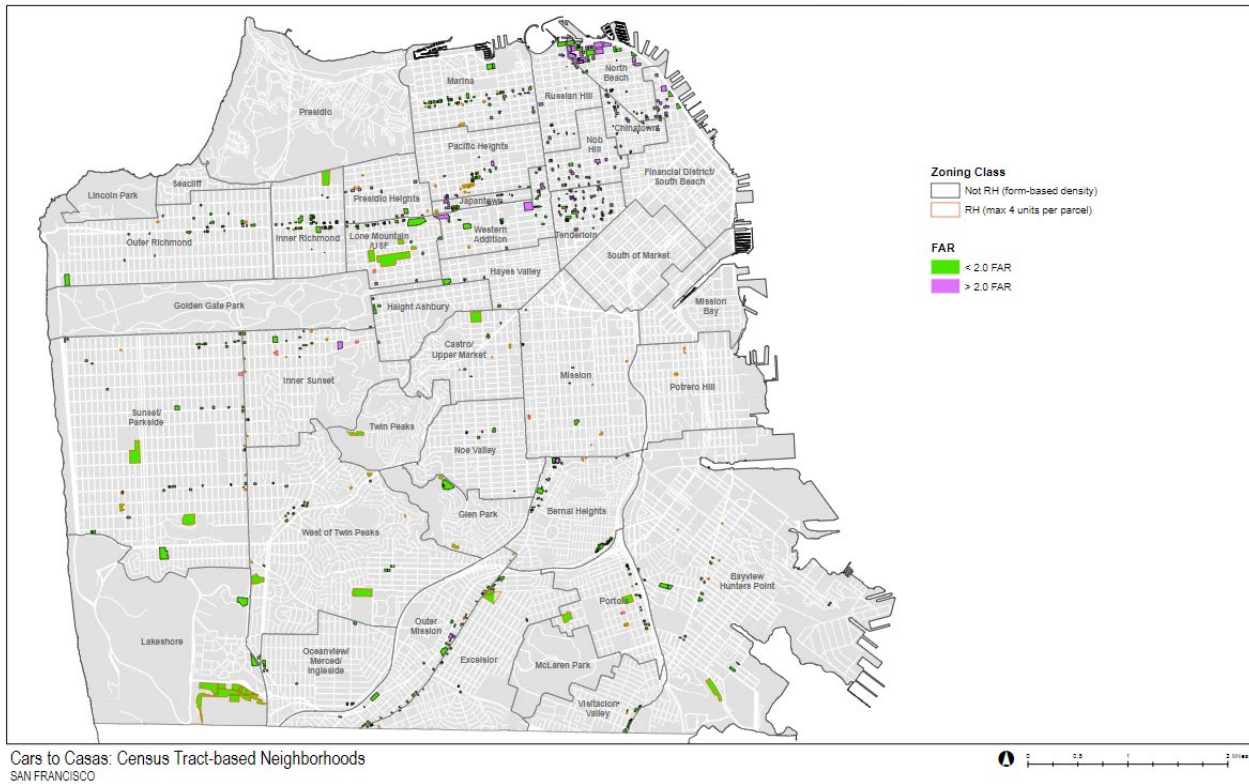
### Potential Development Sites

The following map estimates the parcels that are eligible for Cars to Casas given the criterion described above. This map is based on the best data available is for illustrative purposes only. Map sources include:

- SFMTA data on existing non-residential off-street parking,
- Dunn+Bradstreet NACIS business data on auto-oriented uses, and
- Assessor's data on parking garages/lots and gas stations.

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<sup>4</sup> <https://www.visionzerosf.org>



The above map (also enlarged in Exhibit D) only includes parcels where residential is permitted and excludes parcels where there are existing residential units or Legacy Businesses. Additionally, the map also excludes parcels that are already density decontrolled to demonstrate which parcels would benefit from the proposed Ordinance. To be conservative, the map also excludes landmarks and resources listed on the National or California Register of Historical Places, as these would unlikely be able to take advantage of Cars to Casas.

There are a total of 131 RH parcels and 627 non-RH parcels that meet the criteria; however, not all these parcels would be likely to be developed. Staff filtered out parcels that currently have a floor area ratio (FAR) of 2:0 or greater, which means they currently have two fully developed stories or more. Thus, these parcels would be less likely to be redeveloped under Cars to Casas. This methodology left approximately 120 RH parcels and 502 non-RH parcels that would be eligible and a good potential parcel for Cars to Casas.

The map shows a concentration of potential development sites in the northern part of the city and fewer sites in the eastern part of the city. This is largely due to recent rezoning and area plans which already have decontrolled density in the eastern neighborhoods. That said, the map is still an approximation and each parcel would be fully vetted to determine if it is eligible for Cars to Casas.

#### Public and Service/Arts/Light Industrial (SALI) Zoning District

The proposed Ordinance is meant to increase housing opportunities where residential uses are already permitted. Staff notes that residential uses are permitted in Public zoning districts under the 100% Affordable Housing and Educator Housing Streamlining Program. Additionally, 100% affordable housing projects are

allowed within SALI zoning districts. That said, the proposed Ordinance would not impact such density limits in P or SALI districts because these are already density decontrolled.

## **Density Limits: Numeric Caps versus Form Based Density**

### Numeric Caps

Zoning districts that control density with numeric caps either use a specific number of units or units allowed per square footage of the parcel. In the case of the former, there is a fixed number of units regardless of parcel size, oftentimes resulting in either a large building, large backyard, or both. This is the most restrictive residential zoning, which is utilized in our RH zoning. These density limits, particularly RH-1 zoning, have often historically stemmed from racist and exclusionary zoning practice; however, with the advent of State-Mandated Accessory Dwelling Units and Senate Bill 9, exclusionary single-family zoning is essentially eliminated in California's urbanized areas.

There are other numeric caps that are based on a ratio rather than a finite number. Zoning districts, like the City's Neighborhood Commercial Districts, calculate the permitted density based parcel area. For example, the Geary Boulevard and Castro Street Neighborhood Commercial Districts allow one unit for every 600 square feet of parcel area. In these cases, the number of units is limited based on the parcel size. Often the permitted density is much lower than what could be accommodated within the permitted height and bulk resulting in lower density and larger units.

### Form-Based Density

Form-based density generally yields more units. It uses the form of the building to control for density rather than a specific numeric cap or ratio of units to parcel area. Projects must comply with the zoning district's height, setback, exposure and open space requirements, and density is further limited by the Building Code's life and safety requirements. This creates more opportunity to have additional units on same lot of land. In recent years, the City has gravitated towards form-based density rather than numerical caps. A high concentration of form-based density lies within the eastern part of the city including within Central SoMa or the Mission. As a result, most of the potential development sites for Cars to Casas are located elsewhere in the City<sup>5</sup> where form-based density is less prevalent.

## **Legacy Business Program**

In 2013, San Francisco Heritage created an online guide of "Legacy Bars and Restaurants" which highlighted iconic establishments that contribute to the culture, character, and lore of San Francisco. This guide included 100 restaurants and bars that had been in business for at least 40 years, possessed distinctive architecture or interior design, and/or contributed to a sense of history in the surrounding neighborhood. This initiative also promoted businesses that have been local institutions, but do not qualify for formal historic designation.

In response to the increasing number of small business closures and escalating commercial rents, then Supervisor Campos formalized the "Legacy Bars and Restaurants" initiative, which ultimately transformed into the Legacy Business Program as we know it today. As commercial rents continue to rise, protecting small businesses and preserving these Legacy Businesses from displacement is even more imperative. One way to do

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<sup>5</sup> See the map on page 5 and enlarged in Exhibit D



so is to discourage landlords from evicting Legacy Businesses to replace them or develop the site into other, potentially more lucrative, uses.

The [Legacy Business Registry](#) was first created in March 2015. To be eligible, businesses must be at least 30 years old, have been nominated by a member of the Board of Supervisors or Mayor, and appear in front of the Small Business Commission to prove they have made a significant impact on the history or culture of their neighborhood. If a Legacy Business closes, they remain on the Registry for four years after closing.

### **Next Steps**

The City has had an incremental approach in increasing the housing supply. Most recently, Supervisor Mandelman's legislation, which received unanimous support from Planning Commission last month, focused on increasing density in RH Zoning Districts. As the City continues to produce more housing supply, it needs to consider density-decontrolling more parcels, not just those with Auto-Oriented Uses or in RH Zoning Districts. The City should continue with this momentum and expand decontrolling efforts to the Neighborhood Commercial Districts, whose density limits are often based on parcel area. There are many underutilized lots in the city that do not contain auto-oriented uses that would benefit from this or a similar program. Cars to Casas, in conjunction with the support for Supervisor Mandelman's recent legislation, create the opportune moment to consider more expansive decontrol efforts.

### **General Plan Compliance**

The proposed Ordinance supports two primary goals of the General Plan: move the city away from auto-centric uses and increase our housing supply for all residents. San Francisco is a transit-first city and needs to reduce our auto-dependency. The proposed Ordinance helps reduce greenhouse gas emissions and the impacts of global warming. The proposed Ordinance also maximizes lot density by allowing more form-based density instead of numeric caps based on lot square footage. This is especially impactful on underutilized lots with Auto-Oriented Uses. The proposed Ordinance, with the anticipated amendments and Commission's modifications, would allow a modest density opportunity on all eligible parcels.

### **Racial and Social Equity Analysis**

The Planning Code amendments in the proposed Ordinance is a modest proposal to increase housing opportunities in San Francisco. The proposed Ordinance targets underutilized lots with Auto-Oriented Uses. Given the housing crisis, these sites would yield a greater public benefit if they were used to house residents rather than Auto-Oriented Uses.

#### Job Losses

The Department recognizes that the Ordinance yields an equity tradeoff: the loss of blue-collar jobs within Auto-Oriented Uses to gain more dense housing at these sites. It is difficult to estimate how many such jobs would be lost, however the Mayor's anticipated amendment to allow some non-residential parking may help retain a small number of these jobs if small accessory parking lots are included in the proposals.

#### Climate Change and Disproportionate Impacts

According to the San Francisco Department of Public Health's Climate and Health Adaptation Framework (2017), the direct and indirect impacts of climate change will disproportionately affect San Francisco communities least able to prepare for, cope with, and recover from those impacts. Those communities include communities of color, low-income communities, and other vulnerable populations. As the City continues working on its Climate Action Plan, decisions on where to include green infrastructure or route public transit lines should involve input from low-income communities.

### Assistance Programs

The Department recognizes that equity outcomes can only be achieved in a rezoning proposal if the City commits to providing resources to owners and households of color in their own housing choices. Developing one's own property is a difficult challenge under the best and more resourced of circumstances. It requires specialized knowledge or experience, financial resiliency, and temporary relocation and disruption. These are additional barriers for many people of color and low-income property owners that put these options out of reach. Similar to Supervisor Mar's a pilot program for Accessory Dwelling Unit assistance, the proposed Ordinance may consider providing additional informational resources or financial assistance to immigrant or small property owners. This would help ensure everyone understands the opportunities Cars to Casas provides, rather than just larger developers who regularly work on projects in the City.

### **Implementation**

The Department has determined that this ordinance will impact our current implementation procedures in the following ways:

- The Ordinance may decrease the number of Conditional Use Authorizations that appear front of Planning Commission for converting Automobile Service Stations to another use; however, we don't see many these CUs so the impact is likely to be small.
- The Department would need to create a system for accurately tracking the number of units permitted under this Ordinance to ensure only up to 5,000 units are approved.
- The Office of Small Business (OSB) only tracks active Legacy Businesses. Staff would have to coordinate with OSB to determine if there was a past Legacy Business on the parcel for each project. If the Ordinance incorporates staff recommended modification to revise the ten-year threshold to four years, this implementation impact would be eliminated.

### **Recommendation**

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Eliminate the RH zoning districts site eligibility provision.
2. Allow parcels where the last legal use was an Automotive Use to also be eligible for this program.
3. Reduce the Legacy Business eligibility criterion from the past ten years to four years.
4. Clarify that this program can be combined with the State Density Bonus Program.

### **Basis for Recommendation**

The Department supports the overall goals of this Ordinance because it increases opportunities for housing construction while also striving to reduce auto-dependency. The proposed Ordinance maximizes lot density on underutilized lots with Auto-Oriented Uses; however, staff believes that the proposed Ordinance would benefit from the following recommended modifications:

#### **Recommendation 1: Eliminate the RH zoning districts site eligibility provision.**

Supervisor Mandelman's recent legislation is farther reach and provides more flexibility because it is applicable to all RH lots. This Ordinance is restricted to only parcels in RH Districts with Auto-Oriented Uses, which is limited given most commercial uses are prohibited in RH Districts. This site eligibility criterion should be eliminated to reduce redundancy.

#### **Recommendation 2: Allow parcels where the last legal use was an Automotive Use to also be eligible for this program.**

As written, only those parcels where the existing legal use is an Automotive Use would be eligible for Cars to Casas. Those parcels where Automotive Uses have since been abandoned would not be eligible. The Ordinance should be expanded to also allow those parcels whose last legal use was Automotive Uses. This modification aligns with the intent of the Ordinance and staff anticipates this would marginally increase the number of potential development sites.

#### **Recommendation 3: Reduce the Legacy Business eligibility criterion from the past ten years to four years.**

The Department recognizes the importance of this provision to protect Legacy Businesses and recommends reducing the proposed ten-year timeframe. As written, the proposed Ordinance may inadvertently preclude properties where a Legacy Business left long ago for other reasons not related to a recent or potential landlord eviction. The Department recommends reducing the ten-year threshold to four years. This time frame still protects the Legacy Businesses and provides enough time to help ensure the Legacy Business was not evicted to use this program. This recommendation also aligns with available data on the Office of Small Business's Legacy Business Registry, which only lists Legacy Businesses up to four years after closing.

#### **Recommendation 4: Clarify that this program can be combined with the State Density Bonus Program.**

The Individually Requested State Density Bonus (SDB) Program includes a restriction that it cannot be combined with any other density bonuses under Section 207. The intent of the proposed Ordinance is to be able to combine Cars to Casas with SDB. Cars to Casas would principally permit up to four units within RH districts and form-based density in all other districts. Thus, Cars to Casas should not be considered a "density bonus" thereby allowing it to be combined with SDB.

## 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 Planning Department has determined that the environmental impacts of the proposed Ordinance in Board File No. 211092 have been adequately identified and analyzed under CEQA in the 2004 and 2009 Housing Element FEIR, and the proposed ordinance would not result in any new or more severe environmental impacts than were identified in the FEIR. The addendum prepared for this legislation is attached as Exhibit C.

## Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

### Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 211092
- Exhibit C: EIR Addendum #8
- Exhibit D: Map of Potential Development Sites



# PLANNING COMMISSION DRAFT RESOLUTION

**HEARING DATE: December 9, 2021**

**Project Name:** Automotive Uses; Housing Density  
**Case Number:** 2021-011130PCAMAP [Board File No. 211092]  
**Initiated by:** Mayor Breed / Introduced October 19, 2021  
**Staff Contact:** Veronica Flores Legislative Affairs  
veronica.flores@sfgov.org, 628-652-7525  
**Reviewed by:** Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

**RESOLUTION APPROVING WITH MODIFICATION A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO INCREASE DENSITY ON LOTS WITH AUTO-ORIENTED USES WHERE HOUSING IS PERMITTED, BUT WHICH DO NOT CURRENTLY HAVE ANY RESIDENTIAL USE OR A LEGACY BUSINESS, AND REMOVE THE CONDITIONAL USE REQUIREMENT TO CHANGE THE USE OF AN AUTOMOBILE SERVICE STATION OR AUTOMOTIVE USE TO ANOTHER USE AND AMEND ZONING CONTROL TABLES TO REFLECT THIS CHANGE; AFFIRMING THE PLANNING DEPARTMENT’S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND MAKING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND WELFARE AS REQUIRED BY PLANNING CODE, SECTION 302.**

WHEREAS, on October 19, 2022, Mayor Breed introduced a proposed Ordinance under Board of Supervisors (hereinafter “Board”) File Number 211092, which would amend the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, but which do not currently have any residential use or a legacy business, and remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use and amend zoning control tables to reflect this change; affirming the Planning Department’s determination under the California Environmental Quality Act;

WHEREAS, the Planning Commission (hereinafter “Commission”) conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on December 9, 2021; and,

WHEREAS, the proposed Ordinance has been determined that the environmental impacts of the proposed Ordinance in Board File No. 211092 have been adequately identified and analyzed under CEQA in the 2004 and 2009 Housing Element FEIR, and the proposed ordinance would not result in any new or more severe environmental impacts than were identified in the FEIR; and

WHEREAS, the Planning 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 Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning 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 recommendations are as follows:

1. Eliminate the RH zoning districts site eligibility provision.
2. Allow parcels where the last legal use was an Automotive Use to also be eligible for this program.
3. Reduce the Legacy Business eligibility criterion from the past ten years to four years.
4. Clarify that this program can be combined with the State Density Bonus Program.

## 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:

1. The Commission finds that the proposed Ordinance supports the Housing Element's goals to ensure adequate housing for current and future San Franciscans by increasing the potential for new Accessory Dwelling Units.

## General Plan Compliance

The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

### HOUSING ELEMENT

### OBJECTIVE 1

IDENTIFY AND MAKE AVAILABLE FOR DEVELOPMENT ADEQUATE SITES TO MEET THE CITY'S HOUSING NEEDS, ESPECIALLY PERMANENTLY AFFORDABLE HOUSING.

#### Policy 1.3

Work proactively to identify and secure opportunity sites for permanently affordable housing.

#### Policy 1.6

Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.

#### Policy 1.7

Consider public health objectives when designating and promoting housing development sites.

### OBJECTIVE 2

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

#### Policy 2.1

Discourage the demolition of sound existing housing, unless the demolition results in a net increase in affordable housing.

#### Policy 2.3

Prevent the removal or reduction of housing for parking.

### OBJECTIVE 3

PROTECT THE AFFORDABILITY OF THE EXISTING HOUSING STOCK, ESPECIALLY RENTAL UNITS.

#### Policy 3.4

Preserve “naturally affordable” housing types, such as smaller and older ownership units.

### OBJECTIVE 4

FOSTER A HOUSING STOCK THAT MEETS THE NEEDS OF ALL RESIDENTS ACROSS LIFECYCLES.

#### Policy 4.7

Encourage an equitable distribution of growth according to infrastructure and site capacity.

### OBJECTIVE 10

ENSURE A STREAMLINED, YET THOROUGH, AND TRANSPARENT DECISION-MAKING PROCESS.

#### Policy 10.2

Implement planning process improvements to both reduce undue project delays and provide clear information to support community review.

## TRANSPORTATION ELEMENT

### OBJECTIVE 2

#### USE THE TRANSPORTATION SYSTEM AS A MEANS FOR GUIDING DEVELOPMENT AND IMPROVING THE ENVIRONMENT

##### Policy 2.2

Reduce pollution, noise and energy consumption.

*The proposed Ordinance supports two primary goals of the General Plan: move the city away from auto-centric uses and increase our housing supply for all residents. San Francisco is a transit-first city and needs to reduce our auto-dependency. The proposed Ordinance helps reduce greenhouse gas emissions and the impacts of global warming. The proposed Ordinance also maximizes lot density by allowing more form-based density instead of numeric caps based on lot square footage. This is especially impactful on underutilized lots with Auto-Oriented Uses. The proposed Ordinance, with the anticipated amendments and Commission's modifications, would allow a modest density opportunity on all eligible parcels.*

#### 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 not have a negative effect on housing or neighborhood character.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on 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 WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on December 9, 2021.

Jonas P. Ionin  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: December 9, 2021

1 [Planning Code - Automotive Uses; Housing Density]

2

3 **Ordinance amending the Planning Code to increase density on lots with auto-oriented**

4 **uses where housing is permitted, but which do not currently have any residential use**

5 **or a legacy business, and remove the Conditional Use requirement to change the use**

6 **of an Automobile Service Station or Automotive Use to another use and amend zoning**

7 **control tables to reflect this change; affirming the Planning Department’s determination**

8 **under the California Environmental Quality Act; making findings of consistency with**

9 **the General Plan, and the eight priority policies of Planning Code, Section 101.1; and**

10 **making findings of public necessity, convenience, and welfare as required by Planning**

11 **Code, Section 302.**

12

13 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.

14 **Additions to Codes** are in *single-underline italics Times New Roman font*.

15 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.

16 **Board amendment additions** are in double-underlined Arial font.

17 **Board amendment deletions** are in ~~strikethrough Arial font~~.

18 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code subsections or parts of tables.

19

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

21 Section 1. Findings.

22 (a) The Planning Department has determined that the actions contemplated in this

23 ordinance comply with the California Environmental Quality Act (California Public Resources

24 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

25 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Board affirms this

determination.

1 (b) On \_\_\_\_\_, 2021, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
3 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board  
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
5 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

6 (c) On \_\_\_\_\_, 2021, the Planning Commission, in Resolution No. \_\_\_\_\_,  
7 recommended this ordinance for adoption by the Board of Supervisors, and adopted findings  
8 that it will serve the public necessity, convenience, and welfare, as provided in Planning Code  
9 Section 302. The Board adopts these findings as its own. A copy of said Resolution is on file  
10 with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by  
11 reference.

12 (d) This Ordinance shall be known as “Cars to Casas,” and is based on the following  
13 findings:

14 (1) For the past several years, San Francisco has consistently ranked as the  
15 most, or one of the most, expensive housing markets in the country. There are several  
16 factors that contribute to these high costs, but two of the main drivers are an increased  
17 demand for housing caused by job growth, and a limited supply of housing caused by a lack  
18 of new housing construction.

19 (2) Job growth in San Francisco from 2010 to 2019 far exceeded housing  
20 produced. The number of workers increased by 225,000 while housing increased by 28,000  
21 units; more than eight workers added for every housing unit added.

22 (3) Compounding the City’s existing lack of housing supply, San Francisco’s  
23 Regional Housing Needs Assessment (RHNA) goals will nearly triple by 2023. The annual  
24 targets for each income group will increase to amounts higher than what has been approved  
25 or permitted in the past, including for above moderate-income levels. In the past, San

1 Francisco has struggled to meet existing RHNA targets for low- and moderate-income  
2 households.

3 (4) 41% of the land area that is zoned for housing in San Francisco does not allow  
4 more than one unit per lot. Further, an additional 29% of the land zoned for housing in San  
5 Francisco is limited to two- and three-unit buildings. San Francisco went through a massive  
6 downzoning in the mid-1970s when it created the RH zoning districts. As a result, 70% of  
7 land zoned to permit housing in San Francisco does not permit apartment buildings with four  
8 or more units. This downzoning makes it difficult for San Francisco to build what is often  
9 referred to as “Missing Middle Housing.”

10 (5) Missing Middle Housing offers a greater choice in housing types that still blend into  
11 existing single-family neighborhoods, create more affordable housing options, and help reach  
12 sustainability goals. Missing middle housing units are usually smaller units than single-family  
13 homes because they share a lot with other homes, which results in lower per-unit land costs.  
14 Missing middle housing types are also one of the cheapest forms of housing to produce  
15 because they are typically low-rise and wood-frame construction, which avoids expensive  
16 concrete podiums. Because the construction and building materials are comparatively less  
17 complicated than larger mid- and high-rise structures, a larger pool of small-scale and local  
18 home builders can participate in the creation of this form of housing.

19 (6) Since the early 2000s, San Francisco has been moving away from numerical caps  
20 on units per lot and toward a form-based density; however, a significant area of the city still  
21 relies on numerical unit caps.

22 (7) Nearly all new housing, both affordable and market rate, is added in areas with  
23 form-based density controls, including the City’s commercial areas like Downtown, former  
24 redevelopment areas, and form-based density districts like Neighborhood Commercial Transit  
25

1 (NCTs) and Urban Mixed Use (UMUs). 62% of affordable housing and 79% of all housing is  
2 built in these districts, even though they make up just 17% of the city's residential land area.

3 (8) Because form-based zoning is present in only certain neighborhoods, housing  
4 production is heavily focused in just eight neighborhoods, reducing housing opportunities in  
5 the rest of the city. 85% of new housing is constructed in just eight neighborhoods of the City:  
6 Downtown/South Beach, SoMa, Mission Bay, Potrero Hill/ Dogpatch, Bayview Hunters Point,  
7 the Mission, the Tenderloin, and Hayes Valley. Similarly, 82% of all new affordable housing  
8 has been built in these eight neighborhoods.

9 (9) Personal vehicles are a major cause of global warming. Collectively, cars and  
10 trucks account for nearly one-fifth of all U.S. emissions, emitting around 24 pounds of carbon  
11 dioxide and other global-warming gases for every gallon of gas.

12 (10) In San Francisco, 47% of carbon dioxide emissions come from transportation and  
13 41% come from buildings. San Francisco has been able to reduce its carbon emissions by  
14 41% from 1990 levels, but most of that reduction has come from reducing emissions from  
15 buildings; emissions from transportation has remained relatively stable.

16 (11) In 2016, the Paris Climate Agreement committed national governments to pursue  
17 efforts to limit temperature rises to 1.5 degrees Celsius. In 2018, the Intergovernmental Panel  
18 on Climate Change (IPCC) issued a special report on the impacts of global warming and the  
19 need to significantly reduce global greenhouse gas emissions well before 2030 to reduce the  
20 most detrimental impacts to ecosystems and to human health.

21 (12) In 2018, the United States' Fourth National Climate Assessment made clear that  
22 climate change will wreak havoc across the United States, and that the current pace and  
23 scale of national climate action are not sufficient to avert substantial damage to the  
24 environment, human health, and economy. According to the San Francisco Department of  
25 Public Health's Climate and Health Adaptation Framework (2017), the direct and indirect

1 impacts of climate change will disproportionately affect San Francisco communities least able  
2 to prepare for, cope with, and recover from those impacts. Those communities include  
3 communities of color, low-income communities, and other vulnerable populations.

4 (13) San Francisco, the Bay Area, and the State of California are already suffering the  
5 effects of climate change in the form of droughts, air pollution, extreme heat, frequent  
6 wildfires, flooding, and much more.

7 (14) At the 2018 Global Climate Action Summit, San Francisco committed to meet the  
8 Paris Agreement by achieving a net zero city by 2050. The City joined in a Climate Equity  
9 Pledge to ensure that the City’s 2020 Climate Action Strategy update achieves the dual goals  
10 of advancing racial equity and decreasing carbon emissions.

11 (15) San Francisco’s climate commitments and climate action strategy are framed by  
12 the City’s “0-80-100-Roots” framework, which defines climate and sustainability goals in four  
13 key areas: zero waste (“0% zero waste”), transportation (“80% low-carbon trips”), energy  
14 (“100% renewable energy”), and carbon sequestration (“Roots”).

15 (16) One of the City’s fundamental goals in implementing the 0-80-100-Roots Climate  
16 Action Framework is to promote equity by ensuring that implementation reflects and responds  
17 to the economic, political, and social needs of different San Francisco vulnerable  
18 communities.

19 (17) Achieving the “0-80-100-Roots” goals in the City will mean cleaner air, fewer  
20 vehicles on the road, more reliable transit systems, more bike lanes and pedestrian-friendly  
21 networks, highly efficient homes and businesses powered by 100% clean electricity, a robust  
22 urban tree canopy, plentiful green spaces, improved soil health, and a regenerative  
23 ecosystem.

24 (18) Meaningful climate solutions will require increasing supplies of high-quality  
25 housing affordable to households at all income levels and located near local and regional

1 transit services. These solutions will also require well-coordinated land use and transportation  
2 planning and investments to support low-carbon trips using efficient travel modes such as  
3 transit, walking, and biking, to reduce vehicle miles traveled and associated emissions.

4 (19) In 2019, the Board of Supervisors unanimously adopted Resolution No. 160-19,  
5 declaring a climate emergency in San Francisco, and requesting immediate action to address  
6 the climate crisis, limit global warming to 1.5 degrees Celsius, and eliminate greenhouse gas  
7 emissions.

8 (20) The Department of the Environment’s 2019 report titled “Focus 2030: A Pathway  
9 to Net Zero Emissions” shows that achieving accelerated emissions reductions by 2050 will  
10 require an ongoing commitment that builds upon and surpasses San Francisco’s past  
11 successes and increases resources accordingly to continue to reduce emissions all the way to  
12 net zero.

13 (21) In 2014, San Francisco adopted Vision Zero as City Policy, which seeks to  
14 eliminate traffic deaths on our streets by 2024.

15 (22) Since 2014, the City has had on average 28 traffic deaths a year, or 195 deaths in  
16 total. As of June 2021, the number of fatalities that have occurred that year is 11.

17 (23) In addition to designing better roads and improving enforcement, traffic deaths  
18 can be reduced by discouraging private automobile travel within the City and encouraging  
19 public transit and active forms of transportation like walking and biking.

20 (24) With less space dedicated to the automobile, more space can be used for housing  
21 as well as creating a more livable and vibrant city by reducing noise and air pollution,  
22 expanding green space, and creating more people-oriented spaces.

23  
24 Section 2. The Planning Code is hereby amended by revising Sections 102 and 207 to  
25 read as follows:



1 **SEC. 102. DEFINITIONS.**

2 \* \* \* \*

3 **Automotive Service Station.** A Retail Automotive Use that provides motor fuels and  
4 lubricating oils directly into motor vehicles and minor auto repairs (excluding engine repair,  
5 rebuilding, or installation of power train components, reconditioning of badly worn or damaged  
6 motor vehicles, collision service, or full body paint spraying) and services that remain  
7 incidental to the principal sale of motor fuel. Repairs shall be conducted within no more than  
8 three enclosed service bays in buildings having no openings, other than fixed windows or  
9 exits required by law, located within 40 feet of any R District. It may include other incidental  
10 services for automobiles including, but not limited to, accessory towing, if the number of  
11 towing vehicles does not exceed one, and all towed vehicles stored on the premises are  
12 limited to those vehicles that are to be repaired on the premises. This use is subject to the  
13 controls in Sections 187.1; and 202.2(b), ~~and 202.5~~.

14 \* \* \* \*

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

16 \* \* \* \*

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

19 \* \* \* \*

20 **(8) Replacing Auto-Oriented Uses with Housing.**

21 **(A) Purpose.** *The purpose of this subsection 207(c)(8) is to encourage housing*  
22 *development on parcels that are being used for Auto-Oriented Uses, with the goal of easing the City's*  
23 *housing shortage while addressing the adverse impacts that automobiles have on climate change,*  
24 *pedestrian safety, and livability.*

1                                    **(B) Definition.** *For the purposes of this subsection 207(c)(8), an Auto-Oriented*  
2 *Use shall mean any parcel that has an accessory parking lot or garage, or any use defined as an*  
3 *Automotive Use in Planning Code Section 102.*

4                                    **(C) Applicability.** *This subsection 207(c)(8) shall apply to all properties with an*  
5 *Auto-Oriented Use on which a residential use is permitted as a Principal Use but does not contain a*  
6 *Residential Use and has not had a Legacy Business on the site for ten years prior to an application*  
7 *submitted to apply the terms of this subsection 207(c)(8).*

8                                    **(D) Density Controls.** *Notwithstanding any other provisions of this Code,*  
9 *eligible properties shall be subject to the following density controls:*

10                                    **(i) Eligible Sites in RH Zoning Districts:** *Four Dwelling Units per lot as*  
11 *a Principally Permitted use.*

12                                    **(ii) Eligible Sites in Other Zoning Districts:** *Density shall be regulated*  
13 *by the permitted height and bulk, and required setbacks, exposure, open space, and any adopted design*  
14 *standards or guidelines for each parcel as a Principally Permitted Use.*

15                                    **(E) Conditional Use.** *Any other Conditional Use required by this Code that is*  
16 *not related to permitted residential density shall continue to apply.*

17                                    **(F) Parking Requirements.**

18                                    (i)        **Residential Parking.** *Proposed projects utilizing the density*  
19 *exception in this subsection 207(c)(8) are subject to the following parking controls:*

20                                                            *P: up to 0.25 parking spaces per residential unit*

21                                                            *C: up to 0.5 parking spaces per unit*

22                                                            *NP: above 0.5 spaces per unit*

23                                    (ii)        **Non-Residential Parking.** *Non-Residential Parking is prohibited*  
24 *for projects utilizing the density exception in this subsection 207(c)(8).*

25

1                                    **(G) Limit on Number of Residential Units.** This subsection 207(c)(8) shall  
2 remain in effect until the Planning Department approves a total of 5,000 residential units under the  
3 authority of this subsection 207(c)(8). When the Planning Director certifies in writing that the  
4 Planning Department has approved 5,000 residential units, this subsection 207(c)(8) shall expire by  
5 operation of law and shall no longer be operative, and the City Attorney shall cause this subsection  
6 207(c)(8) to be removed from the Planning Code.

7  
8                    Section 3. The Planning Code is hereby amended by deleting Section 202.5 in its  
9 entirety, as follows:

10  
11 **~~SEC. 202.5. CONVERSION OF AUTOMOTIVE SERVICE STATIONS.~~**

12                    ~~—(a) Findings.~~

13                    ~~—(1) The recent trend toward conversion of service stations to non-service station use has~~  
14 ~~resulted in the curtailment of essential services, including automobile refueling and emergency~~  
15 ~~services, and is contrary to the public health, safety, peace and general welfare.~~

16                    ~~—(2) To address this problem, the Board of Supervisors adopted Resolution No. 759-89 to~~  
17 ~~impose interim controls on the conversion of service stations and to create a task force to study this~~  
18 ~~problem and make recommendations to this Board regarding how to address this problem.~~

19                    ~~—(3) In the 17 months since Resolution 759-89, 11 more service stations have been~~  
20 ~~converted to other uses. The Service Station Conversion Task Force has recommended that the Board~~  
21 ~~of Supervisors adopt permanent legislation to address this problem.~~

22                    ~~—(4) The Board of Supervisors recognizes that service station operators and those who own~~  
23 ~~property on which such stations are located are entitled to earn a fair rate of return on their~~  
24 ~~investment. Where a fair rate of return is being earned, the Board finds that service stations should be~~  
25

1 ~~allowed to convert to other uses only where it is determined that the conversion would benefit the~~  
2 ~~public.~~

3 ~~—(b) Definitions. Whenever used in this Section, unless a different meaning clearly appears~~  
4 ~~from the context:~~

5 ~~—(1) "Automotive Service Station" or "service station" shall mean a retail automotive~~  
6 ~~service use as defined in Section 102 of this Code.~~

7 ~~—(2) "Conversion" shall mean to change the use of a property from a service station use to a~~  
8 ~~different type of use.~~

9 ~~—(3) "Return on investment" shall mean:~~

10 ~~—(A) where the property owner does not own the Automotive Service Station business, the~~  
11 ~~before income tax total annual rent and other compensation received from the service station business~~  
12 ~~for the lease of the land and buildings, less the expenses of the lessor, on a cash basis.~~

13 ~~—(B) where the property owner also owns the Automotive Service Station business, the~~  
14 ~~before income tax profit on the sale of all goods and services at the service station, including the sale of~~  
15 ~~gasoline, less the cost of goods sold and operating costs, on a cash basis.~~

16 ~~—(4) "Total investment in the property" shall mean the fair market value of the property at~~  
17 ~~the time the application is filed with the Zoning Administrator.~~

18 ~~—(5) "Demolition" shall mean the physical removal of underground, and/or surface tanks~~  
19 ~~used in storage and dispensing of gasoline and/or any building or canopy without the replacement of~~  
20 ~~such equipment or structures to allow continued operation of the service station.~~

21 ~~—(c) Limitation on Conversions:~~

22 ~~—(1) No owner of a property used as an Automotive Service Station shall change the use of~~  
23 ~~the property to a different type of use without first applying for and receiving either a Conditional Use~~  
24 ~~authorization from the City Planning Commission, or a conversion determination from the Zoning~~  
25 ~~Administrator. Such authorizations shall be in addition to any other permit or authorization required~~

1 ~~for a proposed service station conversion under any applicable City, State or federal law or regulation.~~  
2 ~~Automotive Service Stations which front on Primary Transit Streets or Citywide Pedestrian Network~~  
3 ~~Streets, as designated in the General Plan, shall be exempt from the conversion limitations of this~~  
4 ~~Section. The procedures for service station conversion applications shall be as described in~~  
5 ~~Sections 306 and 306.1 of this Code for conditional use and variance actions.~~

6 ~~—(2) Either the Planning Commission or the Zoning Administrator shall determine at a~~  
7 ~~public hearing whether an applicant is entitled to convert the service station, depending on the grounds~~  
8 ~~on which the permit is sought. The Planning Commission shall make Conditional Use authorization~~  
9 ~~determinations based on the criteria set forth in Subsection (d). The Zoning Administrator shall make~~  
10 ~~service station conversion determinations under the grounds set forth in Subsection (e). An applicant~~  
11 ~~may, but need not, apply to the Planning Commission for a Conditional Use authorization pursuant to~~  
12 ~~Subsection (d) and apply to the Zoning Administrator for a conversion authorization pursuant to~~  
13 ~~Subsection (e), provided that if either one approves the application at the first hearing held on it, no~~  
14 ~~hearing shall be necessary before the other. The procedures for service station conversion hearings~~  
15 ~~shall be as described in Sections 306 through 306.5 and 306.8 of this Code for conditional use action~~  
16 ~~(Planning Commission hearings) and variance action.~~

17 ~~—(d) Criteria for Planning Commission Conditional Use Authorization. In acting on any~~  
18 ~~application for Conditional Use authorization for conversion, the Commission shall consider the~~  
19 ~~following criteria in lieu of the criteria set forth in Section 303(e) of this Code.~~

20 ~~—(1) The Planning Commission shall approve the application and authorize the service~~  
21 ~~station conversion if it determines from the facts presented that the reduction in availability of~~  
22 ~~automotive goods and services resulting from the service station conversion would not be unduly~~  
23 ~~detrimental to the public because either:~~

24 ~~—(A) Comparable automotive goods and services are available at other reasonably~~  
25 ~~accessible locations; or~~

1           ~~——(B) The benefits to the public of the service station conversion would outweigh any~~  
2 ~~reduction in automotive goods and services availability because the proposed new use is more~~  
3 ~~necessary or desirable for the neighborhood or community than continued service station use.~~

4           ~~——(2) In making determinations under Subsection (1)(A), the Planning Commission shall~~  
5 ~~consider the following factors:~~

6           ~~——(A) The types of services offered by the service station sought to be converted and the~~  
7 ~~hours and days during which such goods and services are available;~~

8           ~~——(B) The volume of gasoline and other motor fuel sold and the number of vehicles serviced~~  
9 ~~at such service station during each of the 24 months preceding the filing of the conditional use~~  
10 ~~authorization application;~~

11           ~~——(C) Whether the volume of gasoline and other motor fuel sold and the number of vehicles~~  
12 ~~serviced each month has increased or decreased during the 24-month period immediately preceding the~~  
13 ~~conditional use authorization;~~

14           ~~——(D) The accessibility of comparable automotive goods and services offered by other~~  
15 ~~service stations and repair garages which serve the same geographic area and population segments~~  
16 ~~(e.g., neighborhood residents, in town or out of town commuters, tourists) as the service station sought~~  
17 ~~to be converted.~~

18           ~~——(3) In making determinations under Subsection (1)(B), the Planning Commission shall~~  
19 ~~consider the following factors:~~

20           ~~——(A) If the proposed use is a Residential use, the total number of units to be provided and~~  
21 ~~the number of those units that are affordable units;~~

22           ~~——(B) If the proposed new use is a Commercial use, the types of goods and services to be~~  
23 ~~offered and the availability of comparable products and services in the vicinity;~~

1           ~~——(C) The importance of the street on which the service station fronts to walking, cycling,~~  
2 ~~and public transit, and the impact of automobile access and egress to the service station and of the~~  
3 ~~proposed new uses and structures on the safety and comfort of pedestrians, cyclists, and transit riders;~~

4           ~~——(D) The relative environmental dangers posed by the current and proposed uses,~~  
5 ~~including but not limited to the quality and character of waste generated, noxious or offensive~~  
6 ~~emissions, fire and explosion hazards and noise, and whether the service station conversion would~~  
7 ~~facilitate the cleanup of existing contamination at the property;~~

8           ~~——(E) The relative employment opportunities offered by the service station and the~~  
9 ~~proposed new use;~~

10          ~~——(F) The relative amount of taxes or other revenues to be received by the City or other~~  
11 ~~governmental bodies from service station use and the proposed new use;~~

12          ~~——(G) The compatibility of the existing service station and of the proposed new use or~~  
13 ~~structure with the General Plan and area plan urban design policies and the street frontage standards~~  
14 ~~of this Code;~~

15          ~~——(H) Whether the service station use and the proposed use are permitted principal uses,~~  
16 ~~conditional uses or nonconforming uses.~~

17          ~~—(e) Criteria for Zoning Administrator Conversion Determination. The Zoning Administrator~~  
18 ~~shall approve the application and authorize the service station conversion if the Zoning Administrator~~  
19 ~~determines from the facts presented that the owner of the subject property is not earning a Fair Return~~  
20 ~~on Investment, as defined in Section 102. The owner shall bear the burden of proving that the owner is~~  
21 ~~not earning a Fair Return on Investment.~~

22          ~~——(I) Application. A property owner's application under this Section shall be signed by the~~  
23 ~~owner or an authorized representative of the owner and, under penalty of perjury, declared to contain~~  
24 ~~true and correct information. The application shall be accompanied by:~~

25           ~~——(A) An independent appraisal of the property stating its value;~~

1           ~~——(B) A written statement from an independent Certified Public Accountant summarizing~~  
2 ~~the applicant's financial records, including the property appraisal and stating the return on investment~~  
3 ~~calculated pursuant to Section 102;~~

4           ~~——(C) A certified statement from the Certified Public Accountant identifying the owner of~~  
5 ~~the property and the owner of the service station business;~~

6           ~~——(D) Such other financial information as the Zoning Administrator may reasonably~~  
7 ~~determine is necessary to make the determination provided for in this Section.~~

8           ~~——(2) Rebuttable Presumption. There shall be a rebuttable presumption that the property~~  
9 ~~owner is earning a Fair Return on Investment if the property owner has earned at least a 9% return on~~  
10 ~~the property owner's total investment in the property for the 24-month period immediately preceding~~  
11 ~~the filing of the application, or in the case of a service station business that ceased operations after~~  
12 ~~October 12, 1989, for the 24-month period immediately preceding the date the service station ceased~~  
13 ~~operations. The property owner may rebut this presumption by offering evidence demonstrating that~~  
14 ~~because of special facts regarding his or her property the property owner is not earning a Fair Return~~  
15 ~~on Investment or that because of special demonstrated circumstances the applicant would not earn a~~  
16 ~~fair return on investment from service station use during that 12-month period after the filing of the~~  
17 ~~service station conversion application.~~

18           ~~——(3) Notice of Hearing. Prior to conducting the hearing required by subsection (c)(1), the~~  
19 ~~Zoning Administrator shall provide public notification of the hearing pursuant to the requirements of~~  
20 ~~Section 333 of this Code.~~

21           ~~——(4) Determination. The Zoning Administrator shall render written determination within 60~~  
22 ~~days of the hearing.~~

23           ~~——(5) Consultation With Other City Departments. If necessary, the Zoning Administrator~~  
24 ~~shall have the authority to consult with or retain the assistance of the staffs of the Department of Public~~  
25



1 ~~Works, Real Estate Department, and Mayor's Office of Workforce and Economic Development in the~~  
2 ~~review of applications for service station conversion.~~

3 ~~—(f) Demolition and Tank Removal.~~

4 ~~—(1) No service station shall be demolished except to enable a new service station to be~~  
5 ~~constructed on the property, unless:~~

6 ~~—(A) The property owner has first obtained a conditional use authorization from the~~  
7 ~~Planning Commission pursuant to Subsection (d) above or a conversion determination from the Zoning~~  
8 ~~Administrator pursuant to Subsection (e) above; or~~

9 ~~—(B) The Department of Building Inspection and the Bureau of Fire Prevention and Public~~  
10 ~~Safety determines that the building is unsafe or dangerous and that demolition is the only feasible~~  
11 ~~means to secure the public safety.~~

12 ~~—(2) Notwithstanding subsections (f)(1)(A) and (f)(1)(B) above, if a service station is owned~~  
13 ~~by a lessee of the property and the property lease was signed prior to the effective date of Ordinance~~  
14 ~~288-91, which lease permits or requires the lessee to remove the service station from the property~~  
15 ~~before or after the expiration or termination of the lease, and the lease has expired or terminated or~~  
16 ~~will do so within 60 days, the lessee may cease operation of the service station as permitted or required~~  
17 ~~in the lease. Nothing in this provision, however, shall relieve the property owner from continued use of~~  
18 ~~property as an Automotive Service Station as defined by Sections 102 and 890.18 of this Code or the~~  
19 ~~requirements of subsection (f)(1)(A) above.~~

20 ~~—(3) This Section shall not limit the removal of any underground storage tank at a service~~  
21 ~~station where removal of the tank is required to comply with any other local, State or federal law or~~  
22 ~~regulation or where the Director of Public Health or a State or federal regulatory agency with~~  
23 ~~jurisdiction over underground storage tanks determines that the tank poses, or removal of the tank is~~  
24 ~~necessary to mitigate, a threat to public health or safety, including but not limited to waters of the~~  
25 ~~State. All appropriate permits (other than the authorizations required by this Section for conversions)~~

1 ~~shall be obtained prior to such authorized tank removals. The removal of an underground tank~~  
2 ~~pursuant to this Section does not otherwise exempt a property owner from the requirement of obtaining~~  
3 ~~conditional use authorization to convert an Automotive Service Station.~~

4  
5 Section 4. PLANNING CODE AMENDMENTS TO ZONING CONTROL TABLES TO  
6 CONFORM TO DELETION OF PLANNING CODE SECTION 202.5.

7 Consistent with Section 3 of this ordinance, which deletes Section 202.5, “Conversion  
8 of Automotive Service Stations,” from the Planning Code:

9  
10 (a) These Zoning Control Tables in Planning Code Article 2 are revised to delete  
11 the cross-reference to Planning Code Section 202.5 where “Automotive Service Station” is  
12 listed in the tables:

13 Table 210.1 (C-2 Districts: Community Business)

14 Table 210.2 (C-4 Districts: Downtown Commercial)

15 Table 210.3 (PDR Districts)

16  
17 (b) These Neighborhood Commercial and Neighborhood Commercial Transit  
18 Zoning Control Tables in Planning Code Article 7 are revised to delete the cross-reference to  
19 Planning Code Section 202.5 where “Automotive Service Station” is listed in the tables:

20 Table 731, Noriega Street Neighborhood Commercial District

21 Table 732, Irving Street Neighborhood Commercial District

22 Table 733, Taraval Street Neighborhood Commercial District

23 Table 734, Judah Street Neighborhood Commercial District

24 Table 751, NC-2 – Small Scale Neighborhood Commercial Transit District

25 Table 753, SOMA Neighborhood Commercial Transit District

- 1 Table 754, Mission Street Neighborhood Commercial Transit District
- 2 Table 755, Ocean Avenue Neighborhood Commercial Transit District
- 3 Table 756, Glen Park Neighborhood Commercial Transit District
- 4 Table 759, Divisadero Street Neighborhood Commercial Transit District.

5

6 (c) These Neighborhood Commercial and Neighborhood Commercial Transit  
7 Zoning Control Tables in Planning Code Article 7 are revised to delete the cross-reference to  
8 Planning Code Section 202.5, where “Automotive Use” is listed in the table:

- 9 Table 712, Moderate-Scale Neighborhood Commercial District NC-3
- 10 Table 714, Broadway Neighborhood Commercial District
- 11 Table 715, Castro Street Neighborhood Commercial District
- 12 Table 716, Inner Clement Street Neighborhood Commercial District
- 13 Table 717, Outer Clement Street Neighborhood Commercial District
- 14 Table 718, Upper Fillmore Street Neighborhood Commercial District
- 15 Table 719, Haight Street Neighborhood Commercial District
- 16 Table 720, Excelsior Outer Mission Neighborhood Commercial District
- 17 Table 721, Japantown Neighborhood Commercial District
- 18 Table 722, North Beach Neighborhood Commercial District
- 19 Table 723, Polk Street Neighborhood Commercial District
- 20 Table 724, Sacramento Street Neighborhood Commercial District
- 21 Table 725, Union Street Neighborhood Commercial District
- 22 Table 726, Pacific Avenue Neighborhood Commercial District
- 23 Table 728, 24th Street – Noe Valley Neighborhood Commercial District
- 24 Table 729, West Portal Avenue Neighborhood Commercial District
- 25 Table 730, Inner Sunset Neighborhood Commercial District

- 1 Table 737, Bayview Neighborhood Commercial District
- 2 Table 739, Geary Boulevard Neighborhood Commercial District
- 3 Table 740, Mission Bernal Neighborhood Commercial District
- 4 Table 744, Lower Polk Street Neighborhood Commercial District
- 5 Table 750, NCT-1 – Neighborhood Commercial Transit Cluster District
- 6 Table 752, NCT-3 – Moderate Scale Neighborhood Commercial Transit District
- 7 Table 757, Folsom Street Neighborhood Commercial Transit District
- 8 Table 758, Regional Commercial District
- 9 Table 760, Fillmore Street Neighborhood Commercial Transit District
- 10 Table 761, Hayes-Gough Neighborhood Commercial Transit District
- 11 Table 762, Valencia Street Neighborhood Commercial Transit District
- 12 Table 763, 24th Street-Mission Neighborhood Commercial Transit District
- 13 Table 764, Upper Market Street Neighborhood Commercial Transit District.

14  
 15 Section 5. The Planning Code is hereby amended by revising Sections 810, 811, 812,  
 16 and 899 to read as follows:

17 **SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

18 \* \* \* \*

19 **TABLE 810**  
 20 **CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

|                                |              |                   |     |      |
|--------------------------------|--------------|-------------------|-----|------|
| Zoning Category                | § References | Controls          |     |      |
| <b>NON-RESIDENTIAL USES</b>    |              | Controls by Story |     |      |
|                                |              | 1st               | 2nd | 3rd+ |
| * * * *                        | * * * *      | * * * *           |     |      |
| <b>Automotive Use Category</b> |              |                   |     |      |

|                  |                          |         |    |    |
|------------------|--------------------------|---------|----|----|
| Automotive Uses* | §§ 102, <del>202.4</del> | NP      | NP | NP |
| * * * *          | * * * *                  | * * * * |    |    |

\* \* \* \*

**SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.**

\* \* \* \*

**TABLE 811**

**CHINATOWN VISITOR RETAIL DISTRICT**

| Zoning Category                | § References             | Controls          |     |      |
|--------------------------------|--------------------------|-------------------|-----|------|
| <b>NON-RESIDENTIAL USES</b>    |                          | Controls by Story |     |      |
|                                |                          | 1st               | 2nd | 3rd+ |
| * * * *                        | * * * *                  | * * * *           |     |      |
| <b>Automotive Use Category</b> |                          |                   |     |      |
| Automotive Uses*               | §§ 102, <del>202.4</del> | NP                | NP  | NP   |
| * * * *                        | * * * *                  | * * * *           |     |      |

\* \* \* \*

**SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**TABLE 812**

**CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**

| Zoning Category                | § References | Controls          |     |      |
|--------------------------------|--------------|-------------------|-----|------|
| <b>NON-RESIDENTIAL USES</b>    |              | Controls by Story |     |      |
|                                |              | 1st               | 2nd | 3rd+ |
| * * * *                        | * * * *      | * * * *           |     |      |
| <b>Automotive Use Category</b> |              |                   |     |      |

|                  |                          |         |    |    |
|------------------|--------------------------|---------|----|----|
| Automotive Uses* | §§ 102, <del>202.4</del> | NP      | NP | NP |
| * * * *          | * * * *                  | * * * * |    |    |

\* \* \* \*

**SEC. 899. OTHER APPLICABLE SECTIONS OF THE PLANNING CODE.**

Certain sections of the Planning Code in Articles other than this Article also apply to Mixed Use Districts. Such sections and their titles are listed below. The following listing is set forth for convenience; in the event of any omission of a provision, that provision shall nevertheless still apply.

\* \* \* \*

**Uses**

\* \* \* \*

~~Section 202.5~~ *Conversion of Automotive Service Stations*

\* \* \* \*

Section 6. 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 7. 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

1 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
2 additions, and Board amendment deletions in accordance with the “Note” that appears under  
3 the official title of the ordinance.

4

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

6

7 By: /s/  
8 KATE H. STACY  
9 Deputy City Attorney

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## **ADDENDUM 8 TO ENVIRONMENTAL IMPACT REPORT**

*Addendum Date:* December 1, 2021  
*Case No.:* 2021-011284ENV  
*Project Title:* BOS File No. 211092 – Cars to Casas  
*EIR:* San Francisco 2004 and 2009 Housing Element, 2007.1275E  
SCL No. 2008102033, certified March 24, 2011, recertified April 24, 2014  
*Project Sponsor:* Mayor Breed  
*Sponsor Contact:* Victor Ruiz-Cornejo, [victor.ruiz-cornejo@sfgov.org](mailto:victor.ruiz-cornejo@sfgov.org)  
*Lead Agency:* San Francisco Planning Department  
*Staff Contact:* Michael Li, 628.652.7538, [michael.j.li@sfgov.org](mailto:michael.j.li@sfgov.org)

### **Remarks**

This document is an addendum to the 2004 and 2009 Housing Element Final Environmental Impact Report (“2004 and 2009 Housing Element FEIR” or “FEIR”). Its purpose is to substantiate the San Francisco Planning Department’s (planning department’s) determination that no supplemental or subsequent environmental review is required prior to adoption of proposed legislation to allow additional dwelling unit density on lots with automobile-oriented uses where housing is permitted and to remove the conditional use requirement to change an Automobile Service Station or Automotive Use to a non-automobile-oriented use (“modified project”). As described more fully below, the modified project is an implementing program of the 2014 Housing Element. The planning department has determined that the environmental impacts of the modified project have been adequately identified and analyzed under CEQA in the 2004 and 2009 Housing Element FEIR, and the proposed project would not result in any new or more severe environmental impacts than were identified in the FEIR.

### **Background**

On April 24, 2014, the San Francisco Planning Commission (“planning commission”) certified the 2004 and 2009 Housing Element FEIR pursuant to the California Environmental Quality Act (“CEQA”).<sup>1</sup> On June 17, 2014, the San Francisco Board of Supervisors (“board”) adopted the 2009 Housing Element as the Housing Element of the *San Francisco General Plan* (“*General Plan*”).

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<sup>1</sup> San Francisco Planning Department, *2004 and 2009 Housing Element Final Environmental Impact Report*, April 24, 2014. Case No. 2007.1275E, [https://sfmea.sfplanning.org/2007.1275E\\_DEIR.pdf](https://sfmea.sfplanning.org/2007.1275E_DEIR.pdf) and [https://sfmea.sfplanning.org/2007.1275E\\_DEIR2.pdf](https://sfmea.sfplanning.org/2007.1275E_DEIR2.pdf), accessed on November 22, 2021.

## Previous Addenda to the 2004 and 2009 Housing Element FEIR

In response to the proposed 2014 Housing Element, which updated the Data and Needs Analysis of the 2009 Housing Element and added five additional policies, the planning department prepared Addendum 1 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 1, issued by the planning department on January 22, 2015, the board found that no additional environmental review was required beyond the review in the FEIR.<sup>2</sup> On April 27, 2015, the board adopted the 2014 Housing Element.

In response to proposed legislation to amend the locations in which accessory dwelling units (“ADUs”) may be constructed, the planning department prepared Addendum 2 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 2, issued by the planning department on July 14, 2015, the board found that no additional environmental review was required beyond the review in the FEIR.<sup>3</sup> On September 8, 2015, the board adopted the proposed legislation allowing the construction of ADUs in Supervisorial Districts 3 and 8.

In response to proposed legislation that would create a program allowing the construction of taller and denser buildings in exchange for a higher number of affordable dwelling units (the “Affordable Housing Bonus Program” or the “AHBP”), the planning department prepared Addendum 3 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 3, issued by the planning department on January 14, 2016, the board found that no additional environmental review was required beyond the review in the FEIR.<sup>4</sup> On June 6, 2017, the board adopted the proposed legislation creating the AHBP, now known as HOME-SF.

In response to proposed legislation that would allow the construction of ADUs on a citywide basis, the planning department prepared Addendum 4 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 4, issued by the planning department on June 15, 2016, the board found that no additional environmental review was required beyond the review in the FEIR.<sup>5</sup> On May 2, 2017, the board adopted the proposed legislation allowing the construction of ADUs on a citywide basis.

In response to proposed legislation that would streamline the approval process for eligible projects that would provide 100 percent affordable housing or housing for teachers and employees of the San Francisco Unified School District, the planning department prepared Addendum 5 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 5, issued by the planning department on June 5, 2019,

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- 2 San Francisco Planning Department, *Addendum to 2004 and 2009 Housing Element Final Environmental Impact Report, 2014 Housing Element*, January 22, 2015, Case No. 2014.1327E. Available at [https://sfmea.sfplanning.org/2014.1327E\\_Add.pdf](https://sfmea.sfplanning.org/2014.1327E_Add.pdf), accessed on November 22, 2021.
  - 3 San Francisco Planning Department, *Addendum 2 to 2004 and 2009 Housing Element Final Environmental Impact Report, Accessory Dwelling Units in Supervisorial Districts 3 and 8*, July 14, 2015, Case No. 2015-005350ENV. Available at [https://sfmea.sfplanning.org/2015-005350ENV\\_Addendum%20to%20Housing%20Element%20EIR\\_D3%20and%20D8%20ADU%20Leg%20\(2\).pdf](https://sfmea.sfplanning.org/2015-005350ENV_Addendum%20to%20Housing%20Element%20EIR_D3%20and%20D8%20ADU%20Leg%20(2).pdf), accessed on November 22, 2021.
  - 4 San Francisco Planning Department, *Addendum 3 to 2004 and 2009 Housing Element Final Environmental Impact Report, Affordable Housing Bonus Program*, January 14, 2016, Cases No. 2014.1304E and 2014-001503GPA. Available at [https://sfmea.sfplanning.org/2014.1304E\\_AHBP\\_Addendum03\\_011416%20Final.pdf](https://sfmea.sfplanning.org/2014.1304E_AHBP_Addendum03_011416%20Final.pdf), accessed on November 22, 2021.
  - 5 San Francisco Planning Department, *Addendum 4 to 2004 and 2009 Housing Element Final Environmental Impact Report, Construction of Accessory Dwelling Units*, June 15, 2016, Case No. 2016-004042ENV. Available at [https://sfmea.sfplanning.org/2016-004042ENV\\_Addendum.pdf](https://sfmea.sfplanning.org/2016-004042ENV_Addendum.pdf), accessed on November 22, 2021.

the board found that no additional environmental review was required beyond the review in the FEIR.<sup>6</sup> The proposed legislation was not adopted by the board.

In response to proposed legislation that would further streamline the approval process for eligible projects that would provide 100 percent affordable housing or housing for teachers and employees of the San Francisco Unified School District, the planning department prepared Addendum 6 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 6, issued by the planning department on July 8, 2020, the board found that no additional environmental review was required beyond the review in the FEIR.<sup>7</sup> On August 18, 2020, the board adopted the proposed legislation further streamlining the approval process for eligible projects that would provide 100 percent affordable housing or housing for teachers and employees of the San Francisco Unified School District.

In response to proposed legislation that would allow increased dwelling unit density on corner lots in RH Districts, the planning department prepared Addendum 7 to the 2004 and 2009 Housing Element FEIR. Addendum 7, issued by the planning department on October 8, 2021, concluded that no additional environmental review was required beyond the review in the FEIR.<sup>8</sup> The proposed legislation to allow increased dwelling unit density on corner lots in RH Districts is pending before the board.

This Addendum 8 applies to legislation proposed by Mayor Breed (see “Proposed Legislation” below), introduced on October 19, 2021 (board file no. 211092), which would allow additional dwelling unit density on lots with automobile-oriented uses where housing is permitted and would remove the conditional use requirement to change an Automobile Service Station or Automotive Use to a non-automobile-oriented use.

## Housing Element

The Housing Element is a component of the *General Plan* and establishes the City’s overall housing policies. California State Housing Element law (California Government Code Section 65580 et seq.) requires local jurisdictions to adequately plan for and address the housing needs of all segments of its population in order to attain the region’s share of projected statewide housing goals. This law requires local governments to plan for their existing and projected housing needs by facilitating the improvement and development of housing and removing constraints on development opportunities. San Francisco’s

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- 6 San Francisco Planning Department, Addendum 5 to 2004 and 2009 Housing Element Final Environmental Impact Report, Non-Discretionary Review of 100% Affordable Housing and Teacher Housing Projects, June 5, 2019, Case No. 2019-006081ENV. Available at <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=ea22d2585fc7915890196af75ffb039640ac03981befb0ae3601fb3389ec83f8&VaultGUID=A4A7DADC-B0DC-4322-BD29-F6F07103C6E0>, accessed on November 22, 2021.
  - 7 San Francisco Planning Department, Addendum 6 to 2004 and 2009 Housing Element Final Environmental Impact Report, 100% Affordable Housing and Educator Housing Streamlining Program, July 8, 2020, Case No. 2020-003277ENV. Available at <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=12d650606e9c3e28e4f01a8a303fa2da74ed128002046e7bda63b38b5e9c3038&VaultGUID=A4A7DADC-B0DC-4322-BD29-F6F07103C6E0> accessed on November 22, 2021.
  - 8 San Francisco Planning Department, Addendum 7 to 2004 and 2009 Housing Element Final Environmental Impact Report, Dwelling Unit Density Exception for Corner Lots in Residential Districts, October 8, 2021, Case No. 2021-006636ENV. Available at <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=03b1f4c7cdf1cab1fc8c6a7f8bf6450541832418ad998aebbc79a0cc74564e5&VaultGUID=A4A7DADC-B0DC-4322-BD29-F6F07103C6E0>, accessed November 22, 2021.

2014 Housing Element was required to plan for an existing and projected housing need of 28,869 new dwelling units.

As discussed in the City's Housing Element, housing density standards in San Francisco have been traditionally set in terms of numbers of dwelling units in proportion to the size of the building lot. For the various zoning districts throughout the city, the San Francisco Planning Code ("planning code") limits the number of dwelling units permitted on a given lot. For example, in an RH-2 (Residential, House, Two-Family) District, two dwelling units are principally permitted per lot, and one dwelling unit is permitted for every 1,500 square feet of lot area with conditional use authorization. The 2004 and 2009 Housing Elements discussed the need to increase housing stock through policies that promote intensification of dwelling unit density on developed lots. The Housing Element contains the following objectives and policies that call for providing a diverse range of housing and creating more clarity and transparency in the review process:

- Objective 1: Identify and make available for development adequate sites to meet the city's housing needs, especially permanently affordable housing.
  - Policy 1.1: Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.
  - Policy 1.6: Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.
- Objective 10: Ensure a streamlined, yet thorough, and transparent decision-making process.
  - Policy 10.1: Create certainty in the development entitlement process, by providing clear community parameters for development and consistent application of these regulations.
  - Policy 10.2: Implement planning process improvements to both reduce undue project delays and provide clear information to support community review.

### **Housing Element 2022 Update**

The Housing Element 2022 Update, which is currently underway, is San Francisco's housing plan that will cover an eight-year period from 2022 to 2030 and will include policies and programs to address the future of housing in San Francisco.<sup>9</sup> Adoption of a housing element update is expected by January 2023, consistent with Government Code Section 65588(e). The planning department is currently formulating policies and objectives to be included in the Housing Element 2022 Update and will prepare an EIR. The proposed legislation analyzed in this Addendum 8 is not dependent upon or related to the adoption of the proposals included in the Housing Element 2022 Update and is therefore analyzed as an independent project.

### **Proposed Legislation**

The proposed legislation, as well as amendments that are proposed by the planning department, are summarized below. Collectively, the proposed legislation and the proposed amendments constitute the modified project that is the subject of this Addendum 8.

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<sup>9</sup> <https://www.sfhousingelement.org/>

On October 19, 2021, Mayor Breed introduced legislation (board file no. 211092) to the board that would amend the planning code to allow additional dwelling unit density on lots with automobile-oriented uses where housing is permitted and to remove the conditional use requirement to change an Automobile Service Station or Automotive Use to a non-automobile-oriented use. The proposed legislation includes a cap on the number of dwelling units that could be approved under this program. Once the planning department has approved 5,000 units, this legislation shall expire and shall no longer be operative. Upon the expiration of this legislation, the City Attorney shall cause this legislation to be removed from the planning code.

| The Way It Is Now:                                                                                                                                                                                                                                                                                                                                                          | The Way It Would Be:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Housing proposed on properties with Auto-Oriented Uses need to comply with the density limits of the underlying zoning district.</p>                                                                                                                                                                                                                                     | <p>Housing proposed on properties with an Auto-Oriented Use and eligible for Cars to Casas would be afforded the following density exceptions:</p> <ul style="list-style-type: none"> <li>• RH Zoning Districts: up to four units.</li> <li>• Other Zoning Districts: density would be determined based on the applicable height/bulk, setbacks, exposure, open space, and other requirements of the underlying zoning district.</li> </ul> <p>Properties would be eligible for Cars to Casas if the site 1) does not contain an existing residential use and 2) has not had a Legacy Business within the past ten years.</p> |
| <p>Most development projects are subject to the parking maximums outlined in Planning Code Section 151 or 151.1 depending on the Zoning District. Parking maximums for housing range from .25 spaces per unit to 1.5 spaces per unit, depending on the Zoning District or SUD. Non-Residential Parking is based on the proposed Use. Parking minimums are not required.</p> | <p>For Cars to Casas projects, Residential parking requirements would be as follows:</p> <ul style="list-style-type: none"> <li>• Permitted up to 0.25 parking spaces per residential unit</li> <li>• Up to .5 parking spaces per unit with Conditional Use Authorization</li> <li>• Not permitted above 0.5 parking spaces per unit</li> </ul> <p>Non-residential parking would not be allowed.</p>                                                                                                                                                                                                                          |
| <p>Planning Code Section 202.5 requires a Conditional Use Authorization to convert an Automotive Service Station.</p>                                                                                                                                                                                                                                                       | <p>This Section and all references to it would be deleted from the Code.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

The planning department is proposing the following amendments to the legislation introduced by Mayor Breed:

1. Remove sites in RH Districts from being eligible for this program.
2. Allow sites on which the last legal use was an Automotive Use to be eligible for this program.
3. Reduce the Legacy Business eligibility criterion from the past ten years to the past four years.
4. Clarify that this program can be combined with the state density bonus program.

## Project Approvals

The proposed legislation consists of amendments to the planning code and requires the following project approvals:

- Recommendation to the board of supervisors (*planning commission*)
- Findings of consistency with the *General Plan* and the eight priority policies of planning code section 101.1 (*planning commission and board of supervisors*)

## Anticipated Development

As discussed above, the modified project includes a cap on the number of dwelling units that could be approved under this program. It is not known how long it will take to reach the cap of 5,000 approved units. To be consistent with previous addenda to the 2004 and 2009 Housing Element FEIR, the planning department used a 25-year buildout period for analyzing the environmental impacts of the modified project.

Automobile-oriented uses exist in all areas of San Francisco, so development under the modified project could be geographically dispersed throughout the city. The planning department examined the potential geographic distribution of development under the modified project.<sup>10</sup> The first step consisted of identifying all parcels that would be eligible for development under the modified project. The list of eligible parcels was refined by removing parcels that are currently developed with buildings exceeding a floor area ratio (FAR) of 2.0 to 1. Such parcels are occupied by existing buildings that are at least two stories tall, if not taller, and would be less likely to be redeveloped due to substantial existing development relative to the allowable zoning envelope, which is four to five stories in most cases. In focusing on eligible parcels that are currently developed with an FAR below 2.0 to 1 and are more likely candidates for development under the modified project, the highest concentrations of such parcels can be found in the northeast quadrant of San Francisco (north of Market Street and east of Van Ness Avenue) and along the Geary, Lombard, and outer Mission commercial corridors.<sup>11</sup> Lower concentrations of likely development parcels can be found geographically dispersed throughout the rest of San Francisco.

<sup>10</sup> San Francisco Planning Department, Email from Joshua Switzky to Michael Li and Veronica Flores, November 17, 2021.

<sup>11</sup> The planning department is recommending that RH-zoned parcels be removed from the pool of eligible parcels under the modified project. If this amendment is adopted, it would not result in a substantial shift in the geographic distribution of new units from RH parcels to non-RH parcels for the following reasons. RH parcels would have a maximum residential density limit of four units regardless of parcel size, and other development constraints such as front setback and rear yard requirements would continue to apply. Non-RH parcels would not have a maximum residential density limit and generally have no front setback requirements and less restrictive rear yard requirements. Given these differences, the planning department expects that most of the 5,000 units that would be allowed under the modified project would be built on non-RH parcels even if RH parcels remained eligible.

## **Project Setting**

San Francisco is a consolidated city and county located on the tip of the San Francisco Peninsula with the Golden Gate Strait to the north, San Francisco Bay to the east, San Mateo County to the south, and the Pacific Ocean to the west. San Francisco has an area of approximately 49 square miles. Although San Francisco is densely developed, there are vacant and underused lots that can be developed or redeveloped. These lots are located throughout San Francisco, and many are currently zoned to allow residential uses.

## **Analysis of Potential Environmental Effects**

San Francisco Administrative Code section 31.19(c)(1) states that a modified project must be reevaluated and that “[i]f, on the basis of such reevaluation, the Environmental Review Officer (“ERO”) determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefore shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter.”

CEQA Guidelines section 15164 provides for the use of an addendum to document the basis of a lead agency’s decision not to require a Subsequent or Supplemental EIR for a change to a project that has been analyzed in a certified EIR. The lead agency’s decision to use an addendum must be supported by substantial evidence that the conditions that would trigger the preparation of a Subsequent EIR, as provided in CEQA Guidelines Section 15162, are not present.

The modified project, which would implement the policies and measures related to intensifying dwelling unit density referenced in the Housing Element, would not result in any new significant environmental impacts, substantially increase the severity of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR. The effects associated with the modified project would be substantially the same as those reported for the FEIR, and thus no supplemental or subsequent EIR is required. The following discussion provides the basis for this conclusion.

## 2004 and 2009 Housing Element FEIR Conclusions

The 2009 Housing Element adopted policies that generally encouraged housing and higher density housing along transit lines and in proximity to other infrastructure and neighborhood services, such as open space and childcare providers. The 2009 Housing Element policies also encouraged higher density through a community planning process and, for affordable housing projects, promoted the construction of multifamily housing. The FEIR identified less-than-significant environmental impacts for the following environmental topics:

- Land Use and Land Use Planning
- Aesthetics
- Population and Housing
- Cultural and Paleontological Resources
- Air Quality
- Greenhouse Gas Emissions
- Wind and Shadow
- Recreation
- Utilities and Service Systems
- Public Services
- Biological Resources
- Geology and Soils
- Hydrology and Water Quality
- Hazards and Hazardous Materials
- Mineral and Energy Resources
- Agriculture and Forest Resources

The FEIR found that significant effects related to encouraging new residential development along streets with noise levels above 75 dBA  $L_{dn}$  can be avoided or reduced to a less-than-significant level with mitigation, and a mitigation measure addressing the issue was incorporated into the adopted Housing Element as an implementation measure.<sup>12, 13</sup> The FEIR found also that adoption of the 2009 Housing Element would potentially result in significant environmental effects on the transit network that could not be mitigated to a less-than-significant level with implementation of feasible mitigation measures. The policies in the 2014 Housing Element were substantially the same as those in the 2009 Housing Element, and the adoption of the 2014 Housing Element did not change the conclusions in the FEIR.

## Changed Circumstances Since the Certification of the FEIR

Since the certification of the FEIR, a number of revisions have been made to the planning code, *General Plan*, and other city policies and regulations (e.g., the Inclusionary Housing Program, Standards for Bird-Safe Buildings, the Transportation Sustainability Fee) related to housing and development in San Francisco. Most changes to the planning code and other documents can be found on the planning department's website: <https://sfplanning.org/planning-code-change-summaries>. Those changes were independent from the adoption of the Housing Element and have undergone independent review under CEQA. The revisions primarily pertain to neighborhood-specific issues, and none of them would result in changes that substantially deviate from the overarching goals and objectives that were articulated in the 2009 or 2014 Housing Element (such as directing growth to certain areas of the City, promoting preservation of residential buildings, etc.) in a way that could render the conclusions in the FEIR invalid or inaccurate. These revisions to the regulatory environment also would not be expected to increase the

12 The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called "A" weighting, and the data are reported in A-weighted decibels (dBA).

13 The  $L_{dn}$  is the Leq, or Energy Equivalent Level, of the A-weighted noise level over a 24-hour period, obtained after the addition of 10 dB to sound levels during nighttime hours (10:00 p.m. to 7:00 a.m.). The Leq is the level of a steady noise which would have the same energy as the fluctuating noise level integrated over the time period of interest.



severity of impacts discussed in the FEIR.<sup>14</sup> Furthermore, no new information has emerged that would materially change the analyses or conclusions set forth in the FEIR. Any additional draft amendments proposed for adoption, but not yet adopted, would be reviewed for environmental impacts prior to adoption.

### **Changes to Housing Projections**

The FEIR contains population and housing projections that have since been updated. As reported in the 2014 Housing Element, the 2012 American Community Survey estimated San Francisco's population to be about 807,755.<sup>15</sup> The Association of Bay Area Governments projected ongoing population growth to 981,800 by 2030 or an overall increase of about 174,045 people who will need to be housed in the 18 years from 2012 to 2030.<sup>16, 17</sup> In comparison, the 2009 Housing Element projected San Francisco's population at 934,000 by 2030. Household growth, an approximation of the demand for housing, currently indicates a need for some 72,530 new units in the 18 years from 2012 to 2030. As with the 2009 and 2014 Housing Elements, the modified project would not change the population and housing needs projections because those projections are due to and influenced by births, deaths, migration rates, and employment growth. Rather, the modified project would influence the location and type of residential development that would be constructed to meet demand.

### **Land Use and Land Use Planning** **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts related to land use and land use planning. The 2009 Housing Element would not conflict with applicable land use plans, policies, or regulations, including, but not limited to, the *San Francisco General Plan (General Plan)*, the *San Francisco Countywide Transportation Plan*, and the *San Francisco Bicycle Plan*. Individual development projects would be reviewed for consistency and compliance with applicable land use plans, policies, or regulations. The 2009 Housing Element would not physically divide established communities by promoting the construction of physical barriers to neighborhood access, such as new freeways, or by removing existing means of access, such as bridges or roadways. The 2009 Housing Element would not have a substantial impact upon the existing character of San Francisco. Individual development projects would undergo design review to ensure that new construction is compatible with the neighborhoods in which the projects are located. In addition, individual development projects would be reviewed for

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14 State law was recently amended (SB 9 (Atkins), effective January 1, 2022) to require ministerial approval, with some exceptions, of two units per lot in single family zones as well as ministerial approval of splitting a single lot into two lots. Increased capacity in San Francisco from implementation of SB 9 would be limited in scope due to feasibility and other related issues and would not result in impacts beyond those analyzed in the 2004 and 2009 Housing Element FEIR. University of California at Berkeley, Turner Center for Housing Innovation, *Will Allowing Duplexes and Lot Splits on Parcels Zoned for Single-Family Create New Homes?* July 2021. Available at <https://turnercenter.berkeley.edu/wp-content/uploads/2021/07/SB-9-Brief-July-2021-Final.pdf>, accessed November 23, 2021. With amendments recommended by planning department staff, the proposed legislation would not overlap with areas affected by SB 9.

15 San Francisco Planning Department, *2014 Housing Element, Part I*, p. I.4.

16 Association of Bay Area Governments, *Projections 2013*, p. 74.

17 Association of Bay Area Governments and Metropolitan Transportation Commission, *Plan Bay Area 2050, The Final Blueprint, Growth Pattern*, January 21, 2021. Available at [https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease\\_December2020\\_GrowthPattern\\_Jan2021Update.pdf](https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease_December2020_GrowthPattern_Jan2021Update.pdf), accessed November 23, 2021. Under *Plan Bay Area 2050*, San Francisco County is projected to grow by 213,000 households between 2015 and 2050.

compliance with planning code regulations to ensure that the proposed land uses are permitted in the zoning districts in which the projects are located.

### **Modified Project**

The modified project would promote housing in established neighborhoods throughout San Francisco and would result in buildings that could be denser than what is currently permitted under existing regulations.

Plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect are those that directly address environmental issues and/or contain targets or standards that must be met in order to maintain or improve characteristics of the City's physical environment. Examples of such plans, policies, or regulations include the Bay Area Air Quality Management District's *2017 Clean Air Plan* and the San Francisco Regional Water Quality Control Board's *San Francisco Basin Plan*. The modified project would not directly conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Housing units proposed under the modified project would be evaluated by City decision-makers for their consistency with such plans, policies, or regulations, and conflicts would need to be addressed prior to the approval of any entitlements.

The modified project would not physically divide established communities by calling for the construction of physical barriers to neighborhood access, such as freeways, or the removal of existing means of access, such as bridges and roadways. New housing units would be constructed in established neighborhoods with existing infrastructure. New freeways would not need to be constructed to provide access to and from these units, and existing bridges and roadways would not need to be removed to accommodate the development of these units.

The modified project would not have a substantial impact on the existing land use character of San Francisco because it would promote residential development in established neighborhoods in which residential uses already exist. Therefore, new housing units would be compatible with the existing land use character of the neighborhoods in which they would be constructed. The construction of new units could result in buildings that are denser than existing development. However, the increased density would not affect the land use character of a neighborhood because new residential uses would be compatible with existing residential uses whether they are housed in a building with fewer units or a building with more units. The physical environmental impacts associated with denser buildings are discussed under the topics of Population and Housing, Recreation, Utilities and Service Systems, and Public Services.

For these reasons, the modified project would result in less-than-significant impacts related to land use and land use planning. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to land use and land use planning.

## **Aesthetics**

### **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on aesthetics. The 2009 Housing Element would not have a substantial adverse effect on a scenic vista, would not damage scenic resources that contribute to a scenic public setting, and would not degrade the existing visual character of San Francisco. As discussed in the FEIR, future development would be required to comply with existing regulations adopted for the purpose of avoiding such impacts. The FEIR also found that the 2009 Housing Element would not create new sources of substantial light and glare that would adversely affect day or nighttime views or would substantially affect other people or properties. New exterior lighting associated with future development would be focused on specific areas rather than illuminating large areas that are currently not illuminated. Furthermore, all future development would be required to comply with planning commission resolution No. 9212, which prohibits the use of highly reflective or mirrored glass in new construction.

### **Modified Project**

The modified project would promote housing in established neighborhoods throughout San Francisco and, in some cases, would result in newly constructed buildings that could alter the visual character of the areas in which they are located.

CEQA was amended in 2013 to add Public Resources Code (“PRC”) section 21099 regarding the analysis of aesthetics and parking impacts for certain urban infill projects in transit priority areas.<sup>18</sup> PRC section 21099(d) provides that, “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

- 1) The project is in a transit priority area;
- 2) The project is on an infill site; and
- 3) The project is residential, mixed-use residential, or an employment center.

Since the modified project would promote housing on sites in established neighborhoods, most, if not all, new housing units would meet all three of the criteria listed above. Pursuant to PRC section 21099, projects that meet the three criteria listed above would not result in significant impacts related to aesthetics.

For these reasons, the modified project would result in less-than-significant impacts related to aesthetics. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new

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18 A “transit priority area” is defined in as an area within one-half mile of an existing or planned major transit stop. A “major transit stop” is defined in Section 21064.3 of the California Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A map of transit priority areas in San Francisco can be found at <http://sfmea.sfplanning.org/CEQA%20Update-SB%20743%20Summary.pdf>.

mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to aesthetics.

### **Population and Housing**

#### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts related to population and housing. As noted above, population growth in San Francisco and the region is primarily a result of births, deaths, migration, and employment growth. The growth projections in the FEIR were not driven by assumptions regarding proposed development. The purpose of the 2009 Housing Element is to provide ways for housing supply to meet housing demand and need; if housing supply were the basis for the growth projections, there would be no need for a housing element. For this reason, the 2009 Housing Element would not induce a substantial amount of population growth above the level anticipated in regional growth projections generated by the Association of Bay Area Governments. Implementation of the 2009 Housing Element would not displace substantial numbers of existing housing units or people. Individual development projects would be subject to regulations that limit the demolition and merger of existing housing units, which would reduce the need to construct replacement housing.

#### ***Modified Project***

The modified project would not directly induce population growth above that anticipated by regional growth projections based on births, deaths, migration and employment growth; rather, it would be a new mechanism for providing housing supply to meet demand. In addition, the modified project would not indirectly induce substantial population growth by calling for the extension of roads, utilities, or other infrastructure. The modified project would promote housing in established neighborhoods that are already served by roads, utilities, and other infrastructure. New housing units proposed under the modified project would be evaluated for their impacts on demand for roads, utilities, and other infrastructure.

The modified project would not directly displace businesses, but the construction of new buildings could involve the demolition of existing buildings occupied by businesses. The physical effects of business displacement would be considered on an individual basis as part of the environmental review process for each project because such impacts are project-specific and location-specific. Without individual development proposals to evaluate, it would be speculative to conclude that the modified project would result in significant overall impacts related to business displacement.

Although businesses are not afforded the same type of protection as residents where displacement is concerned, the City operates several programs to assist displaced businesses. The Office of Economic and Workforce Development runs the Invest in Neighborhoods program, which helps displaced businesses find relocation sites and, under certain circumstances, can provide funding for specific construction improvements, such as façade upgrades. The Small Business Development Center offers pro bono legal advice and technical assistance, and the Office of Small Business provides one-to-one case management assistance with licenses, permits, and financing.

The modified project would protect Legacy Businesses from being displaced by residential development. A potential site would not be eligible for development under the modified project if there has been a Legacy Business located on the site within the past ten years.<sup>19</sup>

For these reasons, the modified project would result in less-than-significant impacts related to population and housing. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to population and housing.

### **Cultural and Paleontological Resources**

#### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element could result in a substantial adverse change to a historic resource if it promoted inappropriate alterations to or demolition of an existing building that is a historic resource, inappropriate new construction in a historic district, or demolition by neglect.<sup>20</sup> The FEIR also found that assessing such impacts on historic resources would be most appropriate during the review of individual development projects proposed under the 2009 Housing Element. Such impacts would be offset through required compliance with existing federal, state, and local regulations that protect historic resources.

The FEIR also found that the 2009 Housing Element would not result in a substantial adverse change to an archeological resource, would not destroy a paleontological resource or site or unique geologic feature, and would not disturb human remains. Individual development projects that could have potential impacts on archeological resources, paleontological resources, or human remains would be subject to existing regulations that protect such resources. These regulations include, but are not limited to, the National Historic Preservation Act and the California Public Resources Code. In addition, the planning department has established procedures to assess impacts on archeological resources as well as mitigation measures to reduce potentially significant impacts to less-than-significant levels.

#### ***Modified Project***

The modified project would not directly alter existing historic resources, but development proposed under the modified project could result in direct effects on historic resources. An existing building that is a historic resource could undergo a renovation to accommodate new housing units, or it could be demolished and replaced with a newly constructed building. In addition, a newly constructed building could be located on a parcel within the boundaries of an existing historic district.

Potential impacts on historic resources from buildings proposed under the modified project would be evaluated on a project-by-project basis because impacts on historic resources are project-specific and

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19 As discussed previously, the planning department is proposing an amendment to shorten the Legacy Business eligibility criterion from ten years to four years.

20 CEQA defines "substantial adverse change" as "demolition, destruction, relocation or alteration," activities that would impair the significance of a historical resource either directly or indirectly. Demolition by neglect is the gradual deterioration of a building when routine or major maintenance is not performed and/or when a building is allowed by the owner to remain vacant and open to vandals.

location-specific. Without individual development proposals to evaluate, it would be speculative to conclude that, on a program level, the modified project would result in significant overall impacts on historic resources.

The modified project would not directly place or encourage housing in areas of San Francisco that could be underlain by soils containing archeological resources, paleontological resources (i.e., fossils), or human remains. However, buildings proposed under the modified project could be located in such areas. Required compliance with existing federal, state, and local regulations and procedures would ensure that buildings proposed under the modified project would not result in a substantial adverse change to an archeological resource, would not destroy a paleontological resource or site or unique geologic feature, and would not disturb human remains.

For these reasons, the modified project would result in less-than-significant impacts on cultural and paleontological resources. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on cultural and paleontological resources.

## **Transportation and Circulation**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on traffic, pedestrians, bicycles, loading, emergency access, and construction-related traffic. However, the FEIR concluded that the 2009 Housing Element would result in a significant and unavoidable transit impact because policies in the 2009 Housing Element that encourage transit-oriented residential development could result in a mode shift toward transit. Such a shift could result in an exceedance of the San Francisco Municipal Railway's capacity utilization standard of 85 percent. The FEIR identified two mitigation measures to address this impact. The first mitigation measure called for the City to implement various transportation plans and programs that would reduce congestion and decrease transit travel times.<sup>21</sup> Since the certification of the FEIR, the Transit Effectiveness Project and the Van Ness Avenue Bus Rapid Transit Project have been approved and are being implemented. The second mitigation measure called for the San Francisco Municipal Transportation Agency to increase capacity by providing more buses. At the time that the FEIR was certified, the feasibility of these mitigation measures could not be established. For this reason, the FEIR concluded that the 2009 Housing Element's impact on transit would be significant and unavoidable.

### ***Modified Project***

The modified project would promote housing in established neighborhoods throughout San Francisco, many of which are well-served by public transit. The modified project would be consistent with many

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21 The FEIR noted that various transportation plans were adopted, but not implemented, or proposed. Adopted plans/programs included SF Park, SF Go, the *San Francisco Bicycle Plan*, the Transbay Terminal, Caltrain Electrification, and High Speed Rail project, and the Central Subway. Proposed plans included congestion pricing, SFMTA's Transit Effectiveness Project, the Van Ness Avenue and Geary Boulevard Bus Rapid Transit projects, and the *San Francisco Better Streets Plan*.

local plans, policies, and regulations, including the *General Plan*, the *San Francisco Countywide Transportation Plan*, and the City's Transit First Policy. This type of transit-oriented development would help encourage residents to move away from the use of private automobiles and toward alternative modes of transportation, such as transit, bicycling, and walking. This mode shift would help reduce impacts on traffic, pedestrians, bicycles, loading, emergency access, and construction-related traffic. Although this mode shift is consistent with the 2009 Housing Element policies, it has the potential to increase the demand for transit service to the degree that the San Francisco Municipal Railway's capacity utilization of 85 percent would be exceeded.<sup>22</sup>

Since new housing units would be distributed on a citywide basis, the associated impacts on traffic, pedestrians, bicycles, loading, emergency access, and construction-related traffic would also be distributed on a citywide basis instead of being concentrated in a small number of neighborhoods. As a result, these impacts would not be expected to be more severe than those identified in the FEIR. Similarly, new transit trips would be distributed across the citywide transit network instead of being concentrated on a small number of transit lines. As a result, new transit trips would not be expected to overburden the transit network and result in more severe impacts than those identified in the FEIR. For these reasons, the modified project would result in less-than-significant impacts on traffic, pedestrians, bicycles, loading, emergency access, and construction-related traffic, but it would result in a significant and unavoidable impact on transit.

The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on transportation and circulation.

## **Noise**

### **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in a less-than-significant impact related to a substantial temporary or periodic increase in ambient noise levels due to policies that discourage demolition and encourage maintenance of the City's existing housing stock. In addition, all construction activities are required to comply with the regulations set forth in the San Francisco Noise Ordinance ("noise ordinance").

The FEIR concluded that the 2009 Housing Element would not result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels because potential impacts resulting from groundborne vibration or groundborne noise due to construction activities would be reduced to less-than-significant levels through compliance with federal, state, and local regulations. The FEIR also found that the 2009 Housing Element would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing at the time of that the Notice of Preparation of an EIR was published.

Lastly, the FEIR concluded that the 2009 Housing Element would result in a significant but mitigable impact related to the exposure of persons to, or generation of, noise levels in excess of established

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<sup>22</sup> Capacity utilization is the number of passengers on board a transit vehicle relative to the total capacity.

standards. The FEIR concluded that by encouraging future growth along transit corridors within the City, such growth could be located in areas with existing ambient noise levels exceeding 60 dBA  $L_{dn}$ , which is the maximum satisfactory exterior noise level for residential areas.<sup>23, 24</sup> Interior noise levels for residential uses are addressed through compliance with the noise standards set forth in Title 24 of the California Code of Regulations, as implemented during the design and review phase for individual development projects. However, some areas of the City may be especially noisy. FEIR Mitigation Measure M-NO-1: Interior and Exterior Noise, requires the preparation of a noise analysis for new residential development projects located on streets with noise levels above 75 dBA  $L_{dn}$ . The noise analysis shall include, at a minimum, (1) a site survey to identify potential noise-generating uses within two blocks of the project site and (2) at least one 24-hour noise measurement with maximum noise level readings taken at least every 15 minutes prior to completion of the environmental review. The analysis shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met. FEIR Mitigation Measure M-NO-1 also requires that open space for new residential uses be protected, to the maximum extent feasible, from existing ambient noise that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve designing the project in a way that uses the building itself to shield on-site open space from noise sources, constructing noise barriers between on-site open space and noise sources, and appropriately using both common and private open space in multi-unit residential buildings. Since the certification of the FEIR, this mitigation measure has been implemented as part of every proposed residential project that (1) is located on a street with ambient noise levels above 75 dBA  $L_{dn}$  and/or (2) includes open space.

### **Modified Project**

The modified project would promote housing in areas of San Francisco that could have existing ambient noise levels exceeding 60 dBA  $L_{dn}$ . New housing units proposed under the modified project would be required to comply with the noise standards set forth in Title 24 as well as the provisions of the noise ordinance.

A 2015 California Supreme Court decision held that CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents except where a project or its residents may exacerbate existing environmental hazards.<sup>25</sup> The addition of new housing units would result in incremental increases in dwelling unit density in various locations throughout San Francisco. These incremental increases in dwelling unit density are not expected to exacerbate existing environmental hazards. For these reasons, FEIR Mitigation Measure M-NO-1 is not applicable to the modified project.

Construction of new housing units would result in temporary site-specific increases in noise and vibration levels. Once construction has been completed, noise and vibration produced by construction equipment and construction vehicles would cease. In addition, all construction activities in San Francisco are required to comply with the noise ordinance, which prohibits construction between the hours of 8:00 p.m.

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23 The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called "A" weighting, and the data are reported in A-weighted decibels (dBA).

24  $L_{dn}$  is the average equivalent sound level during a 24-hour day, obtained after the addition of 10 dB to sound levels during nighttime hours (from 10:00 p.m. until 7:00 a.m.).

25 California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369, Case No. S213478.



and 7:00 a.m. Construction of housing would generate vibration that could damage adjacent or nearby buildings. The Department of Building Inspection (DBI) is responsible for reviewing building permit applications to ensure that proposed construction activities, including pile driving, shoring, and underpinning, comply with all applicable procedures and requirements and would not materially impair adjacent or nearby buildings.

Vehicle traffic is a primary source of noise and vibration throughout San Francisco. Like the 2009 Housing Element, the modified project would promote housing in established neighborhoods, some of which are along or near major transportation corridors that have higher ambient noise and vibration levels than other areas of San Francisco. Although buildings containing new housing units could be denser than development anticipated under the 2009 Housing Element, such buildings would not include substantially more units such that there would be a noticeable increase in traffic noise and vibration. Newly constructed buildings containing housing units could include mechanical equipment, such as heating and ventilation systems, that could produce operational noise and potentially disturb adjacent and nearby noise-sensitive receptors. The operation of this mechanical equipment is subject to the provisions of the noise ordinance. Compliance with the noise ordinance would minimize noise from building operations.

For these reasons, the modified project would result in less-than-significant noise and vibration impacts. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding noise and vibration impacts.

### **Air Quality**

#### **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on air quality. As discussed in the FEIR, the 2009 Housing Element would not increase the overall citywide population from 2009 to 2025 above the level assumed in the *Bay Area 2005 Ozone Strategy*, which was the applicable air quality plan at the time the FEIR was prepared. During this 16-year period, the number of vehicle-miles-traveled would increase at a lower rate than the rate of population growth, meaning that air pollution from vehicles would not outpace the population growth anticipated in the *Bay Area 2005 Ozone Strategy*. For these reasons, the 2009 Housing Element would not conflict with or obstruct implementation of the applicable air quality plan and would not violate an air quality standard or contribute substantially to an existing or projected air quality violation. In addition, all construction activities associated with individual development projects would be subject to the provisions of the San Francisco Construction Dust Control Ordinance ("dust control ordinance").

The FEIR concluded that the 2009 Housing Element would not expose sensitive receptors to substantial air pollutant concentrations. Increased housing development along or near transit corridors could increase concentrations of certain air pollutants, including PM<sub>2.5</sub>, NO<sub>2</sub>, and toxic air contaminants, on some roadways within San Francisco. At the same time, increased density and associated shifts from private automobiles to alternative modes of transportation, such as transit, bicycling, and walking, could reduce the overall expected growth of vehicle trips and vehicle-miles traveled. In addition, Article 38 of

the San Francisco Health Code (“health code”) contains requirements for air quality assessment and mitigation when new residential exposures exceed action levels for acceptable air pollutant concentrations.

The FEIR also concluded that the 2009 Housing Element would result in less-than-significant impacts related to carbon monoxide (CO) concentrations. To support this conclusion, CO concentrations were calculated based on simplified CALINE4 screening procedures developed by the Bay Area Air Quality Management District (BAAQMD). Based on the modeling, under future 2025 cumulative traffic conditions, none of the 10 worst-performing intersections included in the model would exceed CO standards. Thus, it was assumed that if CO levels at the 10 worst-performing intersections do not exceed the CO thresholds, then the remaining 50 intersections analyzed in the traffic study would not exceed the CO thresholds. Lastly, the FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts related to objectionable odors because residential uses generally do not create objectionable odors.

### **Modified Project**

The modified project would not directly contribute to air pollutant emissions, but new housing units proposed under the modified project would contribute to air pollutant emissions during their construction and operational phases. Individual development projects proposing new housing units would be subject to state, regional, and local plans, policies, and regulations related to the protection of air quality. These plans, policies, and regulations include, but are not limited to, the BAAQMD’s *2017 Clean Air Plan*, the dust control ordinance, and article 38 of the health code. The dust control ordinance requires that all site preparation work, demolition, or other construction activities that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures. Such measures include watering all active construction areas sufficiently to prevent dust from becoming airborne, wet sweeping or vacuuming the streets, sidewalks, paths, and intersections where work is in progress at the end of the workday, and covering inactive stockpiles of excavated material, backfill material, gravel, sand, road base, and soil. Pursuant to article 38, any development project located in an Air Pollutant Exposure Zone (APEZ) would be required to provide an enhanced ventilation system to protect its residents from exposure to toxic air contaminants. In addition, any development project located in an APEZ may be subject to mitigation measures or standard environmental conditions that are necessary to reduce construction-related air quality impacts to less-than-significant levels. Required compliance with these plans, policies, and regulations would ensure that new housing units would not violate an air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial air pollutant concentrations.

Residential uses generally do not create objectionable odors. Land uses that commonly create objectionable odors include wastewater treatment plants, oil refineries, landfills, and composting facilities. Since the modified project would not include these types of land uses, implementation of the modified project would not create objectionable odors.

Potential air quality impacts from buildings proposed under the modified project would be evaluated on a project-by-project basis because air quality impacts are project-specific and location-specific. Without

individual development proposals to evaluate, it would be speculative to conclude that, on a program level, the modified project would result in significant overall air quality impacts.

For these reasons, the modified project would result in less-than-significant impacts on air quality. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on air quality.

### **Greenhouse Gas Emissions** **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would not generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment and would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Moreover, implementation of the 2009 Housing Element would not conflict with Assembly Bill (AB) 32 or San Francisco's *Strategies to Address Greenhouse Gas Emissions*.

### **Modified Project**

The modified project would not directly generate GHG emissions, but new housing units proposed under the modified project would generate GHG emissions during their construction and operational phases. The modified project would promote housing in established neighborhoods where jobs and other services are easily accessible by public transit or are within walking distance. This type of development would encourage the use of alternative modes of transportation (transit, bicycling, walking) and help reduce GHG emissions from the use of private automobiles, which is one of the primary sources of GHG emissions. To the degree that new housing units are concentrated closer to public transit and in taller and denser buildings (i.e., fewer buildings in fewer locations), GHG emissions would be reduced when compared to development patterns anticipated under the 2009 Housing Element.

The main purpose of the modified project is to encourage housing development on parcels that are being used for automobile-oriented uses, which would ease San Francisco's housing shortage while addressing the adverse impacts that automobiles have on climate change. The modified project would streamline the process for converting automobile-oriented uses to other uses by eliminating the requirement for conditional use authorization by the planning commission. Removing automobile-oriented uses generally would help reduce overall GHG emissions.

For these reasons, the modified project would result in less-than-significant impacts related to GHG emissions. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to GHG emissions.

**Wind and Shadow**  
**2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in less-than-significant wind and shadow impacts because the 2009 Housing Element would not directly result in the construction of projects that would alter wind or create new shadow. In addition, wind and shadow impacts are project-specific; individual development projects would be subject to the planning department's procedures requiring modification of any new building or addition that would exceed the planning code's wind hazard criterion and would be evaluated for their shadow impacts under CEQA and for compliance with planning code sections 146, 147, and 295.

**Modified Project**

The modified project would not directly alter wind or create new shadow, but newly constructed buildings containing new housing units could alter wind or create new shadow in their respective vicinities. The modified project would not increase legislated height limits, but buildings constructed under the modified project would be eligible for density bonus programs that allow additional building height.

To determine whether a project would result in a significant wind impact (i.e., whether it would alter wind in a manner that substantially affects public areas), the planning department applies the wind hazard criterion established in Planning Code Section 148. In accordance with Section 148, a project would result in a significant wind impact if it would cause ground-level wind speeds that exceed 26 mph for more than one hour per year. A proposed project's wind impacts are directly related to its height, orientation, design, location, and surrounding development context. Based on wind analyses for other development projects in San Francisco, a building that does not exceed a height of 80 feet generally has little to no potential to cause substantial changes to ground-level wind conditions such that the wind hazard criterion would be exceeded.

As discussed above, buildings proposed under the modified project could exceed 80 feet in height in some locations either as of right or through the implementation of density bonus programs. Potential wind impacts from buildings proposed under the modified project would be evaluated on a project-by-project basis because wind impacts are project-specific and location-specific. Without individual development proposals to evaluate, it would be speculative to conclude that, on a program level, the modified project would result in significant overall wind impacts.

Similarly, potential shadow impacts from buildings proposed under the modified project would be evaluated on a project-by-project basis because shadow impacts are project-specific and location-specific. Without individual development proposals to evaluate, it would be speculative to conclude that, on a program level, the modified project would result in significant overall shadow impacts.

For these reasons, the modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding wind and shadow impacts.

**Recreation**  
***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts related to the increased use of existing parks or recreational facilities, the need to construct new or expand existing recreational facilities, and the physical degradation of existing recreational resources. While the FEIR concluded that the 2009 Housing Element contains policies that could result in an increase in demand for existing recreational facilities in certain areas, the 2009 Housing Element also contains policies that could reduce the need for construction or expansion of recreational facilities by encouraging quality-of-life elements in residential developments such as on-site usable open space. The 2009 Housing Element includes measures to ensure community plan areas are adequately served by recreation facilities, thereby indirectly promoting the construction or expansion of recreational facilities. The need for new or expanded recreational facilities and their associated impacts would be determined during the evaluation of specific community plan proposals.

***Modified Project***

As previously discussed, the modified project would promote housing throughout San Francisco but would not increase the overall citywide population above the level of future growth projected in the 2009 Housing Element. For this reason, implementation of the modified project would not increase the overall demand for recreational facilities above the level analyzed in the FEIR, but there could be localized fluctuations in demand for certain recreational facilities depending on where new housing units are constructed. In November 2000, San Francisco voters approved Proposition C, which extended the life of the Open Space Fund through Fiscal Year 2030-2031. The Open Space Fund is used to finance property acquisitions and capital improvement projects for the San Francisco Recreation and Park Department. A percentage of property tax revenues is set aside for the Open Space Fund, and such revenue would increase with the development of new housing units.

In addition, new housing units would be subject to planning code requirements for usable open space. Most of the City's recreational facilities are located on properties in P (Public Use) Districts; the modified project would not reclassify any P Districts to other zoning districts that would allow residential uses. Lastly, the modified project would not convert existing recreational facilities to residential uses or otherwise physically degrade recreational resources.

For these reasons, the modified project would result in less-than-significant impacts related to recreation. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to recreation.

**Utilities and Service Systems**  
***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on utilities and service systems. The 2009 Housing Element would not exceed wastewater treatment

requirements, would not exceed the capacity of the wastewater treatment provider, and would not require the construction of new or expansion of existing wastewater treatment or stormwater drainage facilities. Such impacts would be offset through required compliance with existing regulations that address wastewater and stormwater discharges. In addition, the 2009 Housing Element would not increase water demand above the level assumed for planning purposes in the San Francisco Public Utilities Commission's (SFPUC's) Water Supply Availability Study that was prepared for the FEIR. Lastly, the 2009 Housing Element would not exceed the permitted capacity of the City's designated landfill. Any incremental increases in waste at landfills would be offset through required compliance with existing regulations that address the generation and disposal of solid waste.

### **Modified Project**

The modified project would not directly generate stormwater or wastewater, but new housing units proposed under the modified project would generate stormwater and wastewater during their construction and operational phases. All stormwater and wastewater generated by new housing units would flow to the City's combined stormwater/sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permits for the Southeast Treatment Plant and the Oceanside Treatment Plant prior to discharge into San Francisco Bay and the Pacific Ocean, respectively. The NPDES standards are set and regulated by the San Francisco Bay Area Regional Water Quality Control Board (RWQCB). Therefore, new housing units would not conflict with RWQCB requirements and would not exceed wastewater treatment requirements. In addition, new housing units would be subject to local regulations that include, but are not limited to, the Green Building Ordinance and the Stormwater Management Ordinance. Required compliance with these regulations would reduce stormwater and wastewater flows from new housing units, thereby ensuring that new housing units would not exceed the capacity of the wastewater treatment provider and would not require the construction of new or expansion of existing wastewater treatment and stormwater drainage facilities.

The modified project would not directly consume water, but new housing units proposed under the modified project would consume water during their construction and operational phases. As previously discussed, the modified project would promote housing throughout San Francisco but would not increase the overall population beyond the future growth projected in the 2009 Housing Element. For this reason, new housing units would not increase the overall demand for water above the level assumed for planning purposes in the SFPUC's Water Supply Availability Study prepared for the FEIR.

In June 2021, the San Francisco Public Utilities Commission (SFPUC) adopted the 2020 Urban Water Management Plan ("UWMP"), which accounts for projected population growth through the year 2045. With a maximum yield of 5,000 units over a period of 25 years (200 units per year), the modified project accounts for a small fraction of the projected population growth and water demand through the year 2045. Water demand generated by housing units constructed under the modified project would not exceed the available water supply in normal years.

In December 2018, the State Water Resources Control Board ("state water board") adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary ("Bay-Delta Plan Amendment"), which establishes water quality objectives to maintain the health of rivers and

the Bay-Delta ecosystem.<sup>26</sup> The state water board has stated that it intends to implement the Bay-Delta Plan Amendment by the year 2022, assuming all required approvals are obtained by that time. Implementation of the Bay-Delta Plan Amendment would result in a substantial reduction in the SFPUC's water supplies from the Tuolumne River watershed during dry years, requiring rationing to a greater degree in San Francisco than previously anticipated to address supply shortages not accounted for in the UWMP. The degree to which the SFPUC's water supply during dry years would be affected is still unknown. As discussed above, the modified project accounts for a small fraction of the projected water demand. The water demand attributable to housing units constructed under the modified project compared to citywide demand would not substantially affect the levels of dry-year rationing that may otherwise be required.

In addition, new housing units would be subject to local regulations that include, but are not limited to, the Green Building Ordinance, the Green Landscaping Ordinance, and the Residential Water Conservation Ordinance. Required compliance with these regulations would reduce water consumption by new housing units, thereby ensuring that water demand generated by housing units constructed under the modified project would not exceed the available water supply in normal years and would not require new or expanded water supply resources or entitlements.

The modified project would not directly generate solid waste, but new housing units proposed under the modified project would generate solid waste during their construction and operational phases. As noted above, the modified project would promote housing throughout San Francisco but would not increase the overall citywide population above the level of future growth projected in the 2009 Housing Element. For this reason, new housing units would not increase the overall amount of solid waste generated above the level analyzed in the FEIR. In addition, new housing units would be subject to local regulations that include, but are not limited to, the Mandatory Recycling and Composting Ordinance, the Construction and Demolition Debris Recovery Ordinance, and the Green Building Ordinance. Required compliance with these regulations would promote the composting and recycling of solid waste and reduce the amount of solid waste sent to the City's designated landfill, thereby ensuring that new housing units would not exceed the permitted capacity of the City's designated landfill.

For these reasons, the modified project would result in less-than-significant impacts on utilities and service systems. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on utilities and service systems.

## **Public Services**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on fire protection, police protection, schools, or other public services, such as libraries or public health facilities.

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26 State Water Resources Control Board Resolution No. 2018-0059, Adoption of Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and Final Substitute Environmental Document, December 12, 2018. Available at [https://www.waterboards.ca.gov/plans\\_policies/docs/2018wqcp.pdf](https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf), accessed November 22, 2021.

The San Francisco Fire Department (“fire department”) and the San Francisco Police Department (“police department”) regularly redeploy their resources based on need to ensure that response times and service ratios do not fall below acceptable levels. New development projects are required to pay development impact fees to fund school and library facilities and operations, which would help offset potential impacts on school and library services. The 2009 Housing Element would not increase the overall citywide population above regional growth projections for which public health facilities have accounted, which would reduce the need to construct new or expand existing facilities.

### **Modified Project**

As previously discussed, the modified project would promote housing throughout San Francisco but would not increase the overall citywide population above the level of future growth projected in the 2009 Housing Element. For this reason, the modified project would not increase the overall demand for fire protection or police protection above the level analyzed in the FEIR. There could be localized fluctuations in demand for fire protection and police protection depending on where new housing units are constructed, but as discussed above, both the fire department and the police department regularly redeploy their resources based on need to ensure that response times and service ratios do not fall below acceptable levels. The modified project would promote housing on sites in established neighborhoods that already receive fire protection and police protection, potentially allowing the fire department and the police department to maintain response times and service ratios at or close to their current levels and reducing the need to construct new or expand existing facilities.

As discussed in the FEIR, the San Francisco Unified School District (SFUSD) assigns students to schools based on a lottery system. This lottery system ensures that student enrollment is distributed to facilities that have sufficient capacity to adequately serve the educational needs of students. Directing growth to certain areas of San Francisco generally would not affect the school system because students are not assigned to schools based on location. New housing units could affect school services if they create additional demand for school services that cannot be accommodated by the SFUSD’s existing capacity, thereby requiring the need to construct new or expand existing facilities. At the time of the preparation of the FEIR, SFUSD facilities had a capacity of about 63,835 students, and about 56,446 students were enrolled in these facilities. More recently, approximately 54,452 students were enrolled in SFUSD facilities during the 2019-2020 school year.<sup>27</sup> Pursuant to California Education Code Section 17620(a)(1), the governing board at any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district for the purpose of funding the construction or reconstruction of school facilities. New housing units would be subject to a development impact fee, and the payment of this fee would help fund school facilities and operations and offset potential impacts on school services.

The modified project would promote housing throughout San Francisco but would not increase the overall citywide population above the level of future growth projected in the 2009 Housing Element. For this reason, new housing units would not increase the overall demand for libraries or public health facilities, but there could be localized fluctuations in demand for libraries and public health facilities depending on where new housing units are constructed. In November 2000, San Francisco voters

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27 San Francisco Unified School District, *Facts at a Glance 2020*. Available at [https://drive.google.com/file/d/1Pwkg7tRp6X8\\_BffhusGdzeZOTPAWijxW/view](https://drive.google.com/file/d/1Pwkg7tRp6X8_BffhusGdzeZOTPAWijxW/view), accessed November 22, 2021.



approved a bond measure to fund the Branch Library Improvement Program (BLIP). Among other objectives, the BLIP calls for the renovation of 16 existing branch libraries, the demolition and replacement of three branch libraries with newly constructed facilities, and the construction of a new branch library in the emerging Mission Bay neighborhood. In addition to the BLIP, property tax revenue from new housing units would help fund library facilities and operations and offset potential impacts on library services. The modified project would promote housing on sites in established neighborhoods that are already served by public health facilities, potentially allowing such facilities to maintain response times and service ratios at or close to their current levels and reducing the need to construct new or expand existing facilities.

For these reasons, the modified project would result in less-than-significant impacts on public services. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on public services.

## **Biological Resources**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on biological resources. The 2009 Housing Element would not have a substantial adverse effect on any candidate, sensitive, or special-status species, riparian habitat, other sensitive natural communities, or federally protected wetlands, and would not interfere with the movement of species. Some 2009 Housing Element policies would promote housing in certain areas of the City, consequently increasing the amount of new housing being constructed in those areas and resulting in impacts on biological resources (e.g., tree removal, construction on or near riparian habitat or sensitive natural communities, interference with migration, etc.). However, increasing density could accommodate more of the City's fair share of the Regional Housing Needs Allocation in fewer buildings, resulting in fewer construction sites and decreasing the potential for disturbance of or interference with biological resources. The FEIR also found that the 2009 Housing Element would not conflict with any local policies or ordinances protecting biological resources or conflict with the provisions of an adopted habitat conservation plan because the 2009 Housing Element does not contain any policies that would directly or indirectly conflict with any policies protecting biological resources or any adopted habitat conservation plans.

### ***Modified Project***

The modified project would not directly place housing in areas of San Francisco that are in or near riparian habitat or sensitive natural communities. However, new housing units proposed under the modified project could be in or near such areas. New housing units would be evaluated for their impacts on biological resources and would be required to comply with applicable federal, state, and local regulations that protect biological resources. These regulations include, but are not limited to, the federal Migratory Bird Treaty Act, sections 3503 and 3503.5 of the California Fish and Game Code, the San Francisco Urban Forestry Ordinance, and San Francisco Planning Code Section 139: Standards for Bird-Safe Buildings. The modified project would not conflict with the provisions of an adopted habitat conservation plan because the modified project does not include any objectives, policies, or measures

that would directly or indirectly conflict with any policies protecting biological resources or any adopted habitat conservation plans.

For these reasons, the modified project would result in less-than-significant impacts on biological resources. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on biological resources.

## **Geology and Soils**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on geology and soils. Individual development projects would be developed in a seismically sound manner because they would be required to comply with building regulations for seismic safety that are enforced through the City's interdepartmental review process. Compliance with these regulations would ensure that people or structures would not be exposed to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, landslides, unstable soil, or expansive soils. The FEIR also found that the 2009 Housing Element would result in less-than-significant impacts related to soil erosion or the loss of topsoil because these impacts are site-specific. Individual development projects would be evaluated for their impacts related to soil erosion or the loss of topsoil and would be required to comply with applicable regulations related to the prevention of erosion and the discharge of sediment into construction site runoff. Lastly, the FEIR concluded that the 2009 Housing Element would not substantially change the topography or any unique geologic or physical features of development sites because all permit applications for excavation and grading would be reviewed by City agencies for consistency with policies related to land alteration.

### ***Modified Project***

New housing units proposed under the modified project could be located in or near areas that are susceptible to geologic hazards (e.g., earthquake faults, landslide or liquefaction zones, unstable or expansive soils). New housing units would be required to comply with the seismic safety standards set forth in the San Francisco Building Code ("building code"). The DBI is the City agency responsible for reviewing building permit applications, structural drawings and calculations, and geotechnical reports and ensuring that projects comply with the seismic safety standards and other applicable requirements of the building code. Project compliance with the building code would ensure that people or structures would not be exposed to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, landslides, unstable soil, or expansive soils. New housing units would be evaluated for their impacts related to soil erosion or the loss of topsoil and would be required to comply with applicable regulations related to the prevention of erosion and the discharge of sediment into construction site runoff. All permit applications for excavation and grading activities would be reviewed by City agencies for consistency with policies related to land alteration.

For these reasons, the modified project would result in less-than-significant impacts related to geology and soils. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on geology and soils.

### **Hydrology and Water Quality** **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on hydrology and water quality. The 2009 Housing Element would not violate any water quality standards or waste discharge requirements, would not alter existing drainage patterns or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion, siltation, or flooding, and would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Individual development projects would be required to comply with applicable regulations related to erosion prevention and stormwater management, treatment, and discharge.

The FEIR also concluded that the 2009 Housing Element would not substantially deplete groundwater supplies or substantially interfere with groundwater recharge, would not result in significant impacts related to placing housing in areas at risk of flooding, and would not expose people or structures to a significant risk of injury, loss, or death involving inundation by seiche, tsunami, mudflow, or the failure of a dam or levee.

### **Modified Project**

The modified project would not directly result in the construction of housing in areas of San Francisco that are prone to flooding or are at risk of inundation by seiche, tsunami, mudflow, or the failure of a dam or levee. However, new housing units proposed under the modified project could be located in such areas. Such housing units would be required to comply with applicable regulations related to minimizing the risk of loss, injury, or death from hydrologic hazards. These regulations include, but are not limited to, the San Francisco Floodplain Management Ordinance and the building code. Groundwater could be encountered during the construction of buildings containing housing units. Dewatering of excavated areas during construction would lower groundwater levels, but these effects would be temporary. Once dewatering has been completed, groundwater levels would return to normal. Wastewater and stormwater generated by new housing units would flow to the City's combined stormwater/sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System Permits for the Southeast Treatment Plant and the Oceanside Treatment Plant prior to discharge into San Francisco Bay and the Pacific Ocean, respectively. Required compliance with the San Francisco Stormwater Management Ordinance would ensure that new housing units would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

For these reasons, the modified project would result in less-than-significant impacts on hydrology and water quality. The modified project would not result in more severe impacts than the 2009 Housing

Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on hydrology and water quality.

### **Hazards and Hazardous Materials**

#### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in a less-than-significant impact related to hazards and hazardous materials. The 2009 Housing Element would not transport, use, or dispose of hazardous materials and would not release hazardous materials into the environment. However, the construction of individual development projects would result in the emission of exhaust from construction equipment and vehicles as well as the demolition of older buildings that may contain asbestos, lead-based paint, or other hazardous building materials. In addition, the operation of individual development projects would involve the use of relatively small quantities of hazardous materials such as batteries, household cleaning products, and paint for routine purposes. Most of these materials are consumed through use, resulting in relatively little waste. Existing federal, state, and local regulations and programs address emissions from construction equipment and vehicles, the abatement of hazardous building materials during demolition and construction activities, and the transportation and disposal of hazardous materials. Individual development projects, including those that would be on sites on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 or would handle hazardous materials within one-quarter mile of an existing or proposed school, would be required to comply with these existing regulations and programs.

The FEIR also concluded that the 2009 Housing Element would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving fires. In San Francisco, fire safety is ensured through compliance with the provisions of the building code and the fire code. The building permit applications for individual development projects would be reviewed by the DBI and the fire department for compliance with all regulations related to fire safety.

#### ***Modified Project***

The modified project would not directly result in the construction of housing on sites that are included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5. However, new housing units proposed under the modified project could be located on such sites. In addition, sites that are eligible for development under the modified project would be those that are occupied by automobile-oriented uses, which involve the use of hazardous materials (e.g., gasoline, motor oil, etc.). All development projects in San Francisco, including those located on hazardous materials sites, those that would handle hazardous materials within one-quarter mile of an existing or proposed school, or those that would convert automobile-oriented uses to other uses, would be required to comply with applicable federal, state, and local regulations and programs related to the abatement of hazardous materials, the emission of exhaust from construction equipment and vehicles, and the transportation and disposal of hazardous materials. Required compliance with such regulations and programs would ensure that new housing units would not emit hazardous materials into the environment and would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of

hazardous materials. Required compliance with fire safety regulations would ensure that new housing units would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving fires.

For these reasons, the modified project would result in less-than-significant impacts related to hazards and hazardous materials. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions on impacts regarding hazards and hazardous materials.

### **Mineral and Energy Resources**

#### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in a less-than-significant impact on mineral and energy resources. The 2009 Housing Element would not result in the loss of availability of a known mineral resource, the loss of availability of a locally important mineral resource recovery site, or the use of large amounts of fuel, water, or energy.

#### ***Modified Project***

All land in San Francisco is designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology under the Surface Mining and Reclamation Act of 1975.<sup>28</sup> This designation indicates that there is inadequate information available for assignment to any other MRZ. For this reason, housing-eligible sites are not designated areas of significant mineral deposits or locally important mineral resource recovery sites, and the construction of new housing units would not result in the loss of availability of such resources. Furthermore, the modified project would not encourage activities that result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner because new housing units proposed under the modified project would be required to comply with state and local ordinances that regulate such activities. In California, energy consumption for the heating, cooling, ventilation, and lighting of buildings is regulated by Title 24 of the California Code of Regulations. As part of the building permit application process, project sponsors are required to submit documentation demonstrating project compliance with Title 24 standards. In addition, projects in San Francisco are subject to the requirements of the San Francisco Green Building Ordinance.

For these reasons, the modified project would result in less-than-significant impacts on mineral and energy resources. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on mineral and energy resources.

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28 California Division of Mines and Geology, Open File Report 96-03, 1996, and Special Report 146 Parts I and II, 1986.

## **Agriculture and Forest Resources**

### **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in a less-than-significant impact related to conflicts with existing zoning for agricultural use. Implementation of the 2009 Housing Element would not include any changes to the City's zoning districts and would not conflict with existing zoning for urban agricultural uses.

### **Modified Project**

San Francisco is not zoned for agricultural use and is not subject to a Williamson Act contract.<sup>29</sup> The modified project would not convert farmland to non-agricultural use and would not conflict with existing zoning related to agricultural use. The modified project would not directly block sunlight to community gardens, but newly constructed buildings containing housing units could block sunlight to community gardens. These projects would be evaluated for their specific shadow impacts on community gardens as part of their individual environmental review and entitlement processes.

At the time of the preparation of the FEIR, the topic of forest resources was not part of the Environmental Checklist Form (CEQA Guidelines, Appendix G). For this reason, the FEIR did not analyze impacts on forest resources. In 2010, the topic of forest resources was added to the Environmental Checklist Form. San Francisco does not contain forest land or timberland as defined in Public Resources Code section 12220(g) and Public Resources Code section 4526, respectively. The modified project would not convert forest land or timberland to non-forest use and would not conflict with existing zoning related to forest use.

For these reasons, the modified project would result in less-than-significant impacts on agriculture and forest resources. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on agriculture and forest resources.

## **Mitigation Measures**

The 2004 and 2009 Housing Element FEIR identified Mitigation Measure M-NO-1: Interior and Exterior Noise, to mitigate the potentially significant impact related to interior and exterior noise to a less-than-significant level. Mitigation Measure M-NO-1 requires a noise analysis to be conducted for any new residential development located along a street with ambient noise levels exceeding 75 dBA  $L_{dn}$  in order to demonstrate that the noise standards set forth in Title 24 can be met. In addition, any required open space for a new residential development must be protected to the maximum extent feasible from ambient noise that could be annoying or disruptive to users of the open space. Mitigation Measure M-NO-1 was adopted as Implementation Measures 17 and 18 in both the 2009 Housing Element and the 2014 Housing Element. As discussed under the topic of Noise in the "Analysis of Potential Environmental Effects" section (pp. 15-17), FEIR Mitigation Measure M-NO-1 is not applicable to the modified project.

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29 California Department of Conservation, *Important Farmland in California*, 2016, October 2016.

No other FEIR mitigation measures are applicable, and no new mitigation measures have been identified in this Addendum 8.

### **Conclusion**

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

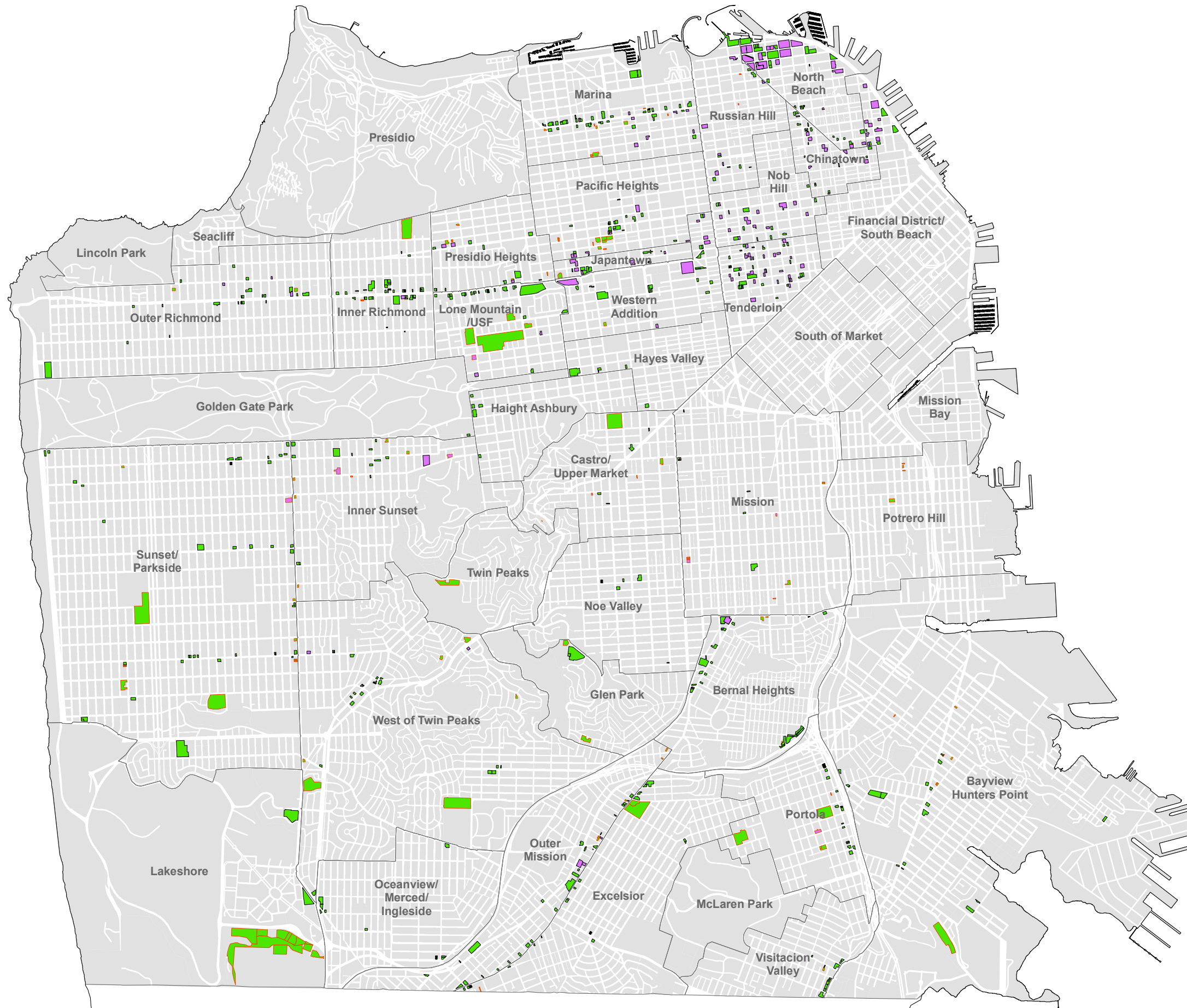
DATE 12/1/2021



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Lisa Gibson, Environmental Review Officer  
for Rich Hillis, Director of Planning

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**Zoning Class**

- Not RH (form-based density)
- RH (max 4 units per parcel)

**FAR**

- < 2.0 FAR
- > 2.0 FAR



## ADDENDUM 8 TO ENVIRONMENTAL IMPACT REPORT

*Addendum Date:* December 1, 2021  
*Case No.:* 2021-011284ENV  
*Project Title:* BOS File No. 211092 – Cars to Casas  
*EIR:* San Francisco 2004 and 2009 Housing Element, 2007.1275E  
SCL No. 2008102033, certified March 24, 2011, recertified April 24, 2014  
*Project Sponsor:* Mayor Breed  
*Sponsor Contact:* Victor Ruiz-Cornejo, [victor.ruiz-cornejo@sfgov.org](mailto:victor.ruiz-cornejo@sfgov.org)  
*Lead Agency:* San Francisco Planning Department  
*Staff Contact:* Michael Li, 628.652.7538, [michael.j.li@sfgov.org](mailto:michael.j.li@sfgov.org)

### Remarks

This document is an addendum to the 2004 and 2009 Housing Element Final Environmental Impact Report (“2004 and 2009 Housing Element FEIR” or “FEIR”). Its purpose is to substantiate the San Francisco Planning Department’s (planning department’s) determination that no supplemental or subsequent environmental review is required prior to adoption of proposed legislation to allow additional dwelling unit density on lots with automobile-oriented uses where housing is permitted and to remove the conditional use requirement to change an Automobile Service Station or Automotive Use to a non-automobile-oriented use (“modified project”). As described more fully below, the modified project is an implementing program of the 2014 Housing Element. The planning department has determined that the environmental impacts of the modified project have been adequately identified and analyzed under CEQA in the 2004 and 2009 Housing Element FEIR, and the proposed project would not result in any new or more severe environmental impacts than were identified in the FEIR.

### Background

On April 24, 2014, the San Francisco Planning Commission (“planning commission”) certified the 2004 and 2009 Housing Element FEIR pursuant to the California Environmental Quality Act (“CEQA”).<sup>1</sup> On June 17, 2014, the San Francisco Board of Supervisors (“board”) adopted the 2009 Housing Element as the Housing Element of the *San Francisco General Plan* (“*General Plan*”).

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<sup>1</sup> San Francisco Planning Department, *2004 and 2009 Housing Element Final Environmental Impact Report*, April 24, 2014. Case No. 2007.1275E, [https://sfmea.sfplanning.org/2007.1275E\\_DEIR.pdf](https://sfmea.sfplanning.org/2007.1275E_DEIR.pdf) and [https://sfmea.sfplanning.org/2007.1275E\\_DEIR2.pdf](https://sfmea.sfplanning.org/2007.1275E_DEIR2.pdf), accessed on November 22, 2021.

## Previous Addenda to the 2004 and 2009 Housing Element FEIR

In response to the proposed 2014 Housing Element, which updated the Data and Needs Analysis of the 2009 Housing Element and added five additional policies, the planning department prepared Addendum 1 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 1, issued by the planning department on January 22, 2015, the board found that no additional environmental review was required beyond the review in the FEIR.<sup>2</sup> On April 27, 2015, the board adopted the 2014 Housing Element.

In response to proposed legislation to amend the locations in which accessory dwelling units (“ADUs”) may be constructed, the planning department prepared Addendum 2 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 2, issued by the planning department on July 14, 2015, the board found that no additional environmental review was required beyond the review in the FEIR.<sup>3</sup> On September 8, 2015, the board adopted the proposed legislation allowing the construction of ADUs in Supervisorial Districts 3 and 8.

In response to proposed legislation that would create a program allowing the construction of taller and denser buildings in exchange for a higher number of affordable dwelling units (the “Affordable Housing Bonus Program” or the “AHBP”), the planning department prepared Addendum 3 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 3, issued by the planning department on January 14, 2016, the board found that no additional environmental review was required beyond the review in the FEIR.<sup>4</sup> On June 6, 2017, the board adopted the proposed legislation creating the AHBP, now known as HOME-SF.

In response to proposed legislation that would allow the construction of ADUs on a citywide basis, the planning department prepared Addendum 4 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 4, issued by the planning department on June 15, 2016, the board found that no additional environmental review was required beyond the review in the FEIR.<sup>5</sup> On May 2, 2017, the board adopted the proposed legislation allowing the construction of ADUs on a citywide basis.

In response to proposed legislation that would streamline the approval process for eligible projects that would provide 100 percent affordable housing or housing for teachers and employees of the San Francisco Unified School District, the planning department prepared Addendum 5 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 5, issued by the planning department on June 5, 2019,

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- 2 San Francisco Planning Department, *Addendum to 2004 and 2009 Housing Element Final Environmental Impact Report, 2014 Housing Element*, January 22, 2015, Case No. 2014.1327E. Available at [https://sfmea.sfplanning.org/2014.1327E\\_Add.pdf](https://sfmea.sfplanning.org/2014.1327E_Add.pdf), accessed on November 22, 2021.
  - 3 San Francisco Planning Department, *Addendum 2 to 2004 and 2009 Housing Element Final Environmental Impact Report, Accessory Dwelling Units in Supervisorial Districts 3 and 8*, July 14, 2015, Case No. 2015-005350ENV. Available at [https://sfmea.sfplanning.org/2015-005350ENV\\_Addendum%20to%20Housing%20Element%20EIR\\_D3%20and%20D8%20ADU%20Leg%20\(2\).pdf](https://sfmea.sfplanning.org/2015-005350ENV_Addendum%20to%20Housing%20Element%20EIR_D3%20and%20D8%20ADU%20Leg%20(2).pdf), accessed on November 22, 2021.
  - 4 San Francisco Planning Department, *Addendum 3 to 2004 and 2009 Housing Element Final Environmental Impact Report, Affordable Housing Bonus Program*, January 14, 2016, Cases No. 2014.1304E and 2014-001503GPA. Available at [https://sfmea.sfplanning.org/2014.1304E\\_AHBP\\_Addendum03\\_011416%20Final.pdf](https://sfmea.sfplanning.org/2014.1304E_AHBP_Addendum03_011416%20Final.pdf), accessed on November 22, 2021.
  - 5 San Francisco Planning Department, *Addendum 4 to 2004 and 2009 Housing Element Final Environmental Impact Report, Construction of Accessory Dwelling Units*, June 15, 2016, Case No. 2016-004042ENV. Available at [https://sfmea.sfplanning.org/2016-004042ENV\\_Addendum.pdf](https://sfmea.sfplanning.org/2016-004042ENV_Addendum.pdf), accessed on November 22, 2021.

the board found that no additional environmental review was required beyond the review in the FEIR.<sup>6</sup> The proposed legislation was not adopted by the board.

In response to proposed legislation that would further streamline the approval process for eligible projects that would provide 100 percent affordable housing or housing for teachers and employees of the San Francisco Unified School District, the planning department prepared Addendum 6 to the 2004 and 2009 Housing Element FEIR. Based on Addendum 6, issued by the planning department on July 8, 2020, the board found that no additional environmental review was required beyond the review in the FEIR.<sup>7</sup> On August 18, 2020, the board adopted the proposed legislation further streamlining the approval process for eligible projects that would provide 100 percent affordable housing or housing for teachers and employees of the San Francisco Unified School District.

In response to proposed legislation that would allow increased dwelling unit density on corner lots in RH Districts, the planning department prepared Addendum 7 to the 2004 and 2009 Housing Element FEIR. Addendum 7, issued by the planning department on October 8, 2021, concluded that no additional environmental review was required beyond the review in the FEIR.<sup>8</sup> The proposed legislation to allow increased dwelling unit density on corner lots in RH Districts is pending before the board.

This Addendum 8 applies to legislation proposed by Mayor Breed (see “Proposed Legislation” below), introduced on October 19, 2021 (board file no. 211092), which would allow additional dwelling unit density on lots with automobile-oriented uses where housing is permitted and would remove the conditional use requirement to change an Automobile Service Station or Automotive Use to a non-automobile-oriented use.

## Housing Element

The Housing Element is a component of the *General Plan* and establishes the City’s overall housing policies. California State Housing Element law (California Government Code Section 65580 et seq.) requires local jurisdictions to adequately plan for and address the housing needs of all segments of its population in order to attain the region’s share of projected statewide housing goals. This law requires local governments to plan for their existing and projected housing needs by facilitating the improvement and development of housing and removing constraints on development opportunities. San Francisco’s

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- 6 San Francisco Planning Department, Addendum 5 to 2004 and 2009 Housing Element Final Environmental Impact Report, Non-Discretionary Review of 100% Affordable Housing and Teacher Housing Projects, June 5, 2019, Case No. 2019-006081ENV. Available at <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=ea22d2585fc7915890196af75ffb039640ac03981befb0ae3601fb3389ec83f8&VaultGUID=A4A7DADC-B0DC-4322-BD29-F6F07103C6E0>, accessed on November 22, 2021.
  - 7 San Francisco Planning Department, Addendum 6 to 2004 and 2009 Housing Element Final Environmental Impact Report, 100% Affordable Housing and Educator Housing Streamlining Program, July 8, 2020, Case No. 2020-003277ENV. Available at <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=12d650606e9c3e28e4f01a8a303fa2da74ed128002046e7bda63b38b5e9c3038&VaultGUID=A4A7DADC-B0DC-4322-BD29-F6F07103C6E0> accessed on November 22, 2021.
  - 8 San Francisco Planning Department, Addendum 7 to 2004 and 2009 Housing Element Final Environmental Impact Report, Dwelling Unit Density Exception for Corner Lots in Residential Districts, October 8, 2021, Case No. 2021-006636ENV. Available at <https://citypln-m-extnl.sfgov.org/SharedLinks.aspx?accesskey=03b1f4c7cdf1cab1fc8c6a7f8bf6450541832418ad998aebbc79a0cc74564e5&VaultGUID=A4A7DADC-B0DC-4322-BD29-F6F07103C6E0>, accessed November 22, 2021.

2014 Housing Element was required to plan for an existing and projected housing need of 28,869 new dwelling units.

As discussed in the City's Housing Element, housing density standards in San Francisco have been traditionally set in terms of numbers of dwelling units in proportion to the size of the building lot. For the various zoning districts throughout the city, the San Francisco Planning Code ("planning code") limits the number of dwelling units permitted on a given lot. For example, in an RH-2 (Residential, House, Two-Family) District, two dwelling units are principally permitted per lot, and one dwelling unit is permitted for every 1,500 square feet of lot area with conditional use authorization. The 2004 and 2009 Housing Elements discussed the need to increase housing stock through policies that promote intensification of dwelling unit density on developed lots. The Housing Element contains the following objectives and policies that call for providing a diverse range of housing and creating more clarity and transparency in the review process:

- Objective 1: Identify and make available for development adequate sites to meet the city's housing needs, especially permanently affordable housing.
  - Policy 1.1: Plan for the full range of housing needs in the City and County of San Francisco, especially affordable housing.
  - Policy 1.6: Consider greater flexibility in number and size of units within established building envelopes in community based planning processes, especially if it can increase the number of affordable units in multi-family structures.
- Objective 10: Ensure a streamlined, yet thorough, and transparent decision-making process.
  - Policy 10.1: Create certainty in the development entitlement process, by providing clear community parameters for development and consistent application of these regulations.
  - Policy 10.2: Implement planning process improvements to both reduce undue project delays and provide clear information to support community review.

### **Housing Element 2022 Update**

The Housing Element 2022 Update, which is currently underway, is San Francisco's housing plan that will cover an eight-year period from 2022 to 2030 and will include policies and programs to address the future of housing in San Francisco.<sup>9</sup> Adoption of a housing element update is expected by January 2023, consistent with Government Code Section 65588(e). The planning department is currently formulating policies and objectives to be included in the Housing Element 2022 Update and will prepare an EIR. The proposed legislation analyzed in this Addendum 8 is not dependent upon or related to the adoption of the proposals included in the Housing Element 2022 Update and is therefore analyzed as an independent project.

### **Proposed Legislation**

The proposed legislation, as well as amendments that are proposed by the planning department, are summarized below. Collectively, the proposed legislation and the proposed amendments constitute the modified project that is the subject of this Addendum 8.

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<sup>9</sup> <https://www.sfhousingelement.org/>

On October 19, 2021, Mayor Breed introduced legislation (board file no. 211092) to the board that would amend the planning code to allow additional dwelling unit density on lots with automobile-oriented uses where housing is permitted and to remove the conditional use requirement to change an Automobile Service Station or Automotive Use to a non-automobile-oriented use. The proposed legislation includes a cap on the number of dwelling units that could be approved under this program. Once the planning department has approved 5,000 units, this legislation shall expire and shall no longer be operative. Upon the expiration of this legislation, the City Attorney shall cause this legislation to be removed from the planning code.

| The Way It Is Now:                                                                                                                                                                                                                                                                                                                                                          | The Way It Would Be:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Housing proposed on properties with Auto-Oriented Uses need to comply with the density limits of the underlying zoning district.</p>                                                                                                                                                                                                                                     | <p>Housing proposed on properties with an Auto-Oriented Use and eligible for Cars to Casas would be afforded the following density exceptions:</p> <ul style="list-style-type: none"> <li>• RH Zoning Districts: up to four units.</li> <li>• Other Zoning Districts: density would be determined based on the applicable height/bulk, setbacks, exposure, open space, and other requirements of the underlying zoning district.</li> </ul> <p>Properties would be eligible for Cars to Casas if the site 1) does not contain an existing residential use and 2) has not had a Legacy Business within the past ten years.</p> |
| <p>Most development projects are subject to the parking maximums outlined in Planning Code Section 151 or 151.1 depending on the Zoning District. Parking maximums for housing range from .25 spaces per unit to 1.5 spaces per unit, depending on the Zoning District or SUD. Non-Residential Parking is based on the proposed Use. Parking minimums are not required.</p> | <p>For Cars to Casas projects, Residential parking requirements would be as follows:</p> <ul style="list-style-type: none"> <li>• Permitted up to 0.25 parking spaces per residential unit</li> <li>• Up to .5 parking spaces per unit with Conditional Use Authorization</li> <li>• Not permitted above 0.5 parking spaces per unit</li> </ul> <p>Non-residential parking would not be allowed.</p>                                                                                                                                                                                                                          |
| <p>Planning Code Section 202.5 requires a Conditional Use Authorization to convert an Automotive Service Station.</p>                                                                                                                                                                                                                                                       | <p>This Section and all references to it would be deleted from the Code.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

The planning department is proposing the following amendments to the legislation introduced by Mayor Breed:

1. Remove sites in RH Districts from being eligible for this program.
2. Allow sites on which the last legal use was an Automotive Use to be eligible for this program.
3. Reduce the Legacy Business eligibility criterion from the past ten years to the past four years.
4. Clarify that this program can be combined with the state density bonus program.

## Project Approvals

The proposed legislation consists of amendments to the planning code and requires the following project approvals:

- Recommendation to the board of supervisors (*planning commission*)
- Findings of consistency with the *General Plan* and the eight priority policies of planning code section 101.1 (*planning commission and board of supervisors*)

## Anticipated Development

As discussed above, the modified project includes a cap on the number of dwelling units that could be approved under this program. It is not known how long it will take to reach the cap of 5,000 approved units. To be consistent with previous addenda to the 2004 and 2009 Housing Element FEIR, the planning department used a 25-year buildout period for analyzing the environmental impacts of the modified project.

Automobile-oriented uses exist in all areas of San Francisco, so development under the modified project could be geographically dispersed throughout the city. The planning department examined the potential geographic distribution of development under the modified project.<sup>10</sup> The first step consisted of identifying all parcels that would be eligible for development under the modified project. The list of eligible parcels was refined by removing parcels that are currently developed with buildings exceeding a floor area ratio (FAR) of 2.0 to 1. Such parcels are occupied by existing buildings that are at least two stories tall, if not taller, and would be less likely to be redeveloped due to substantial existing development relative to the allowable zoning envelope, which is four to five stories in most cases. In focusing on eligible parcels that are currently developed with an FAR below 2.0 to 1 and are more likely candidates for development under the modified project, the highest concentrations of such parcels can be found in the northeast quadrant of San Francisco (north of Market Street and east of Van Ness Avenue) and along the Geary, Lombard, and outer Mission commercial corridors.<sup>11</sup> Lower concentrations of likely development parcels can be found geographically dispersed throughout the rest of San Francisco.

<sup>10</sup> San Francisco Planning Department, Email from Joshua Switzky to Michael Li and Veronica Flores, November 17, 2021.

<sup>11</sup> The planning department is recommending that RH-zoned parcels be removed from the pool of eligible parcels under the modified project. If this amendment is adopted, it would not result in a substantial shift in the geographic distribution of new units from RH parcels to non-RH parcels for the following reasons. RH parcels would have a maximum residential density limit of four units regardless of parcel size, and other development constraints such as front setback and rear yard requirements would continue to apply. Non-RH parcels would not have a maximum residential density limit and generally have no front setback requirements and less restrictive rear yard requirements. Given these differences, the planning department expects that most of the 5,000 units that would be allowed under the modified project would be built on non-RH parcels even if RH parcels remained eligible.

## **Project Setting**

San Francisco is a consolidated city and county located on the tip of the San Francisco Peninsula with the Golden Gate Strait to the north, San Francisco Bay to the east, San Mateo County to the south, and the Pacific Ocean to the west. San Francisco has an area of approximately 49 square miles. Although San Francisco is densely developed, there are vacant and underused lots that can be developed or redeveloped. These lots are located throughout San Francisco, and many are currently zoned to allow residential uses.

## **Analysis of Potential Environmental Effects**

San Francisco Administrative Code section 31.19(c)(1) states that a modified project must be reevaluated and that “[i]f, on the basis of such reevaluation, the Environmental Review Officer (“ERO”) determines, based on the requirements of CEQA, that no additional environmental review is necessary, this determination and the reasons therefore shall be noted in writing in the case record, and no further evaluation shall be required by this Chapter.”

CEQA Guidelines section 15164 provides for the use of an addendum to document the basis of a lead agency’s decision not to require a Subsequent or Supplemental EIR for a change to a project that has been analyzed in a certified EIR. The lead agency’s decision to use an addendum must be supported by substantial evidence that the conditions that would trigger the preparation of a Subsequent EIR, as provided in CEQA Guidelines Section 15162, are not present.

The modified project, which would implement the policies and measures related to intensifying dwelling unit density referenced in the Housing Element, would not result in any new significant environmental impacts, substantially increase the severity of previously identified effects, or necessitate implementation of additional or considerably different mitigation measures than those identified in the FEIR. The effects associated with the modified project would be substantially the same as those reported for the FEIR, and thus no supplemental or subsequent EIR is required. The following discussion provides the basis for this conclusion.



## 2004 and 2009 Housing Element FEIR Conclusions

The 2009 Housing Element adopted policies that generally encouraged housing and higher density housing along transit lines and in proximity to other infrastructure and neighborhood services, such as open space and childcare providers. The 2009 Housing Element policies also encouraged higher density through a community planning process and, for affordable housing projects, promoted the construction of multifamily housing. The FEIR identified less-than-significant environmental impacts for the following environmental topics:

- Land Use and Land Use Planning
- Aesthetics
- Population and Housing
- Cultural and Paleontological Resources
- Air Quality
- Greenhouse Gas Emissions
- Wind and Shadow
- Recreation
- Utilities and Service Systems
- Public Services
- Biological Resources
- Geology and Soils
- Hydrology and Water Quality
- Hazards and Hazardous Materials
- Mineral and Energy Resources
- Agriculture and Forest Resources

The FEIR found that significant effects related to encouraging new residential development along streets with noise levels above 75 dBA  $L_{dn}$  can be avoided or reduced to a less-than-significant level with mitigation, and a mitigation measure addressing the issue was incorporated into the adopted Housing Element as an implementation measure.<sup>12, 13</sup> The FEIR found also that adoption of the 2009 Housing Element would potentially result in significant environmental effects on the transit network that could not be mitigated to a less-than-significant level with implementation of feasible mitigation measures. The policies in the 2014 Housing Element were substantially the same as those in the 2009 Housing Element, and the adoption of the 2014 Housing Element did not change the conclusions in the FEIR.

## Changed Circumstances Since the Certification of the FEIR

Since the certification of the FEIR, a number of revisions have been made to the planning code, *General Plan*, and other city policies and regulations (e.g., the Inclusionary Housing Program, Standards for Bird-Safe Buildings, the Transportation Sustainability Fee) related to housing and development in San Francisco. Most changes to the planning code and other documents can be found on the planning department's website: <https://sfplanning.org/planning-code-change-summaries>. Those changes were independent from the adoption of the Housing Element and have undergone independent review under CEQA. The revisions primarily pertain to neighborhood-specific issues, and none of them would result in changes that substantially deviate from the overarching goals and objectives that were articulated in the 2009 or 2014 Housing Element (such as directing growth to certain areas of the City, promoting preservation of residential buildings, etc.) in a way that could render the conclusions in the FEIR invalid or inaccurate. These revisions to the regulatory environment also would not be expected to increase the

12 The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called "A" weighting, and the data are reported in A-weighted decibels (dBA).

13 The  $L_{dn}$  is the Leq, or Energy Equivalent Level, of the A-weighted noise level over a 24-hour period, obtained after the addition of 10 dB to sound levels during nighttime hours (10:00 p.m. to 7:00 a.m.). The Leq is the level of a steady noise which would have the same energy as the fluctuating noise level integrated over the time period of interest.

severity of impacts discussed in the FEIR.<sup>14</sup> Furthermore, no new information has emerged that would materially change the analyses or conclusions set forth in the FEIR. Any additional draft amendments proposed for adoption, but not yet adopted, would be reviewed for environmental impacts prior to adoption.

### **Changes to Housing Projections**

The FEIR contains population and housing projections that have since been updated. As reported in the 2014 Housing Element, the 2012 American Community Survey estimated San Francisco's population to be about 807,755.<sup>15</sup> The Association of Bay Area Governments projected ongoing population growth to 981,800 by 2030 or an overall increase of about 174,045 people who will need to be housed in the 18 years from 2012 to 2030.<sup>16, 17</sup> In comparison, the 2009 Housing Element projected San Francisco's population at 934,000 by 2030. Household growth, an approximation of the demand for housing, currently indicates a need for some 72,530 new units in the 18 years from 2012 to 2030. As with the 2009 and 2014 Housing Elements, the modified project would not change the population and housing needs projections because those projections are due to and influenced by births, deaths, migration rates, and employment growth. Rather, the modified project would influence the location and type of residential development that would be constructed to meet demand.

### **Land Use and Land Use Planning** **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts related to land use and land use planning. The 2009 Housing Element would not conflict with applicable land use plans, policies, or regulations, including, but not limited to, the *San Francisco General Plan (General Plan)*, the *San Francisco Countywide Transportation Plan*, and the *San Francisco Bicycle Plan*. Individual development projects would be reviewed for consistency and compliance with applicable land use plans, policies, or regulations. The 2009 Housing Element would not physically divide established communities by promoting the construction of physical barriers to neighborhood access, such as new freeways, or by removing existing means of access, such as bridges or roadways. The 2009 Housing Element would not have a substantial impact upon the existing character of San Francisco. Individual development projects would undergo design review to ensure that new construction is compatible with the neighborhoods in which the projects are located. In addition, individual development projects would be reviewed for

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14 State law was recently amended (SB 9 (Atkins), effective January 1, 2022) to require ministerial approval, with some exceptions, of two units per lot in single family zones as well as ministerial approval of splitting a single lot into two lots. Increased capacity in San Francisco from implementation of SB 9 would be limited in scope due to feasibility and other related issues and would not result in impacts beyond those analyzed in the 2004 and 2009 Housing Element FEIR. University of California at Berkeley, Turner Center for Housing Innovation, *Will Allowing Duplexes and Lot Splits on Parcels Zoned for Single-Family Create New Homes?* July 2021. Available at <https://turnercenter.berkeley.edu/wp-content/uploads/2021/07/SB-9-Brief-July-2021-Final.pdf>, accessed November 23, 2021. With amendments recommended by planning department staff, the proposed legislation would not overlap with areas affected by SB 9.

15 San Francisco Planning Department, *2014 Housing Element, Part I*, p. I.4.

16 Association of Bay Area Governments, *Projections 2013*, p. 74.

17 Association of Bay Area Governments and Metropolitan Transportation Commission, *Plan Bay Area 2050, The Final Blueprint, Growth Pattern*, January 21, 2021. Available at [https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease\\_December2020\\_GrowthPattern\\_Jan2021Update.pdf](https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease_December2020_GrowthPattern_Jan2021Update.pdf), accessed November 23, 2021. Under *Plan Bay Area 2050*, San Francisco County is projected to grow by 213,000 households between 2015 and 2050.

compliance with planning code regulations to ensure that the proposed land uses are permitted in the zoning districts in which the projects are located.

### **Modified Project**

The modified project would promote housing in established neighborhoods throughout San Francisco and would result in buildings that could be denser than what is currently permitted under existing regulations.

Plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect are those that directly address environmental issues and/or contain targets or standards that must be met in order to maintain or improve characteristics of the City's physical environment. Examples of such plans, policies, or regulations include the Bay Area Air Quality Management District's *2017 Clean Air Plan* and the San Francisco Regional Water Quality Control Board's *San Francisco Basin Plan*. The modified project would not directly conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. Housing units proposed under the modified project would be evaluated by City decision-makers for their consistency with such plans, policies, or regulations, and conflicts would need to be addressed prior to the approval of any entitlements.

The modified project would not physically divide established communities by calling for the construction of physical barriers to neighborhood access, such as freeways, or the removal of existing means of access, such as bridges and roadways. New housing units would be constructed in established neighborhoods with existing infrastructure. New freeways would not need to be constructed to provide access to and from these units, and existing bridges and roadways would not need to be removed to accommodate the development of these units.

The modified project would not have a substantial impact on the existing land use character of San Francisco because it would promote residential development in established neighborhoods in which residential uses already exist. Therefore, new housing units would be compatible with the existing land use character of the neighborhoods in which they would be constructed. The construction of new units could result in buildings that are denser than existing development. However, the increased density would not affect the land use character of a neighborhood because new residential uses would be compatible with existing residential uses whether they are housed in a building with fewer units or a building with more units. The physical environmental impacts associated with denser buildings are discussed under the topics of Population and Housing, Recreation, Utilities and Service Systems, and Public Services.

For these reasons, the modified project would result in less-than-significant impacts related to land use and land use planning. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to land use and land use planning.

## **Aesthetics**

### **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on aesthetics. The 2009 Housing Element would not have a substantial adverse effect on a scenic vista, would not damage scenic resources that contribute to a scenic public setting, and would not degrade the existing visual character of San Francisco. As discussed in the FEIR, future development would be required to comply with existing regulations adopted for the purpose of avoiding such impacts. The FEIR also found that the 2009 Housing Element would not create new sources of substantial light and glare that would adversely affect day or nighttime views or would substantially affect other people or properties. New exterior lighting associated with future development would be focused on specific areas rather than illuminating large areas that are currently not illuminated. Furthermore, all future development would be required to comply with planning commission resolution No. 9212, which prohibits the use of highly reflective or mirrored glass in new construction.

### **Modified Project**

The modified project would promote housing in established neighborhoods throughout San Francisco and, in some cases, would result in newly constructed buildings that could alter the visual character of the areas in which they are located.

CEQA was amended in 2013 to add Public Resources Code (“PRC”) section 21099 regarding the analysis of aesthetics and parking impacts for certain urban infill projects in transit priority areas.<sup>18</sup> PRC section 21099(d) provides that, “aesthetics and parking impacts of a residential, mixed-use residential, or employment center project on an infill site located within a transit priority area shall not be considered significant impacts on the environment.” Accordingly, aesthetics and parking are no longer to be considered in determining if a project has the potential to result in significant environmental effects for projects that meet all of the following three criteria:

- 1) The project is in a transit priority area;
- 2) The project is on an infill site; and
- 3) The project is residential, mixed-use residential, or an employment center.

Since the modified project would promote housing on sites in established neighborhoods, most, if not all, new housing units would meet all three of the criteria listed above. Pursuant to PRC section 21099, projects that meet the three criteria listed above would not result in significant impacts related to aesthetics.

For these reasons, the modified project would result in less-than-significant impacts related to aesthetics. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new

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<sup>18</sup> A “transit priority area” is defined in as an area within one-half mile of an existing or planned major transit stop. A “major transit stop” is defined in Section 21064.3 of the California Public Resources Code as a rail transit station, a ferry terminal served by either a bus or rail transit service, or the intersection of two or more major bus routes with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods. A map of transit priority areas in San Francisco can be found at <http://sfmea.sfplanning.org/CEQA%20Update-SB%20743%20Summary.pdf>.

mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to aesthetics.

### **Population and Housing**

#### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts related to population and housing. As noted above, population growth in San Francisco and the region is primarily a result of births, deaths, migration, and employment growth. The growth projections in the FEIR were not driven by assumptions regarding proposed development. The purpose of the 2009 Housing Element is to provide ways for housing supply to meet housing demand and need; if housing supply were the basis for the growth projections, there would be no need for a housing element. For this reason, the 2009 Housing Element would not induce a substantial amount of population growth above the level anticipated in regional growth projections generated by the Association of Bay Area Governments. Implementation of the 2009 Housing Element would not displace substantial numbers of existing housing units or people. Individual development projects would be subject to regulations that limit the demolition and merger of existing housing units, which would reduce the need to construct replacement housing.

#### ***Modified Project***

The modified project would not directly induce population growth above that anticipated by regional growth projections based on births, deaths, migration and employment growth; rather, it would be a new mechanism for providing housing supply to meet demand. In addition, the modified project would not indirectly induce substantial population growth by calling for the extension of roads, utilities, or other infrastructure. The modified project would promote housing in established neighborhoods that are already served by roads, utilities, and other infrastructure. New housing units proposed under the modified project would be evaluated for their impacts on demand for roads, utilities, and other infrastructure.

The modified project would not directly displace businesses, but the construction of new buildings could involve the demolition of existing buildings occupied by businesses. The physical effects of business displacement would be considered on an individual basis as part of the environmental review process for each project because such impacts are project-specific and location-specific. Without individual development proposals to evaluate, it would be speculative to conclude that the modified project would result in significant overall impacts related to business displacement.

Although businesses are not afforded the same type of protection as residents where displacement is concerned, the City operates several programs to assist displaced businesses. The Office of Economic and Workforce Development runs the Invest in Neighborhoods program, which helps displaced businesses find relocation sites and, under certain circumstances, can provide funding for specific construction improvements, such as façade upgrades. The Small Business Development Center offers pro bono legal advice and technical assistance, and the Office of Small Business provides one-to-one case management assistance with licenses, permits, and financing.

The modified project would protect Legacy Businesses from being displaced by residential development. A potential site would not be eligible for development under the modified project if there has been a Legacy Business located on the site within the past ten years.<sup>19</sup>

For these reasons, the modified project would result in less-than-significant impacts related to population and housing. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to population and housing.

### **Cultural and Paleontological Resources**

#### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element could result in a substantial adverse change to a historic resource if it promoted inappropriate alterations to or demolition of an existing building that is a historic resource, inappropriate new construction in a historic district, or demolition by neglect.<sup>20</sup> The FEIR also found that assessing such impacts on historic resources would be most appropriate during the review of individual development projects proposed under the 2009 Housing Element. Such impacts would be offset through required compliance with existing federal, state, and local regulations that protect historic resources.

The FEIR also found that the 2009 Housing Element would not result in a substantial adverse change to an archeological resource, would not destroy a paleontological resource or site or unique geologic feature, and would not disturb human remains. Individual development projects that could have potential impacts on archeological resources, paleontological resources, or human remains would be subject to existing regulations that protect such resources. These regulations include, but are not limited to, the National Historic Preservation Act and the California Public Resources Code. In addition, the planning department has established procedures to assess impacts on archeological resources as well as mitigation measures to reduce potentially significant impacts to less-than-significant levels.

#### ***Modified Project***

The modified project would not directly alter existing historic resources, but development proposed under the modified project could result in direct effects on historic resources. An existing building that is a historic resource could undergo a renovation to accommodate new housing units, or it could be demolished and replaced with a newly constructed building. In addition, a newly constructed building could be located on a parcel within the boundaries of an existing historic district.

Potential impacts on historic resources from buildings proposed under the modified project would be evaluated on a project-by-project basis because impacts on historic resources are project-specific and

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19 As discussed previously, the planning department is proposing an amendment to shorten the Legacy Business eligibility criterion from ten years to four years.

20 CEQA defines "substantial adverse change" as "demolition, destruction, relocation or alteration," activities that would impair the significance of a historical resource either directly or indirectly. Demolition by neglect is the gradual deterioration of a building when routine or major maintenance is not performed and/or when a building is allowed by the owner to remain vacant and open to vandals.

location-specific. Without individual development proposals to evaluate, it would be speculative to conclude that, on a program level, the modified project would result in significant overall impacts on historic resources.

The modified project would not directly place or encourage housing in areas of San Francisco that could be underlain by soils containing archeological resources, paleontological resources (i.e., fossils), or human remains. However, buildings proposed under the modified project could be located in such areas. Required compliance with existing federal, state, and local regulations and procedures would ensure that buildings proposed under the modified project would not result in a substantial adverse change to an archeological resource, would not destroy a paleontological resource or site or unique geologic feature, and would not disturb human remains.

For these reasons, the modified project would result in less-than-significant impacts on cultural and paleontological resources. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on cultural and paleontological resources.

## **Transportation and Circulation**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on traffic, pedestrians, bicycles, loading, emergency access, and construction-related traffic. However, the FEIR concluded that the 2009 Housing Element would result in a significant and unavoidable transit impact because policies in the 2009 Housing Element that encourage transit-oriented residential development could result in a mode shift toward transit. Such a shift could result in an exceedance of the San Francisco Municipal Railway's capacity utilization standard of 85 percent. The FEIR identified two mitigation measures to address this impact. The first mitigation measure called for the City to implement various transportation plans and programs that would reduce congestion and decrease transit travel times.<sup>21</sup> Since the certification of the FEIR, the Transit Effectiveness Project and the Van Ness Avenue Bus Rapid Transit Project have been approved and are being implemented. The second mitigation measure called for the San Francisco Municipal Transportation Agency to increase capacity by providing more buses. At the time that the FEIR was certified, the feasibility of these mitigation measures could not be established. For this reason, the FEIR concluded that the 2009 Housing Element's impact on transit would be significant and unavoidable.

### ***Modified Project***

The modified project would promote housing in established neighborhoods throughout San Francisco, many of which are well-served by public transit. The modified project would be consistent with many

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21 The FEIR noted that various transportation plans were adopted, but not implemented, or proposed. Adopted plans/programs included SF Park, SF Go, the *San Francisco Bicycle Plan*, the Transbay Terminal, Caltrain Electrification, and High Speed Rail project, and the Central Subway. Proposed plans included congestion pricing, SFMTA's Transit Effectiveness Project, the Van Ness Avenue and Geary Boulevard Bus Rapid Transit projects, and the *San Francisco Better Streets Plan*.

local plans, policies, and regulations, including the *General Plan*, the *San Francisco Countywide Transportation Plan*, and the City's Transit First Policy. This type of transit-oriented development would help encourage residents to move away from the use of private automobiles and toward alternative modes of transportation, such as transit, bicycling, and walking. This mode shift would help reduce impacts on traffic, pedestrians, bicycles, loading, emergency access, and construction-related traffic. Although this mode shift is consistent with the 2009 Housing Element policies, it has the potential to increase the demand for transit service to the degree that the San Francisco Municipal Railway's capacity utilization of 85 percent would be exceeded.<sup>22</sup>

Since new housing units would be distributed on a citywide basis, the associated impacts on traffic, pedestrians, bicycles, loading, emergency access, and construction-related traffic would also be distributed on a citywide basis instead of being concentrated in a small number of neighborhoods. As a result, these impacts would not be expected to be more severe than those identified in the FEIR. Similarly, new transit trips would be distributed across the citywide transit network instead of being concentrated on a small number of transit lines. As a result, new transit trips would not be expected to overburden the transit network and result in more severe impacts than those identified in the FEIR. For these reasons, the modified project would result in less-than-significant impacts on traffic, pedestrians, bicycles, loading, emergency access, and construction-related traffic, but it would result in a significant and unavoidable impact on transit.

The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on transportation and circulation.

## **Noise**

### **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in a less-than-significant impact related to a substantial temporary or periodic increase in ambient noise levels due to policies that discourage demolition and encourage maintenance of the City's existing housing stock. In addition, all construction activities are required to comply with the regulations set forth in the San Francisco Noise Ordinance ("noise ordinance").

The FEIR concluded that the 2009 Housing Element would not result in the exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels because potential impacts resulting from groundborne vibration or groundborne noise due to construction activities would be reduced to less-than-significant levels through compliance with federal, state, and local regulations. The FEIR also found that the 2009 Housing Element would not result in a substantial permanent increase in ambient noise levels in the project vicinity above levels existing at the time of that the Notice of Preparation of an EIR was published.

Lastly, the FEIR concluded that the 2009 Housing Element would result in a significant but mitigable impact related to the exposure of persons to, or generation of, noise levels in excess of established

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<sup>22</sup> Capacity utilization is the number of passengers on board a transit vehicle relative to the total capacity.



standards. The FEIR concluded that by encouraging future growth along transit corridors within the City, such growth could be located in areas with existing ambient noise levels exceeding 60 dBA  $L_{dn}$ , which is the maximum satisfactory exterior noise level for residential areas.<sup>23, 24</sup> Interior noise levels for residential uses are addressed through compliance with the noise standards set forth in Title 24 of the California Code of Regulations, as implemented during the design and review phase for individual development projects. However, some areas of the City may be especially noisy. FEIR Mitigation Measure M-NO-1: Interior and Exterior Noise, requires the preparation of a noise analysis for new residential development projects located on streets with noise levels above 75 dBA  $L_{dn}$ . The noise analysis shall include, at a minimum, (1) a site survey to identify potential noise-generating uses within two blocks of the project site and (2) at least one 24-hour noise measurement with maximum noise level readings taken at least every 15 minutes prior to completion of the environmental review. The analysis shall demonstrate with reasonable certainty that Title 24 standards, where applicable, can be met. FEIR Mitigation Measure M-NO-1 also requires that open space for new residential uses be protected, to the maximum extent feasible, from existing ambient noise that could prove annoying or disruptive to users of the open space. Implementation of this measure could involve designing the project in a way that uses the building itself to shield on-site open space from noise sources, constructing noise barriers between on-site open space and noise sources, and appropriately using both common and private open space in multi-unit residential buildings. Since the certification of the FEIR, this mitigation measure has been implemented as part of every proposed residential project that (1) is located on a street with ambient noise levels above 75 dBA  $L_{dn}$  and/or (2) includes open space.

### **Modified Project**

The modified project would promote housing in areas of San Francisco that could have existing ambient noise levels exceeding 60 dBA  $L_{dn}$ . New housing units proposed under the modified project would be required to comply with the noise standards set forth in Title 24 as well as the provisions of the noise ordinance.

A 2015 California Supreme Court decision held that CEQA does not generally require an agency to consider the effects of existing environmental conditions on a proposed project's future users or residents except where a project or its residents may exacerbate existing environmental hazards.<sup>25</sup> The addition of new housing units would result in incremental increases in dwelling unit density in various locations throughout San Francisco. These incremental increases in dwelling unit density are not expected to exacerbate existing environmental hazards. For these reasons, FEIR Mitigation Measure M-NO-1 is not applicable to the modified project.

Construction of new housing units would result in temporary site-specific increases in noise and vibration levels. Once construction has been completed, noise and vibration produced by construction equipment and construction vehicles would cease. In addition, all construction activities in San Francisco are required to comply with the noise ordinance, which prohibits construction between the hours of 8:00 p.m.

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23 The standard method used to quantify environmental noise involves evaluating the sound with an adjustment to reflect the fact that human hearing is less sensitive to low-frequency sound than to mid- and high-frequency sound. This measurement adjustment is called "A" weighting, and the data are reported in A-weighted decibels (dBA).

24  $L_{dn}$  is the average equivalent sound level during a 24-hour day, obtained after the addition of 10 dB to sound levels during nighttime hours (from 10:00 p.m. until 7:00 a.m.).

25 California Building Industry Association v. Bay Area Air Quality Management District (2015) 62 Cal.4th 369, Case No. S213478.

and 7:00 a.m. Construction of housing would generate vibration that could damage adjacent or nearby buildings. The Department of Building Inspection (DBI) is responsible for reviewing building permit applications to ensure that proposed construction activities, including pile driving, shoring, and underpinning, comply with all applicable procedures and requirements and would not materially impair adjacent or nearby buildings.

Vehicle traffic is a primary source of noise and vibration throughout San Francisco. Like the 2009 Housing Element, the modified project would promote housing in established neighborhoods, some of which are along or near major transportation corridors that have higher ambient noise and vibration levels than other areas of San Francisco. Although buildings containing new housing units could be denser than development anticipated under the 2009 Housing Element, such buildings would not include substantially more units such that there would be a noticeable increase in traffic noise and vibration. Newly constructed buildings containing housing units could include mechanical equipment, such as heating and ventilation systems, that could produce operational noise and potentially disturb adjacent and nearby noise-sensitive receptors. The operation of this mechanical equipment is subject to the provisions of the noise ordinance. Compliance with the noise ordinance would minimize noise from building operations.

For these reasons, the modified project would result in less-than-significant noise and vibration impacts. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding noise and vibration impacts.

### **Air Quality**

#### **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on air quality. As discussed in the FEIR, the 2009 Housing Element would not increase the overall citywide population from 2009 to 2025 above the level assumed in the *Bay Area 2005 Ozone Strategy*, which was the applicable air quality plan at the time the FEIR was prepared. During this 16-year period, the number of vehicle-miles-traveled would increase at a lower rate than the rate of population growth, meaning that air pollution from vehicles would not outpace the population growth anticipated in the *Bay Area 2005 Ozone Strategy*. For these reasons, the 2009 Housing Element would not conflict with or obstruct implementation of the applicable air quality plan and would not violate an air quality standard or contribute substantially to an existing or projected air quality violation. In addition, all construction activities associated with individual development projects would be subject to the provisions of the San Francisco Construction Dust Control Ordinance ("dust control ordinance").

The FEIR concluded that the 2009 Housing Element would not expose sensitive receptors to substantial air pollutant concentrations. Increased housing development along or near transit corridors could increase concentrations of certain air pollutants, including PM<sub>2.5</sub>, NO<sub>2</sub>, and toxic air contaminants, on some roadways within San Francisco. At the same time, increased density and associated shifts from private automobiles to alternative modes of transportation, such as transit, bicycling, and walking, could reduce the overall expected growth of vehicle trips and vehicle-miles traveled. In addition, Article 38 of

the San Francisco Health Code (“health code”) contains requirements for air quality assessment and mitigation when new residential exposures exceed action levels for acceptable air pollutant concentrations.

The FEIR also concluded that the 2009 Housing Element would result in less-than-significant impacts related to carbon monoxide (CO) concentrations. To support this conclusion, CO concentrations were calculated based on simplified CALINE4 screening procedures developed by the Bay Area Air Quality Management District (BAAQMD). Based on the modeling, under future 2025 cumulative traffic conditions, none of the 10 worst-performing intersections included in the model would exceed CO standards. Thus, it was assumed that if CO levels at the 10 worst-performing intersections do not exceed the CO thresholds, then the remaining 50 intersections analyzed in the traffic study would not exceed the CO thresholds. Lastly, the FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts related to objectionable odors because residential uses generally do not create objectionable odors.

### **Modified Project**

The modified project would not directly contribute to air pollutant emissions, but new housing units proposed under the modified project would contribute to air pollutant emissions during their construction and operational phases. Individual development projects proposing new housing units would be subject to state, regional, and local plans, policies, and regulations related to the protection of air quality. These plans, policies, and regulations include, but are not limited to, the BAAQMD’s *2017 Clean Air Plan*, the dust control ordinance, and article 38 of the health code. The dust control ordinance requires that all site preparation work, demolition, or other construction activities that have the potential to create dust or to expose or disturb more than 10 cubic yards or 500 square feet of soil comply with specified dust control measures. Such measures include watering all active construction areas sufficiently to prevent dust from becoming airborne, wet sweeping or vacuuming the streets, sidewalks, paths, and intersections where work is in progress at the end of the workday, and covering inactive stockpiles of excavated material, backfill material, gravel, sand, road base, and soil. Pursuant to article 38, any development project located in an Air Pollutant Exposure Zone (APEZ) would be required to provide an enhanced ventilation system to protect its residents from exposure to toxic air contaminants. In addition, any development project located in an APEZ may be subject to mitigation measures or standard environmental conditions that are necessary to reduce construction-related air quality impacts to less-than-significant levels. Required compliance with these plans, policies, and regulations would ensure that new housing units would not violate an air quality standard, contribute substantially to an existing or projected air quality violation, or expose sensitive receptors to substantial air pollutant concentrations.

Residential uses generally do not create objectionable odors. Land uses that commonly create objectionable odors include wastewater treatment plants, oil refineries, landfills, and composting facilities. Since the modified project would not include these types of land uses, implementation of the modified project would not create objectionable odors.

Potential air quality impacts from buildings proposed under the modified project would be evaluated on a project-by-project basis because air quality impacts are project-specific and location-specific. Without

individual development proposals to evaluate, it would be speculative to conclude that, on a program level, the modified project would result in significant overall air quality impacts.

For these reasons, the modified project would result in less-than-significant impacts on air quality. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on air quality.

### **Greenhouse Gas Emissions** **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would not generate greenhouse gas (GHG) emissions, either directly or indirectly, that may have a significant impact on the environment and would not conflict with any applicable plan, policy, or regulation adopted for the purpose of reducing GHG emissions. Moreover, implementation of the 2009 Housing Element would not conflict with Assembly Bill (AB) 32 or San Francisco's *Strategies to Address Greenhouse Gas Emissions*.

### **Modified Project**

The modified project would not directly generate GHG emissions, but new housing units proposed under the modified project would generate GHG emissions during their construction and operational phases. The modified project would promote housing in established neighborhoods where jobs and other services are easily accessible by public transit or are within walking distance. This type of development would encourage the use of alternative modes of transportation (transit, bicycling, walking) and help reduce GHG emissions from the use of private automobiles, which is one of the primary sources of GHG emissions. To the degree that new housing units are concentrated closer to public transit and in taller and denser buildings (i.e., fewer buildings in fewer locations), GHG emissions would be reduced when compared to development patterns anticipated under the 2009 Housing Element.

The main purpose of the modified project is to encourage housing development on parcels that are being used for automobile-oriented uses, which would ease San Francisco's housing shortage while addressing the adverse impacts that automobiles have on climate change. The modified project would streamline the process for converting automobile-oriented uses to other uses by eliminating the requirement for conditional use authorization by the planning commission. Removing automobile-oriented uses generally would help reduce overall GHG emissions.

For these reasons, the modified project would result in less-than-significant impacts related to GHG emissions. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to GHG emissions.

**Wind and Shadow**  
**2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in less-than-significant wind and shadow impacts because the 2009 Housing Element would not directly result in the construction of projects that would alter wind or create new shadow. In addition, wind and shadow impacts are project-specific; individual development projects would be subject to the planning department's procedures requiring modification of any new building or addition that would exceed the planning code's wind hazard criterion and would be evaluated for their shadow impacts under CEQA and for compliance with planning code sections 146, 147, and 295.

**Modified Project**

The modified project would not directly alter wind or create new shadow, but newly constructed buildings containing new housing units could alter wind or create new shadow in their respective vicinities. The modified project would not increase legislated height limits, but buildings constructed under the modified project would be eligible for density bonus programs that allow additional building height.

To determine whether a project would result in a significant wind impact (i.e., whether it would alter wind in a manner that substantially affects public areas), the planning department applies the wind hazard criterion established in Planning Code Section 148. In accordance with Section 148, a project would result in a significant wind impact if it would cause ground-level wind speeds that exceed 26 mph for more than one hour per year. A proposed project's wind impacts are directly related to its height, orientation, design, location, and surrounding development context. Based on wind analyses for other development projects in San Francisco, a building that does not exceed a height of 80 feet generally has little to no potential to cause substantial changes to ground-level wind conditions such that the wind hazard criterion would be exceeded.

As discussed above, buildings proposed under the modified project could exceed 80 feet in height in some locations either as of right or through the implementation of density bonus programs. Potential wind impacts from buildings proposed under the modified project would be evaluated on a project-by-project basis because wind impacts are project-specific and location-specific. Without individual development proposals to evaluate, it would be speculative to conclude that, on a program level, the modified project would result in significant overall wind impacts.

Similarly, potential shadow impacts from buildings proposed under the modified project would be evaluated on a project-by-project basis because shadow impacts are project-specific and location-specific. Without individual development proposals to evaluate, it would be speculative to conclude that, on a program level, the modified project would result in significant overall shadow impacts.

For these reasons, the modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding wind and shadow impacts.

**Recreation**  
***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts related to the increased use of existing parks or recreational facilities, the need to construct new or expand existing recreational facilities, and the physical degradation of existing recreational resources. While the FEIR concluded that the 2009 Housing Element contains policies that could result in an increase in demand for existing recreational facilities in certain areas, the 2009 Housing Element also contains policies that could reduce the need for construction or expansion of recreational facilities by encouraging quality-of-life elements in residential developments such as on-site usable open space. The 2009 Housing Element includes measures to ensure community plan areas are adequately served by recreation facilities, thereby indirectly promoting the construction or expansion of recreational facilities. The need for new or expanded recreational facilities and their associated impacts would be determined during the evaluation of specific community plan proposals.

***Modified Project***

As previously discussed, the modified project would promote housing throughout San Francisco but would not increase the overall citywide population above the level of future growth projected in the 2009 Housing Element. For this reason, implementation of the modified project would not increase the overall demand for recreational facilities above the level analyzed in the FEIR, but there could be localized fluctuations in demand for certain recreational facilities depending on where new housing units are constructed. In November 2000, San Francisco voters approved Proposition C, which extended the life of the Open Space Fund through Fiscal Year 2030-2031. The Open Space Fund is used to finance property acquisitions and capital improvement projects for the San Francisco Recreation and Park Department. A percentage of property tax revenues is set aside for the Open Space Fund, and such revenue would increase with the development of new housing units.

In addition, new housing units would be subject to planning code requirements for usable open space. Most of the City's recreational facilities are located on properties in P (Public Use) Districts; the modified project would not reclassify any P Districts to other zoning districts that would allow residential uses. Lastly, the modified project would not convert existing recreational facilities to residential uses or otherwise physically degrade recreational resources.

For these reasons, the modified project would result in less-than-significant impacts related to recreation. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts related to recreation.

**Utilities and Service Systems**  
***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on utilities and service systems. The 2009 Housing Element would not exceed wastewater treatment

requirements, would not exceed the capacity of the wastewater treatment provider, and would not require the construction of new or expansion of existing wastewater treatment or stormwater drainage facilities. Such impacts would be offset through required compliance with existing regulations that address wastewater and stormwater discharges. In addition, the 2009 Housing Element would not increase water demand above the level assumed for planning purposes in the San Francisco Public Utilities Commission's (SFPUC's) Water Supply Availability Study that was prepared for the FEIR. Lastly, the 2009 Housing Element would not exceed the permitted capacity of the City's designated landfill. Any incremental increases in waste at landfills would be offset through required compliance with existing regulations that address the generation and disposal of solid waste.

### **Modified Project**

The modified project would not directly generate stormwater or wastewater, but new housing units proposed under the modified project would generate stormwater and wastewater during their construction and operational phases. All stormwater and wastewater generated by new housing units would flow to the City's combined stormwater/sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System (NPDES) Permits for the Southeast Treatment Plant and the Oceanside Treatment Plant prior to discharge into San Francisco Bay and the Pacific Ocean, respectively. The NPDES standards are set and regulated by the San Francisco Bay Area Regional Water Quality Control Board (RWQCB). Therefore, new housing units would not conflict with RWQCB requirements and would not exceed wastewater treatment requirements. In addition, new housing units would be subject to local regulations that include, but are not limited to, the Green Building Ordinance and the Stormwater Management Ordinance. Required compliance with these regulations would reduce stormwater and wastewater flows from new housing units, thereby ensuring that new housing units would not exceed the capacity of the wastewater treatment provider and would not require the construction of new or expansion of existing wastewater treatment and stormwater drainage facilities.

The modified project would not directly consume water, but new housing units proposed under the modified project would consume water during their construction and operational phases. As previously discussed, the modified project would promote housing throughout San Francisco but would not increase the overall population beyond the future growth projected in the 2009 Housing Element. For this reason, new housing units would not increase the overall demand for water above the level assumed for planning purposes in the SFPUC's Water Supply Availability Study prepared for the FEIR.

In June 2021, the San Francisco Public Utilities Commission (SFPUC) adopted the 2020 Urban Water Management Plan ("UWMP"), which accounts for projected population growth through the year 2045. With a maximum yield of 5,000 units over a period of 25 years (200 units per year), the modified project accounts for a small fraction of the projected population growth and water demand through the year 2045. Water demand generated by housing units constructed under the modified project would not exceed the available water supply in normal years.

In December 2018, the State Water Resources Control Board ("state water board") adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary ("Bay-Delta Plan Amendment"), which establishes water quality objectives to maintain the health of rivers and

the Bay-Delta ecosystem.<sup>26</sup> The state water board has stated that it intends to implement the Bay-Delta Plan Amendment by the year 2022, assuming all required approvals are obtained by that time. Implementation of the Bay-Delta Plan Amendment would result in a substantial reduction in the SFPUC's water supplies from the Tuolumne River watershed during dry years, requiring rationing to a greater degree in San Francisco than previously anticipated to address supply shortages not accounted for in the UWMP. The degree to which the SFPUC's water supply during dry years would be affected is still unknown. As discussed above, the modified project accounts for a small fraction of the projected water demand. The water demand attributable to housing units constructed under the modified project compared to citywide demand would not substantially affect the levels of dry-year rationing that may otherwise be required.

In addition, new housing units would be subject to local regulations that include, but are not limited to, the Green Building Ordinance, the Green Landscaping Ordinance, and the Residential Water Conservation Ordinance. Required compliance with these regulations would reduce water consumption by new housing units, thereby ensuring that water demand generated by housing units constructed under the modified project would not exceed the available water supply in normal years and would not require new or expanded water supply resources or entitlements.

The modified project would not directly generate solid waste, but new housing units proposed under the modified project would generate solid waste during their construction and operational phases. As noted above, the modified project would promote housing throughout San Francisco but would not increase the overall citywide population above the level of future growth projected in the 2009 Housing Element. For this reason, new housing units would not increase the overall amount of solid waste generated above the level analyzed in the FEIR. In addition, new housing units would be subject to local regulations that include, but are not limited to, the Mandatory Recycling and Composting Ordinance, the Construction and Demolition Debris Recovery Ordinance, and the Green Building Ordinance. Required compliance with these regulations would promote the composting and recycling of solid waste and reduce the amount of solid waste sent to the City's designated landfill, thereby ensuring that new housing units would not exceed the permitted capacity of the City's designated landfill.

For these reasons, the modified project would result in less-than-significant impacts on utilities and service systems. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on utilities and service systems.

## **Public Services**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on fire protection, police protection, schools, or other public services, such as libraries or public health facilities.

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26 State Water Resources Control Board Resolution No. 2018-0059, Adoption of Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and Final Substitute Environmental Document, December 12, 2018. Available at [https://www.waterboards.ca.gov/plans\\_policies/docs/2018wqcp.pdf](https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf), accessed November 22, 2021.



The San Francisco Fire Department (“fire department”) and the San Francisco Police Department (“police department”) regularly redeploy their resources based on need to ensure that response times and service ratios do not fall below acceptable levels. New development projects are required to pay development impact fees to fund school and library facilities and operations, which would help offset potential impacts on school and library services. The 2009 Housing Element would not increase the overall citywide population above regional growth projections for which public health facilities have accounted, which would reduce the need to construct new or expand existing facilities.

### **Modified Project**

As previously discussed, the modified project would promote housing throughout San Francisco but would not increase the overall citywide population above the level of future growth projected in the 2009 Housing Element. For this reason, the modified project would not increase the overall demand for fire protection or police protection above the level analyzed in the FEIR. There could be localized fluctuations in demand for fire protection and police protection depending on where new housing units are constructed, but as discussed above, both the fire department and the police department regularly redeploy their resources based on need to ensure that response times and service ratios do not fall below acceptable levels. The modified project would promote housing on sites in established neighborhoods that already receive fire protection and police protection, potentially allowing the fire department and the police department to maintain response times and service ratios at or close to their current levels and reducing the need to construct new or expand existing facilities.

As discussed in the FEIR, the San Francisco Unified School District (SFUSD) assigns students to schools based on a lottery system. This lottery system ensures that student enrollment is distributed to facilities that have sufficient capacity to adequately serve the educational needs of students. Directing growth to certain areas of San Francisco generally would not affect the school system because students are not assigned to schools based on location. New housing units could affect school services if they create additional demand for school services that cannot be accommodated by the SFUSD’s existing capacity, thereby requiring the need to construct new or expand existing facilities. At the time of the preparation of the FEIR, SFUSD facilities had a capacity of about 63,835 students, and about 56,446 students were enrolled in these facilities. More recently, approximately 54,452 students were enrolled in SFUSD facilities during the 2019-2020 school year.<sup>27</sup> Pursuant to California Education Code Section 17620(a)(1), the governing board at any school district is authorized to levy a fee, charge, dedication, or other requirement against any construction within the boundaries of the district for the purpose of funding the construction or reconstruction of school facilities. New housing units would be subject to a development impact fee, and the payment of this fee would help fund school facilities and operations and offset potential impacts on school services.

The modified project would promote housing throughout San Francisco but would not increase the overall citywide population above the level of future growth projected in the 2009 Housing Element. For this reason, new housing units would not increase the overall demand for libraries or public health facilities, but there could be localized fluctuations in demand for libraries and public health facilities depending on where new housing units are constructed. In November 2000, San Francisco voters

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27 San Francisco Unified School District, *Facts at a Glance 2020*. Available at [https://drive.google.com/file/d/1Pwkg7tRp6X8\\_BffhusGdzeZOTPAWijxW/view](https://drive.google.com/file/d/1Pwkg7tRp6X8_BffhusGdzeZOTPAWijxW/view), accessed November 22, 2021.

approved a bond measure to fund the Branch Library Improvement Program (BLIP). Among other objectives, the BLIP calls for the renovation of 16 existing branch libraries, the demolition and replacement of three branch libraries with newly constructed facilities, and the construction of a new branch library in the emerging Mission Bay neighborhood. In addition to the BLIP, property tax revenue from new housing units would help fund library facilities and operations and offset potential impacts on library services. The modified project would promote housing on sites in established neighborhoods that are already served by public health facilities, potentially allowing such facilities to maintain response times and service ratios at or close to their current levels and reducing the need to construct new or expand existing facilities.

For these reasons, the modified project would result in less-than-significant impacts on public services. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on public services.

## **Biological Resources**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on biological resources. The 2009 Housing Element would not have a substantial adverse effect on any candidate, sensitive, or special-status species, riparian habitat, other sensitive natural communities, or federally protected wetlands, and would not interfere with the movement of species. Some 2009 Housing Element policies would promote housing in certain areas of the City, consequently increasing the amount of new housing being constructed in those areas and resulting in impacts on biological resources (e.g., tree removal, construction on or near riparian habitat or sensitive natural communities, interference with migration, etc.). However, increasing density could accommodate more of the City's fair share of the Regional Housing Needs Allocation in fewer buildings, resulting in fewer construction sites and decreasing the potential for disturbance of or interference with biological resources. The FEIR also found that the 2009 Housing Element would not conflict with any local policies or ordinances protecting biological resources or conflict with the provisions of an adopted habitat conservation plan because the 2009 Housing Element does not contain any policies that would directly or indirectly conflict with any policies protecting biological resources or any adopted habitat conservation plans.

### ***Modified Project***

The modified project would not directly place housing in areas of San Francisco that are in or near riparian habitat or sensitive natural communities. However, new housing units proposed under the modified project could be in or near such areas. New housing units would be evaluated for their impacts on biological resources and would be required to comply with applicable federal, state, and local regulations that protect biological resources. These regulations include, but are not limited to, the federal Migratory Bird Treaty Act, sections 3503 and 3503.5 of the California Fish and Game Code, the San Francisco Urban Forestry Ordinance, and San Francisco Planning Code Section 139: Standards for Bird-Safe Buildings. The modified project would not conflict with the provisions of an adopted habitat conservation plan because the modified project does not include any objectives, policies, or measures

that would directly or indirectly conflict with any policies protecting biological resources or any adopted habitat conservation plans.

For these reasons, the modified project would result in less-than-significant impacts on biological resources. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on biological resources.

## **Geology and Soils**

### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on geology and soils. Individual development projects would be developed in a seismically sound manner because they would be required to comply with building regulations for seismic safety that are enforced through the City's interdepartmental review process. Compliance with these regulations would ensure that people or structures would not be exposed to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, landslides, unstable soil, or expansive soils. The FEIR also found that the 2009 Housing Element would result in less-than-significant impacts related to soil erosion or the loss of topsoil because these impacts are site-specific. Individual development projects would be evaluated for their impacts related to soil erosion or the loss of topsoil and would be required to comply with applicable regulations related to the prevention of erosion and the discharge of sediment into construction site runoff. Lastly, the FEIR concluded that the 2009 Housing Element would not substantially change the topography or any unique geologic or physical features of development sites because all permit applications for excavation and grading would be reviewed by City agencies for consistency with policies related to land alteration.

### ***Modified Project***

New housing units proposed under the modified project could be located in or near areas that are susceptible to geologic hazards (e.g., earthquake faults, landslide or liquefaction zones, unstable or expansive soils). New housing units would be required to comply with the seismic safety standards set forth in the San Francisco Building Code ("building code"). The DBI is the City agency responsible for reviewing building permit applications, structural drawings and calculations, and geotechnical reports and ensuring that projects comply with the seismic safety standards and other applicable requirements of the building code. Project compliance with the building code would ensure that people or structures would not be exposed to substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, landslides, unstable soil, or expansive soils. New housing units would be evaluated for their impacts related to soil erosion or the loss of topsoil and would be required to comply with applicable regulations related to the prevention of erosion and the discharge of sediment into construction site runoff. All permit applications for excavation and grading activities would be reviewed by City agencies for consistency with policies related to land alteration.

For these reasons, the modified project would result in less-than-significant impacts related to geology and soils. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on geology and soils.

### **Hydrology and Water Quality** **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in less-than-significant impacts on hydrology and water quality. The 2009 Housing Element would not violate any water quality standards or waste discharge requirements, would not alter existing drainage patterns or substantially increase the rate or amount of surface runoff in a manner that would result in substantial erosion, siltation, or flooding, and would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff. Individual development projects would be required to comply with applicable regulations related to erosion prevention and stormwater management, treatment, and discharge.

The FEIR also concluded that the 2009 Housing Element would not substantially deplete groundwater supplies or substantially interfere with groundwater recharge, would not result in significant impacts related to placing housing in areas at risk of flooding, and would not expose people or structures to a significant risk of injury, loss, or death involving inundation by seiche, tsunami, mudflow, or the failure of a dam or levee.

### **Modified Project**

The modified project would not directly result in the construction of housing in areas of San Francisco that are prone to flooding or are at risk of inundation by seiche, tsunami, mudflow, or the failure of a dam or levee. However, new housing units proposed under the modified project could be located in such areas. Such housing units would be required to comply with applicable regulations related to minimizing the risk of loss, injury, or death from hydrologic hazards. These regulations include, but are not limited to, the San Francisco Floodplain Management Ordinance and the building code. Groundwater could be encountered during the construction of buildings containing housing units. Dewatering of excavated areas during construction would lower groundwater levels, but these effects would be temporary. Once dewatering has been completed, groundwater levels would return to normal. Wastewater and stormwater generated by new housing units would flow to the City's combined stormwater/sewer system and would be treated to standards contained in the City's National Pollutant Discharge Elimination System Permits for the Southeast Treatment Plant and the Oceanside Treatment Plant prior to discharge into San Francisco Bay and the Pacific Ocean, respectively. Required compliance with the San Francisco Stormwater Management Ordinance would ensure that new housing units would not create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

For these reasons, the modified project would result in less-than-significant impacts on hydrology and water quality. The modified project would not result in more severe impacts than the 2009 Housing

Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on hydrology and water quality.

### **Hazards and Hazardous Materials**

#### ***2009 Housing Element***

The FEIR concluded that the 2009 Housing Element would result in a less-than-significant impact related to hazards and hazardous materials. The 2009 Housing Element would not transport, use, or dispose of hazardous materials and would not release hazardous materials into the environment. However, the construction of individual development projects would result in the emission of exhaust from construction equipment and vehicles as well as the demolition of older buildings that may contain asbestos, lead-based paint, or other hazardous building materials. In addition, the operation of individual development projects would involve the use of relatively small quantities of hazardous materials such as batteries, household cleaning products, and paint for routine purposes. Most of these materials are consumed through use, resulting in relatively little waste. Existing federal, state, and local regulations and programs address emissions from construction equipment and vehicles, the abatement of hazardous building materials during demolition and construction activities, and the transportation and disposal of hazardous materials. Individual development projects, including those that would be on sites on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 or would handle hazardous materials within one-quarter mile of an existing or proposed school, would be required to comply with these existing regulations and programs.

The FEIR also concluded that the 2009 Housing Element would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving fires. In San Francisco, fire safety is ensured through compliance with the provisions of the building code and the fire code. The building permit applications for individual development projects would be reviewed by the DBI and the fire department for compliance with all regulations related to fire safety.

#### ***Modified Project***

The modified project would not directly result in the construction of housing on sites that are included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5. However, new housing units proposed under the modified project could be located on such sites. In addition, sites that are eligible for development under the modified project would be those that are occupied by automobile-oriented uses, which involve the use of hazardous materials (e.g., gasoline, motor oil, etc.). All development projects in San Francisco, including those located on hazardous materials sites, those that would handle hazardous materials within one-quarter mile of an existing or proposed school, or those that would convert automobile-oriented uses to other uses, would be required to comply with applicable federal, state, and local regulations and programs related to the abatement of hazardous materials, the emission of exhaust from construction equipment and vehicles, and the transportation and disposal of hazardous materials. Required compliance with such regulations and programs would ensure that new housing units would not emit hazardous materials into the environment and would not create a significant hazard to the public or the environment through the routine transport, use, or disposal of

hazardous materials. Required compliance with fire safety regulations would ensure that new housing units would not impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan or expose people or structures to a significant risk of loss, injury, or death involving fires.

For these reasons, the modified project would result in less-than-significant impacts related to hazards and hazardous materials. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions on impacts regarding hazards and hazardous materials.

### **Mineral and Energy Resources** **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in a less-than-significant impact on mineral and energy resources. The 2009 Housing Element would not result in the loss of availability of a known mineral resource, the loss of availability of a locally important mineral resource recovery site, or the use of large amounts of fuel, water, or energy.

### **Modified Project**

All land in San Francisco is designated Mineral Resource Zone 4 (MRZ-4) by the California Division of Mines and Geology under the Surface Mining and Reclamation Act of 1975.<sup>28</sup> This designation indicates that there is inadequate information available for assignment to any other MRZ. For this reason, housing-eligible sites are not designated areas of significant mineral deposits or locally important mineral resource recovery sites, and the construction of new housing units would not result in the loss of availability of such resources. Furthermore, the modified project would not encourage activities that result in the use of large amounts of fuel, water, or energy, or use these in a wasteful manner because new housing units proposed under the modified project would be required to comply with state and local ordinances that regulate such activities. In California, energy consumption for the heating, cooling, ventilation, and lighting of buildings is regulated by Title 24 of the California Code of Regulations. As part of the building permit application process, project sponsors are required to submit documentation demonstrating project compliance with Title 24 standards. In addition, projects in San Francisco are subject to the requirements of the San Francisco Green Building Ordinance.

For these reasons, the modified project would result in less-than-significant impacts on mineral and energy resources. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on mineral and energy resources.

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28 California Division of Mines and Geology, Open File Report 96-03, 1996, and Special Report 146 Parts I and II, 1986.

## **Agriculture and Forest Resources**

### **2009 Housing Element**

The FEIR concluded that the 2009 Housing Element would result in a less-than-significant impact related to conflicts with existing zoning for agricultural use. Implementation of the 2009 Housing Element would not include any changes to the City's zoning districts and would not conflict with existing zoning for urban agricultural uses.

### **Modified Project**

San Francisco is not zoned for agricultural use and is not subject to a Williamson Act contract.<sup>29</sup> The modified project would not convert farmland to non-agricultural use and would not conflict with existing zoning related to agricultural use. The modified project would not directly block sunlight to community gardens, but newly constructed buildings containing housing units could block sunlight to community gardens. These projects would be evaluated for their specific shadow impacts on community gardens as part of their individual environmental review and entitlement processes.

At the time of the preparation of the FEIR, the topic of forest resources was not part of the Environmental Checklist Form (CEQA Guidelines, Appendix G). For this reason, the FEIR did not analyze impacts on forest resources. In 2010, the topic of forest resources was added to the Environmental Checklist Form. San Francisco does not contain forest land or timberland as defined in Public Resources Code section 12220(g) and Public Resources Code section 4526, respectively. The modified project would not convert forest land or timberland to non-forest use and would not conflict with existing zoning related to forest use.

For these reasons, the modified project would result in less-than-significant impacts on agriculture and forest resources. The modified project would not result in more severe impacts than the 2009 Housing Element, would not result in new significant impacts beyond those identified in the FEIR, and would not require new mitigation measures. Furthermore, there is no new information that would alter the FEIR's conclusions regarding impacts on agriculture and forest resources.

## **Mitigation Measures**

The 2004 and 2009 Housing Element FEIR identified Mitigation Measure M-NO-1: Interior and Exterior Noise, to mitigate the potentially significant impact related to interior and exterior noise to a less-than-significant level. Mitigation Measure M-NO-1 requires a noise analysis to be conducted for any new residential development located along a street with ambient noise levels exceeding 75 dBA  $L_{dn}$  in order to demonstrate that the noise standards set forth in Title 24 can be met. In addition, any required open space for a new residential development must be protected to the maximum extent feasible from ambient noise that could be annoying or disruptive to users of the open space. Mitigation Measure M-NO-1 was adopted as Implementation Measures 17 and 18 in both the 2009 Housing Element and the 2014 Housing Element. As discussed under the topic of Noise in the "Analysis of Potential Environmental Effects" section (pp. 15-17), FEIR Mitigation Measure M-NO-1 is not applicable to the modified project.

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29 California Department of Conservation, *Important Farmland in California*, 2016, October 2016.

No other FEIR mitigation measures are applicable, and no new mitigation measures have been identified in this Addendum 8.

### **Conclusion**

I do hereby certify that the above determination has been made pursuant to State and Local requirements.

DATE 12/1/2021



\_\_\_\_\_  
Lisa Gibson, Environmental Review Officer  
for Rich Hillis, Director of Planning





# Focus 2030: A Pathway to Net Zero Emissions

July 2019



**SF Environment**  
Our home. Our city. Our planet.  
A Department of the City and County of San Francisco

SF Environment  
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SFEnvironment.org • (415) 355-3700

## Message from Mayor London N. Breed

Last year, the Intergovernmental Panel on Climate Change issued its most dire report yet on the global climate crisis. The evidence could not have been clearer: we are facing a climate emergency. Cities like San Francisco have a moral and civic imperative to uphold the ambition of the Paris Climate Agreement and limit global temperature rise to 1.5°C. Cities have enormous power—and a responsibility—to reduce harmful greenhouse gas emissions in order to stabilize the planet. That is why I committed San Francisco to achieving net zero emissions by 2050.

I am pleased to present this technical report demonstrating the pathway for San Francisco to achieve these deep emissions reductions. We must act now. By working closely with local businesses, building owners, environmental groups, labor unions, and community-based organizations, we can address this climate crisis while improving lives, creating jobs, and ensuring a high quality of life for all San Franciscans.



London N. Breed, Mayor  
City and County of San Francisco



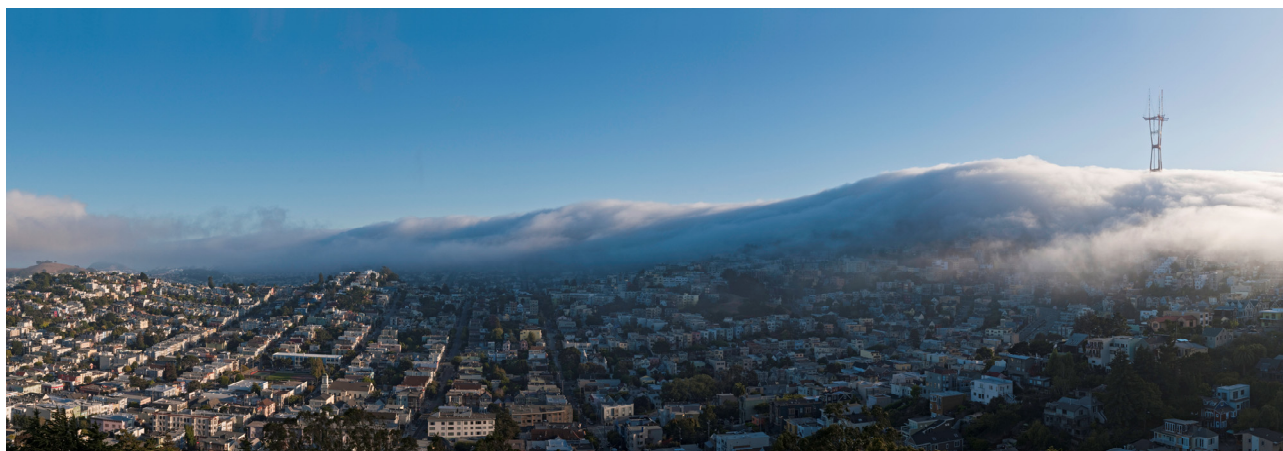
MAYOR BREED AT THE GLOBAL CLIMATE ACTION SUMMIT CLEAN ENERGY KICK-OFF EVENT, MOSCONE CENTER, SEPTEMBER 2018.

## Table of Contents

|                                              |    |
|----------------------------------------------|----|
| Key Findings .....                           | 1  |
| Introduction .....                           | 2  |
| Achievements .....                           | 3  |
| A Scenario-based Approach .....              | 5  |
| Energy.....                                  | 7  |
| Buildings.....                               | 9  |
| Transportation .....                         | 15 |
| Zero Waste.....                              | 21 |
| Sustainable Production and Consumption ..... | 27 |
| Residual Emissions .....                     | 29 |
| Conclusion.....                              | 33 |
| Appendix A: Model Assumptions.....           | 35 |

## Acknowledgements

San Francisco’s *Focus 2030: A Pathway to Net Zero Emissions* was developed for the Mayor’s Office by the San Francisco Department of the Environment, with critical assistance from partner agencies dedicated to the fight against climate change. Published July 2019.



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# Key Findings




This report demonstrates that achieving deep emissions reductions will require an ongoing commitment that builds upon and surpasses San Francisco’s past successes. Without further progress on emission-reducing policies and programs, greenhouse gases citywide will trend upward due to population and economic growth. A steadfast commitment to continued and increased action will be necessary to ensure San Francisco does its part to keep global warming to 1.5°C.

If San Francisco maintains and deepens its commitment to supplying 100% renewable electricity; prioritizes low-carbon forms of mobility such as transit, walking and biking; reduces our consumption of energy; and transitions away from fossil fuels, the city could realize a 68% reduction in emissions below 1990 levels by 2030 and a 90% reduction by 2050.

Even assuming a steadfast commitment, the city is unlikely to reach net zero emissions without new innovations, partnerships and collaborations as the findings of this report estimates there will be some emissions that cannot be eliminated by San Francisco alone. This report therefore also advises that beyond reducing local emissions, San Francisco should take bolder action now to achieve more rapid gains in the fight against climate change by sequestering carbon and encouraging the sustainable consumption of goods and services.

Emissions reductions must come from three primary sectors – buildings, transportation and waste – within which seven Strategic Priorities were identified and evaluated. In the buildings sector, reductions must be realized by increasing energy efficiency, electrifying new and existing buildings, and ensuring that San Francisco is served by 100% renewable electricity from 2030 onward. In the transportation sector, between today and 2050, emissions reductions must be derived equally from transportation mode shift and the electrification of all cars and trucks. In the waste sector, continuing to reduce the amount of material sent to landfill, while increasing the recovery of recyclable and compostable materials, will be essential to reducing local emissions. Yet to realize the greatest global emissions reductions, San Francisco must significantly decrease the consumption of goods and services and the amount of refuse<sup>1</sup> the city generates.

**TABLE 1- STRATEGIC PRIORITIES EVALUATED**

| <br><b>Transportation</b>                                 | <br><b>Buildings</b>                                                                              | <br><b>Zero Waste</b> |
|----------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Shift 80% of all trips taken to walking, biking and transit by 2030<br><br>Electrify 25% of private cars and trucks by 2030 and 100% by 2040 | Electrify space and water heating with high-efficiency products such as heat pumps<br><br>Increase building energy efficiency<br><br>Power buildings with 100% renewable electricity | Reduce generation 15% by 2030<br><br>Reduce disposal to landfill or incineration 50% by 2030               |

<sup>1</sup> Refuse refers to recyclables, compostables and trash bound for landfills.

## Introduction

The science is clear. Climate change is impacting communities around the globe<sup>2</sup>, causing more extreme heat waves, heavy precipitation, flooding, droughts, sea level rise, wildfires, and air pollution. Considered one of the greatest public health threats of the 21st century, climate change is already impacting San Francisco, as recently evidenced by the 2017 Labor Day Heat Event<sup>3</sup>; the fire seasons of 2017 and 2018 which created extended periods of very poor air quality; and a 2019 flood caused by heavy rainfall during high tide. Climate change is a crisis that is impacting residents and infrastructure, placing a disproportionate burden on our most vulnerable populations: low-income communities, communities of color, seniors, and people with disabilities.



San Francisco's response to the climate crisis must be swift and acknowledge the imperative of accelerating emissions reductions, adapting to the impacts already upon us, and preparing for the changes ahead. *Focus 2030: A Pathway to Net Zero Emissions* is a foundational step in San Francisco's progress toward addressing the climate crisis. This technical report quantifies the potential emissions reductions of seven Strategic Priorities based on our ambitious climate and sustainability goals. It focuses on accelerating action over the next decade, driven by the urgent need to limit the increase in global temperature to 1.5°C, the highest that Earth's natural systems can tolerate without severe and irreversible changes.

The analysis completed for this report demonstrates a potential path to net zero emissions<sup>4</sup> by 2050 through the transformation of our energy supply, buildings, transportation, and waste systems. The findings also serve as a starting point for San Francisco's 2020 Climate Action Strategy update. Collaboration and participation of key city departments, local businesses, building owners, environmental groups, labor unions, and community-based organizations will be critical to developing an effective, inclusive and equitable Climate Action Strategy. San Francisco is committed to addressing the unequal burdens of climate change, and fulfilling this commitment will require active community engagement, particularly of those most burdened by the impacts of climate change such as people of color, low-income and frontline communities, to ensure that San Francisco's efforts evaluate and eliminate longstanding systems and practices that unintentionally perpetuate inequities.

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<sup>2</sup> <https://nca2018.globalchange.gov/chapter/front-matter-about/>

<sup>3</sup> <https://sfgov.maps.arcgis.com/apps/MapJournal/index.html?appid=093e26ddb26a4e3180fa1e35158858bf>

<sup>4</sup> Net zero emissions refers to reducing to the greatest extent possible production of greenhouse gases such as carbon dioxide (CO<sub>2</sub>), methane (CH<sub>4</sub>) and nitrous oxide (N<sub>2</sub>O) and offsetting any residual emissions that cannot be eliminated through methods such as carbon sequestration.

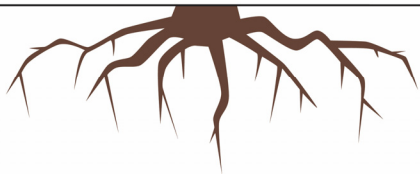
## Achievements

From the city's first Sustainability Plan in 1996, to the release of an updated Climate Action Strategy in 2013, to the historic commitment to net zero emissions in 2018, San Francisco has been a climate action pioneer, setting ambitious goals and taking bold steps toward reducing emissions and protecting the environment. San Francisco's 0-80-100-Roots Climate Action Framework defines ambitious climate and sustainability goals. By achieving these goals, the city will enjoy the benefits of cleaner air, fewer vehicles on the road, a more reliable transit system, more bike lanes and pedestrian-friendly networks, highly efficient homes and businesses powered by 100% clean electricity, and a healthy, well-developed urban canopy and green spaces.



SAN FRANCISCO CLIMATE ACTION

0 80 100



The 0-80-100-Roots Climate Action Framework outlines four goals:

- Zero Waste: By 2030, reduce refuse generated<sup>5</sup> 15% and disposal to landfill and incineration 50% below 2015 levels
- Mode Shift: By 2030, increase sustainable trips to 80%
- Energy: By 2030, supply 100% renewable electricity and 100% renewable energy by 2050
- Roots: Sequester carbon through ecosystems restoration, increased urban tree canopy, and compost application

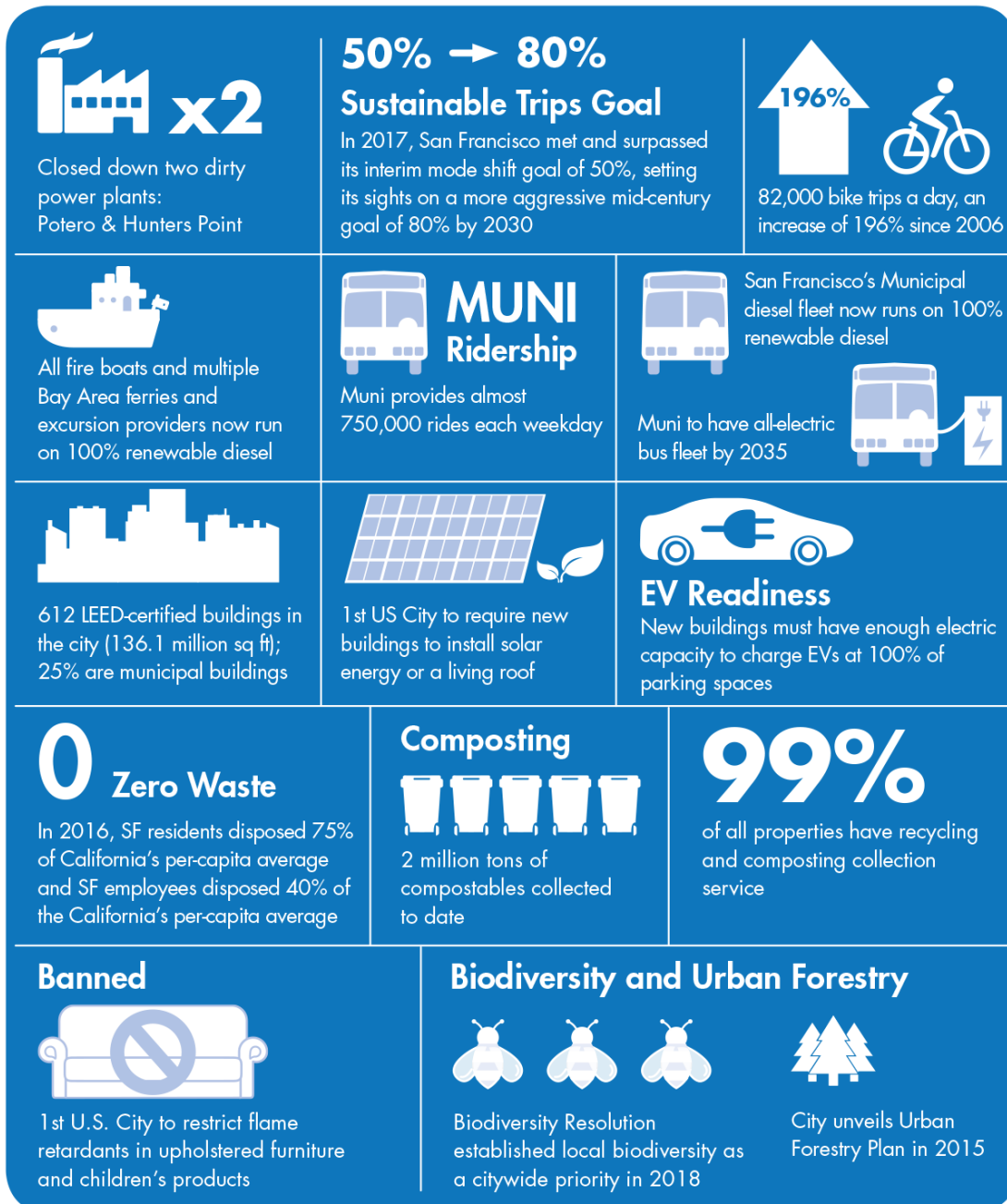
The effectiveness of our efforts to achieve these goals has been clear: in 2017, San Francisco achieved a 36% reduction in greenhouse gas emissions below 1990 levels, greatly surpassing the target of 25% established by the San Francisco Board of Supervisors<sup>6</sup>. A steady decline in emissions over the last two decades, even as the population and economy has grown, is primarily due to the continued replacement of fossil fuel power generation with renewable sources. In addition, a clean

<sup>5</sup> Refuse generation refers to the total amount of material discarded to recycling, composting and landfill.

<sup>6</sup> <https://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances08/o0081-08.pdf>

electric grid, increased building energy efficiency, a transition to low-carbon transportation fuels, and a state-of-the-art zero waste program have also spurred emissions reductions over time.

While these achievements are remarkable, if the Paris Climate Agreement is to be met, San Francisco and other cities around the world must accelerate local action. Additionally, because emissions from the consumption of goods and services produced outside the city can be up to three times greater than emissions generated within San Francisco’s boundaries, we must focus on shifting behavior toward sustainable consumption, using low-carbon products, and supporting a circular economy.







**FIGURE 1 - ACHIEVEMENTS TO DATE**

## A Scenario-based Approach

San Francisco has been tracking and reporting emissions using globally accepted protocols since 2008 and has a deep understanding of the emissions produced from different sectors. Based on this understanding, the city has developed two scenarios, each of which uses San Francisco’s 2017 emissions inventory as a baseline: A business-as-usual (BAU) scenario and a Goals scenario. The BAU scenario assumes the city does not advance or accelerate its climate efforts further and consequently, does not reach its goals. The Goals scenario examines the potential emissions reductions that can be achieved if the city meets its 0-80-100-Roots commitments.

This analysis also examines how emissions reductions in the transportation and buildings sectors might be impacted by the timing of meeting the 0-80-100-Roots commitments. Specifically, for the transportation sector we evaluated the impact of slowing down the time to achieve 80% sustainable trips, while for the building sector we evaluated the impact of speeding up the timing to achieve zero emissions new buildings.

**TABLE 2 - ANALYSIS ASSUMPTIONS<sup>7 8 9</sup>**

|                                                                                                              | <b>BAU Scenario Assumptions</b>                                                                                                                                                                  | <b>Goals Scenario Assumptions</b>                                                                                                                                                                                    |
|--------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Energy</b><br>         | The electricity mix remains the same as in 2017, with renewables remaining at only 64% of the mix between now and 2050.                                                                          | Future energy demands from the transportation and building sectors are met by a continued increase in renewables, with 100% renewable electricity by 2030 maintained through 2050.                                   |
| <b>Buildings</b><br>      | Energy efficiency savings in new and retrofitted buildings do not increase more than current standards. The ratio of natural gas and electricity used in buildings remains the same as 2017.     | New buildings are net zero emissions by 2030 and approximately 3% of existing buildings are retrofitted each year, resulting in a nearly 100% efficient existing-building stock and all-electric no later than 2050. |
| <b>Transportation</b><br> | Trips taken by walking, biking and transit remain at 54% with no further increase between 2017 and 2050. Electric vehicles continue to be less than 2% of total vehicles registered in the City. | By 2030, 80% of all trips are taken by walking, biking, or transit, and 25% of private vehicles registered in San Francisco are electric.                                                                            |
| <b>Zero Waste</b><br>     | Levels of refuse generated and disposed per capita remain the same as in 2017, however due to population growth the total amount generated and disposed increases.                               | Refuse generation is reduced 15%, and disposal is reduced 50% by 2030 despite population growth.                                                                                                                     |

<sup>7</sup> The main assumptions of the BAU and Goals scenarios are summarized in Table 2 and described in detail in Appendix A.

<sup>8</sup> Renewable energy in San Francisco is defined as solar (PV), wind, small hydro and existing large hydroelectric, geothermal, and biomass.

<sup>9</sup> The World Green Building Council defines net zero carbon buildings as a building that is highly energy efficient and fully powered from on-site and/or off-site renewable energy sources (non-CO<sub>2</sub> emitting).





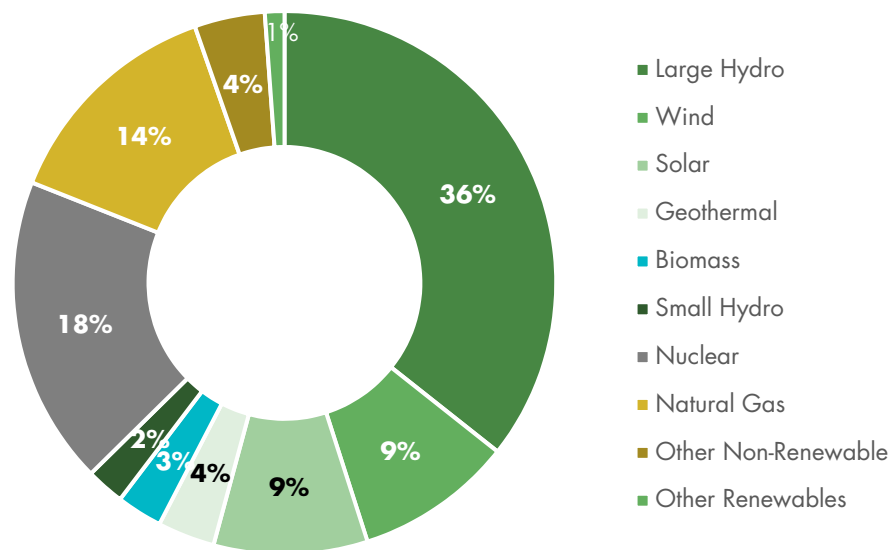
PHOTO COURTESY LUMINALT 1

## Energy

Eliminating fossil fuels as a source of power generation, known as decarbonizing the electric grid, is central to achieving our ambitious emissions-reductions goals. Today, the electric grid continues to become cleaner; in 2017, electricity supplied to San Franciscans was 82% emissions-free<sup>10</sup>, with 64% of electricity generated from renewable sources that include wind, solar and existing large hydropower. City-owned buildings are powered by 100% GHG-free electricity<sup>11</sup> and CleanPowerSF, San Francisco's Community Choice Aggregation program, is increasing its renewables portfolio and expanding its customer base.



PHOTO BY LAURA SASSO



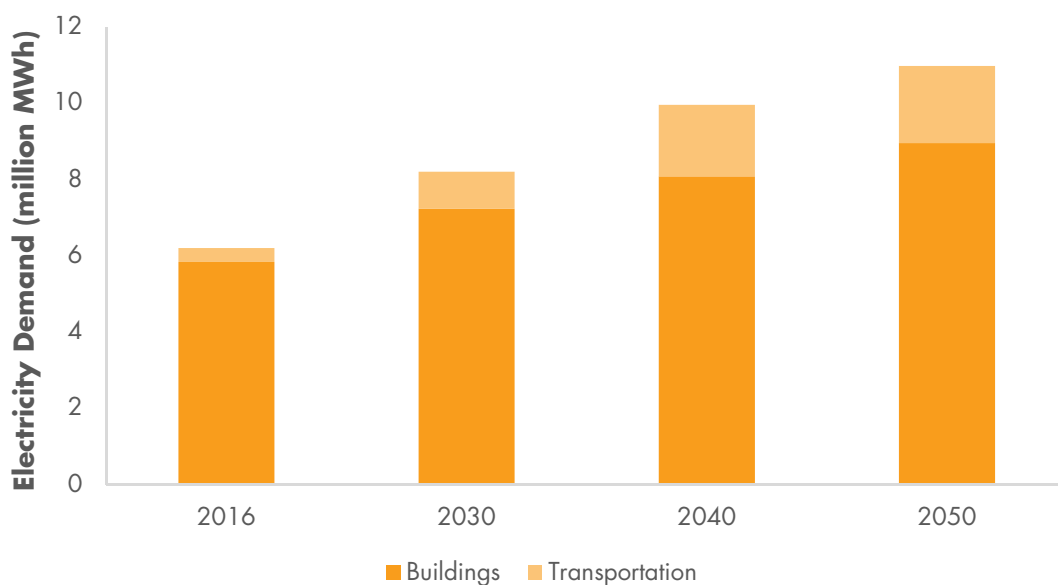
**FIGURE 2 - SAN FRANCISCO 2017 ELECTRICITY GRID MIX**

To achieve net zero emissions by 2050, San Francisco must continue to focus on supplying energy from emissions-free, renewable sources. In the buildings and transportation sectors, the city must ensure the use of efficient electric technologies powered by renewable electricity. To support grid optimization, it will also be important that these efficient, electric technologies be combined with smart time-of-use devices and energy storage solutions.

<sup>10</sup> In 2017, only natural gas and other non-renewable electricity sources generated emissions.

<sup>11</sup> In 2010 the city fully sourced GHG-free electricity from the San Francisco Public Utilities Commission's (SFPUC) Hetch-Hetchy system.

The analysis conducted for this report estimated that by 2050 demand for electricity could increase as much as 94%. Even with improvements in energy efficiency, electricity demand will increase due to local population growth (and a commensurate increase in housing units and commercial spaces), a switch to electric heating and cooling systems, and an exponential uptick in electric vehicle usage. If San Francisco is to meet this demand in the coming decades while simultaneously reducing emissions, it will thus be crucial to accelerate the development of cost-effective, renewable energy resources that can be reliably dispatched when needed.



**FIGURE 3 – ESTIMATED ELECTRICITY DEMAND INCREASE FROM BUILDINGS AND TRANSPORTATION**

### Path Forward

The transition to a city powered by 100% renewable electricity will depend on a diversity of offsite (CleanPowerSF) and onsite renewable power sources (rooftop solar photovoltaic systems); energy storage; and the mass deployment of electric appliances and vehicles. A smart, clean grid can benefit San Francisco residents by providing reliable power during times of need, for example after a disaster or an extreme weather event<sup>12</sup>. The importance of reliably providing 100% renewable electricity for our buildings and transportation systems cannot be understated. Should the city fail to meet its renewable electricity goal by 2030, and continues to use natural gas and other fossil fuels, San Francisco could see up to five times more cumulative emissions by 2050. Achieving 100% renewable electricity faces financial and environmental hurdles, highlighting the imperative to continue reducing energy usage through both efficiency measures and consumer behavior change.

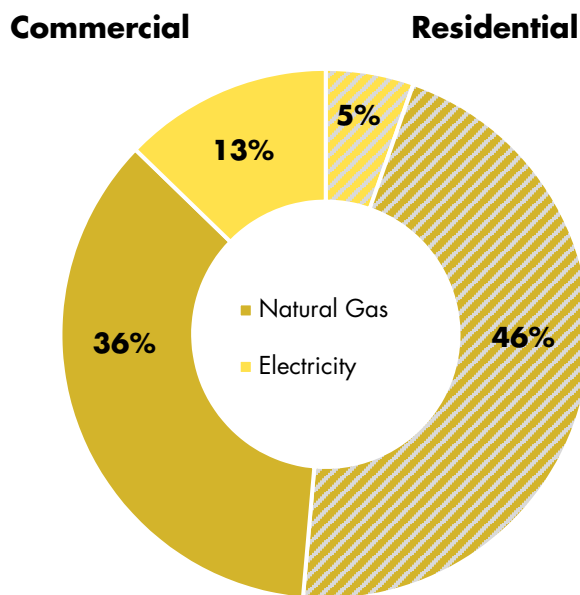
<sup>12</sup> <https://sfgov.org/orr/sites/default/files/documents/Lifelines%20Council%20Interdependency%20Study.pdf>

## Buildings

Between 2004 and 2016, progressive green building codes resulted in more than 133 million square feet of LEED-certified buildings in San Francisco, including 52 city-owned properties. Additionally, since 2013, the San Francisco Energy Watch and Bay Area Regional Energy Network (BayREN) energy efficiency programs collectively reduced electricity use 200 GWh, resulting in more than \$3.7 million in estimated energy savings.

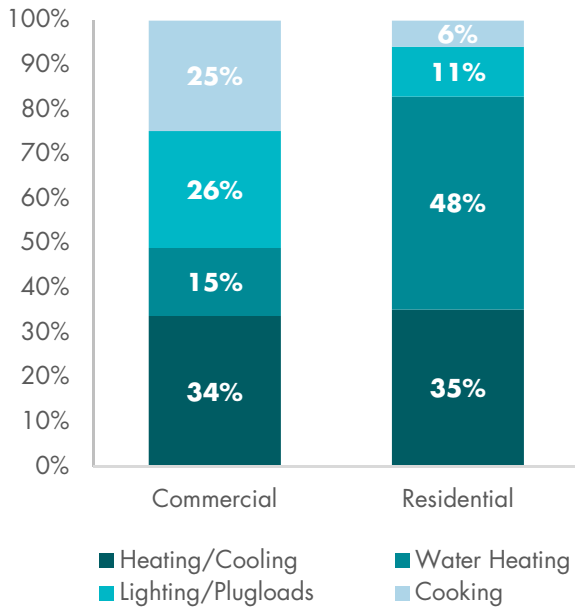


In part due to these efforts, in 2017 buildings were responsible for only 44% of citywide emissions<sup>13</sup>, with commercial and residential buildings contributing almost equally. Most building emissions stem from the use of natural gas for water heating and space conditioning (heating and cooling). Electricity use for lighting, mechanical equipment, and “plug loads” (e.g. computers, televisions, microwaves, etc.) generated less than one-fifth of building emissions in 2017. Despite a significant increase in the number of buildings in San Francisco and the widespread proliferation of personal electronic devices requiring constant charging, emissions from buildings have declined 51% relative to 1990 levels.



**FIGURE 4– BUILDING EMISSIONS BY SUB-SECTOR, 2017**

<sup>13</sup> <https://sfenvironment.org/carbonfootprint>



**FIGURE 5 - BUILDING EMISSIONS BY END-USE<sup>14</sup>**

### Strategic Priorities

Transitioning away from fossil fuels is key to driving down building sector emissions. A large majority of buildings in San Francisco rely on natural gas for space- and water-heating which, combined, account for 49% of commercial building emissions and more than 80% of residential building emissions. Eliminating natural gas is possible and cost-effective with current technologies, such as high-efficiency electric heat pumps, which can be powered by renewable electricity. The benefits of transitioning to electric end-uses can be maximized through a continued focus on energy efficiency efforts like increasing insulation and sealing leaky walls and windows, which reduce demand for heating and cooling while bringing other health and comfort benefits.

### 2030 Emission-Reduction Potential

Aggressively increasing electrification in new and existing buildings could reduce sector emissions 22%. Increasing energy efficiency could likewise reduce sector emissions 10% by 2030, compared to business-as-usual. A complete transition to 100% renewable electricity by 2030 will contribute an additional 24% to building sector emissions reductions compared to business-as-usual.

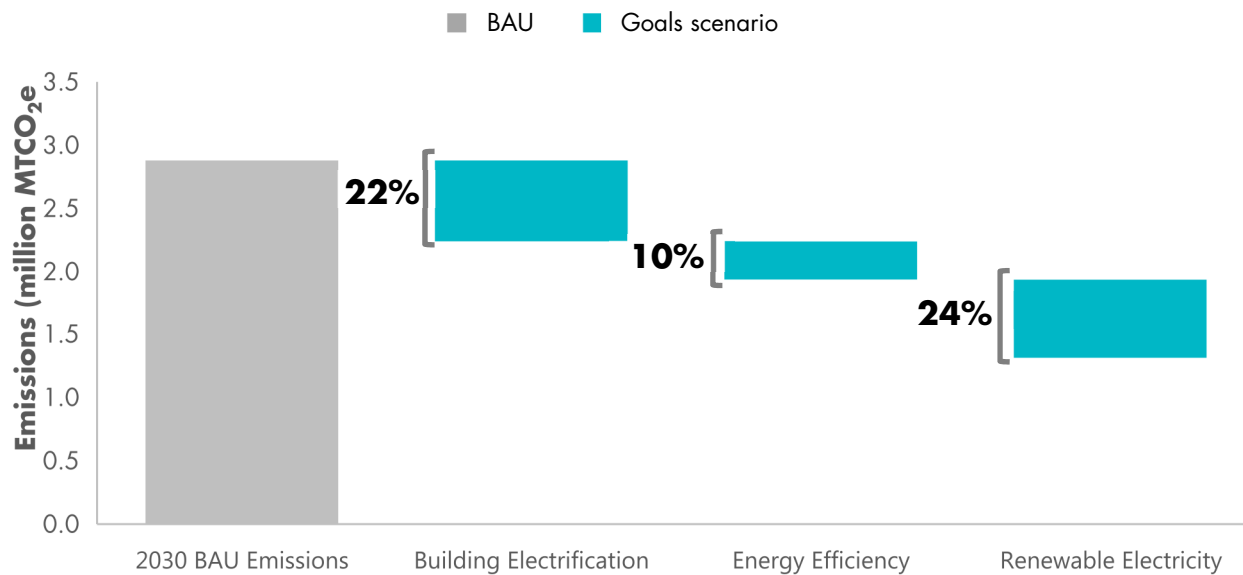
### Buildings Strategic Priorities

Electrify space- and water-heating with high-efficiency products such as heat pumps

Increase building energy efficiency

Power buildings with 100% renewable electricity

<sup>14</sup> 2006 California Commercial End Use Survey (CEUS)



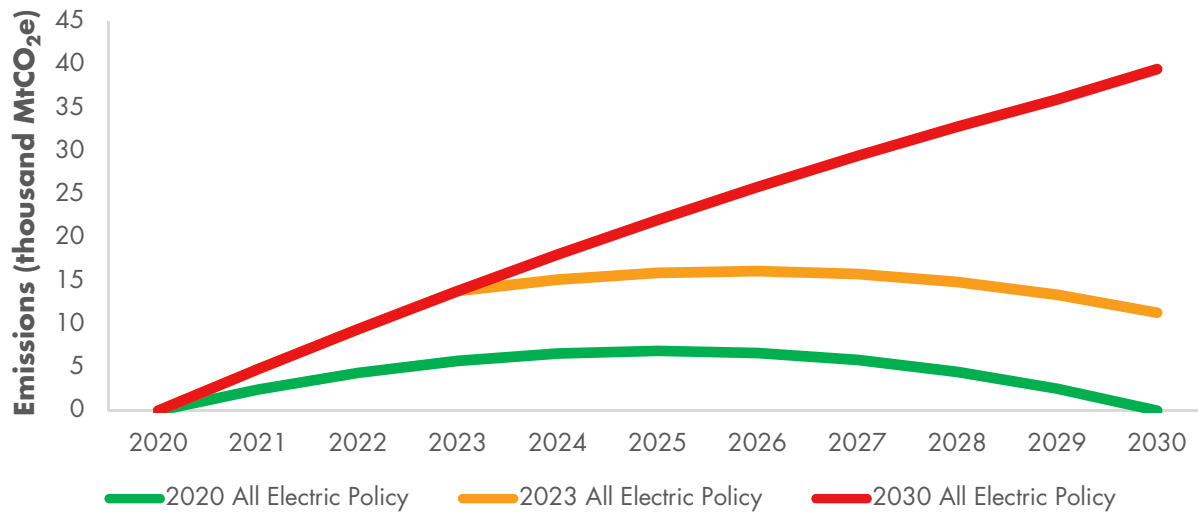
**FIGURE 6 - POTENTIAL EMISSIONS REDUCTIONS IN THE BUILDING SECTOR BY 2030**

### New Construction

San Francisco adds an average of 4.5 million square feet of new buildings per year.<sup>15</sup> Ensuring new buildings are all-electric and energy efficient from the start will reduce emissions and provide immediate co-benefits, while avoiding the costs of expensive electrification retrofits in the future. San Francisco has committed to zero emissions new construction by no later than 2030. Accelerating this to 2023 could result in 44% lower emissions from new buildings over the next decade, while accelerating to 2020 would reduce emissions by 80%.



<sup>15</sup> Estimate based on projected population growth rates for San Francisco and the 2016 land use total square footage by use type.



**FIGURE 7 - IMPACT OF ACHIEVING ALL-ELECTRIC NEW CONSTRUCTION IN 2020 VERSUS 2023 AND 2030**

### Existing Buildings

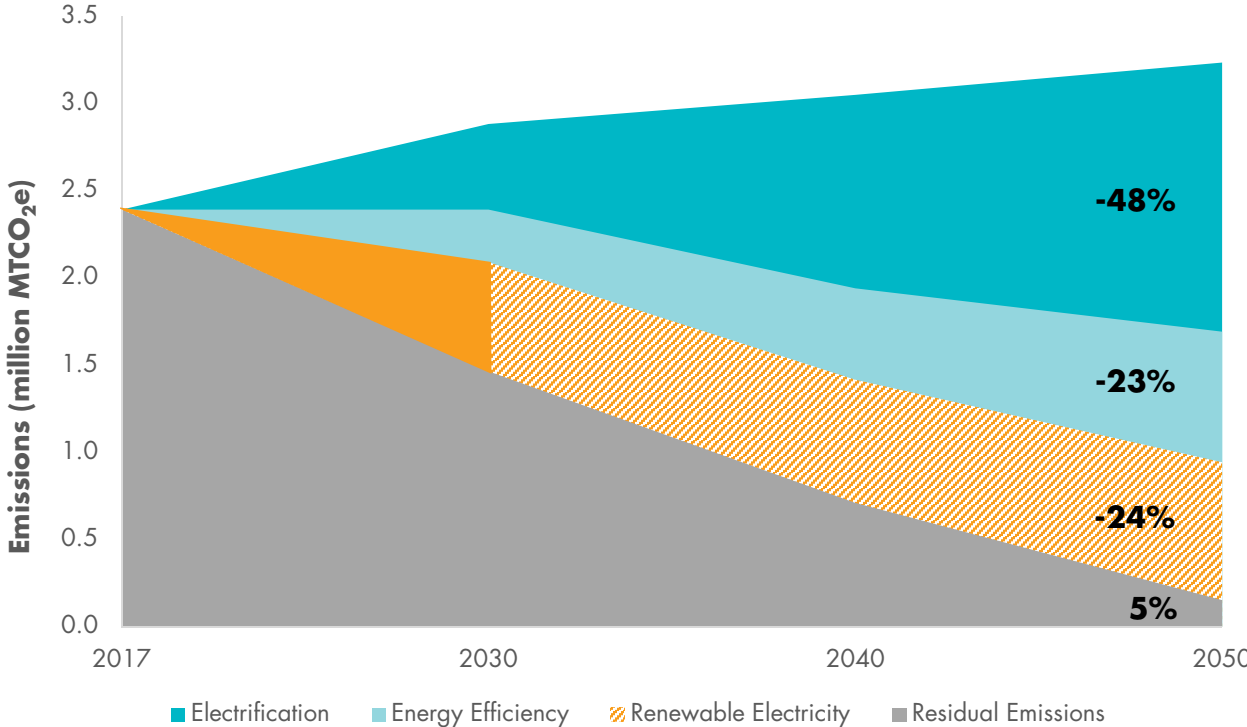
It is currently estimated that about 5% of all energy-consuming equipment used in buildings “turns over” each year (i.e. is replaced because it is broken or has reached the end of its useful life). Today, gas equipment is typically replaced with a similar gas-burning system. To achieve net zero emissions by 2050, at least 3% of all existing gas-based equipment in buildings must be replaced annually with electric systems, starting today. Any delays in initiating steady and systematic electrification of existing buildings will result in a much higher volume of future electrification retrofits needed to meet San Francisco’s goals.

Electrifying existing buildings is inherently more challenging than electrifying newly constructed buildings. Efforts currently underway to speed up electrification retrofits in the near- and long-term include, but are not limited to: updating state rules to make ratepayer funds available to support electrification retrofits; adjusting utility rates to ensure equity and maximize bill savings; engaging with product manufacturers and contractors to reduce costs and meet increasing demand; and educating consumers about the many benefits of these technologies.

### Path to Zero Emissions

The Goals scenario makes several assumptions with respect to the building sector Strategic Priorities, namely that starting in 2030, all new buildings will be all-electric and efficient; that starting today, existing buildings must be retrofitted with efficient, all-electric systems at an average annual rate of 3% per year; and that electricity will be emissions-free by 2030. Collectively, the Strategic Priorities have the potential to reduce emissions by 95%, leaving about 5% of residual emissions in 2050.

Achieving these levels of efficiency and electrification in new and existing buildings is critical given the fact that once electricity is emissions-free in 2030, further reductions can only be derived from eliminating natural gas. Given the current rate of existing building electrification, the assumptions in the Goals scenario will not be realized without considerable effort. Ensuring that all, or nearly all retrofits, renovations, and equipment replacements are electric is essential to achieving our net zero emissions goal.



**FIGURE 8 - PATH TO ZERO EMISSIONS IN BUILDINGS**

**Summary of Actions to Help Achieve the Strategic Priorities**

Ensuring San Francisco’s electricity is emissions-free, and progress is made towards a just transition to highly efficient electric buildings would result in many advantages for developers, owners, and tenants, including lower construction and operating costs, improved indoor air quality, and increased safety. This transition could also lead to buildings that are more resilient to the impacts of climate change. Zero emission new buildings are possible today and are necessary to avoid expensive retrofits in the future. Retrofitting existing buildings will require greater effort, engagement, and careful evaluation to ensure energy affordability for all. To support this, San Francisco will continue to engage with local, regional and state stakeholders and policymakers to unlock new financial tools and resources; bring product manufacturers, contractors, and labor into the electrification marketplace; and educate building owners and the public on the multiple benefits of low-carbon building technologies.



## Building Co-benefits

*Taking action to reduce emissions in the building sector could result in numerous benefits for equity, health, environment, economy, and resilience.*

### **Equity**

In San Francisco, low income and communities of color disproportionately live in buildings without proper weatherization and adjacent to industrial activities or freeways and high-density arterials. Energy efficiency measures like insulation help maintain comfortable interior temperatures and keep heating and cooling costs low, which will benefit low-income residents who spend a higher percentage of their money on utilities. Enhanced ventilation in more efficient systems also closes the gap in exposure to air pollution.

### **Health**

Today nearly all residential buildings in San Francisco are heated by natural gas and do not have cooling. Switching to high-efficiency electric heat pumps can provide emissions-free heating and provide cooling, which is especially important for vulnerable populations such as the elderly and young children during heat waves. Burning natural gas in household appliances including gas cooking produces indoor air pollution that can cause immediate and long-term respiratory problems, especially for young children and people with asthma. Air-sealing and supplying mechanically filtered fresh air limits exposure to outdoor contaminants and can greatly improve indoor air quality, while also keeping energy costs low.

### **Environment**

Eliminating natural gas reduces leaks of methane – a super greenhouse gas that traps more heat in the atmosphere over a shorter period than carbon dioxide. Transitioning to high-efficiency electric heat pumps would eliminate the use of methane as a fuel and reduce risk of leaks both within homes and from distribution pipes.

### **Economy**

Zero emissions buildings support economic development and create new local jobs for workers who construct and retrofit buildings. As residents save money on energy bills and employment grows, more capital is available to go back into the local economy.

### **Resilience**

Natural gas infrastructure poses safety risks, notably from fire hazards associated with leaks that can be exacerbated after earthquakes. It is estimated that after a major earthquake, it could take just one week to restore electric service, but up to six months to restore gas. All-electric buildings can also be integrated with solar panels and battery storage to power critical loads and services needed in an emergency.

## Transportation

San Francisco is fully committed to implementing its Transit First policy, which focuses on getting people out of cars by increasing the share of trips made by sustainable modes such as biking, walking and transit. Sustainable modes are the cornerstone of San Francisco's strategy to achieve a zero emission transportation sector. In addition to being low- to zero emissions, biking, walking and transit reduce congestion, improve public health and safety, and are often more equitable, sustainable, and affordable. Efforts to coordinate transportation and land use planning also help ensure that job and housing growth support Transit First and also reduce emissions in the long term.

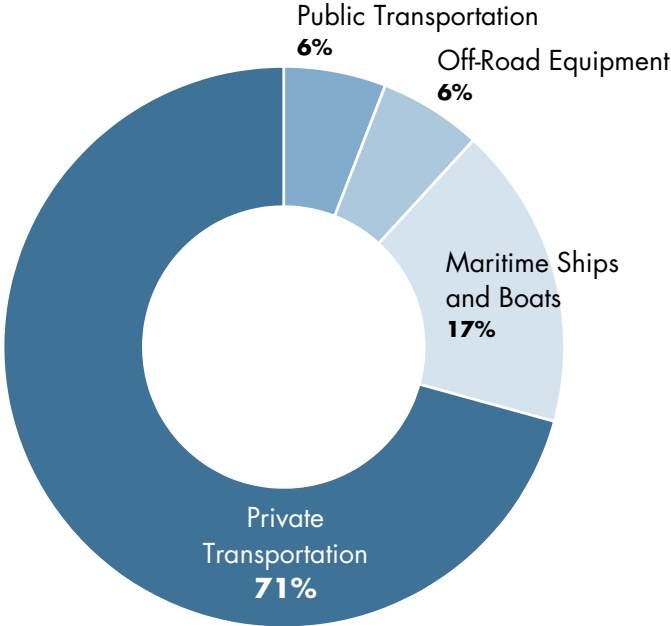
Progress to-date toward this policy, established in 1973, is clear: in 2017 San Francisco surpassed its former mode-shift goal of 50%, with residents using sustainable modes for 54% of their trips. This is promising given over half of San Francisco's public transit fleet, including light rail, cable cars, historic streetcars and electric trolley buses, are powered by emissions-free electricity, with the remaining bus fleet to be converted to all-electric by 2035.

Despite this progress, success in reducing transportation-related emissions has been slower. Since 1990, emissions from the transportation sector have decreased by only 10%. In 2017 San Francisco's rapidly evolving transportation sector was responsible for 46% of citywide emissions, with most of these (71%) coming from private cars and trucks that also cause severe traffic congestion, safety hazards, and negative impacts on quality of life. Public transportation and off-road equipment<sup>16</sup> each contributed a small portion to transportation-sector emissions (6% respectively), while maritime ships and boats made up the remainder (17%).



<sup>16</sup> Off-road vehicles and equipment refers to non-transport uses such as generators, construction machinery, etc.

San Francisco’s public transportation system contributes less than 6% of the sector’s emissions. As part of its transition to zero emissions, it runs on 100% renewable diesel since 2015. Renewable diesel hybrid electric buses will be fully electric by 2035. Given this transition, the city is now focusing on how to promote the transition of private cars and trucks to zero emission vehicles while upholding key policies, including the Transit First policy.



**Transportation Strategic Priorities**

80% of all trips in 2030 are taken by walking, biking and transit

25% of private cars and trucks are electric by 2030 and 100% by 2040

**FIGURE 9 - TRANSPORTATION EMISSIONS BY SUB-SECTOR, 2017**

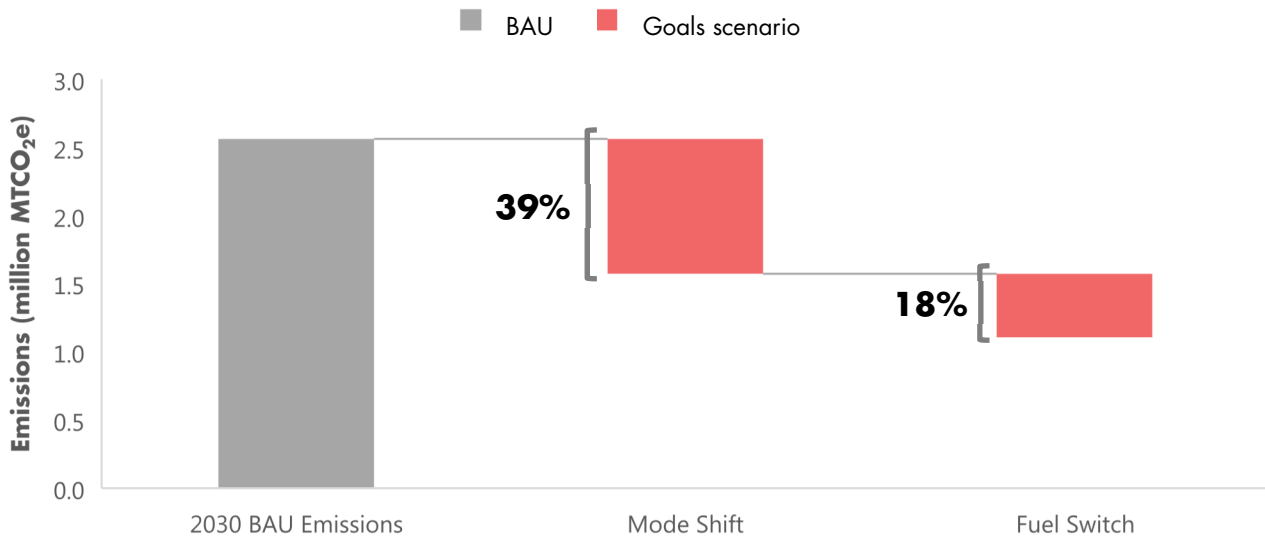
**Strategic Priorities**

Achieving deep emissions reductions in the transportation sector will require the public to continue to increase biking, walking and transit trips as well as a transition to zero emission (electric) cars and trucks. There is substantial work ahead if San Francisco is to accelerate these changes and realize deep emissions reductions in this sector. Travel behavior—including mode choice, total vehicle miles travelled, type of fuel used, and vehicle efficiency—is a key factor influencing transportation emissions. Trip distance is a major influence on travel behavior, informing the cost and perceived ease of the mode taken. San Francisco is working to shift travel behavior through approaches that include transit-oriented development, transportation demand management, complete streets infrastructure, and more.

## 2030 Emissions Reduction Potential

A combination of mode shift and fuel switch is required to reduce emissions in the transportation sector. By 2030, if San Francisco achieves its ambitious Sustainable Trips<sup>17</sup> goal of 80%, sector emissions could be reduced 39% compared to business-as-usual (current mode share: 54% of all trips by bike, walk or transit).

In addition, if 25%<sup>18</sup> of private cars, trucks and other private-mobility modes<sup>19</sup> that remain on the road transition to electric, a further 18% reduction could be achieved. Moving beyond the current 2% of electric vehicles in the city to 25% (or more) will require an increase in electric vehicle charging stations available to the public across the city.



**FIGURE 10 – POTENTIAL EMISSIONS REDUCTIONS IN THE TRANSPORTATION SECTOR BY 2030**

### Impact of Mode Shift

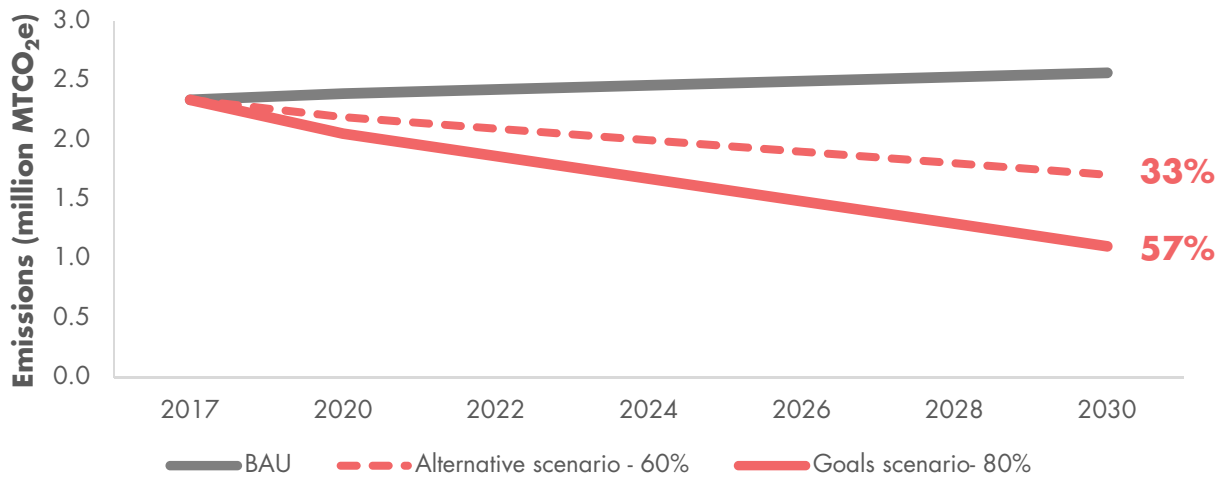
If San Francisco achieves its 80% Sustainable Trip goal while concurrently electrifying 25% of the cars and trucks that remain on the road, transportation-sector emissions could decline 57% by 2030 compared to business-as-usual. However, if only 60% of trips in 2030 are taken by bike, walk or

<sup>17</sup> For this report, a Sustainable Trip is defined as any trip taken by biking, walking or using transit. SFMTA’s Strategic Plan defines a sustainable travel mode as one that supports the city’s climate action goals and one that also meets the long-term economic, social, and physical needs of the city. Because they directly support these goals, the SFMTA will promote walking, bicycling, and public transit, as well as those modes that complement their use, like taxis and vehicle sharing. Determination of the sustainability of other transportation modes and methods used to travel to, from, and within San Francisco will be made in later SFMTA planning and strategy work as data becomes available.

<sup>18</sup> This percent was estimated based on California’s state goal of 5 million electric vehicles on the road by 2030. San Francisco’s Electric Vehicle Roadmap has set a vision for all trips originating in, ending in or passing through San Francisco to be emissions-free by 2040. While these goals are more stringent, they are consistent and complement regional goals as defined in the 2017 Clean Air Plan and Plan Bay Area 2040.

<sup>19</sup> Private mobility includes cars, vans and medium-or heavy-duty trucks, taxis, paratransit, emerging mobility fleets, and commuter shuttles, as well as motorbikes and scooters.

transit, the pace of emissions reduction will be slower—a 33% decline—even with the same 25% electric vehicle adoption rate. Beyond slower emissions reductions, this outcome would result in an increase in private cars and trucks, private-vehicle trips taken, and vehicle miles traveled within the city. This could have significant impacts on our already congested streets, making the transition to electric cars and trucks much more difficult, and negatively affect the quality of life of all San Franciscans.

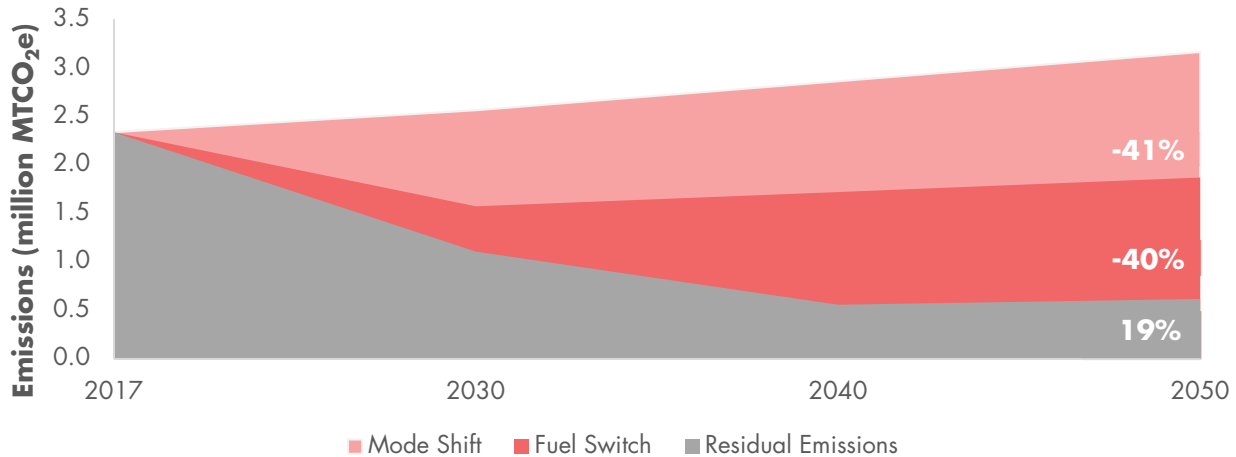


**FIGURE 11 - IMPACT OF ACHIEVING 80% SUSTAINABLE TRIPS IN 2030 ON EMISSIONS REDUCTION**

### Path to Zero Emissions

By 2050, emissions in the transportation sector could decline 81% under the Goals scenario compared to business-as-usual. Zero emissions in the on-road portion of the sector (public and private transportation) is within reach. However, getting to zero is challenging because emissions from large maritime ships, boats, and off-road equipment are currently beyond the control of the city. San Francisco will need to work with other cities in the region, as well as the state government to address residual emissions<sup>20</sup> from the sector. Partnerships and collaboration will be essential to promote zero emission policies and technologies for the maritime sector. As for electric off-road equipment, there have been recent advances in low emissions alternatives, however, transitioning to zero emissions will require innovation and market transformation extending beyond the city’s sphere of direct influence.

<sup>20</sup> Residual emissions are those where the city has limited options to eliminate or reduce further.



**FIGURE 12 - PATH TO ZERO EMISSIONS IN THE TRANSPORTATION SECTOR**

### Summary of Actions to Help Achieve the Strategic Priorities

San Francisco has already reduced emissions from some portions of the transportation sector. Accelerating and expanding these reductions will require improving and expanding our transit system, including additional bus rapid transit (BRT) corridors, rapid networks, system upgrades and facility investments. Expediting reductions will also require implementing new policies and programs, such as congestion pricing, while expanding existing infrastructure, such as improving the extent and safety of the bicycle and pedestrian networks. Continued efforts to influence travel behavior will also be necessary and might include creating jobs and housing near transit, focusing on transformative transit investments, and promoting sustainable transportation for all, education and incentives. Lastly, San Francisco must accelerate its efforts to develop a publicly available electric vehicle charging network, for example in off-street parking facilities.



## Transportation Co-benefits

*Taking action to reduce emissions in the transportation sector could result in numerous benefits for equity, health, environment, economy, and resilience.*

### **Equity**

People of color, low-income communities, and people with disabilities are often disproportionately burdened by mobility and accessibility challenges. Enhancing biking, walking, and transit systems is part of a larger strategy to make transportation more accessible and affordable for all. These modes also encourage denser and more affordable development, while improving community cohesion.

### **Health**

Walking and biking improve physical health outcomes. Greater investment in safer streets could reduce pedestrian and bicycle injuries and fatalities. Reduced congestion and zero emission vehicles decrease tailpipe emissions and can improve local air quality for low-income communities, who often suffer from greater pollution exposure, and for those who suffer from asthma and chronic respiratory illnesses. Biking, walking and transit also help reduce stress and travel time while encouraging clean, safe, and lively streets.

### **Environment**

More affordable, active transit and public mobility options for all can result in fewer private vehicles and less congestion. Biking, walking, transit and zero emission vehicles reduce air pollution, the extraction and processing of oil and gas, and greenhouse gas emissions. Non-motorized modes reduce noise and eliminate the risk of water pollution derived from fluid leaks.

### **Economy**

Biking, walking, and transit connect people to jobs in San Francisco and have the potential to provide better access to goods and services. Residents, workers and visitors can save money by using these alternatives rather than paying for fuel, vehicle parking and maintenance. Switching from fossil-fuel powered vehicles to electric vehicles could lower lifetime operational costs. In addition, the low-carbon transportation sector promotes job growth around electric-vehicle maintenance, bicycle repairs and sales, and software development for bike sharing. Research shows that bicycle and pedestrian infrastructure can also help improve local businesses by making them more visible to people using these modes.

### **Resilience**

More diverse and extensive active transportation and transit options, as well as zero emission vehicles that operate using local electricity, could help support San Francisco's ability to remain operational in the face of extreme weather events, congestion, or unexpected fuel shortages. Solar-powered charging stations could fuel electric vehicles when the grid is down, and these stations would have a supplemental benefit of helping to stabilize the electric grid.

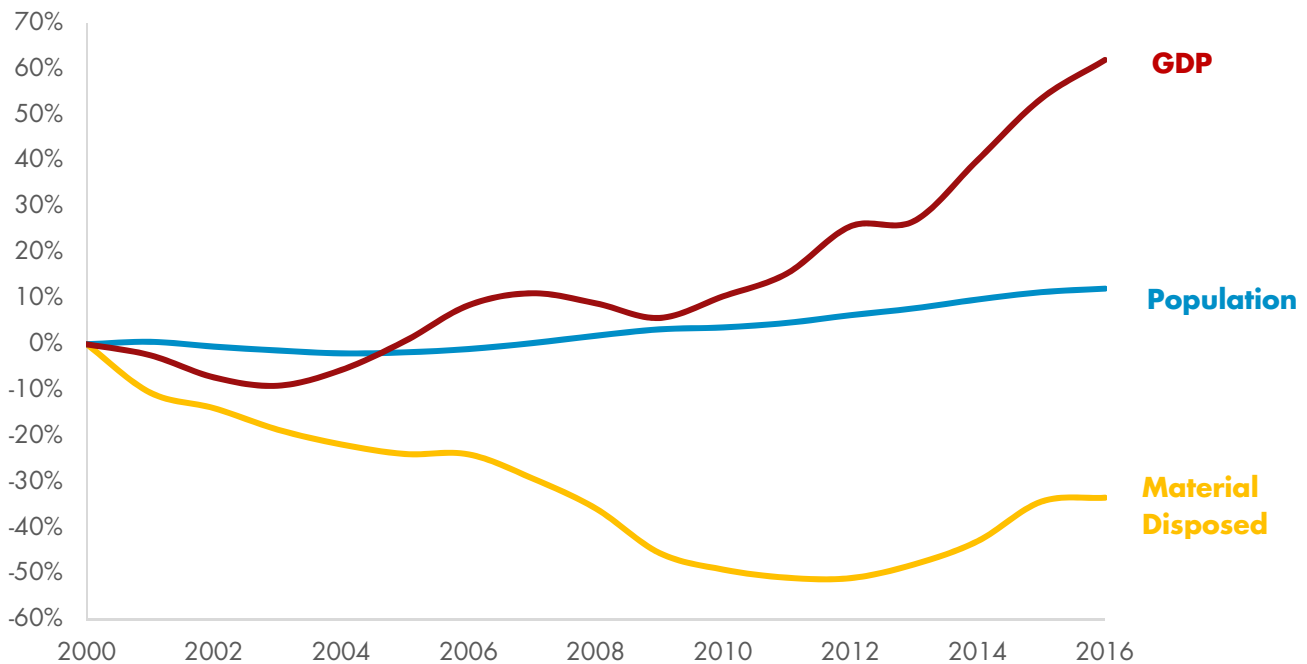
## Zero Waste

San Francisco is a global leader in waste reduction and one of the first large U.S. cities to collect and compost food scraps and ban single-use plastic bags. In 2003, the city set a goal to achieve zero waste. Zero waste means reducing, reusing, recycling or composting discarded materials—in that order—with the goal of nothing disposed to landfill or incineration.



PHOTO BY LARRY STRONG, COURTESY RECOLOGY 1

Infrastructure investments, mandatory recycling and composting, and convenient access to the three-stream collection system (recyclables, compostables, and landfill) have resulted in a dramatic increase in recovery and a reduction in disposal. In the twelve years between 2000 and 2012, material sent to landfill was cut in half, resulting in a 62% reduction in emissions. However, between 2012 and 2016 rapid economic growth and a construction boom resulted in a 36% increase in disposal.



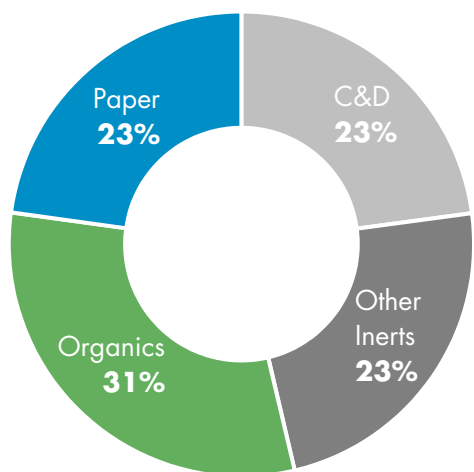
**FIGURE 13 – SAN FRANCISCO POPULATION, GDP AND MATERIAL-DISPOSAL TRENDS FROM 2000 TO 2016**

In 2016, almost half of the materials disposed to landfill from San Francisco were organics and paper, with organic materials responsible for 6% of citywide sector-based<sup>21</sup> emissions. The other half of disposed material was from construction and demolition (C&D) and other inert materials. Construction and demolition discards include materials that do not decompose and therefore do not

<sup>21</sup> A sector-based inventory accounts for emissions happening within a defined geographic area and time period in the following sectors: stationary energy (buildings), transportation, waste, industrial processes and product use (IPPU), and agriculture, forestry and other land use (AFOLU).



generate direct greenhouse gas emissions. However, organic materials such as wood that do generate emissions still make up about 5% of C&D debris disposed, hence why it is important to prioritize approaches that ensure material is recovered rather than landfilled.



**FIGURE 14 – 2013 MATERIAL DISPOSAL CHARACTERIZATION STUDY**

### **Strategic Priorities**

While San Francisco is a global leader in waste reduction, achieving net zero emissions will require bolder action. Recognizing this, San Francisco recently furthered its commitment to zero waste by pledging to aggressively reduce the amount of waste generated and disposed. This commitment is critical because a growing population and a culture of consumption have led to a near doubling of refuse<sup>22</sup> generated since 2000. While not accounted for in the citywide sector-based emissions inventory, the consumption and discard of products, even those that are inorganic or inert, have an outsized global emissions impact (see next section on Sustainable Consumption).

### **Zero Waste Strategic Priorities**

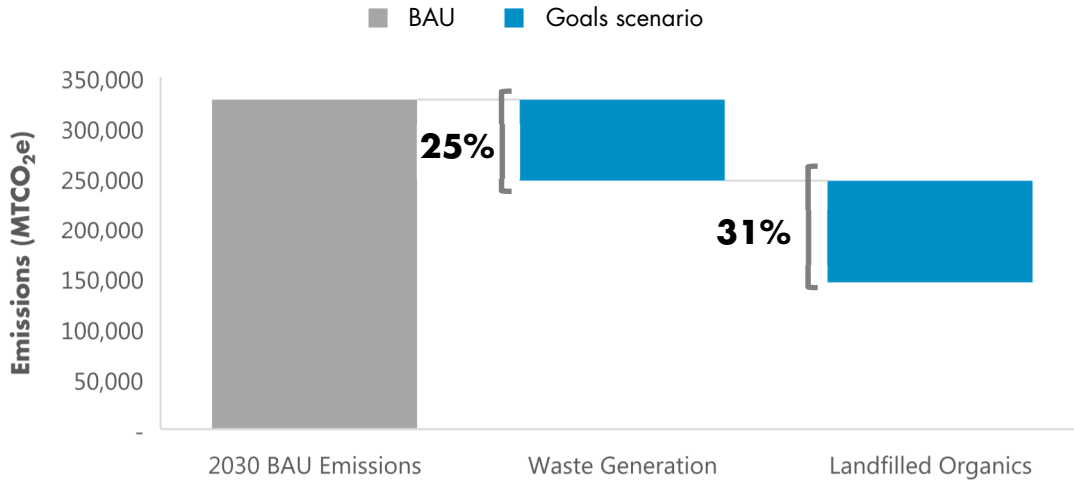
Reduce refuse generation 15% by 2030

Reduce disposal to landfill and incineration 50% by 2030

<sup>22</sup> Reducing refuse generation refers to reducing the total amount of material discarded to recycling, composting and landfill.

## 2030 Emission Reduction Potential

Reducing refuse generation 15% by 2030 could reduce sector emissions 25% compared to business-as-usual, while decreasing disposal by 50% could result in an additional 31% reduction.



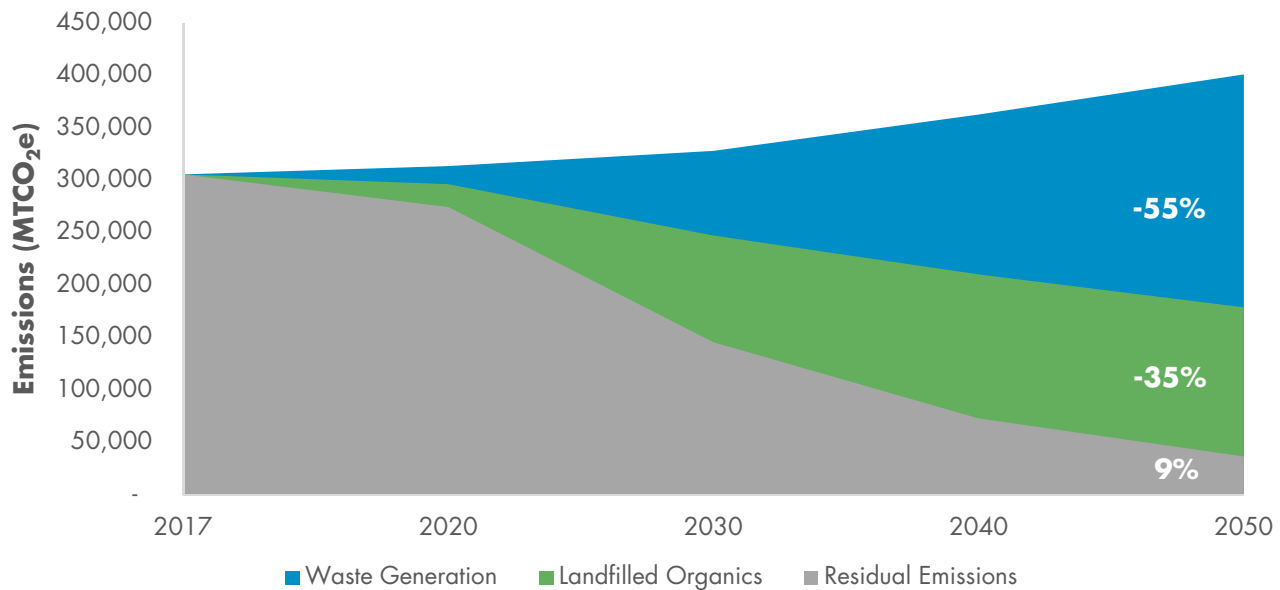
**FIGURE 15 – POTENTIAL EMISSIONS REDUCTIONS FROM ZERO WASTE BY 2030**

## Path to Zero Emissions

Near zero emissions is possible in the waste sector. By achieving the 2030 zero waste commitments and continuing to advance similar ambitious goals until 2050, reducing emissions by 91% is possible, leaving only a small amount of residual emissions from organic material that ends up in landfills. San Francisco is already working to address these emissions by exploring new technologies that can recover all organics before disposal, with a goal to bring these online before 2030.



PHOTO BY LARRY STRONG, COURTESY RECOLOGY 2



**FIGURE 16 – PATH TO ZERO EMISSIONS FOR ZERO WASTE**

**Summary of Actions to Help Achieve the Strategic Priorities**

To accelerate progress toward zero waste, San Francisco will continue to pursue groundbreaking behavior-change policies, infrastructure investments, and new technologies that maximize resource recovery and eliminate waste at its source. Actions and policies that can help the city achieve its zero waste goals include focusing on construction and demolition material; preventing food waste; increasing the recovery of organics, paper and other materials; reducing single-use products; and ensuring accessibility and inclusivity of zero waste programs.



PHOTO BY LARRY STRONG, COURTESY RECOLOGY 3

## Zero Waste Co-benefits

*Taking action to reduce emissions from refuse generation and disposal could result in numerous benefits for equity, health, environment, economy, and resilience.*

### **Equity**

The pursuit of zero waste is a community effort that helps build capacity around material recovery. It allows for the recovery and redistribution of useful goods such as food, furniture, clothing and office supplies to those in need. For communities that live near material sorting and storage facilities, reducing waste generation reduces traffic, air and noise pollution.

### **Health**

Material reuse and recycling reduces air and water pollution from the mining and transportation of raw materials. Resource recovery minimizes landfill toxins that pose a serious threat to neighboring communities. Compost that is applied to land can reduce chemical fertilizer and pesticide use, improving soil health and fertility, and naturally mitigate air and water pollution. Reducing the use of single-use plastics also reduces the exposure to toxic emissions that are released when heating or burning plastic. Plastic bags can block drains and the sewage system which can become a breeding ground for mosquitoes and other pests.

### **Environment**

Zero waste efforts help preserve valuable and scarce natural resources by permitting the reduction, reuse and recovery of materials. These efforts prevent plastics, glass and metals from ending up in our oceans and threatening marine life. They also reduce virgin material use and decrease energy used in the extraction, processing and transportation of raw materials. Recovered organics can be used to produce compost that sequesters carbon and improves soil health, crop production, and water retention.

### **Economy**

Reducing, reusing, recycling and composting operations can more create local jobs than disposal operations, supporting the local economy. Sharing, reusing and fixing items costs less money than buying new items. Farmers and property owners who apply compost can save money by reducing the use of chemical fertilizers.

### **Resilience**

By reducing the amount of discarded materials and increasing reuse, recycling, and composting, the risk of reaching landfill capacity is reduced. Limited and valuable landfill capacity can then be reserved for the disposal of non-recoverable debris generated during an emergency or disaster.



## Sustainable Production and Consumption

San Francisco's commitment to producing and consuming sustainably is not new. The city has longstanding programs and policies seeking to change consumption; requiring building energy and water efficiency, for example, reduces energy use. Reduction, reuse and recycling programs serve to minimize the use of new products and virgin resources. Further reducing the consumption of goods and services will help San Francisco to reduce refuse generation and presents a new opportunity to deepen the city's commitment to lowering global emissions.

The Focus 2030 analysis within this report is built on data from a conventional inventory that is sector-based and accounts for emissions generated from three main sources within the city: buildings, transportation, and waste (even when the landfill is outside the city). Yet to capture the impact that production and consumption patterns have on global emissions, a different approach that allocates emissions to producers or consumers of goods and services, regardless of where emissions occur, is needed. For example, a Consumption-Based Emissions Inventory (CBEI) measures emissions from a consumer lens, accounting for both "upstream" emissions (from production and manufacturing, pre-purchase transport, wholesale and retail sales), as well as "downstream" emissions (from use and disposal), accounting for all phases of the global goods and services supply chain.

Since most of the goods and services consumed in San Francisco are produced outside of the city's boundaries, the CBEI is considerably larger (up to three times larger) than the conventional inventory. Additionally, most of San Francisco's consumption-based emissions (63%) are from the production phase of the global supply chain, highlighting the need to explore ways to reduce consumption and measure and account for the city's progress in reducing these emissions.

### Emissions from a Consumer Lens

A consumption-based emissions inventory (CBEI) is a different approach to understanding a city's emissions footprint. As opposed to a conventional, or sector-based inventory, the CBEI measures emissions that occur throughout the supply chain of goods and services consumed in an economy. For example:

Conventional Emissions Inventory: Captures emissions from food that decomposes in a landfill and releases methane into the atmosphere



Consumption-Based Emissions Inventory: Captures emissions from the farming, packaging, and shipping of food to San Francisco, including its eventual disposal





**FIGURE 17 - SAN FRANCISCO'S CONSUMPTION-BASED EMISSIONS, 2008**

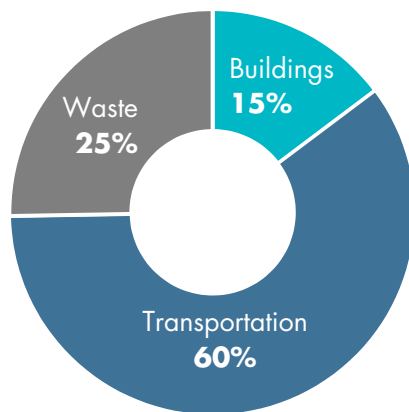
### Path Forward

Building on San Francisco's success in addressing sector-based, conventional emissions, the city will begin tackling emissions derived from the production and consumption of goods and services. Expanding the scope of emissions that the city takes responsibility for is a more comprehensive approach that better reflects San Francisco's impact on the planet. To help prioritize and drive new policies and programs, the city will focus on product and service categories that generate the highest emissions, including food and beverages; construction materials (e.g. wood, concrete); goods (e.g. electronics, clothing); and services (e.g. healthcare, education). Through behavior change initiatives, including innovative communication campaigns, policies, and programs, San Francisco will seek to reduce production and consumption-related emissions, accelerating deep reductions from global supply chains that operate beyond our geographic boundary.



## Residual Emissions

Analysis of the emissions reductions that can be achieved in the building, transportation and waste sectors suggest that even after meeting the ambitious climate and sustainability targets described in the Goals scenario, San Francisco may still have to contend with 12% of business-as-usual emissions that cannot be eliminated. These residual emissions are those that remain due to limited existing options to eliminate or reduce them further.



**FIGURE 18 - RESIDUAL EMISSIONS IN 2050 BY SECTOR**

About 15% of the residual emissions in 2050 are expected to originate from buildings that reduce but cannot not eliminate natural gas due to physical constraints, historic preservation issues, or similar intractable barriers. An additional 60% of estimated residual emissions in 2050 are expected to originate from the transportation sector, specifically maritime ships and boats and off-road equipment. Emissions from large maritime ships that visit the Bay Area are included in the transportation sector; however, San Francisco does not have direct influence over the types of fuels these ships use. Lastly, a quarter of residual emissions could come from organic materials that continue to be sent to landfill. As previously mentioned, San Francisco is already exploring new technologies to recover organics before they are disposed.

Over time, innovative technologies and new approaches may be developed to enable fuel switching in complex situations, and actions may be taken by other actors (such as the state or federal governments) that reduce or eliminate some sources of residual emissions. In the interim, rather than waiting, San Francisco has the opportunity to begin to address residual emissions both locally and in partnership with neighboring jurisdictions.



## How Cities Might Address Residual Emissions

While there is limited guidance for cities on how to address residual emissions<sup>23</sup>, options include:

- Developing, investing in or purchasing verified and traceable carbon offsets from a trustworthy provider.
- Avoiding emissions through the prevention, reduction, or destruction of sources such as ozone-depleting substances and industrial pollutants.
- Sequestering greenhouse gases from the atmosphere through land restoration, soil carbon sequestration<sup>24</sup>, afforestation<sup>25</sup> and reforestation<sup>26</sup>, mass timber in construction, bioenergy with carbon capture and sequestration, direct air carbon capture and storage, enhanced weathering<sup>27</sup> and ocean alkalization.<sup>28</sup>

## San Francisco's Residual Emissions Approach: Carbon Sequestration

San Francisco's 0-80-100-Roots framework addresses residual emissions in part through its focus on pulling carbon out of the atmosphere. Guided by its Roots goal, San Francisco can focus on sequestering carbon through ecosystem restoration and urban greening, urban forestry, and the land application of compost produced from locally collected organic materials. These practices remove greenhouse gases from the atmosphere through natural processes and contribute significantly to keeping our air clean and local temperatures stable.

### ECOSYSTEM RESTORATION AND URBAN GREENING

The Intergovernmental Science and Policy Platform on Biodiversity and Ecosystem Services (IPBES) released a ground-breaking report on May 6, 2019 with a first-of-its-kind, comprehensive assessment of the critical state of the planet's species and ecosystems, including their significant potential contribution to addressing global climate change. San Francisco harbors a diverse mosaic of parks, natural areas, community gardens, green schoolyards and other open spaces. These areas are managed for beauty, recreation, biodiversity, wildlife habitat, and increasingly, for climate mitigation and adaptation. Among the city's thousands of acres of land, opportunities exist for further ecological restoration and enhancement, as well as the installation of perennial woody, plant-based pollinator gardens and landscapes that can sequester carbon and improve quality of life for all species.

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<sup>23</sup> C40, Defining Carbon Neutrality for Cities & Managing Residual Emissions, April 2019.

<sup>24</sup> Refers to agricultural and land management that help raise the soil organic carbon content.

<sup>25</sup> Afforestation refers to planting new forests on lands that historically have not contained forests or restoring tree cover in minimally covered areas.

<sup>26</sup> Reforestation refers to planting of forests on lands that have previously contained forests but that have been converted to some other use.

<sup>27</sup> Enhanced weathering refers to the process of dissolving natural or artificial minerals to remove CO<sub>2</sub> from the atmosphere.

<sup>28</sup> [https://www.ipcc.ch/site/assets/uploads/sites/2/2018/07/SR15\\_SPM\\_version\\_stand\\_alone\\_LR.pdf](https://www.ipcc.ch/site/assets/uploads/sites/2/2018/07/SR15_SPM_version_stand_alone_LR.pdf)

## URBAN FORESTRY

San Francisco has an estimated 700,000 trees planted along streets, in parks and on private property. This urban canopy not only sequesters carbon, but also makes the city more walkable, helps clean the air, provides habitat for wildlife and pollinators, and reduces the urban heat island effect. The Urban Forest Plan has a goal to plant 50,000 street trees over the next 20 years. In 2017 the Street Tree Inventory identified 124,795 street trees by species, location, health, and size, and estimated that San Francisco's street trees store 79,000 metric tons of carbon and annually sequester 8,400 metric tons of carbon.

## LAND APPLICATION OF COMPOST

San Francisco has collected over two million tons of compostable material<sup>29</sup> since 1997. This material has been transformed into 750,000 tons of finished compost, avoiding the emissions that would otherwise have occurred if disposed. One ton of San Francisco organic material that contains food scraps can produce 0.37 tons of finished compost. Vineyards, fruit and nut orchards and farms throughout the Bay Area<sup>30</sup> use compost to boost soil carbon sequestration, enrich the soil, and improve water and nutrient retention. Regional research shows that for rangeland soil, one ton of compost can sequester up to 0.18 metric tons of carbon per year, equivalent to 0.66 tons of CO<sub>2</sub> per year<sup>31</sup>. Currently, the amount of finished compost San Francisco produces has the potential to sequester 10,000 metric tons of carbon cumulatively per year, and scientists have demonstrated that a one-time compost application continues to sequester carbon year after year, providing significant and cumulative benefits over time.



PHOTO BY LARRY STRONG, COURTESY RECOLOGY 4

<sup>29</sup> Organic material used for compost includes: food waste and yard trimming.

<sup>30</sup> Recology produces and sells the city's compost to nearly 800 separate agriculture users in the surrounding 100 miles. They have been doing this for the last 20 years.

<sup>31</sup> One ton of carbon equals 3.67 tons of carbon dioxide.



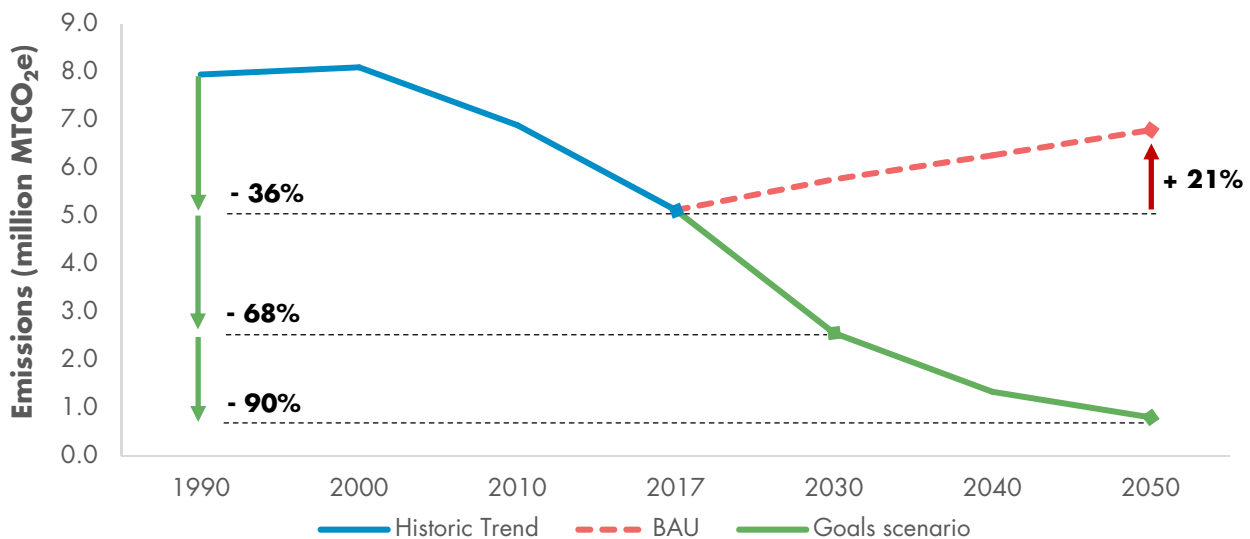
## Conclusion

A business-as-usual approach is not an option if San Francisco is serious about meeting its climate commitments and avoiding the worst consequences of the global climate crisis. Given projected increases in population and economic activity, without further progress on climate policy and programs, San Francisco could see an emissions increase of 21% above 2017 levels – a move in the wrong direction.



Significant emissions reductions are within reach if the city remains committed to its 0-80-100-Roots goals. By 2030, achieving these goals is projected to result in a 68% reduction in emissions below 1990 levels. By 2050, with an ongoing commitment to action, it will be possible to reduce emissions 90% below 1990 levels.

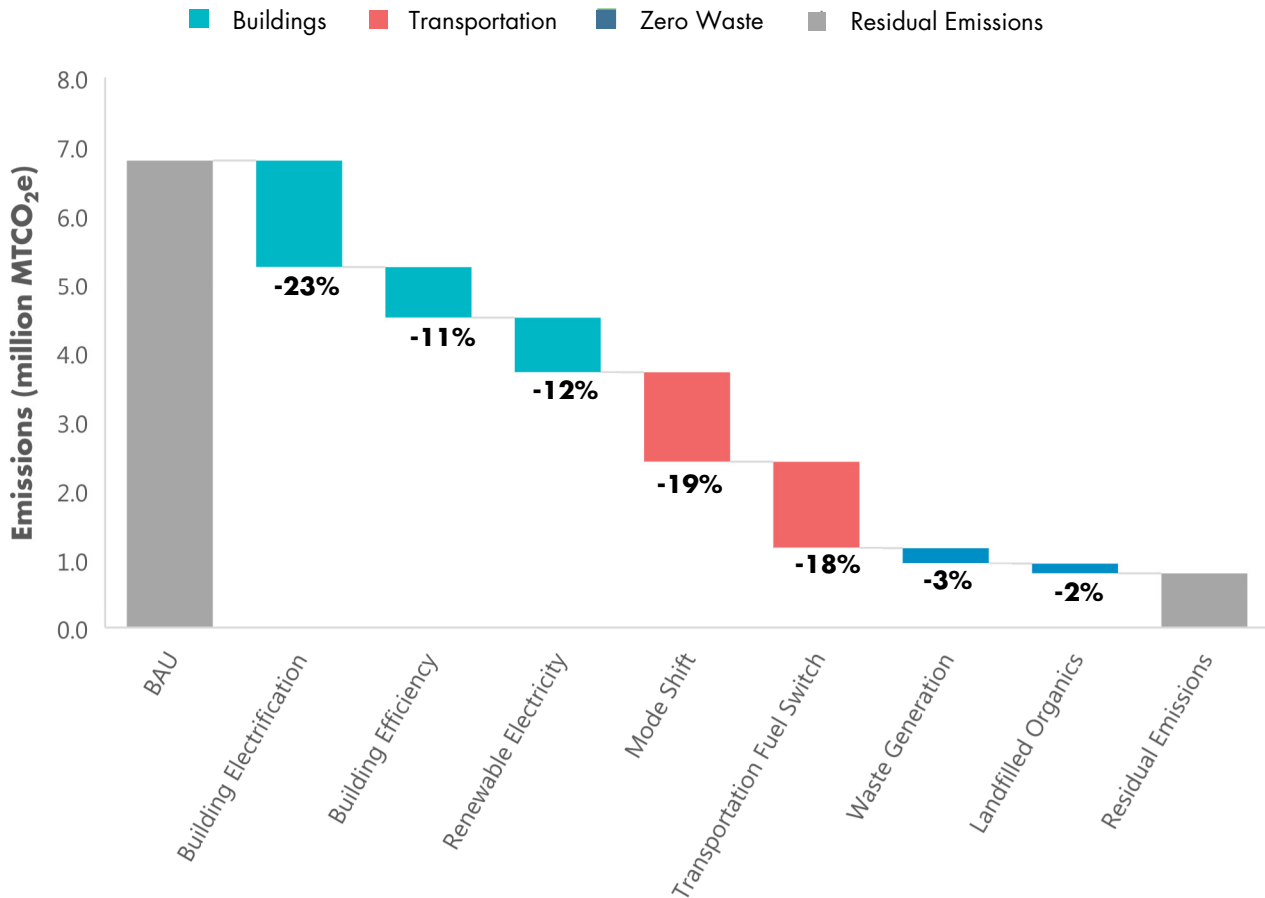
These successes would still leave a small gap to reaching zero, so continued innovation and collaboration will be necessary to identify novel clean energy solutions, transform travel modes and choices, find better ways to move goods, and accelerate activities that sequester carbon.



**FIGURE 19- POTENTIAL EMISSIONS REDUCTIONS COMPARED TO 1990 LEVELS**

Emissions reductions must come from three primary sectors – buildings, transportation and waste – within which seven Strategic Priorities were identified and evaluated. In the buildings sector, reductions must be realized by increasing energy efficiency, electrifying new and existing buildings, and ensuring that San Francisco is served by 100% renewable electricity from 2030 onward. In the transportation sector, between today and 2050, emissions reductions must be derived equally from

transportation mode shift and the electrification of all cars and trucks. In the waste sector, continuing to reduce the amount of material sent to landfill, while increasing the recovery of recyclable and compostable materials, will also be essential to reducing local and global emissions.



**FIGURE 20 - POTENTIAL EMISSIONS REDUCTIONS BY STRATEGIC PRIORITY BY 2050**

### Final Thoughts

As we look ahead, the path is clear: San Francisco must accelerate action through 2030 to help stabilize the climate by 2050. The actions the city takes to reduce emissions have the potential to offer residents a broad array of benefits, from improved health and equity outcomes, to cleaner air, water and soil, to a stronger and more resilient society and economy. San Francisco is a global climate action leader with a long history of environmental achievement. Tackling the climate crisis is within the city’s reach, and with support from all of our innovative, creative, and passionate community, we can meet our goals to make life better today and for generations to come.

## Appendix A: Model Assumptions

| Parameter                          | Unit                                      | Assumption                                                                                  | Source                                                                                                                                                                                          |
|------------------------------------|-------------------------------------------|---------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>General</b>                     |                                           |                                                                                             |                                                                                                                                                                                                 |
| Population                         | # of people                               | 2016: 870,887<br>2030: 981,800                                                              | Resilient SF                                                                                                                                                                                    |
| Gross Domestic Product (GDP)       | \$/capita                                 | 2016: \$139,000,000,000<br>2030: \$185,941,011,638.77                                       | San Francisco Office of the Controller                                                                                                                                                          |
| Historical GHG Emission Trends     | MTCO <sub>2e</sub>                        | 1990: 7,957,691<br>2010: 6,897,645<br>2012: 6,360,506<br>2016: 5,547,488<br>2017: 5,127,810 | San Francisco's Communitywide Greenhouse Gas Inventory                                                                                                                                          |
| <b>Energy</b>                      |                                           |                                                                                             |                                                                                                                                                                                                 |
| <b>Electricity grid mix</b>        | %                                         |                                                                                             |                                                                                                                                                                                                 |
| Wind                               |                                           | 2016: 7.64%; 2030: 73.1%                                                                    |                                                                                                                                                                                                 |
| Large Hydro                        |                                           | 2016: 31.72%; 2030: 24.80%                                                                  |                                                                                                                                                                                                 |
| Photovoltaic                       |                                           | 2016: 9.72%; 2030: 2.2%                                                                     |                                                                                                                                                                                                 |
| Small Hydro                        |                                           | 2016: 2.24%; 2030: 0%                                                                       |                                                                                                                                                                                                 |
| Geothermal                         |                                           | 2016: 3.74%; 2030: 0%                                                                       | San Francisco Public Utilities Commission                                                                                                                                                       |
| Biomass                            |                                           | 2016: 2.99%; 2030: 0%                                                                       |                                                                                                                                                                                                 |
| Nuclear                            |                                           | 2016: 17.95%; 2030: 0%                                                                      |                                                                                                                                                                                                 |
| Natural Gas                        |                                           | 2016: 13.52%; 2030: 0%                                                                      |                                                                                                                                                                                                 |
| Import/ others                     |                                           | 2016: 10.47%; 2030: 0%                                                                      |                                                                                                                                                                                                 |
| Waste                              |                                           | 2016: 0%; 2030: 0%                                                                          |                                                                                                                                                                                                 |
| <b>Buildings</b>                   |                                           |                                                                                             |                                                                                                                                                                                                 |
| <b>Annual Growth New Buildings</b> | % building growth per year                |                                                                                             |                                                                                                                                                                                                 |
| Commercial                         |                                           | 2018-2030: 0.8%; 2030-2050: 0.5%                                                            | Assumption based on employment projections by sector from Plan Bay Area 2040                                                                                                                    |
| Multifamily                        |                                           | 2018-2030: 0.9%; 2030-2050: 1.5%                                                            | SF Planning                                                                                                                                                                                     |
| Single Family                      |                                           | 2018-2030: 0%; 2030-2050: -0.1%                                                             | SF Planning                                                                                                                                                                                     |
| <b>Redevelopment Rate</b>          | % redeveloped existing buildings per year | 3%                                                                                          | Assumption based on target to have 100% existing buildings by 2050. Rate is annual rate needed between 2016 and 2050. Percent was estimated by the San Francisco Department of the Environment. |

|                                        |          |                                                                                                                                                                                                  |                                                                                                                                                             |
|----------------------------------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Square Footage</b>                  | sqft     |                                                                                                                                                                                                  |                                                                                                                                                             |
| Commercial                             |          | 235,613,069 sqft                                                                                                                                                                                 | OpenDataSF - Land Use, 2017                                                                                                                                 |
| Residential                            |          | 522,763,520 sqft                                                                                                                                                                                 | SF Planning Housing Stock Inventory (2016). Assumed MF units 1,000sqft and Single Family 1,875 sqft.                                                        |
| <b>Energy Use Intensities (EUI)</b>    |          |                                                                                                                                                                                                  |                                                                                                                                                             |
| Baseline EUIs                          | kWh/sqft | Cultural & Educational: 17.27<br>Medical: 45.38<br>Office & Municipal: 22.34<br>Retail/Entertainment: 68.30<br>Industrial: 10.07<br>Hotel: 20.97<br>Single Family: 10.20<br>Multi Family: 10.42  | Commercial: California End Use Survey (CEUS) pg. 187-189<br>Residential: San Francisco's 2016 GHG Inventory, Residential Appliance Saturation Survey (RASS) |
| New Construction/Redevelopment EUIs    | kWh/sqft | Cultural & Educational: 10.18<br>Medical: 21.77<br>Office & Municipal: 14.72<br>Retail/Entertainment: 41.13<br>Industrial: 8.78<br>Hotel: 11.33<br>Single Family: 3.89<br>Multi Family: 3.93     | Commercial: California End Use Survey (CEUS) pg. 187-189<br>Residential: San Francisco's 2016 GHG Inventory, Residential Appliance Saturation Survey (RASS) |
| Building Fuel Ratios                   |          | <i>Please refer to source</i>                                                                                                                                                                    | Commercial: California End Use Survey (CEUS) pg. 187-189<br>Residential: San Francisco's 2016 GHG Inventory, Residential Appliance Saturation Survey (RASS) |
| Electricity Emissions Factor (BAU)     |          | 0.0000962 (MTCO <sub>2e</sub> /kWh)                                                                                                                                                              | PG&E 2017 Electricity Emissions Factor                                                                                                                      |
| % of Buildings Unaffected by FS and EE |          | 23%                                                                                                                                                                                              |                                                                                                                                                             |
| <b>Transportation</b>                  |          |                                                                                                                                                                                                  |                                                                                                                                                             |
| CA Vehicle Registrations in 2030       |          | 2030: 35,795,180 [2% per year growth in overall light-duty vehicle sales and assume that new vehicles after 4 years are retired from the fleet at 5% per year (median vehicle life 16-17 years)] | ICCT report "California's continued electric vehicle market development"                                                                                    |
| SF Vehicle Registrations in 2030       |          | 2030: 541,215 [2% per year growth in overall light-duty vehicle sales and assume that new vehicles after 4 years are retired from the fleet at 5% per year (median vehicle life 16-17 years)]    | ICCT report "California's continued electric vehicle market development"                                                                                    |

|                                         |                                                                                                                      |                                                                                                                                                                                                                             |
|-----------------------------------------|----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| CA EV Registrations in 2030             | 2030: 5,000,000                                                                                                      | Zero Emission Vehicle Executive Order                                                                                                                                                                                       |
| SF EV Registrations in 2030             | 2030: 125,115 (2.5% of CA's EVs)                                                                                     | CA DMV Registration Data                                                                                                                                                                                                    |
| <b>Fuel Share</b>                       | %                                                                                                                    |                                                                                                                                                                                                                             |
| Private Single Occupancy Vehicles (SOV) | 2016: Gasoline: 98%; Diesel: 1%; Electricity: 1%<br>2030: Gasoline: 75%; Electricity: 25%                            | 2016: EMFAC, 2016<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030                                                                                                                                 |
| Private Carpool Vehicles                | 2016: Gasoline: 98%; Diesel: 1%; Electricity: 1%<br>2030: Gasoline: 75%; Electricity: 25%                            | 2016: EMFAC, 2016<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030                                                                                                                                 |
| Other (Taxi & Carshare)                 | 2016: Gasoline: 100%<br>2030: Gasoline: Gasoline: 75%; Electricity: 25%                                              | 2016: San Francisco Municipal Transportation Agency<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030                                                                                               |
| TNC                                     | 2016: Gasoline: 98%; Diesel: 1%; Electricity: 1%<br>2030: Gasoline: 75%; Electricity: 25%                            | 2016: EMFAC, 2016<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030                                                                                                                                 |
| Motor Bus                               | 2016: Gasoline: 3%; Diesel: 39%; Landfill CNG: 7%; Biodiesel: 6%; RD 100: 45%<br>2030: RD 100: 30%; Electricity: 70% | 2016: Federal Transit Administration; San Francisco Unified School District; San Francisco Municipal Transportation Agency; San Francisco Airport<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| MUNI Trolley Bus                        | 2016: Electricity: 100%<br>2030: Electricity: 100%                                                                   | 2016: San Francisco Municipal Transportation Agency<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030                                                                                               |
| MUNI Light Rail                         | 2016: Electricity: 100%<br>2030: Electricity: 100%                                                                   | 2016: San Francisco Municipal Transportation Agency<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030                                                                                               |
| MUNI Street Car                         | 2016: Electricity: 100%<br>2030: Electricity: 100%                                                                   | 2016: San Francisco Municipal Transportation Agency<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030                                                                                               |
| MUNI Cable Car                          | 2016: Electricity: 100%<br>2030: Electricity: 100%                                                                   | 2016: San Francisco Municipal Transportation Agency<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030                                                                                               |
| BART Rail                               | 2016: Electricity: 100%<br>2030: Electricity: 100%                                                                   | 2016: BART<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030                                                                                                                                        |



|               |                                               |                                                                                                                                                                  |
|---------------|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Caltrain Rail | 2016: Diesel: 100%<br>2030: Electricity: 100% | 2016: Federal Transit Administration<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030                                                   |
| Ferry Boat    | 2016: Diesel: 100%<br>2030: RD 100: 100%      | 2016: Golden Gate Transit; Water Emergency Transportation Authority; Red & White Fleet<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |

| <b>Mode Share</b>                       | <b>%</b>                     |                                                                                                                                                            |
|-----------------------------------------|------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Private Single Occupancy Vehicles (SOV) | Baseline: 28%<br>2030: 11.7% | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| Private Carpool Vehicles                | Baseline: 15%<br>2030: 6.3%  | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| Other (Taxi & Carshare)                 | Baseline: 1%<br>2030: 0.4%   | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| TNC                                     | Baseline: 4%<br>2030: 1.6%   | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| Motor Bus                               | Baseline: 10%<br>2030: 15.1% | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| MUNI Trolley Bus                        | Baseline: 4%<br>2030: 5.5%   | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| MUNI Light Rail                         | Baseline: 3%<br>2030: 5.2%   | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| MUNI Street Car                         | Baseline: 1%<br>2030: 0.8%   | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| MUNI Cable Car                          | Baseline: 0%<br>2030: 0.6%   | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| BART Rail                               | Baseline: 7%<br>2030: 11.2%  | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| Caltrain Rail                           | Baseline: 0%<br>2030: 0.6%   | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| Ferry Boat                              | Baseline: 0%<br>2030: 0.3%   | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| Bicycle                                 | Baseline: 2%<br>2030: 10%    | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |
| Walk                                    | Baseline: 25%<br>2030: 31%   | 2016: San Francisco Municipal Transportation Agency, Travel Decision Survey 2017<br>2030: Scenario assumptions based on 80% sustainable trips goal by 2030 |

**Fossil Fuels Emissions Factors**

|                                         | MTCO <sub>2e</sub> /gal |                                                                                                         |                                                                                                                                                                                        |
|-----------------------------------------|-------------------------|---------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Private Single Occupancy Vehicles (SOV) |                         | Gasoline: 0.01097; Diesel: 0.01049; CNG: 7.3776E-06                                                     | ICLEI 2010 LGOP v1.1 Table G.11 and BAAQMD Scaling Factor                                                                                                                              |
| Private Carpool Vehicles                |                         | Gasoline: 0.01097; Diesel: 0.01049; CNG: 7.3776E-06                                                     | ICLEI 2010 LGOP v1.1 Table G.11 and BAAQMD Scaling Factor                                                                                                                              |
| Other (Taxi & Carshare)                 |                         | Gasoline: 0.01751; Diesel: 0.01674; CNG: 7.3776E-06                                                     | ICLEI 2010 LGOP v1.1 Table G.11 and BAAQMD Scaling Factor                                                                                                                              |
| TNC                                     |                         | Gasoline: 0.01097; Diesel: 0.01049; CNG: 7.3776E-06                                                     | ICLEI 2010 LGOP v1.1 Table G.11 and BAAQMD Scaling Factor                                                                                                                              |
| Motor Bus                               |                         | Gasoline: 0.00879; Diesel: 0.01021; CNG/Landfill CNG: 0.00307; Biodiesel: 9.7096E-05; RD 100: 4.244E-06 | Gasoline, Diesel, RD100, Landfilled CNG, and CNG: ICLEI 2010 LGOP v1.1 Table G.11 and BAAQMD Scaling Factor; Biodiesel: TCR Table 13.1 for biodiesel                                   |
| Caltrain Rail                           |                         | Diesel: 0.0103; RD 100: 0.00009                                                                         | ICLEI 2012 U.S. Community Protocol v1.0, Diesel Fuel Table TR.1.6 CO <sub>2</sub> emissions; TCR locomotives Diesel Table 13.7 CH <sub>4</sub> and N <sub>2</sub> O emissions          |
| Ferry Boat                              |                         | Diesel: 0.01035; RD 100: 0.00014                                                                        | ICLEI 2012 U.S. Community Protocol v1.0, Diesel Fuel Table TR.1.6 CO <sub>2</sub> emissions; TCR Ships and Boats Diesel Fuel Table 13.7 CH <sub>4</sub> and N <sub>2</sub> O emissions |

| <b>Electricity Emissions Factors</b>    | MTCO <sub>2e</sub> /kWh |                        |                                                                                  |
|-----------------------------------------|-------------------------|------------------------|----------------------------------------------------------------------------------|
| Private Single Occupancy Vehicles (SOV) |                         | Electricity: 0.000133  | PG&E CO <sub>2</sub> factor; EPA eGRID 2016 CAMX subregion                       |
| Private Carpool Vehicles                |                         | Electricity: 0.000133  | PG&E CO <sub>2</sub> factor; EPA eGRID 2016 CAMX subregion                       |
| Other (Taxi & Carshare)                 |                         | Electricity: 0.000133  | PG&E CO <sub>2</sub> factor; EPA eGRID 2016 CAMX subregion                       |
| TNC                                     |                         | Electricity: 0.000133  | PG&E CO <sub>2</sub> factor; EPA eGRID 2016 CAMX subregion                       |
| Motor Bus                               |                         | Electricity: 0         | 100% renewable electricity generation                                            |
| MUNI Trolley Bus                        |                         | Electricity: 0         | San Francisco Public Utilities Commission, 100% renewable electricity generation |
| MUNI Light Rail                         |                         | Electricity: 0         | San Francisco Public Utilities Commission, 100% renewable electricity generation |
| MUNI Street Car                         |                         | Electricity: 0         | San Francisco Public Utilities Commission, 100% renewable electricity generation |
| MUNI Cable Car                          |                         | Electricity: 0         | San Francisco Public Utilities Commission, 100% renewable electricity generation |
| BART Rail                               |                         | Electricity: 0.0003096 | BART                                                                             |
| Caltrain Rail                           |                         | Electricity: 0.0003096 | Assumed same as BART                                                             |

| <b>Zero Waste</b> |             |                                                        |                                                             |
|-------------------|-------------|--------------------------------------------------------|-------------------------------------------------------------|
| Population (1)    | # of people | 2000 - 2010 population: 723,959 - 805,235              | US Census Bureau 2000-2010 Intercensal Population           |
| Population (2)    | # of people | 2011 - 2016 population: 812,826 - 870,887              | US Census Bureau 2011-2016 Intercensal Population Estimates |
| GDP (1)           | \$          | 2000 - 2016 GDP: \$104,363,828,369 - \$169,001,677,125 | US Bureau of Economic Analysis nominal county GDP           |

|                                                 |      |                                                                                                                        |                                                                                           |
|-------------------------------------------------|------|------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| GDP (2)                                         | %    | 2000 - 2016 Personal Income: 60% of GDP                                                                                | US Bureau of Economic Analysis nominal SF County Personal income                          |
| GDP (3)                                         | \$   | 2000 - 2016 CPI inflation adjustment: 172.2 - 240.0                                                                    | Bureau of Labor Statistics CPI                                                            |
| Refuse Disposed                                 | tons | 2000 - 2016: 872,731 - 580,992                                                                                         | San Francisco Department of Environment, Zero Waste                                       |
| Construction/C&D, Other Inerts, Organics, Paper | tons | 2016 Tonnage allocations:<br>Construction/C&D= 132,909<br>Other inerts= 136,181<br>Organics= 179,310<br>Paper= 132,592 | San Francisco Department of Environment, Zero Waste and 2013 Waste Characterization Study |

**Sustainable Consumption**

|                                                                                               |                    |                                                                      |                                                                                                                                                                                                                                                                          |
|-----------------------------------------------------------------------------------------------|--------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| SF CBEI lifecycle phases: production, pre-purchase transport, wholesale/retail, use, disposal | MTCO <sub>2e</sub> | 2008 SF Consumption Based Emissions: 21.7 million MTCO <sub>2e</sub> | Stanton, E.A., Bueno, R. and Munitz, C. (2011). Consumption-Based Emissions Inventory (CBEI). Version 2.0 (March 2011). Somerville, MA: Stockholm Environment Institute-U.S. Center. <a href="http://sei-us.org/projects/id/199">http://sei-us.org/projects/id/199</a> . |
|-----------------------------------------------------------------------------------------------|--------------------|----------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|



1 [Environment Code - Climate Action Plan]

2

3 **Ordinance amending the Environment Code to update the City’s climate action goals**  
4 **and planning process, and establish departmental roles and responsibilities; and**  
5 **affirming the Planning Department’s determination under the California Environmental**  
6 **Quality Act.**

7

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

12

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

14

15 Section 1. The Planning Department has determined that the actions contemplated in  
16 this ordinance comply with the California Environmental Quality Act (California Public  
17 Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the  
18 Board of Supervisors in File No. 210563 and is incorporated herein by reference. The Board  
19 affirms this determination.

20

21 Section 24. Chapter 9 of the Environment Code is hereby amended by revising  
22 Sections 900, 901, and 902, repealing existing Sections 903, 904, 905, and 907, and adding  
23 new Sections 903, 904, 905, and 907, all to read as follows:

24 **SEC. 900. FINDINGS AND PURPOSE.**

25 The Board of Supervisors finds that:

1           (a) In 2016, the Paris Climate Agreement committed national governments to pursue efforts to  
2 limit temperature rises to 1.5 degrees Celsius. In 2018, the Intergovernmental Panel on Climate  
3 Change (IPCC) issued a special report on the impacts of global warming and the need to significantly  
4 reduce global greenhouse gas emissions well before 2030 to reduce the most detrimental impacts to  
5 ecosystems and to human health.

6           (b) In 2018, the United States' Fourth National Climate Assessment made clear that climate  
7 change will wreak havoc across the United States, and that the current pace and scale of national  
8 climate action are not sufficient to avert substantial damage to the environment, human health, and  
9 economy. According to the San Francisco Department of Public Health's Climate and Health  
10 Adaptation Framework (2017), the direct and indirect impacts of climate change will  
11 disproportionately affect San Francisco communities least able to prepare for, cope with, and recover  
12 from those impacts. Those communities include communities of color, low income communities, and  
13 other vulnerable populations.

14           (c) San Francisco, the Bay Area, and the State of California are already suffering the effects of  
15 climate change in the form of droughts, air pollution, extreme heat, frequent wildfires, flooding, and  
16 much more.

17           (d) At the 2018 Global Climate Action Summit, San Francisco committed to meet the Paris  
18 Agreement by achieving a net zero city by 2050. The City joined in a Climate Equity Pledge to ensure  
19 that the City's 2020 Climate Action Strategy update achieves the dual goals of advancing racial equity  
20 and decreasing carbon emissions.

21           (e) San Francisco's climate commitments and climate action strategy are framed by the City's  
22 "0-80-100-Roots" framework, which defines climate and sustainability goals in four key areas: zero  
23 waste ("0% zero waste"), transportation ("80% low-carbon trips"), energy ("100% renewable  
24 energy"), and carbon sequestration ("Roots").

1           (f) One of the City’s fundamental goals in implementing the 0-80-100-Roots Climate Action  
2 Framework is to promote equity by ensuring that implementation reflects and responds to the  
3 economic, political, and social needs of different San Francisco vulnerable communities.

4           (g) Achieving the “0-80-100-Roots” goals in the City will mean cleaner air, fewer vehicles on  
5 the road, more reliable transit systems, more bike lanes and pedestrian-friendly networks, highly  
6 efficient homes and businesses powered by 100% clean electricity, a robust urban tree canopy, plentiful  
7 green spaces, improved soil health, and a regenerative ecosystem.

8           (h) Meaningful climate solutions will require increasing supplies of high-quality housing  
9 affordable to households at all income levels and located near local and regional transit service. These  
10 solutions will also require well-coordinated land use and transportation planning and investments to  
11 support low-carbon trips using efficient travel modes such as transit, walking, and biking, in order to  
12 reduce vehicle miles traveled and associated emissions.

13           (i) The success of the City in achieving its climate goals thus far has been clear: in 2019, San  
14 Francisco achieved a 41% reduction in greenhouse gas emissions below 1990 levels, surpassing the  
15 target reduction of 25% established by the Board of Supervisors. This success has been driven by the  
16 continued replacement of fossil fuel power generation with renewable sources, a cleaner electric grid,  
17 increased building energy efficiency, a transition to low-carbon transportation fuels, and a leading  
18 zero waste system.

19           (j) In 2019, the Board of Supervisors unanimously adopted Resolution No. 160-19, declaring a  
20 climate emergency in San Francisco and requesting immediate action to address the climate crisis,  
21 limit global warming to 1.5 degrees Celsius, and eliminate greenhouse gas emissions.

22           (k) The Department of the Environment’s 2019 report titled “Focus 2030: A Pathway to Net  
23 Zero Emissions” shows that achieving accelerated emissions reductions by 2050 will require an  
24 ongoing commitment that builds upon and surpasses San Francisco’s past successes and increases  
25 resources accordingly to continue to reduce emissions all the way to net zero.

1           (a) ~~In 2002, the Board of Supervisors adopted Resolution 158-02 that called for the City to~~  
2 ~~develop plans to reduce its greenhouse gas emissions to 20 percent below 1990 levels by the year~~  
3 ~~2012.~~

4           (b) ~~In 2004, the Department of the Environment and the San Francisco Public Utilities~~  
5 ~~Commission issued "The Climate Action Plan For San Francisco," which included an accounting of~~  
6 ~~greenhouse gas emissions associated with City activities, an accounting of greenhouse gas emissions~~  
7 ~~within the City and County of San Francisco but not associated with City operations, and emission~~  
8 ~~reduction recommendations for transportation, energy efficiency, renewable energy and solid waste~~  
9 ~~management sectors.~~

10          (c) ~~City Departments, under the leadership of the Department of the Environment and on their~~  
11 ~~own initiative, are engaged in various undertakings to implement the recommendations in "The Climate~~  
12 ~~Action Plan," and are making steady progress in certain areas toward the 2012 goal.~~

13          (d) ~~In 2005, Governor Schwarzenegger issued Executive Order S-3-05 which established~~  
14 ~~Statewide greenhouse gas emissions reduction targets for California as follows: by 2010, reduce~~  
15 ~~greenhouse gas emissions to 2000 levels; by 2020, reduce greenhouse gas emissions to 1990 levels, and~~  
16 ~~by 2050 reduce greenhouse gas emissions to 80 percent below 1990 levels.~~

17          (e) ~~In 2006, California enacted AB 32, the California Global Warming Solutions Act of 2006.~~  
18 ~~(CA Health and Safety Code Section 38.500 et seq.) which requires the California Air Resources Board~~  
19 ~~to determine the statewide greenhouse gas emissions level in 1990, set that 1990 level as the statewide~~  
20 ~~greenhouse gas emissions level to be achieved by 2020, and to adopt and implement statewide plans,~~  
21 ~~protocols, rules and regulations to achieve and exceed the 2020 goals.~~

22          (f) ~~It is the intent of the Mayor and the Board of Supervisors to protect the health and welfare~~  
23 ~~in a manner that compliments state and federal efforts to improve air quality by exercising a leadership~~  
24 ~~role in mandating local actions to reduce global warming, and, in particular, to call upon City~~  
25 ~~departments and the private sector to integrate emission reduction measures into their standard~~



1 ~~operating procedures in order that the City meets and exceeds the greenhouse gases emissions~~  
2 ~~established in this Ordinance.~~

3  
4 **SEC. 901. DEFINITIONS.**

5 "0-80-100-Roots" means the City's climate action framework, where "0" refers to a goal of  
6 zero waste, "80" refers to a goal of 80% low-carbon trips, "100" refers to a goal of 100% renewable  
7 energy, and "Roots" refers to sequestering carbon through natural systems.

8 (a) ~~"CARB" means the California Air Resources Board.~~

9 (b) ~~"Carbon Dioxide Equivalent" means the amount of carbon dioxide by weight that would~~  
10 ~~produce the same global warming impact as a given weight of another greenhouse gas, based on the~~  
11 ~~best available science, as determined by the Department of the Environment.~~

12 (c) ~~"Climate Action Plan" means the document required under Section 904 outlining the~~  
13 ~~specific actions the City will endeavor to take to reduce Greenhouse Gas emissions and offset~~  
14 ~~negative climate impacts. "The Climate Action Plan For San Francisco" issued in 2004 by the~~  
15 ~~Department of the Environment and the San Francisco Public Utilities Commission.~~

16 "Consumption-Based Greenhouse Gas Emissions" means all the Greenhouse Gas emissions  
17 associated with producing, transporting, using, and disposing of products and services consumed by a  
18 particular community or entity in a given time period, including emissions generated outside the  
19 boundaries of the community or the geographic area where the entity is located.

20 (d) ~~"GHG emission reduction measure" means programs, measures, standards, and alternative~~  
21 ~~compliance mechanisms authorized pursuant to Section 903, applicable to sources or categories of~~  
22 ~~sources that are designed to reduce emissions of greenhouse gases.~~

23 (e) ~~"GHG", "Greenhouse gas" or "greenhouse gases" means and includes any and all of the~~  
24 following gases: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons,  
25 perfluorocarbons, and sulfur hexafluoride.

1           (f) ~~"San Francisco Greenhouse Gas Emissions limit" means the combined level of greenhouse~~  
2 ~~gas emissions, expressed in tons of carbon dioxide equivalents, from all sources within the geographic~~  
3 ~~limit of the City and County of San Francisco, whether or not such source is subject to regulation by~~  
4 ~~local law.~~

5           "Hazards and Climate Resilience Plan" means the plan prepared by the Office of Resilience  
6 and Capital Planning (ORCP) to increase the resilience of all components that keep the City  
7 functioning: buildings, infrastructure, utilities, transportation, communication systems, and the people  
8 who live and work in San Francisco.

9           "Low-Carbon Trips" mean trips into, out of, and within the City's boundaries which generate  
10 zero or low greenhouse gas emissions.

11           "Net Zero Sector-Based Greenhouse Gas Emissions" means Sector-Based Greenhouse Gas  
12 Emissions after first eliminating emissions from fossil fuels and other sources, and then, for each ton of  
13 emissions that cannot be eliminated, removing a ton of carbon dioxide equivalent from the atmosphere.

14           "Renewable Energy" means energy qualifying as renewable pursuant to California Public  
15 Resources Code Chapter 8.6, Section 25741(a), and California Public Utilities Code Chapter 2.3,  
16 Article 16, Section 399.16(b)(1) or (2), as amended from time to time, or provided by a local publicly  
17 owned electric utility subject to California Public Utilities Code Chapter 2.3, Article 16,  
18 Section 399.30(j), as amended from time to time.

19           "Responsible Production and Consumption" means improving how materials and products are  
20 extracted, manufactured, delivered, acquired, used, reused, recycled, and disposed of to ensure that the  
21 production and consumption of materials and products promote basic human needs, are distributed in  
22 a socially equitable manner, and carried out in a way that minimizes environmental impacts over the  
23 lifecycle of those materials and products while matching the carrying capacity of the earth's resources  
24 and adding value so as not to jeopardize present and future generations. (See United Nations'  
25 Sustainable Development Goal 12.) "Lifecycle" means the complete material life of a product, good,

1 or service, including resource extraction, manufacture, assembly, construction, maintenance,  
2 transportation, operations or use, and end of life (reuse, recycling/composting, and disposal).

3 “Carrying capacity” means the number or amount of people, plants, and other living organisms that an  
4 ecosystem can support indefinitely without causing environmental degradation.

5 “Sector-Based Greenhouse Gas Emissions” means all of the Greenhouse Gas emissions  
6 generated within the geographic boundaries of the City in a given time period.

7 ~~(g) “SFPUC” mean the San Francisco Public Utilities Commission.~~

8  
9 **SEC. 902. CLIMATE ACTION GOALS GREENHOUSE GAS EMISSIONS LIMIT.**

10 (a) The City adopts the following targets for reducing San Francisco Greenhouse Gas  
11 emissions greenhouse gas emissions limits are hereby established:

12 (1) By 2030, a reduction in Sector-Based Greenhouse Gas Emissions of at least ~~61%~~  
13 70% ~~61%~~ compared to 1990 levels;

14 (2) By 2030, a reduction in Consumption-Based Greenhouse Gas Emissions to  
15 30 mtCO<sub>2</sub>e per household or less, equivalent to a ~~40%~~ 50% ~~40%~~ reduction compared to 1990 levels;

16 (3) By ~~2045~~ 2040, achievement of Net Zero Sector-Based Greenhouse Gas Emissions  
17 by reducing such emissions by at least 90% compared to 1990 levels and sequestering any residual  
18 emissions; and

19 (4) By 2050, a reduction in Consumption-Based Greenhouse Gas Emissions to  
20 10 mtCO<sub>2</sub>e per household or less, equivalent to an 80% reduction compared to 1990 levels.

21 For purposes of this Section 902, “residual emissions” means any carbon dioxide or other  
22 Greenhouse Gas emissions remaining after all technically and economically feasible mitigation  
23 measures have been implemented, and “sequestering” means removing those residual emissions from  
24 the atmosphere and storing them in natural systems that support soil fertility or through other carbon  
25 farming practices.

1                    ~~(i) By 2008, determine 1990 City greenhouse gas emissions as provided in~~  
2 ~~Section 902(c) below;~~

3                    ~~(ii) By 2017, reduce greenhouse gas emissions by 25 percent below 1990 levels;~~

4                    ~~(iii) By 2025, reduce greenhouse gas emissions by 40 percent below 1990 levels; and~~

5                    ~~(iv) By 2050, reduce greenhouse gas emissions to 80 percent below 1990 levels. These~~  
6 ~~targets shall remain in effect unless otherwise amended or repealed.~~

7                    (b) In order to meet the emissions reduction targets set out in subsection (a), the City shall  
8 pursue the sustainability goals of the 0-80-100-Roots Climate Action Framework, as follows:

9                    (1) Zero Waste. By 2030, a reduction in the generation of solid waste of at least 15%  
10 below 2015 levels and a reduction in the amount of solid waste disposed of by incineration or deposit  
11 in landfill of at least 50% below 2015 levels;

12                    (2) Transportation. By 2030, an increase in low-carbon trips to at least 80% of all trips  
13 measured and an increase in the level of electrification of vehicles to at least 25% of all private  
14 vehicles registered, and by 2040, an increase in the level of electrification of vehicles to 100% of all  
15 private vehicles registered;

16                    (3) Energy. By 2025, supplying 100% renewable electricity, and by ~~2040~~ 2045,  
17 supplying 100% renewable energy;

18                    (4) Housing. Building at least 5,000 new housing units per year with maximum  
19 affordability, including not less than 30% affordable units, and with an emphasis on retaining  
20 and rehabilitating existing housing;

21                    (5) Buildings. By 2021, requiring zero onsite fossil fuel emissions from all new  
22 buildings, and by 2035, requiring zero onsite fossil fuel emissions from all large existing commercial  
23 buildings; and

24                    (6) Roots. Sequestering carbon through ecosystem restoration, including increased  
25 urban tree canopy, green infrastructure, and compost application.

1            (c) All climate action goals set out in subsection (b) shall also include the complementary goals  
2 of advancing racial and social equity, protecting public health (including the health needs of  
3 vulnerable populations), increasing community resilience, and fostering a more just economy.

4            ~~(b) All City departments shall consider the effect of all decisions and activities within their~~  
5 ~~jurisdiction on green house gas emissions and undertake their responsibilities to the end that the City~~  
6 ~~achieves the greenhouse gas emissions limits set forth in this Ordinance.~~

7            ~~(c) No later than January 1, 2009, the Commission on the Environment, shall, after one or~~  
8 ~~more public hearings, determine what the greenhouse gas emissions level within the City and County of~~  
9 ~~San Francisco for City and private enterprise activities was in 1990. Such determination shall be the~~  
10 ~~baseline level for determining the greenhouse gas emission limits to be achieved in 2017 and 2050,~~  
11 ~~under subsection (a), above. In determining the 1990 level, the Department of the Environment shall~~  
12 ~~take into consideration the inventory identified in the Climate Action Plan, the methodology adopted by~~  
13 ~~the State Air Board under AB 32, and the best available scientific, technological, and economic~~  
14 ~~information and shall make reasonable efforts, where appropriate, to promote consistency between its~~  
15 ~~methodology and the methodology used by other international, federal and state greenhouse gas~~  
16 ~~emission measurement and reporting programs.~~

17            ~~(d) The Department of the Environment is urged to promulgate interim greenhouse gas~~  
18 ~~emissions goals to facilitate the City's achievement of the 2017 and 2050 greenhouse gas emissions~~  
19 ~~limits set forth in Subsection (a), above, provided, however, that such interim goals shall be for~~  
20 ~~purposes of measuring the City's progress toward achieving the targets set forth in subsection (a),~~  
21 ~~above and shall not be independently binding.~~

22            ~~(e) The Department of the Environment shall, where appropriate and to the maximum extent~~  
23 ~~feasible, work with other local, State And federal governmental agencies, including but not limited to~~  
24 ~~the CARB, and non-profit entities to develop uniform standards and protocols for measuring, verifying~~  
25 ~~and reporting on greenhouse gas emissions.~~

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~~SEC. 903. GREENHOUSE GAS EMISSIONS REDUCTION PLAN.~~

~~(a) Consistent with its Charter duty regularly to produce an assessment of San Francisco's environmental condition, the Department of the Environment shall coordinate all departmental action plans, reports of actions taken, and their effectiveness in achieving the greenhouse gas emissions limits provided herein.~~

~~(b) The Department of the Environment, in cooperation with the SFPUC, shall manage the City's monitoring and reporting obligations imposed, from time to time, by Federal or State law, including but not limited to requirements imposed by the CARB under AB32.~~

~~(c) On or before January 30, 2009, all City departments shall assess GHG emissions associated with their activities and submit, in a format specified by the Department of the Environment, a written action plan that identifies and makes recommendations on GHG emission reduction measures applicable to~~

~~(i) operations of the department and other City greenhouse gas emission sources within its jurisdiction, and~~

~~(ii) private sector greenhouse gas emission sources regulated by the department. Such Plan shall identify the potential costs of identified measures and the estimated potential benefits of elements in the plan for reducing greenhouse gases, and may also identify other economic and non-economic impacts to the City's economy and environment~~

~~(d) In addition to the requirement set forth in subsection (d), above, the following requirements apply to the following City departments:~~

~~(i) The San Francisco Planning Department shall:~~  
~~(A) Review the City's General Plan, including but not limited to the environmental protection, air quality, urban design and transportation elements, for consistency with this Ordinance and, as appropriate, urge the Planning Commission to recommend to the Board of~~

1 ~~Supervisors amendments to the General Plan to add the greenhouse gas emissions limits in this~~  
2 ~~Ordinance and policies to achieve those targets;~~

3 ~~(B) Include consideration of a project's impact on the San Francisco greenhouse~~  
4 ~~gas emissions limits in this Ordinance as part of its review under the California Environmental Quality~~  
5 ~~Act (CEQA); and~~

6 ~~(C) In consultation with the Executive Director of the Municipal Transportation~~  
7 ~~Agency, Department of Public Health, San Francisco County Transportation Authority, the Department~~  
8 ~~of the Environment and other affected City departments, review City transit, pedestrian, bicycle,~~  
9 ~~parking, and transportation demand management programs and requirements within their jurisdiction~~  
10 ~~and, as appropriate, recommend legislation to the Board of Supervisors that will enhance the City's~~  
11 ~~"transit first" policy, encourage a shift to sustainable transportation modes for trips to, from, and~~  
12 ~~within the City, and reduce transportation related emissions to achieve City greenhouse gas emissions~~  
13 ~~targets set forth in this Ordinance.~~

14 ~~(ii) The San Francisco Department of Building Inspection shall review and, as~~  
15 ~~appropriate, recommend to the Board of Supervisors amendments to the Building Code or other local~~  
16 ~~laws (A) to improve energy efficiency in new construction and in repairs and alterations to existing~~  
17 ~~buildings, (B) to optimize energy efficiency of HVAC, lighting, and other building systems, and (C) to~~  
18 ~~mandate retrofitting of buildings at time of sale.~~

19 ~~(iii) The Department of Public Works shall:~~

20 ~~(A) Review maintenance and construction standards, programs and~~  
21 ~~requirements within its jurisdiction and, as appropriate, develop orders, regulations, or amendments to~~  
22 ~~the Department's Standard Plans and Specifications to address the policies of this Ordinance and/or~~  
23 ~~recommend legislation to the Board of Supervisors, including amendments to the Public Works Code or~~  
24 ~~other City codes or ordinances, to achieve the greenhouse gas emissions limits set forth in this~~  
25 ~~Ordinance; and~~

1                    ~~(B) in consultation with the SFPUC and other affected City Departments,~~  
2 ~~review, and as appropriate recommend changes to street and other public lighting standards to~~  
3 ~~enhance energy efficiency and thereby reduce City greenhouse gas emissions.~~

4                    ~~(iv) The City Administrator shall:-~~

5                    ~~(A) review, in consultation with the SFPUC, the energy efficiency of City~~  
6 ~~buildings and city occupied leaseholds, and, as necessary, recommend cost effective steps to increase~~  
7 ~~their efficiency, and~~

8                    ~~(B) in collaboration with the Department of the Environment and other affected~~  
9 ~~City departments, review, and, as appropriate, recommend amendments to City procurement laws and~~  
10 ~~practices, including but not limited to Chapter 2 of this Code (Environmentally Preferable Purchasing~~  
11 ~~Ordinance), to include the impact of City procurement decisions on greenhouse gas emissions.~~

12  
13 **SEC. 903. FUTURE CLIMATE ACTION GOALS.**

14                    (a) The San Francisco Public Utilities Commission, in consultation with relevant City  
15 departments, community stakeholders, and technical experts, shall identify water conservation targets  
16 that include sustainable use practices, water recycling, and water reuse.

17                    (b) The Office of Resilience and Capital Planning, in consultation with the San Francisco  
18 Public Utilities Commission, the Department of the Environment, relevant City departments,  
19 community stakeholders, and technical experts, shall identify energy resilience targets that will help the  
20 City prepare for and recover from energy disruptions with the minimum use of additional fossil fuels.

21  
22 **~~SEC. 904. MANDATORY ANNUAL GREENHOUSE GAS EMISSIONS REPORTING.~~**

23                    ~~(a) Beginning at the close of fiscal year 2008-2009, no later than 90 days after the close of~~  
24 ~~each fiscal year, all City departments shall submit, in a format specified by the Department of the~~  
25 ~~Environment, a written update of the plans, status of any recommendation required by Section 903, and~~



1 ~~the GHG emission reductions from actions taken to the Department of the Environment. Such updates~~  
2 ~~shall, to the extent feasible, provide information to enable the Department of the Environment to~~  
3 ~~calculate the City's progress toward meeting the greenhouse gas emissions limits set forth in this~~  
4 ~~Ordinance.~~

5 ~~(b) Beginning in January 2010, and annually thereafter, and based on the written reports~~  
6 ~~required in Section 904(a) and such other reliable data as the Department of the Environment shall~~  
7 ~~compile, the Department of the Environment shall report to the Board of Supervisors on the City's~~  
8 ~~progress toward achieving the San Francisco greenhouse gas emissions limits of this Ordinance. Such~~  
9 ~~annual report shall be consistent with the methodology established by the Department of the~~  
10 ~~Environment under Section 903(c), except that the Department of the Environment may revise such~~  
11 ~~methodology to conform to recognized protocols.~~

12  
13 **SEC. 904. CLIMATE ACTION PLAN.**

14 (a) By December 31, 2021, the Department of the Environment shall prepare and submit for  
15 the Mayor's approval a Climate Action Plan (CAP) which shall do all of the following:

16 (1) Align with the Paris Climate Agreement to limit global warming to 1.5 degrees  
17 Celsius, and with the emissions reduction targets established in Section 902.

18 (2) Incorporate an equity framework that addresses historic racial and social  
19 inequities; prioritizes social, economic, and environmental benefits derived from implementing the  
20 CAP; and ensures an equitable distribution of those benefits. This framework shall consider:

21 (A) The engagement and prioritization of those who are most impacted by  
22 climate change and have historically had the least influence in decision-making processes, including  
23 low-income communities of color and other impacted populations;

24 (B) Burdens and/or unintended consequences of related actions, especially for  
25 low-income communities of color and other vulnerable populations; and

1                                    (C) Social interventions needed to secure workers' rights and livelihoods when  
2 economies are shifting to responsible production and consumption, collectively referred to as a “just  
3 transition” framework, and other impacts on workforce and job opportunities.

4                                    (3) Identify and leverage synergies, where feasible, with the City’s existing or proposed  
5 climate adaptation and mitigation measures set out in the Hazards and Climate Resilience Plan.

6                                    (4) Incorporate a health and vulnerable populations framework that shall consider:

7                                    (A) Climate and health co-benefits, especially targeted to populations and  
8 communities disproportionately impacted by climate change; and

9                                    (B) Potential negative health impacts to individual and communities, especially  
10 vulnerable populations.

11                                   (5) Include, but not be limited to, the following elements: energy supply; transportation  
12 and land use; building operations; housing; responsible production and consumption; and carbon  
13 sequestration. No later than one year after the adoption of the ordinance in Board File No. 210563  
14 enacting this Section 904, the Department of the Environment in coordination with the Public Utilities  
15 Commission shall prepare a water element for the CAP.

16                                   (6) Identify strategies and/or make recommendations to achieve emissions reduction  
17 targets for all elements. If targets have not been established in Section 902, the CAP shall recommend  
18 approaches on goals and principles. Each strategy or recommendation shall:

19                                   (A) Identify parties responsible for implementation;

20                                   (B) Incorporate an estimated cost; and

21                                   (C) Contain key performance indicators and explicit equity metrics to measure  
22 progress.

23                                   (b) The Department of the Environment shall update the Climate Action Plan every five years.

1 ~~SEC. 905. ENFORCEMENT.~~

2 ~~The Department of the Environment shall report any non-compliance with the reporting~~  
3 ~~requirements of this Ordinance to the Mayor and the Board of Supervisors.~~

4  
5 **SEC. 905. CITY DEPARTMENT ROLES AND RESPONSIBILITIES.**

6 (a) The Department of the Environment shall be the lead agency for developing and publicizing  
7 the Climate Action Plan, including updates. The Department shall:

8 (1) Lead the development of strategies, key performance indicators, and equity metrics  
9 to be included in the CAP;

10 (2) Coordinate an interagency effort with the Planning Department, Municipal  
11 Transportation Agency, Department of Public Works, Department of Public Health, Department of  
12 Building Inspection, City Administrator's Office, Office of Resilience and Capital Planning, San  
13 Francisco Public Utilities Commission and other relevant City agencies to develop and adopt updates  
14 to the CAP; and

15 (3) Work with relevant agencies, key stakeholders, and community members to develop,  
16 adopt, and monitor the implementation of the CAP.

17 (b) The Planning Department shall:

18 (1) Review the City's Planning Code to ensure that Area Plans and development  
19 projects are consistent with the targets and aims set out in the CAP and this Chapter 9;

20 (2) Review the City's General Plan for consistency and support of the City's  
21 Greenhouse Gas emissions targets and climate action goals, with guidance from the State's Office of  
22 Planning and Research on incorporating climate change and resilience into land use planning, and, as  
23 needed, update and amend relevant elements through the support of the Planning Commission and  
24 Board of Supervisors;

1                   (3) Continue to implement State, regional, and/or local requirements to consider a  
2 project's Greenhouse Gas impacts as part of its review under the California Environmental Quality Act  
3 (CEQA) regarding San Francisco's emissions targets in this Chapter 9; and

4                   (4) Advance plans, policies, and projects that support increased affordable housing  
5 production for all income levels, especially in proximity to public transit, and that preserve affordable  
6 housing at low- and moderate-income levels.

7                   (c) The Department of Public Health shall:

8                   (1) In consultation with the Department of the Environment, develop an element of the  
9 CAP addressing climate impacts on health and vulnerable populations, including:

10                   (A) Analyzing climate change as a public health threat;

11                   (B) Identifying inequalities in the distribution of public health impacts; and

12                   (C) Connecting climate action strategies to associated health and equity co-  
13 benefits.

14                   (2) Develop a health and vulnerable populations framework for evaluating proposed  
15 climate action strategies to inform the implementation of those strategies; and

16                   (3) Monitor and evaluate climate, health, and equity metrics in cooperation with public  
17 agencies and key stakeholders, including the San Francisco Health Improvement Partnership; share  
18 data with City departments and the public; and use the data to continually improve strategic actions  
19 and address emerging issues, gaps, and unintended consequences impacting health and vulnerable  
20 populations.

21                   (d) The Department of Building Inspection shall:

22                   (1) Support the development and implementation of high-performance green building  
23 codes to achieve higher levels of energy efficiency and the eventual elimination of the use of fossil fuels  
24 in buildings to achieve San Francisco's emissions targets set forth in Section 902; and

1                   (2) Work with the Department of the Environment on the development of strategies,  
2 actions, key performance indicators, and equity metrics to be included in the buildings element of the  
3 CAP.

4                   (e) The Department of Public Works shall:

5                   (1) Consider San Francisco’s emissions targets set forth in Section 902 in updates  
6 related to the Department's Standard Plans and Specifications and in the design, construction,  
7 maintenance and management of public buildings and infrastructure projects;

8                   (2) Work with City departments and stakeholders to ensure that the public right-of-way  
9 allows for electrification of buildings and transportation; and

10                  (3) Work with the Department of the Environment on the carbon sequestration element  
11 of the CAP, including consideration of the climate and resilience benefits of planting and maintaining  
12 street trees, median landscaping, and pocket parks.

13                  (f) The San Francisco Municipal Transportation Agency shall:

14                  (1) Work with the Department of the Environment, the Planning Department, the San  
15 Francisco County Transportation Authority and the Department of Public Health to develop and  
16 implement projects, strategies, actions, key performance indicators, and equity metrics to be included  
17 in the transportation and land use element of the CAP, with an emphasis on advancing projects that  
18 shift single-occupant automobile trips to other modes of transportation (“mode shift”) by prioritizing  
19 the right-of-way for low-carbon and efficient modes through efforts such as improved parking  
20 management, utilization of pricing, development of local and regional transit and active mobility  
21 networks, and electrifying gas-powered vehicles.

22                  (2) Act as the lead agency on coordinating with other relevant departments and other  
23 key stakeholders to ensure that the transportation and land use element reflects the City's policy and  
24 programmatic priorities in this area, including the integration of existing Citywide transportation  
25 planning efforts, goals, data sources, and other considerations into the CAP.

1           (g) The San Francisco Public Utilities Commission shall:

2                   (1) Lead the development of strategies, actions, key performance indicators, and equity  
3 metrics to be included in the energy element of the CAP, including proposals for meeting the City's  
4 Renewable Energy goals and for developing community programming that reduces Greenhouse Gas  
5 emissions and incentivizes electrification.

6                   (2) Maintain energy supply portfolios for its energy-providing programs that align with  
7 the Greenhouse Gas emission targets set forth in Section 902.

8           (h) The Office of Resilience and Capital Planning under the City Administrator shall:

9                   (1) Collaborate with the Department of the Environment and other City departments to  
10 align long-term funding needs with climate adaptation or mitigation strategies and to reflect those  
11 priorities in the 10-year capital plan and in agency capital plans; and

12                   (2) Work with the Department of the Environment and other departments to coordinate  
13 and prioritize climate adaptation and mitigation strategies articulated in the Office's Hazards and  
14 Climate Resilience Plan and the CAP.

15           (i) The Purchasing Department under the City Administrator shall work with the Department of  
16 the Environment and other departments to review, and, as appropriate, recommend amendments to  
17 City procurement laws and practices, including but not limited to Chapter 2 of this Code  
18 (Environmentally Preferable Purchasing Ordinance), to include the impact of City procurement  
19 decisions on achieving City emissions reduction targets and achieving other environmental and health  
20 benefits.

21           (j) All City agencies shall, as needed:

22                   (1) Provide data, information, and feedback to the Department of the Environment in  
23 developing the CAP;

1                    (2) Consider the effect of decisions and activities under their jurisdiction on the goals of  
2 reducing Greenhouse Gas emissions and at the same time promoting racial and social equity,  
3 consistent with the CAP and the goals set forth in Section 902;

4                    ~~(3) Streamline the review and approval processes for housing projects,~~  
5 ~~particularly those projects with 100% affordable housing and development agreement~~  
6 ~~projects;~~

7                    (43) Coordinate with other City departments on the development and implementation of  
8 climate-related regulations;

9                    (54) Improve interagency coordination and communication, and coordinate funding  
10 where feasible, to advance ongoing City initiatives with co-benefits for climate change, health and  
11 equity, including Vision Zero, Transit First, and City targets for affordable housing development; and

12                    (65) Support community engagement efforts for the CAP.

13  
14 **~~SEC. 907. LOCAL ENERGY GENERATION.~~**

15                    ~~The Board of Supervisors urges the SFPUC to develop and to implement an energy action plan~~  
16 ~~that includes at least the following:-~~

17                    ~~(a) In coordination with the Department of the Environment, develop a plan to achieve the goal~~  
18 ~~of San Francisco becoming fossil fuel free by 2030;-~~

19                    ~~(b) In coordination with the Department of the Environment, setting annual goals for~~  
20 ~~generating electricity locally through renewable generation; and~~

21                    ~~(c) Integrating the greenhouse gas emissions targets and policies of this Ordinance into the~~  
22 ~~Sewer Master Plan.~~

23  
24 **SEC. 907. MONITORING, EVALUATION, AND REPORTING.**

1           (a) The City shall demonstrate its long-term commitment to reducing Greenhouse Gas  
2 emissions and advancing racial and social equity by measuring and reporting emissions, tracking key  
3 performance indicators and equity metrics, and monitoring the City’s progress on meeting its climate  
4 action goals and commitments.

5           (b) The Department of the Environment shall, with the assistance from relevant City agencies:

6                   (1) Measure and monitor Sector-Based Greenhouse Gas Emissions, including  
7 municipal emissions, using best available global protocols for preparing Citywide Greenhouse Gas  
8 emission inventories.

9                   (2) Measure production and consumption emissions using best available global  
10 methodologies for preparing consumption-based emission inventories.

11                  (3) Evaluate Sector-Based Greenhouse Gas Emissions against set targets, document  
12 production and consumption emissions, and produce a Greenhouse Gas emissions report.

13                  (4) Establish a monitoring and reporting process for the implementation of the CAP  
14 that:

15                           (A) Tracks key performance indicators and equity metrics for strategies to help  
16 monitor their progress and implementation;

17                           (B) Reports progress against the Paris Agreement and its goal of limiting global  
18 warming to 1.5 degrees Celsius.

19                   (5) Request and receive data from City departments starting August of every year to  
20 support:

21                           (A) The annual Greenhouse Gas emissions inventory. City departments may be  
22 asked to provide data on, but not limited to, the following: their energy use; types of fuels used for their  
23 operations; fuel volume; vehicle-miles travelled (if applicable) within their jurisdictions; and private  
24 sector Greenhouse Gas emission sources regulated by the department. Departments may also be  
25 requested to verify emission estimates and assumptions and review resulting reports;



1 (B) Monitoring and reporting of CAP implementation. City departments may be  
2 asked to provide data on key performance indicators and equity metrics related to adopted strategies  
3 and actions; and

4 (C) The development and delivery of annual municipal building energy  
5 benchmarking reports.

6 (6) Coordinate with other City agencies to monitor, track, and report on climate action  
7 progress to local, state, national, and global partners.

8 (7) Report its findings in a progress report to the public every two years.

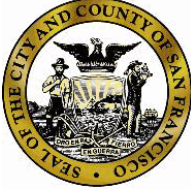
9  
10 Section 3 2. Effective Date. This ordinance shall become effective 30 days after  
11 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
12 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
13 of Supervisors overrides the Mayor's veto of the ordinance.

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

7  
8  
9 APPROVED AS TO FORM:  
10 DENNIS J. HERRERA, City Attorney

11  
12 By:               /s/ Thomas J. Owen            
          THOMAS J. OWEN  
          Deputy City Attorney

13  
14 n:\legana\as2021\2100403\01544796.docx



**City and County of San Francisco**  
**Tails**  
**Ordinance**

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

**File Number:** 210563

**Date Passed:** July 27, 2021

Ordinance amending the Environment Code to update the City's climate action goals and planning process, and establish departmental roles and responsibilities; and affirming the Planning Department's determination under the California Environmental Quality Act.

July 19, 2021 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 19, 2021 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 19, 2021 Land Use and Transportation Committee - RECOMMENDED AS AMENDED AS A COMMITTEE REPORT

July 20, 2021 Board of Supervisors - AMENDED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

July 20, 2021 Board of Supervisors - AMENDED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

July 20, 2021 Board of Supervisors - PASSED ON FIRST READING AS AMENDED


Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

July 27, 2021 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Chan, Haney, Mandelman, Mar, Melgar, Peskin, Preston, Ronen, Safai, Stefani and Walton

File No. 210563

I hereby certify that the foregoing Ordinance was **FINALLY PASSED** on 7/27/2021 by the Board of Supervisors of the City and County of San Francisco.



---

Angela Calvillo  
Clerk of the Board



---

London N. Breed  
Mayor

---

8/4/21

Date Approved

1 [Declaring a Climate Emergency in San Francisco]

2

3 **Resolution declaring a climate emergency and requesting immediate and accelerated**  
4 **action to address the climate crisis and limit global warming to 1.5 degrees Celsius.**

5

6 WHEREAS, Climate change is an urgent unfolding crisis that presents a serious threat  
7 to global stability and human existence; and

8 WHEREAS, The Intergovernmental Panel on Climate Change (IPCC) issued a special  
9 report on the impacts of global warming and the need to reduce global greenhouse gas  
10 emissions well before 2030 to hold warming to 1.5 degrees Celsius and avoid the most  
11 catastrophic impacts of climate change; and

12 WHEREAS, In 2018, the United States' Fourth National Climate Assessment made  
13 clear that climate change will wreak havoc across the United States, and the current pace and  
14 scale of national climate action is not sufficient to avert substantial damage to the economy,  
15 environment, and human health over the coming decades; and

16 WHEREAS, Throughout the United States, communities of color, low-wage workers  
17 and low-income communities have been on the frontline of longstanding environmental  
18 injustices, and have historically borne the brunt of the fossil-fuel economy; and

19 WHEREAS, San Francisco, like the Bay Area and the state of California, is already  
20 suffering impacts of climate change in the form of droughts, air pollution, extreme heat, and  
21 lowland flooding, and these impacts will grow more severe if global greenhouse gas  
22 emissions are not significantly reduced; and

23 WHEREAS, Climate change will continue to make basic human necessities such as  
24 food, housing, healthcare, transportation and energy more expensive and, along with a living  
25

1 wage, difficult to obtain, adding additional pressure to the Bay Area's affordability crisis and  
2 wealth inequality; and

3 WHEREAS, To stay within 1.5 degrees Celsius, major cities throughout the world will  
4 need to significantly reduce their per capita emissions by 2030, and as a city on a rapid  
5 growth trajectory, San Francisco has an obligation to lead by example; and

6 WHEREAS, San Francisco continues to remain a global climate action leader having  
7 reduced greenhouse gas emissions 30% from 1990 levels while growing its economy by  
8 111% and population by 20%; and

9 WHEREAS, According to the Department of Public Health's Climate and Health  
10 Adaptation Framework (2017) the direct and indirect impacts of climate change will  
11 disproportionately affect San Francisco communities least able to prepare for, cope with, and  
12 recover from them, such as communities of color, low-wage workers, immigrants and other  
13 low-income communities; and

14 WHEREAS, San Francisco, having joined Bay Area cities Berkeley, Richmond,  
15 Hayward and Oakland in declaring a climate emergency, will continue to coordinate its efforts  
16 with these cities as well as other local, regional, and state governments to accelerate  
17 immediate and near-term actions to rapidly eliminate greenhouse gas emissions from fossil  
18 fuels, such as gasoline, diesel and natural gas, refrigerants, and other sources; now,  
19 therefore, be it

20 RESOLVED, That the Board of Supervisors hereby declares a state of climate  
21 emergency, given that the climate crisis poses a serious and urgent threat to the well-being of  
22 San Francisco, its inhabitants, and its environment; and, be it

23 FURTHER RESOLVED, That the Board of Supervisors urges the Department of the  
24 Environment, in collaboration with the Mayor's office and all other relevant City agencies, to  
25 develop and deliver a technical report within 100 days; and, be it

1 FURTHER RESOLVED, That the Board of Supervisors intends to schedule a public  
2 hearing for the Department of the Environment in coordination with partner City agencies, to  
3 present high-priority strategies to achieve deep emission reductions at emergency speed;  
4 and, be it

5 FURTHER RESOLVED, That to meet the City and County of San Francisco's  
6 ambitious greenhouse gas emission reduction targets, the Department of the Environment is  
7 urged to review Chapter 9 of the City's Environment Code and recommend updates or new  
8 policies to the City's Climate Action Strategy, and to take into account the impact on workers  
9 and jobs in San Francisco that these policies will have; and, be it

10 FURTHER RESOLVED, That labor unions and frontline environmental justice  
11 communities must be equitably and actively engaged in the City's transition to a fossil-fuel  
12 free economy and prioritized through local climate mitigation and adaptation planning, policy,  
13 and program delivery, ensuring a just transition for all people; and, be it

14 FURTHER RESOLVED, That any legislation or projects started through the climate  
15 emergency process should consider union career opportunities, including training and  
16 retraining, and investments in working-class, low-income communities, and communities of  
17 color historically and disproportionality impacted by pollution, high unemployment, poverty and  
18 environmental injustice; and, be it

19 FURTHER RESOLVED, That as the City works on climate mitigation, it shall continue  
20 to advance climate adaptation efforts to address unavoidable current and future climate  
21 change impacts; and, be it

22 FURTHER RESOLVED, That the Board of Supervisors will work with the Mayor's  
23 office, the Controller, and the Capital Planning Committee to develop a budget that enables  
24 urgent climate action, avoids further investment of public dollars in fossil-fuel reliant  
25

1 infrastructure when there are clean energy alternatives, supports public sector employees,  
2 and ensures a climate resilient future for all San Franciscans.

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City and County of San Francisco

Tails
Resolution

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

File Number: 190222

Date Passed: April 02, 2019

Resolution declaring a climate emergency in San Francisco; and requesting immediate and accelerated action to address the climate crisis and limit global warming to 1.5 degrees Celsius.

March 18, 2019 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

March 18, 2019 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

April 02, 2019 Board of Supervisors - ADOPTED

Ayes: 11 - Brown, Fewer, Haney, Mandelman, Mar, Peskin, Ronen, Safai, Stefani, Walton and Yee

File No. 190222

I hereby certify that the foregoing Resolution was ADOPTED on 4/2/2019 by the Board of Supervisors of the City and County of San Francisco.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

Unsigned

London N. Breed
Mayor

4/12/19

Date Approved

I hereby certify that the foregoing resolution, not being signed by the Mayor within the time limit as set forth in Section 3.103 of the Charter, or time waived pursuant to Board Rule 2.14.2, became effective without her approval in accordance with the provision of said Section 3.103 of the Charter or Board Rule 2.14.2.

Handwritten signature of Angela Calvillo
Angela Calvillo
Clerk of the Board

4/12/19
Date

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Calvillo, Angela \(BOS\)](#); [Mchugh, Eileen \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [Major, Erica \(BOS\)](#); [BOS Legislation, \(BOS\)](#)  
**Subject:** FW: Case No. 2021-011130PCA / Board File No. 211092] - Automotive Uses; Housing Density  
**Date:** Thursday, December 9, 2021 11:33:07 AM

---

**From:** Joseph Smooke <josephsmooke@gmail.com>

**Sent:** Thursday, December 9, 2021 11:15 AM

**To:** Ionin, Jonas (CPC) <jonas.ionin@sfgov.org>; Koppel, Joel (CPC) <joel.koppel@sfgov.org>; Moore, Kathrin (CPC) <kathrin.moore@sfgov.org>; Fung, Frank (CPC) <frank.fung@sfgov.org>; Imperial, Theresa (CPC) <theresa.imperial@sfgov.org>; Chan, Deland (CPC) <deland.chan@sfgov.org>; Tanner, Rachael (CPC) <rachael.tanner@sfgov.org>; Diamond, Susan (CPC) <sue.diamond@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Zachary Weisenburger <zweisenburger@ycdjobs.org>; ErickCalle24 <erick@calle24sf.org>; Larisa and Kelly <design@factory1.com>

**Subject:** Case No. 2021-011130PCA / Board File No. 211092] - Automotive Uses; Housing Density

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Re: Case No. 2021-011130PCA / Board File No. 211092] - Automotive Uses; Housing Density

Commission President Koppel and Commissioners:

We hereby submit the below comment regarding the subject legislation and recommend various changes to mitigate impacts to San Francisco's workforce and enhance its equitable application to City's vulnerable communities and future residents.

**Any Density Bonus should be accompanied with mandatory Rent Control and/or On-Site Affordability.**

The core premise of the Mayor's legislation is to principally permit residential developments on sites with existing Automotive Uses and to provide enhanced density on those eligible sites.

As an overarching comment, *any* financial assistance conferred upon an eligible project sponsor - including but not limited to density bonuses and any other waivers of Planning Code requirements - should render the entire resulting project subject to rent control. Specifically, resulting units should be subject to the limits on annual rent increase set forth in Chapter 37 of the San Francisco Administrative Code (the "Rent Ordinance").

This principle is a cornerstone of San Francisco's local ADU Program, which provides a path to approval wherein project sponsors voluntarily enter into Costa Hawkins

Regulatory Agreements in exchange for waivers from existing density limits and other Planning Code provisions.

We recommend that the Mayor's legislation be modified to explicitly state that any density bonus is an *exception* to existing density limits, and may only be granted via a waiver of existing limits in exchange for a voluntary commitment to rent control.

We also recommend the following changes:

- Require that in exchange for any waiver of density limits or other Planning Code requirements, **a project's inclusionary housing requirement must be satisfied with on-site affordable units.**
- **Prohibit the subdivision and separate sale (i.e., the "condo-ization") of units** to ensure that they will be affordable to and help stabilize future generations of long-term tenants in San Francisco.
- **Implement unit size minimums and unit size caps, family-friendly unit mixes, and minimum density requirements.** Nothing in the Mayor's proposal prevents the exploitation of streamlining for the unnecessary construction of large single family homes. As long as the market for large homes is robust, we should only be considering a streamlined path to approval for projects that implement affordable unit size caps, family-friendly unit mixes, and minimum density requirements. Similarly, minimum unit sizes will ensure that resulting units are habitable.
- **Prohibit group housing.** To ensure that resulting units are habitable for long-term residents, and to ensure the long-term stability of resulting communities, this proposal should be modified to prohibit sub-standard group housing.

### **We oppose the elimination of CU's for the removal of Automotive Uses.**

The Mayor's legislation would also remove Section 202.5 from the Code, thereby eliminating the Planning Commission's ability to make findings with respect to the loss of vital blue-collar jobs in our communities. We urge the Commission to oppose this aspect of the legislation.

Automotive service and repair jobs and other blue-collar jobs associated with "Automotive Uses" are essential to the livelihoods of families across San Francisco. Among other findings, the Conditional Use requirement set forth in Section 202.5 requires the Planning Commission to find that the elimination of these blue-collar jobs is "necessary and desirable." Section 202.5 also expressly requires the Commission to consider the number of units - and affordable units - in replacement residential projects. Requiring the Commission to make these determinations is essential to the integrity of resulting projects and to the autonomy and self-determination of a necessary sector of our City's workforce.

Planning's Staff Report states that the Commission already sees very few of these CU's. If the Commission seeks to make recommendations based on the "tradeoffs" that result from the loss of blue-collar jobs - a premise that fundamentally devalues

the importance of these jobs to our communities - we argue that the “downside” of having that discussion in the context of a public hearing is minor.

We also recommend the following changes:

- **Eliminate the 10-year look-back for Legacy Businesses.** Any Legacy Business, including those that are eligible but have not yet been processed for inclusion on the Legacy Business Registry, should be ineligible for enhanced real estate speculation.
- **Distinguish between sub-categories of “Automotive Use.”** The Planning Code definition of “Automotive Use” includes 14 different use types. The Commission should at least distinguish between uses that are more likely to employ blue-collar workers - like automotive repair and gas station convenience stores - from uses that are more likely to be automated, like surface parking lots or parking structures.
- **Expand Section 202.5 findings to include workforce analysis.** In addition to the many findings set forth in Planning Code Section 202.5, the Commission should also consider the impact to the workforce and related communities when automotive repair and other workforce-intensive uses are the subject of potential conversion.
- **Require replacement PDR space.** In 2016, voters overwhelmingly approved of Prop X, which required developers to provide space to replace any Production, Distribution and Repair spaces that were destroyed or disrupted by a development project within the Mission and South of Market neighborhoods. This measure should be modified to require comparable replacement for any resulting loss of space with the intent of ensuring that these jobs remain in San Francisco.

**Objection to “Cars to Casas” short-title.**

As a general statement, we object to the rhetorically weighted and insensitive reference to this legislation as “Cars to Casas.” Given that many of the jobs associated with Automotive Uses are held by members of the Latino community in San Francisco, the use of a Spanish-language short-title to refer to a measure that threatens their livelihoods is insensitive and inappropriate.

Regardless, there is no reason why Planning Staff should rely on rhetorical shorthand in the context of a report that strives for objective analysis.

Sincerely,

Calle 24 Latino Cultural District  
United to Save the Mission  
Young Community Developers

--

co-founder [People Power Media](http://People Power Media)  
[josephsmooke.photoshelter.com/archive](http://josephsmooke.photoshelter.com/archive)

**From:** [Joseph Smooke](#)  
**To:** [Melgar, Myrna \(BOS\)](#); [Low, Jen \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Hepner, Lee \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Smeallie, Kyle \(BOS\)](#); [Gen Fujioka](#); [Rosa Chen](#); [Major, Erica \(BOS\)](#); [Race & Equity in all Planning Coalition \(REP\)](#)  
**Subject:** File # 211092 "Automotive Uses; Housing Density"  
**Date:** Friday, February 25, 2022 12:43:00 PM  
**Attachments:** [Letter to Land Use Committee re Rezoning Auto Uses sites 25Feb2022.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 regarding the legislation titled "Automotive Uses: Housing Density", File #211092 which is on the Land Use and Transportation Committee agenda this coming Monday, February 28.

co-founder of [People Power Media](#)

**[Creators of PRICED OUT](#)**

**[See the animation that will change the way you think about housing!](#)**



25 February 2022

Land Use and Transportation Committee of the Board of Supervisors  
Chair Supervisor Melgar  
Members Supervisor Peskin and Supervisor Preston

Re: [File # 211092 "Automotive Uses; Housing Density"](#)

Dear Chair Melgar and the Land Use and Transportation Committee:

The Race & Equity in all Planning Coalition (REP-SF) strongly urges tabling the measure referenced above that would effectively ensure that for-profit housing developers can proceed with developing sites in every corner of the city for luxury, market-rate housing, displace good-paying blue-collar jobs, and remove accountability to the needs of vulnerable communities for employment and truly affordable housing.

The legislation as written is vague and appears to have a broad impact that is impossible for us to fully assess. Here are some questions that this legislation raises:

1. This appears to rezone sites in RH districts. How does this legislation reconcile with the rezoning, "multiplex", proposals for RH districts that have not yet been heard at the Land Use and Transportation Committee?
2. In many neighborhoods, there are automotive uses in NC zoning districts. How does deleting the cross-referencing to Planning Code Section 202.5 "Conversion of Automotive Service Stations" in this legislation affect those sites?
3. This legislation appears to apply to "accessory parking lot or garage" sites, but we are unable to find a definition for what accessory parking lots and garages are.

This legislation, as proposed, would accelerate gentrification and lead to worsening environmental impacts. Working class, blue-collar jobs would be permanently lost, and replaced by high-priced housing that no blue-collar worker would be able to afford, especially those who would be out of work. Displacing working people from their livelihood and from their homes will lead to permanent displacement and increased commuting distances for all those who are displaced. The social and environmental damage caused by this legislation could be devastating.

We urge a reconsideration of this approach to make these sites available for 100% affordable housing development and retention of PDR uses, even if the new buildings do not retain the automotive uses. Repurposing auto-oriented sites for 100% affordable housing and new opportunities for blue collar jobs would be an interesting approach that would move this conversation and policy discussion forward, but we need more time to explore what this would look like.

Please table this current proposal.

Respectfully,

[Race & Equity in all Planning Coalition](#)

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

## MEMORANDUM

TO: Dr. Grant Colfax, Director, Department of Public Health  
Deborah Raphael, Director, Department of the Environment  
Patrick O'Riordan, Interim Director, Department of Building Inspection  
Andrico Penick, Director, Real Estate Department  
Carla Short, Interim Director, Public Works  
Kate Sofis, Director, Mayor's Office of Workforce and Economic Development

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

DATE: February 23, 2022

SUBJECT: LEGISLATION INTRODUCED

---

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on February 15, 2022:

**File No. 211092-2**

**Ordinance amending the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, but which do not currently have any residential use or a legacy business, and remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use, and amend zoning control tables to reflect this change; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare as required by Planning Code, Section 302.**

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



Board of Supervisors  
Land Use and Transportation Committee  
Referral  
Page 2

cc: Greg Wagner, Department of Public Health  
Dr. Naveena Bobba, Department of Public Health  
Sneha Patil, Department of Public Health  
Ana Validzic, Department of Public Health  
Joseph Sweiss, Department of the Environment  
Charles Sheehan, Department of the Environment  
Anthony Valdez, Department of the Environment  
Patty Lee, Department of Building Inspection  
John Murray, Department of Building Inspection  
Sonya Harris, Department of Building Inspection  
David Steinberg, Public Works  
Bryan Dahl, Public Works  
John Thomas, Public Works  
Lena Liu, Public Works  
J'Wel Vaughn, Mayor's Office of Workforce and Economic Development  
Anne Taupier, Mayor's Office of Workforce and Economic Development  
Lisa Pagan, Mayor's Office of Workforce and Economic Development

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

# MEMORANDUM

TO: Katy Tang, Director  
Small Business Commission, City Hall, Room 448

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

DATE: February 23, 2022

SUBJECT: REFERRAL FROM BOARD OF SUPERVISORS  
Land Use and Transportation Committee

The Board of Supervisors' Land Use and Transportation Committee has received the following legislation, which is being referred to the Small Business Commission for comment and recommendation. The Commission may provide any response it deems appropriate within 12 days from the date of this referral.

**File No. 211092-2**

**Ordinance amending the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, but which do not currently have any residential use or a legacy business, and remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use, and amend zoning control tables to reflect this change; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare as required by Planning Code, Section 302.**

Please return this cover sheet with the Commission's response to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

\*\*\*\*\*

**RESPONSE FROM SMALL BUSINESS COMMISSION - Date:** \_\_\_\_\_

**No Comment**

**Recommendation Attached**

\_\_\_\_\_  
**Chairperson, Small Business Commission**

cc: Kerry Birnbach, Senior Policy Analyst/Commission Secretary

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

February 23, 2022

File No. 211092-2

Lisa Gibson  
Environmental Review Officer  
Planning Department  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

Dear Ms. Gibson:

On February 15, 2022, Mayor Breed submitted the following legislation:

**File No. 211092-2**

**Ordinance amending the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, but which do not currently have any residential use or a legacy business, and remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use, and amend zoning control tables to reflect this change; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare as required by Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

Attachment

c: Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

February 23, 2022

Planning Commission  
Attn: Jonas Ionin  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

Dear Commissioners:

On February 15, 2022, Mayor Breed submitted the following legislation:

**File No. 211092-2**

**Ordinance amending the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, but which do not currently have any residential use or a legacy business, and remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use, and amend zoning control tables to reflect this change; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare as required by Planning Code, Section 302.**

The proposed ordinance is being transmitted for review. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

c: Rich Hillis, Director  
Dan Sider, Chief of Staff  
Aaron Starr, Manager of Legislative Affairs  
AnMarie Rodgers, Director of Citywide Planning  
Tina Tam, Deputy Zoning Administrator  
Corey Teague, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

## MEMORANDUM

TO: Dr. Grant Colfax, Director, Department of Public Health  
Deborah Raphael, Director, Department of the Environment  
Patrick O'Riordan, Interim Director, Department of Building Inspection  
Andrico Penick, Director, Real Estate Department  
Carla Short, Interim Director, Public Works  
Kate Sofis, Director, Mayor's Office of Workforce and Economic Development

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

DATE: October 22, 2021

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Mayor Breed on October 19, 2021:

**File No. 211092**

**Ordinance amending the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, but which do not currently have any residential use or a legacy business, and remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use and amend zoning control tables to reflect this change; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare as required by Planning Code, Section 302.**

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

Board of Supervisors  
Land Use and Transportation Committee  
Referral  
Page 2

cc: Greg Wagner, Department of Public Health  
Dr. Naveena Bobba, Department of Public Health  
Sneha Patil, Department of Public Health  
Ana Validzic, Department of Public Health  
Joseph Sweiss, Department of the Environment  
Charles Sheehan, Department of the Environment  
Patty Lee, Department of Building Inspection  
John Murray, Department of Building Inspection  
David Steinberg, Public Works  
Jeremy Spitz, Public Works  
John Thomas, Public Works  
Lena Liu, Public Works  
J'Wel Vaughn, Mayor's Office of Workforce and Economic Development  
Anne Taupier, Mayor's Office of Workforce and Economic Development  
Lisa Pagan, Mayor's Office of Workforce and Economic Development

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October 22, 2021

Planning Commission  
Attn: Jonas Ionin  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

Dear Commissioners:

On October 19, 2021, Mayor Breed submitted the following legislation:

**File No. 211092**

**Ordinance amending the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, but which do not currently have any residential use or a legacy business, and remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use and amend zoning control tables to reflect this change; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare as required by Planning Code, Section 302.**

The proposed ordinance is being transmitted for review. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

c: Rich Hillis, Director  
Scott Sanchez, Deputy Zoning Administrator  
Corey Teague, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
Adam Varat, Acting Director of Citywide Planning  
AnMarie Rodgers, Legislative Affairs  
Dan Sider, Director of Executive Programs  
Aaron Starr, Manager of Legislative Affairs  
Joy Navarrete, Environmental Planning

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October 22, 2021

**File No. 211092**

Lisa Gibson  
Environmental Review Officer  
Planning Department  
49 South Van Ness Avenue, Suite 1400  
San Francisco, CA 94103

Dear Ms. Gibson:

On October 19, 2021, Mayor Breed submitted the following legislation:

**File No. 211092**

**Ordinance amending the Planning Code to increase density on lots with auto-oriented uses where housing is permitted, but which do not currently have any residential use or a legacy business, and remove the Conditional Use requirement to change the use of an Automobile Service Station or Automotive Use to another use and amend zoning control tables to reflect this change; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare as required by Planning Code, Section 302.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

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

Attachment

c: Joy Navarrete, Environmental Planning  
Don Lewis, Environmental Planning