

1 [Secondary Units.]

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3 **Ordinance amending the San Francisco Planning Code by repealing Section 207.2**
 4 **[Second Units] in its entirety, adding a new Section 207.2, and amending Section**
 5 **209.1 to authorize one additional secondary unit limited to 750 square feet of gross**
 6 **floor area on a lot within 1250 feet of a Primary Transit Street or Transit Center and**
 7 **also within 1250 feet of a Neighborhood Commercial or Commercial zoning district,**
 8 **on a lot containing a qualified historical building or where the unit is specifically**
 9 **designed and constructed for the elderly or persons with physical disabilities and**
 10 **to prohibit the owner from legalizing an illegal unit pursuant to the provisions of**
 11 **this ordinance; by amending Sections 135(d), Table 151 of Section 151 and 307(g)**
 12 **to establish the amount of open space and parking required for these secondary**
 13 **units; and by amending the San Francisco Traffic Code by adding Section 308.5.1**
 14 **to prohibit issuance of a residential parking permit to the occupant of a secondary**
 15 **unit; adopting findings.**

16 Note: Additions are *single-underline italics Times New Roman*;
 17 deletions are *strikethrough italics Times New Roman*.
 18 Board amendment additions are double underlined.
 Board amendment deletions are ~~strikethrough normal~~.

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

20 Section 1. Findings. The Board of Supervisors makes the following findings in support
 21 of this legislation:

22 (a) The City and County of San Francisco currently has a severe housing
 23 shortage, in particular a shortage of affordable units and units for persons with disabilities.
 24 Based on the United States Census and population estimates from the Association of Bay
 25 Area Governments (ABAG), San Francisco's population grew by 33,265 people in the

1 five-year period from 1995 to 2000, reaching 776,733 by the year 2000. ABAG estimates
2 growth rates that would bring the City's population to 792,870 by 2005 and to 795,981 by
3 2010, an increase of 19,248 additional persons that would have to be housed over the
4 next 10 years.

5 (b) By 2000, there were 315,550 households in San Francisco. ABAG
6 estimates that the number of households in the City will continue to increase at an
7 average of 2,116 new households per year until it reaches a projected 326,130 in 2010.

8 (c) State law mandates that the City update the Housing Element of its General
9 Plan every five years. According to the Data and Needs Analysis recently developed by
10 the Planning Department as Part One of the City's 2001 revision of the City's Residence
11 Element, during the decade of the 1990s, the City experienced a population growth rate
12 of 7.3% (52,774 new people) and a job growth rate of about 8.5% (49,690 new jobs).
13 However, during approximately the same period of time, the City produced only 11,200
14 net new housing units, down noticeably from the previous 10-year figure of almost 15,000
15 units, and many of these new units came in the form of live/work units which are
16 unsuitable for family housing. ABAG estimates a growth of 58,490 in new jobs between
17 2000 and 2010 and an additional 44,310 new jobs by the year 2020.

18 (d) Because job growth has outpaced housing development, and housing
19 demand remains high in San Francisco, rents in the City have increased dramatically over
20 the past decade. While renters occupy 61 percent of housing units in the City, the
21 Department estimates that almost 80 percent of San Francisco households could not
22 afford the average monthly asking rent for a market-rate two bedroom apartment in 1999.

23 (e) As pointed out in the Department's Data and Needs Analysis, the high cost
24 of housing leads to numerous troublesome effects including overwhelming rent burden as
25 more of a household's income is needed to go toward rents, household overcrowding as

1 more people squeeze into smaller affordable units or to share costs, an increase in
2 workers per household needed to pay mortgage or meet monthly rent payments,
3 increased commuter traffic from San Francisco job holders who cannot afford to live in the
4 City, and an increase in the homeless population.

5 (f) As required by state law, ABAG has determined that San Francisco's share
6 of the regional housing need for 1999 through June 2006 is 20,374 units, or 2,717 units
7 per year. San Francisco would need a total annual housing production rate of 2,852 units
8 through June 2006 to achieve a 5 percent vacancy rate over the City's housing need.

9 (g) The Data and Needs Analysis states that both market-rate and affordable
10 housing developers have reported that acquiring sites for housing in San Francisco is a
11 challenge. One of the Department's recommendations for increasing the housing supply
12 is to allow an increase in housing densities in appropriate areas. The Department has
13 estimated that as many as 30,400 units can be constructed on sites bordering transit-
14 preferential streets and neighborhood commercial districts.

15 (h) Allowing homeowners in San Francisco's transit intensive and shopping
16 areas to add secondary rental units to their property is one of the most promising
17 strategies for increasing the supply of housing in the City without significantly changing the
18 aesthetic character of the City's neighborhoods.

19 (i) Because secondary units require no additional land and use existing
20 structures and infrastructure, secondary units added to existing homes are generally more
21 affordable than traditional rental units because they can be installed for one-third the cost;
22 in addition, homeowners often charge less rent in order to get and keep good tenants.

23 (j) Secondary units in existing homes also benefit low- and moderate-income
24 homeowners by generating extra income to help them make mortgage payments and
25 qualify for home loans.

1 (k) A secondary unit can offer safe, semi-independent, and inexpensive
2 housing for elderly or disabled relatives, returning adult children, and childcare or in-home
3 health care workers.

4 (l) Allowing owners of historic buildings to add secondary units will facilitate
5 retention of these buildings, thereby furthering the policies of the City's General Plan and
6 Planning Code Section 101.1, Priority Policy 7, while at the same time adding needed
7 units to the housing supply.

8 (m) The Data and Needs Analysis referred to in paragraph (c) above identifies a
9 need for over 3,000 units accessible to the persons with physical disabilities and 1,500 units
10 for the elderly. Allowing owners to add secondary units which are elderly and handicapped
11 accessible will enable the City to meet more of the needs of these population groups.

12 (n) Because it is expensive and may not be feasible to add an independently
13 accessible parking space into an existing building, the Planning Code's requirement for
14 one parking space for each new dwelling unit can be expected to decrease the amount of
15 additional housing that could be added to the City's housing supply through the addition
16 of secondary units. By waiving the parking requirement for secondary units, the Board of
17 Supervisors finds that the critical need to increase the City's housing supply for the
18 reasons stated above far outweighs the need for parking availability for automobiles.

19 (o) By constructing small secondary units along transit corridors and near
20 neighborhood commercial districts, it is anticipated that many of the tenants of these units
21 will not own automobiles. However, prohibiting tenants of secondary units from obtaining
22 a residential parking area permit will further discourage automobile ownership by tenants
23 of secondary units.

24 Section 2. For all of the reasons set forth above, this legislation is consistent with
25 the Priority Policies of Planning Code Section 101.1 and, more specifically, with Priority

1 Policy 2 (that existing housing and neighborhood character be conserved and protected in
2 order to preserve the cultural and economic diversity of our neighborhoods), Priority
3 Policy 3 (that the City's supply of affordable housing be preserved and enhanced), and
4 Priority Policy 7 (that landmarks and historic buildings be preserved).

5 Section 3. The San Francisco Planning Code is hereby amended by repealing in
6 its entirety Section 207.2 concerning Second Units.

7 Section 4. The San Francisco Planning Code is hereby amended by adding new
8 Section 207.2, to read as follows:

9 SEC. 207.2 SECONDARY UNITS. (a) A secondary unit is defined as an additional, self-
10 contained dwelling of no more than 750 square feet of gross floor area on the same lot as an
11 existing residential building. Addition of the secondary unit will not change the official zoning
12 classification of the lot. One secondary unit, in addition to the number permitted in the zoning
13 district, may be installed in RH, RM and RC zoning districts as follows:

14 (1) A secondary unit is permitted on a lot which is within 1250 feet of a Primary Transit
15 Street or Transit Center, as shown on the Transit Map in the Transportation Element of the San
16 Francisco General Plan as amended from time to time, and also within 1250 feet of an area zoned
17 Neighborhood Commercial or Commercial.

18 (2) A secondary unit is permitted on a lot containing a qualified historical building.
19 After installation of the secondary unit, the building shall be subject to the standards and
20 procedures for alteration of Significant Buildings set forth in Sections 1111 through 1111.6 of this
21 Code and, if determined by the Department of Building Inspection to be appropriate, may use the
22 provisions of the State Historical Building Standards Code. For purposes of this section, a
23 "qualified historical building" is a building listed on or determined to be eligible for listing on an
24 official Federal or State register, inventory, or survey or on a local survey or inventory of
25 historically and architecturally significant structures endorsed by the San Francisco Board of

1 Supervisors. The alteration must meet with standards of Article 11 for alteration of a Significant
2 Building.

3 (3) A secondary unit that is specifically designed for and occupied by the elderly or
4 persons with physical disabilities, and is constructed in conformance with the disabled access
5 requirements of Section 101.17.9.1 of the California Building Code and in addition includes a path
6 of travel into the building that is accessible to a wheelchair user , is permitted.

7 (b) The secondary unit shall be installed by obtaining a building permit and shall comply
8 with the following provisions:

9 (1) The minimum amount of usable open space required for the secondary unit shall be as
10 set forth in Section 135(d)(4) of this Code.

11 (2) Required off-street parking requirements shall be as set forth in Article 1.5 of this
12 Code.

13 (3) No secondary units may be legally established without obtaining a building permit
14 and all necessary approvals pursuant to this Section 207.2.

15 (4) Secondary units may only be installed in an existing residential building or in an
16 existing ancillary structure on the same lot; installation of the secondary unit may not expand the
17 envelope of the structure either horizontally or vertically.

18 (5) The owner of an illegal unit may not use the provisions of this Section 207.2 to
19 legalize the unit.

20 Section 5. The San Francisco Planning Code is hereby amended by amending
21 Section 209.1, to read as follows:

22 SEC. 209.1. DWELLINGS.

	RH-1	RH-1	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RC-1	RC-2	RC-3	RC-4
	(S)											

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1	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(a) One-family dwelling having side yards as required by Section 133 of this Code.
2		P	P	P	P	P	P	P	P	P	P	P	P	(b) Other one-family dwelling.
3			P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(c) Two-family dwelling with the second dwelling unit limited to 600 square feet of net floor area.
4				P	P	P	P	P	P	P	P	P	P	(d) Other two-family dwelling.
5					P	P	P	P	P	P	P	P	P	(e) Three-family dwelling.
6		C	C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(f) Dwelling at a density ratio up to one dwelling unit for each 3,000 square feet of lot area, but no more than three dwelling units per lot, if authorized as a conditional use by the City Planning Commission.
7					C	NA	NA	NA	NA	NA	NA	NA	NA	(g) Dwelling at a density ratio up to one dwelling unit for each 1,500 square feet of lot area, if authorized as a conditional use by the City Planning Commission.
8						C	NA	NA	NA	NA	NA	NA	NA	(h) Dwelling at a density ratio up to one dwelling unit for each 1,000 square feet of lot area, if authorized as a conditional use by the City Planning Commission.
9							C	NA	NA	NA	NA	NA	NA	(i) Dwelling at a density ratio not exceeding one dwelling unit for each 800 square feet of lot area.
10								P	NA	NA	NA	NA	NA	(j) Dwelling at a density ratio not exceeding one dwelling unit for each 600 square feet of lot area.
11									P	NA	NA	NA	NA	(k) Dwelling at a density ratio not exceeding one dwelling unit for each 400 square feet of lot area.
12										P	NA	NA	NA	(l) Dwelling at a density ratio not exceeding one dwelling unit for each 200 square feet of lot area; provided, that for purposes of this calculation a dwelling unit in these districts containing no more than 500 square feet of net floor area and consisting of not more than one habitable room in addition to a kitchen and a bathroom may be counted as equal to 3/4 of a dwelling unit.
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1	P	P	P	P	P	P	P	P	P	P	P	P	(m) Dwelling specifically designed for and occupied by senior citizens or physically handicapped persons, at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted above as a principal use in the district. Such dwellings shall be limited to such occupancy for the actual lifetime of the building by the requirements of State or Federal programs for housing for senior citizens or physically handicapped persons, or otherwise by design features and by legal arrangements approved as to form by the City Attorney and satisfactory to the Department of City Planning.
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10	P	P	P	P	P	P	P	P	P	P	P	P	(n) <u>In addition to the dwelling or dwellings otherwise permitted by subsections (a), (b), and (d) through (m) above, one secondary unit limited to 750 square feet of net gross floor area on a lot within 1250 feet of a Primary Transit Street or Transit Center and also within 1250 feet of a Neighborhood Commercial or Commercial zoning district, as authorized by Section 207.2 of this Code.</u>
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17	P	P	P	P	P	P	P	P	P	P	P	P	(o) <u>In addition to the dwelling or dwellings otherwise permitted by subsections (a), (b), and (d) through (m) above, one secondary unit limited to 750 square feet of gross floor area on a lot containing a qualified historical building, as authorized by Section 207.2 of this Code.</u>
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(p) In addition to the dwelling or dwellings otherwise permitted by subsections (a), (b), and (d) through (m) above, one secondary unit specifically designed for and occupied by the elderly or persons with physical disabilities and limited in size to 750 square feet of gross floor area, as authorized by Section 207.2 of this Code.

7 Section 6. The San Francisco Planning Code is hereby amended by amended
8 Section 135(d), to read as follows:

9 (d) Amount Required. Usable open space shall be provided for each building in
10 the amounts specified herein and in Table 135 for the district in which the building is
11 located; provided, however, that in the Rincon Hill Special Use District, Residential Sub-
12 district, open space shall be provided in the amounts specified in Section 249.1(c)(4).

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

19 (1) For dwellings other than SRO dwellings, except as provided in
20 Paragraph (d)(3) below, the minimum amount of usable open space to be provided for
21 use by each dwelling unit shall be as specified in the second column of the table if such
22 usable open space is all private. Where common usable open space is used to satisfy all
23 or part of the requirement for a dwelling unit, such common usable open space shall be
24 provided in an amount equal to 1.33 square feet for each one square foot of private
25 usable open space specified in the second column of the table. In such cases, the

1 balance of the required usable open space may be provided as private usable open
2 space, with full credit for each square foot of private usable open space so provided.

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

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

14 (4) For secondary units permitted by Section 207.2 and Section 209.1(n), (o)
15 and (p) of this Code, the minimum amount of usable open space to be provided for use by each
16 secondary unit shall be 1/2 the amount required for each dwelling unit as specified in Paragraph
17 (d)(1) above. The Zoning Administrator may grant an exception pursuant to Planning Code
18 Section 307(g) to reduce or eliminate the amount of required open space for a secondary unit
19 added to an existing structure to the extent that physical constraints of the structure and site
20 seriously constrain the ability to provide the full amount of required space.

21 Section 7. The San Francisco Planning Code is hereby amended by amending
22 Section 151, Table 151, to read as follows:

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1	Church or other religious institutions	One for each 20 seats by which the number of seats in the main auditorium exceeds 200.
2	Theater or auditorium	One for each eight seats up to 1,000 seats where the number of seats exceeds 50 seats, plus one for each 10 seats in excess of 1,000.
3		
4	Stadium or sports arena	One for each 15 seats.
5	Medical or dental office or outpatient clinic	One for each 300 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
6	Offices or studios of architects, engineers, interior designers and other design professionals and studios of graphic artists	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
7	Other business office	One for each 500 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet, except one for each 750 square feet within the SSO District, where the occupied floor area exceeds 5,000 square feet.
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11	Restaurant, bar, nightclub, pool hall, dancehall, bowling alley or other similar enterprise	One for each 200 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
12	Retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
13	Greenhouse or plant nursery	One for each 4,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
14		
15	Other retail space	One for each 500 square feet of occupied floor area up to 20,000 where the occupied floor area exceeds 5,000 square feet, plus one for each 250 square feet of occupied floor area in excess of 20,000.
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18	Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts	One for each 1,000 square feet of occupied floor area, where the occupied floor area exceeds 5,000 square feet.
19	Mortuary	Five.
20	Storage or warehouse space, and space devoted to any use first permitted in an M-2 District	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 10,000 square feet.
21	Arts activities and spaces except theater or auditorium spaces	One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.
22		
23	Other manufacturing and industrial uses	One for each 1,500 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet.
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1 Live/work units

One for each 2,000 square feet of occupied floor area, where the occupied floor area exceeds 7,500 square feet, except in RH or RM Districts, within which the requirement shall be one space for each live/work unit.

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4 Secondary units

No off-street parking is required for secondary units permitted by Section 207.2 and Section 209.1(n), (o) and (p) of this Code.

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7 Section 8. The San Francisco Planning Code is hereby amended by amending
8 Section 307(g), to read as follows:

9 SEC. 307(g). Exceptions from Certain Specific Code Standards through
10 Administrative Review. In the Chinatown Mixed Use Districts, ~~and~~ the South of Market
11 Districts, and for secondary units authorized by Section 207.2, the Zoning Administrator may
12 allow complete or partial relief from parking, rear yard, open space and wind and shadow
13 standards as authorized in the applicable sections of this Code, when modification of the
14 standard would result in a project better fulfilling the criteria set forth in the applicable
15 section. The procedures and fee for such review shall be the same as those which are
16 applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2.

17 Section 9. The San Francisco Traffic Code is hereby amended by adding Section
18 308.5.1 , to read as follows:

19 SEC. 308.5.1 PROHIBITING ISSUANCE OF PERMITS TO TENANTS OF SECONDARY
20 UNITS PERMITTED BY PLANNING CODE SECTION 207.2 AND SECTION 209.1(N) AND (O).

21 (a) Notwithstanding any other provisions of this Article, the Director of Parking and
22 Traffic shall not issue any residential parking area permit pursuant to this Article to any vehicle
23 registered to the tenant of a secondary unit permitted by Planning Code Section 207.2 and
24 Sections 209.1(n), (o) and (p).

1 Section 10. SEVERABILITY. If any part or provision of this ordinance, or the
2 application thereof to any person or circumstance, is held invalid, the remainder of this
3 ordinance, including the application of such part or provision to other persons or
4 circumstances, shall not be affected thereby and shall continue in full force and effect. To
5 this end, provisions of this ordinance are severable.

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7 APPROVED AS TO FORM:
8 DENNIS J. HERRERA, City Attorney

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10 By: _____
11 JUDITH A. BOYAJIAN
12 Deputy City Attorney

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