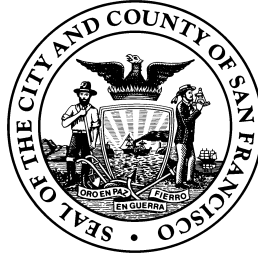


BOARD of SUPERVISORS



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MEMORANDUM

TO: Tom Hui, Acting Director, Department of Building Inspection

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: October 10, 2012

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation, introduced by Supervisor Wiener on October 9, 2012. This matter is being referred to your department informational purposes only and no additional action is required.

File No. 120996

Ordinance amending the San Francisco Planning Code by: 1) adding Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; 2) amending Section 135(d) and adding Section 135.4 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

If you do wish to submit any reports or documentation to be included as part of the file, please send those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Carolyn Jayin, Department of Building Inspection
Sonya Harris, Secretary, Building Inspection Commission

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

Ordinance amending the San Francisco Planning Code by: 1) adding Section 318 to put a cap on the number of Efficiency Dwelling Units, as defined in the Building Code, that can be constructed with reduced square footage unless the units are group housing, affordable housing, or student housing; 2) amending Section 135(d) and adding Section 135.4 to impose open space and common space requirements on Efficiency Dwelling Units with reduced square footage; and 3) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

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

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

Section 1. Findings.

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

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

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

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

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

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

12 *(b) Limitation on the total number of Efficiency Dwelling Units with reduced square footage*
13 *that can be constructed. The Planning Department may approve the construction of up to a total*
14 *number of 900 Efficiency Dwelling Units with reduced square footage; provided, however, that*
15 *Efficiency Dwelling Units shall not be included in this total. For purposes of this subsection, individual*
16 *units will be counted even if they comprise less than the total number of units in the building.*

17 *(c) Reporting and reauthorization. After the approval of approximately 750 Efficiency*
18 *Dwelling Units with reduced square footage, the Planning Department shall submit a report to the*
19 *Board of Supervisors that provides whatever information the Department believes will assist the Board*
20 *in determining whether to increase the numerical cap on the number of Efficiency Units with reduced*
21 *square footage or to otherwise modify the requirements.*

22 Section 3. The San Francisco Planning Code is hereby amended by amending Section
23 135(d), to read as follows:
24
25

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

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

6 In Neighborhood Commercial Districts, the amount of usable open space to be
7 provided shall be the amount required in the nearest Residential District, but the minimum
8 amount of open space required shall be in no case greater than the amount set forth in Table
9 135A for the district in which the building is located. The distance to each Residential District
10 shall be measured from the midpoint of the front lot line or from a point directly across the
11 street there from, whichever requires less open space.

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

21 (2) For group housing structures and SRO units, the minimum amount of usable open
22 space provided for use by each bedroom or SRO unit shall be 1/3 the amount required for a
23 dwelling unit as specified in Paragraphs (d)(1) above and (d)(4) and (d)(5), below. For
24 purposes of these calculations, the number of bedrooms on a lot shall in no case be
25 considered to be less than one bedroom for each two beds. Where the actual number of beds

1 exceeds an average of two beds for each bedroom, each two beds shall be considered
2 equivalent to one bedroom.

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

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

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

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

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

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

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

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

21	Square feet of usable open space per dwelling unit, if not publicly accessible	Square feet of usable open space per dwelling unit, if publicly accessible	Percent of open space that may be provided off site
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1	80 square feet	54 square feet	50%
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Section 4. The San Francisco Planning Code is hereby amended by adding Section 135.4, to read as follows:

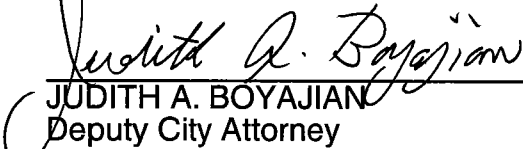
SEC. 135.4. INTERIOR COMMON AREAS FOR EFFICIENCY DWELLING UNITS WITH REDUCED SQUARE FOOTAGE.

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

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

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

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

By: 
JUDITH A. BOYAJIAN
Deputy City Attorney

Supervisor Wiener
BOARD OF SUPERVISORS