



# SAN FRANCISCO PLANNING DEPARTMENT

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## Executive Summary Planning Code Text Amendments

HEARING DATE: JULY 16, 2020

90-DAY DEADLINE: AUGUST 30, 2020

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*Project Name:* **100% Affordable Housing and Educator Housing Streamlining Program**

*Case Numbers:* **2019-001411PCA** [Board File No. 191249]  
**2020-003036PCA** [Board File No. 200213]

*Initiated by:* Supervisor Yee / Introduced February 25, 2020  
Supervisor Fewer / Introduced February 25, 2020

*Staff Contact:* Audrey Merlone, Legislative Affairs  
Audrey.Merlone@sfgov.org, 415-575-9129

*Reviewed by:* Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 415-558-6362

*Recommendation:* **Approval** (Board File No. 191249) / **Approval with Modifications** (Board File No. 200213)

### PLANNING CODE AMENDMENTS

#### **Board File 191249:**

The proposed Ordinance would amend the Planning Code to require that in Educator Housing projects at least 10% of residential units have three or more bedrooms.

#### **The Way It Is Now:**

The 100% Affordable Housing and Educator Housing Streamlining Program, adopted in Proposition E in the November 5, 2019 Municipal Consolidated Election, and amended in Ordinance 289-19, effective on January 20, 2020, requires that Educator Housing projects include at least 50% of units as two-bedroom or more units.

#### **The Way It Would Be:**

Educator Housing projects with Development Applications filed after January 14, 2020 would be required to include 10% of units as three-bedroom units, within the existing requirement to provide at least 50% of units as two or more bedroom.

#### **Board File 200213:**

The proposed Ordinance would amend the Planning Code to allow extra height, exceeding otherwise applicable height limitations, for 100% Affordable Housing and Educator Housing projects, and allow such projects to be constructed on parcels equal to or greater than 8,000 square feet or which contain only surface parking lots and do not demolish any existing buildings.

**The Way It Is Now:**

1. Planning Section 206.9, which regulates the 100% Affordable Housing and Educator Housing Streamlining Program, requires that projects be located on a lot equal to or greater than 10,000 square feet.
  - a. Projects must comply with applicable height limits set by the Zoning Maps.

**The Way It Would Be:**

1. Projects utilizing Sec. 206.9 may be located on a lot or lots equal to or greater than 8,000 square feet, or in the alternative, on a parcel or parcels that contain surface parking lots and that do not demolish any existing buildings.
2. Projects utilizing Sec. 206.9 would be granted additional height in zoning districts that limit new structures to 40 feet or less and that (1) do not have substantial impacts on historic resources and (2) do not create new shadows that substantially impact outdoor recreation areas. Projects on sites with a 40-foot height limit would be allowed up to 10 additional feet above the height district limit, and projects on sites with a height limit of less than 40 feet would be allowed up to an additional 20 feet of height.

**BACKGROUND****Proposition E:**

Proposition E was approved by the voters in the November 5, 2019 General Consolidated Election and added Planning Code Section 206.9. The San Francisco Department of Elections summarized Prop E as “an Ordinance that amends the Planning Code to allow 100% Affordable Housing Projects and Educator Housing Projects in Public zoning districts and expedites City approval of these projects.”

“Educator Housing Projects” are defined as:

- Must be deed restricted for the Life of the project or 55 years (whichever is longer) to:
  - Be occupied by at least one employee of the SFUSD or SFCCD;
  - Offer at least 4/5 of the units at between 30%-140% of Area Median Income (AMI), with an overall average of 100% of AMI across all such units;
  - Offer no more than 1/5 of the units at 160% of AMI
- The project *may* be Mixed-Use with no more than 20% of the building comprised on non-residential and neighborhood serving uses.
- The minimum sizes for each unit type must be no less than:
  - 300 square feet for a studio
  - 450 square feet for a one-bedroom
  - 700 square feet for a two-bedroom
  - 900 square feet for a three-bedroom
  - 1,000 square feet for a four-bedroom
- The project must require that units being offered at or above 120% of AMI may not be single occupancy.
- The project must contain at least 50% of units in Educator Housing to contain 2 or more bedrooms. *(Board File No. 191249 would amend this provision).*

Under Proposition E, 100% Affordable Housing and Educator Housing projects:

- Are allowed in Residential zoning districts and in Public zoning districts, except on property used for parks;
- Must be located on lots that are at least 10,000 square feet (*Board File No. 200213 would amend this provision*);
- Cannot demolish or replace existing residential units;
- Are subject to less restrictive rules regarding size, ground-floor height, density and other factors than other residential buildings (*Board File No. 200213 would amend this provision*);
- Allow a limited amount of Mixed or Commercial use that supports Affordable Housing; and
- Are not be subject to Conditional Use authorization unless the restriction has been adopted by the voters.

Proposition E requires a review of proposed 100% Affordable Housing and Educator Housing projects within 90 to 180 days, depending on the size of the project. Proposition E also authorizes the expedited review of the first 500 units of proposed Educator Housing. The Planning Department can administratively approve 100% Affordable and Educator Housing projects, without review by the Planning Commission. Lastly, the Board of Supervisors may amend *any section* of Proposition E by a two-thirds vote without voter approval.

## ISSUES AND CONSIDERATIONS

### Unit Mix Requirements

Proposition E currently requires Educator Housing Projects to provide at least 50% of their units as two or more bedrooms. Board File No. 191249 proposes to further require that at least 10% of the project's units consist of three or more bedrooms. When determining the correct proportion of unit mixes for Educator Housing Projects it is vital to weigh the needs of the population with the financial feasibility of the requirement.

### Population Needs:

Using data from IPUMS.org, the Department's Housing Team analyzed San Francisco renter households at 30%-140% of AMI, that also had a worker present in the household (*see chart on following page*). These are the most likely demographic to become residents of an Educator Housing Project. Staff then pulled from this population the percentage of households that may need or want a three-bedroom or larger residence. This included:

- Households with two children (8% of population)
- Households with 1 child but other relatives with at least 4 people total (2% of the population)
- Additional large families of related adults with 4+ people (3% of the population)

The result is 13% of working renters in the identified income range will potentially need a three-bedroom unit (*though it should be noted that the individual configurations of these families and their preferences and needs will vary*).

30%-140% AMI Renter Working Families Potentially Needing a 3 Bedroom As % of All Working Renters at 30-140% AMI				
	1990	2000	2006-2010	2011-2015
Working Renters w/ 2 Children	11%	10%	9%	8%
Working Renters w/ 1 child and 4+ people	3%	3%	3%	2%
Working Renters living w/ related adults and 4+ people	3%	3%	3%	3%
Source: Planning Department Analysis of IPUMS Data				
Process: As a proxy for educators, we selected renter households at 30-140% of AMI with a worker in the household and looked at household types (families with children and related adults) and household sizes that could need a 3 bedroom as percent of all working renters in this income range				

The City's own income restricted housing has produced a similar percentage of three-bedroom units. Data from the Mayor's Office of Housing and Community Development (MOHCD), states MOHCD-restricted three-bedrooms account for 2,196 units out of a total of 22,159 MOHCD-restricted units, which is 9.91%<sup>1</sup>.

A household that qualifies for a BMR rental unit may make less than the rent threshold of the unit they live in.

The two data sources described above both articulate a need for approximately 10%-13% of units to be three-bedroom or more for residents most likely to qualify for Educator Housing. These numbers, however, do not address the additional factors that must be considered when deciding the appropriate bedroom count mix. Other factors beyond unit size that keeps families with children in cities include: affordability of units, transportation, and proximity to family and jobs and services. Unfortunately, San Francisco remains more expensive than most other Bay Area counties, which can play a large role in the decision of larger households to remain in the City. These affordability concerns apply to BMR units as well as market rate units. BMR units are often assigned individual income thresholds. This means a household that qualifies for a BMR rental unit may make less than the rent threshold of the unit they live in. This is because families may not live in units for which they are significantly over-qualified. For instance: A household that makes 70% of AMI may need housing when the only units available are at 90% and above the AMI, or 50% and below AMI. They make too much to qualify for the 50% AMI units, therefore the only option are the units that are 90% AMI. In these scenarios, families will often economize and choose smaller units, even if they could benefit from a larger unit, because of the cost. These considerations are further supported by

<sup>1</sup> <https://data.sfgov.org/Housing-and-Buildings/Mayor-s-Office-of-Housing-and-Community-Development/9rdx-httc/data>

the assertion from affordable housing developers that three-bedroom units are often the hardest to fill. All these factors considered as a whole show that although there are up to 13% of the City's households that may prefer a three-bedroom unit, the actual number of families that will actually live in three-bedroom units is likely lower. The percentage of three-bedroom units that are required in these types of projects, therefore, should not rise above 10%, unless demographics of the City shift to show an increase in larger households as well.

Dwelling unit mix requirements that are too strict may prevent *any* Educator Housing from being constructed.

#### Financial Considerations:

Requiring a specific percentage of two-bedroom and three-bedroom units offers little flexibility in the composition of a project. This is particularly problematic for smaller sites that have limited space to design for larger units. In addition to design difficulties, the expense incurred for this requirement may make many 100% Affordable and Educator Housing projects financially infeasible. Affordable and Educator Housing projects are already financially constricted, and the greater the bedroom count of a unit, the more expensive it is to construct. The Department understands the value of dwelling unit mix requirements for these projects, as they ensure a development contains more than studios and one-bedrooms; however, the Department also understands that dwelling unit mix requirements that are too strict may prevent *any* Educator Housing from being constructed. That said, the 10% three-bedroom requirement proposed in Board File No. 191249 is likely still within most projects' abilities to be financially feasible. Any higher percentages of three-bedroom units may prove too high a burden. If any number above 10% is considered in the future, it should be coupled with less stringent multi-bedroom count requirements overall.

#### **Development Potential:**

As summarized in the above section, 100% Affordable and Educator Housing projects are expensive to finance and construct. As such, any provision that makes these projects easier to build, while still accomplishing the mission of serving their intended populations should be encouraged. One such way to make these types of projects more financially feasible is to allow for an increase in height. Board File No. 200213 proposes to allow these types of projects to obtain an additional 10 feet of height in 40X Districts, and an additional 20 feet of height in height districts less than 40X. Not only will this height increase serve to make projects more feasible on the current parcel size minimum of 10,000sqft, but it will also open avenues for projects on smaller sites to become financially feasible.

Board File No. 200213 also proposes amending the parcel size minimum for Educator Housing projects to 8,000sqft, or on any sized vacant lot. Though MOHCD rarely develops 100% Affordable or Educator Housing on sites less than 8,000sqft, the Department believes that there is a value in the further reduction of minimum parcel size. Many of the smaller developable parcels are located on the west side of the City, where there is also a greater gap of supportive housing. Additionally, although MOHCD is the largest producer of housing through Sec. 206.9, other private entities can also use this program to build Affordable and Educator Housing. Several religious institutions have expressed interest in developing 100% Affordable Housing on-site, as have non-profit organizations. Many religious institutions own sites that are less than 8,000sqft, often due to multiple parcels making up one site.

Staff believes it would be valuable to reduce the parcel size minimum even further to accommodate any potential 100% Affordable or Educator Housing that otherwise meets the requirements of Sec. 206.9; therefore, we asked our Environmental Division staff to analyze reducing the threshold down even further. The results of that analysis are included in Addendum 6 of the 2009 Housing Element Final Environmental Impact Report (FEIR) (attached as Exhibit C). This addendum analyzed the potential impact of reducing the minimum parcel size for 206.9 projects to lots as small as 3,000sqft. The report found that due to the severe cost and other regulatory hurdles these projects face, reducing Sec. 206.9's parcel size minimum to 3,000sqft 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.

### **General Plan Compliance**

The proposed Ordinances are in alignment with the Housing Element and Commerce and Industry Element. Objective 7 of the Housing Element is to "secure funding and resources for permanently affordable housing, including innovative programs that are not solely reliant on traditional mechanisms or capital". The proposed Ordinances will encourage the production of affordable housing through zoning accommodations and a reduction in minimum parcel size. Objective 7 of the Commerce and Industry Element is to "enhance San Francisco's position as a national and regional center for governmental, health, and educational services". Because governmental, health and educational services provide valuable services to residents and constitute a significant share of employment opportunities to residents, it is important to preserve the vitality of this sector. This includes ensuring that our educators are not forced out of their City jobs due to lack of affordable housing options. The proposed Ordinances will assist in the creation of affordable housing specifically designated for low and middle-income teachers in San Francisco, helping them to stay in the city, and thereby retaining our high-quality educators.

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

Understanding the benefits, burdens and opportunities to advance racial and social equity that proposed Planning Code and Zoning Map amendments provide is part of the Department's Racial and Social Equity Initiative. This is also consistent with the Mayor's Citywide Strategic Initiatives for equity and accountability and with the Office of Racial Equity, which will require all Departments to conduct this analysis.

The proposed Ordinances would help to create affordable housing across the City, rather than in specific neighborhoods that tend to accommodate denser development. The range of housing options through required income mixes and dwelling unit mixes will add to the desperately needed housing stock for low and middle-income educators. It is vital to ensure all demographics are represented in our residents, including educators of color<sup>2</sup>, however the housing crisis has forced many educators to move outside of

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<sup>2</sup> Viramontes, Beatrice. "Students Need Diverse Teachers in Their Schools." SFChronicle.Com, San Francisco Chronicle, 8 Oct. 2015, [www.sfchronicle.com/opinion/openforum/article/San-Francisco-schools-lack-teachers-and-diversity-6557270.php](http://www.sfchronicle.com/opinion/openforum/article/San-Francisco-schools-lack-teachers-and-diversity-6557270.php). Accessed 8 Oct. 2015.

the city<sup>3</sup>. The SFUSD estimates a 9%-12% teacher turnover every year, while the teacher's union estimates loses even higher at 21%. The high turnover severs the ability for teachers to connect to their students and become a support system for students as they develop. This can be seen disproportionately in low income and black communities in the City. At Willie Brown Middle School for example, 76% of students are socioeconomically disadvantaged. 37% of students are black at Willie Brown compared to 8% district wide. By year three at Willie Brown, 47% of teachers have left, which is more than double the district average.<sup>4</sup> The Ordinance will advance racial and social equity by providing a range of unit types reserved for San Francisco educators and allow their location in *any* neighborhood in the City with an eligible parcel.

### Implementation

The Department has determined that this ordinance will not impact our current implementation procedures.

## RECOMMENDATION

### Board File 191249:

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

### Board File 200213:

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. Modify the Ordinance to further reduce the minimum parcel size for projects filed under Sec. 206.9 from the proposed 8,000sqft, to 3,000sqft.

## BASIS FOR RECOMMENDATION

The Department supports the overall goals of the Ordinances because they will allow for the construction of future 100% Affordable and Educator Housing projects. Board File No. 191249 will also ensure dwelling unit mix requirements are set at a level that will benefit the educators meant to occupy the housing. Additionally, the dwelling unit mix standards proposed in Board File No. 191249 are in closer alignment with the Department's own dwelling unit mix requirements in zoning districts that regulate bedroom mix (See Exhibit D).

**Recommendation 1: Modify Board File No. 200213 by reducing the minimum parcel size for projects filed under Sec. 206.9 from 8,000sqft, to 3,000sqft.** Staff recommends reducing the minimum parcel size to 3,000sqft because it will make the program available to a much larger number of parcels across the City, especially in the west side where the need for supportive housing is great. Although there may not be any

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<sup>3</sup> Moskowitz, P. (2015, September 10). San Francisco's deepening rent crisis pushes out vulnerable teachers. Retrieved November 13, 2019, from the Guardian website: <https://www.theguardian.com/us-news/2015/sep/10/san-francisco-rent-housing-teachers>

<sup>4</sup> Steimle, Susie. "Teachers Become Super-Commuters To Work In San Francisco." Cbslocal.Com, CBS San Francisco, 16 Oct. 2019, [sanfrancisco.cbslocal.com/2019/10/16/teachers-become-super-commuters-to-work-in-san-francisco/](http://sanfrancisco.cbslocal.com/2019/10/16/teachers-become-super-commuters-to-work-in-san-francisco/).

current projects that can benefit from the reduction of parcel size minimum, there may be a parcel that can use other funding mechanisms to become financially feasible on a smaller lot in the future. Reducing the minimum will increase the potential for more 100% Affordable and Educator Housing projects to be constructed.

## **REQUIRED COMMISSION ACTION**

The proposed Ordinances are before the Commission so that it may approve them, reject them, or approve them with modifications.

## **ENVIRONMENTAL REVIEW**

### **Board File No. 191249:**

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a direct or indirect physical change in the environment.

### **Board File No. 200213:**

The Planning Department has determined that the environmental impacts of the modified project (Board File No. 200213) have been adequately identified and analyzed under CEQA in the 2004 and 2009 Housing Element Final Environmental Impact Report (FEIR), and the proposed project would not result in any new or more severe environmental impacts than were identified in the FEIR. The Addendum 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 for Board File No. 191249
- Exhibit B: Draft Planning Commission Resolution for Board File No. 200213
- Exhibit C: Addendum No. 6 FEIR
- Exhibit D: Dwelling Unit Mix Requirements Spreadsheet
- Exhibit E: Board of Supervisors File No. 191249
- Exhibit F: Board of Supervisors File No. 200213





# SAN FRANCISCO PLANNING DEPARTMENT

EXHIBIT A

## Planning Commission Draft Resolution

HEARING DATE: JULY 16, 2020

*Project Name:* **100% Affordable Housing and Educator Housing Streamlining Program**  
*Case Number:* **2019-003036PCA**[Board File No. 191249]  
*Initiated by:* Supervisor Yee / Introduced February 25, 2020  
*Staff Contact:* **Audrey Merlone**, Legislative Affairs  
Audrey.Merlone@sfgov.org, 415-575-9129  
*Reviewed by:* Aaron D Starr, Manager of Legislative Affairs  
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**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE TO REQUIRE THAT IN EDUCATOR HOUSING PROJECTS AT LEAST 10% OF RESIDENTIAL UNITS HAVE THREE OR MORE BEDROOMS; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS THAT THE ORDINANCE FURTHERS THE PURPOSE OF PLANNING CODE, SECTION 206.9; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND ADOPTING FINDINGS OF PUBLIC CONVENIENCE, NECESSITY, AND WELFARE UNDER PLANNING CODE, SECTION 302.**

WHEREAS, on February 25, 2020 Supervisor Yee introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 191249, which would amend the Planning Code to require in Educator Housing projects at least 10% of residential units have three or more bedrooms;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 16, 2020; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); 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 1650 Mission Street, Suite 400, 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** the proposed ordinance.

## 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 supports the overall goals of this Ordinance because it will allow for the construction of future Educator Housing projects. It will also ensure dwelling unit mix requirements and income restrictions are set at a level that will benefit the educators meant to occupy the housing. Additionally, the dwelling unit mix standards proposed in the Ordinance are in closer alignment with the Department's own dwelling unit mix requirements in zoning districts that regulate bedroom mix.
2. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

## HOUSING ELEMENT

### OBJECTIVE 7

SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.

#### Policy 7.5

Encourage the production of affordable housing through processes and zoning accommodations and prioritize affordable housing in the review and approval processes.

*The proposed Ordinance will encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval processes.*

## COMMERCE AND INDUSTRY ELEMENT

### OBJECTIVE 7

ENHANCE SAN FRANCISCO'S POSITION AS A NATIONAL AND REGIONAL CENTER FOR GOVERNMENTAL, HEALTH, AND EDUCATIONAL SERVICES.

*Because governmental, health and educational services provide valuable services to residents and constitute a significant share of employment opportunities to residents, it is important to preserve the vitality of this sector. This includes ensuring that our educators are not forced out of their City jobs due to lack of affordable housing options. The proposed Ordinance will assist in the creation of affordable housing specifically designated for low and middle-income teachers in San Francisco, helping them to stay in the city, and thereby retaining our high-quality educators.*

3. **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.*

4. **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 the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 16, 2020.

Jonas P. Ionin  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: July 16, 2020



# SAN FRANCISCO PLANNING DEPARTMENT

EXHIBIT B

## Planning Commission Draft Resolution

HEARING DATE: JULY 16, 2020

*Project Name:* **100% Affordable Housing and Educator Housing Streamlining Program**  
*Case Number:* **2020-03036PCA**[Board File No. 200213]  
*Initiated by:* Supervisor Fewer / Introduced February 25, 2020  
*Staff Contact:* **Audrey Merlone**, Legislative Affairs  
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**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW EXTRA HEIGHT, EXCEEDING OTHERWISE APPLICABLE HEIGHT LIMITATIONS, FOR 100% AFFORDABLE HOUSING AND EDUCATOR HOUSING PROJECTS, AND TO ALLOW SUCH PROJECTS TO BE CONSTRUCTED ON PARCELS GREATER THAN 8,000 SQUARE FEET OR WHICH CONTAIN ONLY SURFACE PARKING LOTS AND DO NOT DEMOLISH ANY EXISTING BUILDINGS; MAKING FINDINGS THAT THE ORDINANCE FURTHERS THE PURPOSE OF PLANNING CODE, SECTION 206.9; MAKING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN, AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE, SECTION 101.1; AND ADOPTING FINDINGS OF PUBLIC CONVENIENCE, NECESSITY, AND WELFARE UNDER PLANNING CODE, SECTION 302.**

WHEREAS, on February 25, 2020 Supervisor Fewer introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 200213, which would amend the Planning Code to allow extra height, exceeding otherwise applicable height limitations, for 100% Affordable Housing and Educator Housing projects, and to allow such projects to be constructed on parcels greater than 8,000 square feet or which contain only surface parking lots and do not demolish any existing buildings;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 16, 2020; and,

WHEREAS, it has been determined that the environmental impacts of the modified project (Board File No. 200213) have been adequately identified and analyzed under CEQA in the 2004 and 2009 Housing Element Final Environmental Impact Report (FEIR), and the proposed project 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 1650 Mission Street, Suite 400, 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 Department's proposed recommendations are as follows:

1. Modify the Ordinance to further reduce the minimum parcel size for projects filed under Sec. 206.9 from the proposed 8,000sqft, to 3,000sqft.

## 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 supports the overall goals of this Ordinance because it will allow for the construction of future Educator Housing projects.
2. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

## HOUSING ELEMENT

### OBJECTIVE 7

SECURE FUNDING AND RESOURCES FOR PERMANENTLY AFFORDABLE HOUSING, INCLUDING INNOVATIVE PROGRAMS THAT ARE NOT SOLELY RELIANT ON TRADITIONAL MECHANISMS OR CAPITAL.

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Encourage the production of affordable housing through processes and zoning accommodations and prioritize affordable housing in the review and approval processes.

*The proposed Ordinance will encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval processes.*

## COMMERCE AND INDUSTRY ELEMENT

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*Because governmental, health and educational services provide valuable services to residents and constitute a significant share of employment opportunities to residents, it is important to preserve the vitality of this sector. This includes ensuring that our educators are not forced out of their City jobs due to lack of affordable housing options. The proposed Ordinance will assist in the creation of affordable housing specifically designated for low and middle-income teachers in San Francisco, helping them to stay in the city, and thereby retaining our high-quality educators.*

3. **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.*

4. **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 July 16, 2020.

Jonas P. Ionin  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: July 16, 2020





## **Addendum 6 to Environmental Impact Report**

*Addendum Date:* July 8, 2020  
*Case No.:* 2020-003277ENV  
*Project Title:* **BOS File No. 200213 – 100% Affordable Housing and Educator Housing Streamlining Program**  
*EIR:* San Francisco 2004 and 2009 Housing Element, 2007.1275E  
SCL No. 2008102033, certified March 24, 2011, recertified April 24, 2014  
*Project Sponsor:* Supervisor Fewer  
*Sponsor Contact:* Audrey Merlone, (415) 575-9129, [audrey.merlone@sfgov.org](mailto:audrey.merlone@sfgov.org)  
*Lead Agency:* San Francisco Planning Department  
*Staff Contact:* Michael Li, (415) 575-9107, [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 Planning Department’s determination that no supplemental or subsequent environmental review is required prior to adoption of proposed legislation to allow additional building height for 100 percent affordable housing and educator housing projects on that are larger tha

n a certain size or only contain surface parking lots (“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”).

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 San Francisco Planning Department (“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

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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 June 17, 2020.

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

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<sup>2</sup> 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 June 17, 2020.

<sup>3</sup> 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 June 17, 2020.

<sup>4</sup> 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 June 17, 2020.

<sup>5</sup> 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 June 17, 2020.

<sup>6</sup> 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=A4A7DACD-B0DC-4322-BD29-F6F07103C6E0>, accessed on June 17, 2020.

This Addendum 6 only applies to the current legislation proposed by Supervisor Fewer and the Planning Department's proposed amendment (see "Proposed Legislation" below).

### ***San Francisco 2014 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 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 streamlining the review and approval processes for affordable housing projects:

- Objective 7: Secure funding and resources for permanently affordable housing, including innovative programs that are not solely reliant on traditional mechanisms or capital.
  - Policy 7.5: Encourage the production of affordable housing through process and zoning accommodations, and prioritize affordable housing in the review and approval processes.
- Objective 8: Build public and private sector capacity to support, facilitate, provide and maintain affordable housing.
  - Policy 8.1: Support the production and management of permanently affordable housing.
- 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.

### **PROPOSED LEGISLATION**

On February 25, 2020, Supervisor Fewer introduced legislation (Board File No. 200213) to the Board that would amend the Planning Code to allow additional building height for 100 percent affordable housing and educator housing projects on parcels that are larger than a certain size or only contain surface parking lots.

The proposed legislation, as well as amendments that are being 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 6.

### **Legislation as Proposed by Supervisor Fewer**

Under this proposed legislation, subsections (c) and (e) of Planning Code Section 206.9 would be amended as follows:

(c) <b>Applicability.</b> A 100% Affordable Housing Project or Educator Housing Project under this Section 206.9 shall be a Housing Project that:	
The Way It Is	The Way It Would Be
(1) is located in any zoning district that allows Residential Uses;	No change
(2) is located on a lot or lots equal to or greater than 10,000 square feet;	(2) is located on a lot or lots equal to or greater than 8,000 square feet or, in the alternative, is located on a parcel or parcels that contain a surface parking lot and does not demolish any existing buildings on such parcel or parcels other than buildings that are accessory to the surface parking lot use, such as a guard station or kiosk
(3) is not located on land under the jurisdiction of the Recreation and Parks Department for the purpose of a public park;	No change
(4) meets the definition of a “100 Percent Affordable Housing Project” or an “Educator Housing Project” in subsection (b); and	No change
(5) does not demolish, remove, or convert any Residential Units, and does not include any other parcel that has any Residential Units that would be demolished, removed, or converted as part of the project.	No change
(e) <b>Zoning Modifications.</b> Notwithstanding any other provision of this Code, 100% Affordable Housing Projects and Educator Housing Projects may select any or all of the following Planning Code modifications:	
The Way It Is	The Way It Would Be
(1) Rear Yard. The required rear yard per Section 134 or any applicable special use district may be reduced to no less than 15 feet. Rear yards shall be provided with an open area at the lowest story containing a Dwelling Unit, and at each succeeding level or story of the building. Projects located on corner parcels may meet the minimum rear yard requirement at the interior corner of the property provided that each horizontal dimension of the open space is a minimum of 15 feet, and that the open area is wholly or partially contiguous to the existing midblock open space, if any, formed by the rear yards of adjacent properties, and provides for access to light and air to and views from adjacent properties.	No change
(2) Open Space. The required common open space per Section 135 may be reduced to no less than 36 square feet of open space per unit.	No change
(3) Inner Courts as Open Space. Inner courts	No change

qualifying as useable common open space per Section 135(g)(2) may be provided by courtyards with no less than 25 feet in every horizontal dimension, with no restriction on the heights of adjacent walls. All area within such an inner court shall qualify as common open space under Section 135.	
(4) Dwelling Unit Exposure. The dwelling unit exposure requirements of Section 140(a)(2) may be satisfied through qualifying windows facing an unobstructed open area that is no less than 15 feet in every horizontal dimension, and such open area is not required to expand in every horizontal dimension at each subsequent floor.	No change
(5) Required Commercial Space. Notwithstanding any other provision of this Code, any required ground-floor commercial space may include Arts Activities or Neighborhood-Serving Businesses, as defined in Section 102. Ground floor commercial spaces accessory to the 100% Affordable Housing or Educator Housing Project shall not be limited by use size restrictions. Ground floor Arts Activities or Neighborhood-Serving Businesses shall be considered active uses if more than 50 percent of the linear street frontage provides transparent walls and direct pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines.	No change
(6) Ground Floor Ceiling Height. Projects with active ground floors, as defined in Section 145.1(b)(2), shall receive up to a maximum of an additional five feet above the height limit, exclusively to provide a minimum 14-foot (floor to ceiling) ground floor ceiling height.	No change
(7) Projects located entirely or partially on a parcel or parcels designated on the San Francisco Zoning Map as open space (OS) that are not under the jurisdiction of the Recreation and Parks Department shall be deemed to have a height limit and a bulk designation of the closest zoning district that allows Residential Uses.	No change
	(8) Height. Projects that demonstrate to the satisfaction of the Environmental Review Officer that the project does not cause a substantial adverse change in the significance of an historic resource as defined by California Code of Regulations, Title 14, Section 15064.5, and does not create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas, shall be allowed additional

	<p>height as follows:</p> <p>(A) Projects located on a parcel or parcels with a height limit of 40 feet shall be allowed up to 10 additional feet above the parcel's height district limit in order to provide one additional story of Residential Use. Exceptions under Planning Code Section 260(b) shall apply to all such projects.</p> <p>(B) Projects located on a parcel or parcels with a height limit of less than 40 feet shall be allowed up to 20 additional feet above the parcel's height district limit in order to provide two additional stories of residential use. Exceptions under Planning Code Section 260(b) shall apply to all such projects.</p>
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### Proposed Amendment to Legislation

The Planning Department is proposing the following amendment to the legislation introduced by Supervisor Fewer:

1. Reduce the minimum lot size of eligible parcels from 8,000 square feet to 3,000 square feet in Planning Code Section 206.9(c)(2).

For the purposes of assessing the physical environmental impacts of the modified project, the analysis in this Addendum 6 addresses the legislation as proposed by Supervisor Fewer as well as the amendment proposed by the Planning Department.

### 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*)
- Affirmation of the Planning Department's CEQA determination (*Board of Supervisors*)
- Adoption of an ordinance (*Board of Supervisors*)
- Mayoral signature of the ordinance (*Mayor*)

### ANTICIPATED DEVELOPMENT OF 100 PERCENT AFFORDABLE AND EDUCATOR HOUSING

It is uncertain how many 100 percent affordable and educator housing units would be constructed through implementation of the modified project and which specific parcels in San Francisco would be developed with such units. For the purpose of environmental review, the Planning Department has estimated a theoretical maximum number of units that could be constructed due to the proposed modifications to the project based on the following factors.



### **Economic and Other Constraints**

The high costs of acquiring land, paying for labor and materials, and subsidizing the development of affordable housing are some of the economic constraints that can make the production of affordable housing a challenging undertaking. In addition, state and local building code requirements make highrise buildings more expensive to construct, thus limiting their use for affordable housing projects and limiting the overall number of units that can be constructed on any given parcel.

Other factors that may affect the production of affordable housing include the availability and complexity of financing, the availability of construction equipment, labor, and materials, and the ease or difficulty of the entitlement process. Although the modified project would increase the number of parcels available for affordable housing projects, it would not increase the amount of local funding to construct such housing. In addition, securing funding from non-local (i.e., state and federal) financing sources is a competitive process.

### **Past Development Trends**

On average, the City produces about six affordable housing projects per year that result in a total of about 750 units per year (125 units per project).<sup>7</sup> This information is based on the last three years (2017 through 2019) of production. The Mayor's Office of Housing and Community Development has a varied affordable housing portfolio that includes both new construction projects and preservation/rehabilitation projects. The period from 2017 through 2019 follows a three-year period (2014 through 2016) during which funding was devoted to large preservation/rehabilitation programs including the Rental Assistance Demonstration Program and HOPE-SF rather than newly constructed units. Thus, the Planning Department conservatively assumes that future affordable housing development will include newly constructed units similar to the period from 2017 through 2019.

### **Eligible Parcels**

If the proposed legislation, as amended by the Planning Department, were adopted by the Board, approximately 5,400 parcels would be eligible to be developed under the modified project.<sup>8</sup> Given the various factors associated with the production of affordable housing as well as past development trends, the Planning Department anticipates that only a small number of these eligible parcels would actually be acquired and developed under the modified project.

### **Theoretical Number of Units**

For the reasons discussed above, the modified project is unlikely to result in a substantial increase in the number of affordable housing projects and the total number of units produced on an annual basis. Assuming that the number of affordable housing projects increases from six to eight per year and the total number of units increases from 750 to 1,000 per year under the modified project, this would result in the production of approximately 10,000 units over a period of 10 years. This is compared to the production of 7,500 units over the same time period without the modified project (i.e., a net increase of 2,500 units over 10 years with the modified project).

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<sup>7</sup> Mara Blitzer, Mayor's Office of Housing and Community Development, email communication to Kate Conner, San Francisco Planning Department, June 19, 2020.

<sup>8</sup> San Francisco Planning Department, email communications from Paolo Ikezoe and Mike Wynne to Michael Li, June 9, 2020 and June 23, 2020, respectively.

Given the various factors associated with the production of affordable housing as well as past development trends, a net increase of 2,500 units over a period of 10 years is a reasonable number to use for analyzing the environmental impacts of the modified project.

## **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>9, 10</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 severity of impacts discussed in the FEIR. 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>11</sup> The Association of Bay Area Governments projects 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>12</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 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.

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<sup>9</sup> 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).

<sup>10</sup> The  $L_{dn}$  is the  $L_{eq}$ , 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  $L_{eq}$  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.

<sup>11</sup> San Francisco Planning Department, *2014 Housing Element, Part I*, p. I.4.

<sup>12</sup> Association of Bay Area Governments, *Projections 2013*, p. 75.

## 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 compliance with San Francisco Planning Code (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 *2010 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>13</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.

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<sup>13</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>.

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 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.

Pursuant to Planning Code Section 206.9(c)(5), "a 100% Affordable Housing Project or Educator Housing Project shall be a Housing Project that ... does not demolish, remove, or convert any Residential Units, and does not include any other parcel that has any Residential Units that would be demolished, removed, or converted as part of the project." Required compliance with this provision would ensure that new housing units constructed under the modified project would not displace any existing housing units or residents, thus eliminating the need for replacement housing and the environmental impacts associated with the construction of replacement housing.

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.

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>14</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

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<sup>14</sup> 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.

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.

The modified project would allow buildings to be between 10 and 20 feet taller than legislated height limits. In order for buildings to be eligible for the height increase, project sponsors must demonstrate that their projects would not cause a substantial adverse change in the significance of a historic resource as defined by the California Code of Regulations, Title 14, Section 15064.5. If it is determined that a project would result in a significant impact on a historic resource, then the project would need to be modified in order to avoid causing such an impact. If modifications are not feasible, then the project would not be eligible for the height increase.

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 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>15</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

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<sup>15</sup> 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*.



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 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>16</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

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<sup>16</sup> Capacity utilization is the number of passengers on board a transit vehicle relative to the total capacity.

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 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>17, 18</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>19</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.

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<sup>17</sup> 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).

<sup>18</sup>  $L_{dn}$  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.).

<sup>19</sup> California Building Industry Association v. Bay Area Air Quality Management District, December 17, 2015, Case No. S213478. Available at <http://www.courts.ca.gov/opinions/documents/S213478.PDF>, accessed on May 25, 2016.



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. and 7:00 a.m. Construction of ADUs 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 Construction 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

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 *2010 Clean Air Plan*, the San Francisco Construction Dust Control Ordinance, and Article 38 of the San Francisco Health Code. The Construction 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.

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 allow buildings to be between 10 and 20 feet taller than legislated height limits. Where

the height limit is 40 feet, a building could be up to 10 feet taller than the height limit. Under this scenario, the tallest building would be 50 feet tall. Where the height limit is less than 40 feet, a building could be up to 20 feet taller than the height limit. Under this scenario, the tallest building would be 55 feet tall because the tallest legislated height limit less than 40 feet is 35 feet.

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 be as tall as 55 feet. Buildings of this height would not be tall enough to cause substantial changes to ground-level wind conditions such that the wind hazard criterion would be exceeded. Buildings proposed under the modified project would result in less-than-significant wind impacts.

In order for buildings to be eligible for the height increase discussed above, project sponsors must demonstrate that their projects would not create new shadow in a manner that substantially affects outdoor recreation facilities or other public areas. If it is determined that a project would result in a significant shadow impact, then the project would need to be modified in order to avoid causing such an impact. If modifications are not feasible, then the project would not be eligible for the height increase.

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 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 new housing units would not exceed the available water supply 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. The San Francisco Fire Department and the San Francisco 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 54,060 students were enrolled in SFUSD facilities during the 2017-2018 school year.<sup>20</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 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

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<sup>20</sup> San Francisco Unified School District, Facts at a Glance 2018. Available online at <https://archive.sfusd.edu/en/assets/sfusd-staff/about-SFUSD/files/sfusd-facts-at-a-glance.pdf>, accessed June 16, 2020.

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. 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 San Francisco 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. All development projects in San Francisco, including those located on hazardous materials sites or those that would handle hazardous materials within one-quarter mile of an existing or proposed school, 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 (CDMG) under the Surface Mining and Reclamation Act of 1975.<sup>21</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.

### **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>22</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

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<sup>21</sup> California Division of Mines and Geology, Open File Report 96-03, 1996, and Special Report 146 Parts I and II, 1986.

<sup>22</sup> California Department of Conservation, *San Francisco Bay Area Important Farmland 2016*. Available online at [http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/statewide/2016/fmmp2016\\_20\\_23.pdf](http://ftp.consrv.ca.gov/pub/dlrp/FMMP/pdf/statewide/2016/fmmp2016_20_23.pdf), accessed May 19, 2020.

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.

No other FEIR mitigation measures are applicable, and no new mitigation measures have been identified in this Addendum 6.

## CONCLUSION

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

DATE Juy 8, 2020

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

# EXHIBIT D

## Dwelling Unit Mix Requirements

RTO, RCD, NCT, Pacific Ave. NCD, Polk St. NCD	Eastern Neighborhoods MUD's	Projects Proposing 10 or More Dwelling Units ( <i>except in districts where higher amounts apply</i> )
at least 40% two bedrooms <b>OR</b>	at least 40% two bedrooms <b>OR</b>	at least 25% two bedrooms <b>AND</b>
at least 30% three bedrooms <b>OR</b>	at least 30% three bedrooms <b>OR</b>	at least 10% three bedrooms*
at least 35% two or three bedrooms with at least 10% three bedrooms	at least 35% two or three bedrooms with at least 10% three bedrooms <b>OR</b>	
	100% of req. inclusionary units contain at least two bedrooms	

*\*three bedroom units built may  
count towards two bedroom min.  
req.*

[Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program]

**Ordinance amending the Planning Code to require that in Educator Housing projects at least 10% of residential units have three or more bedrooms; affirming the Planning Department's determination under the California Environmental Quality Act; making findings that the Ordinance furthers the purpose of Planning Code, Section 206.9; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.**

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

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

Section 1. Environmental and Land Use 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 Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 191016 and is incorporated herein by reference. The Board affirms this determination.

(b) On November 21, 2019, the Planning Commission, in Resolution No. 20570, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the City's General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
2 the Board of Supervisors in File No. 191016, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board finds that this ordinance will  
4 serve the public necessity, convenience, and welfare for the reasons set forth in Planning  
5 Commission Resolution No. 20570 and the Board incorporates such reasons herein by  
6 reference. A copy of Planning Commission Resolution No. 20570 is on file with the Clerk of  
7 the Board of Supervisors in File No. 191016.

8 (d) The Board of Supervisors finds that the amendments of Planning Code Section  
9 206.9 contained in this ordinance further the purpose of that Section because it facilitates the  
10 construction of units of a size appropriate for families by requiring a certain number of units in  
11 Educator Housing Projects to include 3 bedroom units.

12  
13 Section 2. Article 2 of the Planning Code is hereby amended by revising Section 206.9  
14 to read as follows:

15 **SECTION 206.9. 100% AFFORDABLE HOUSING AND EDUCATOR HOUSING**  
16 **STREAMLINING PROGRAM.**

17 \* \* \* \* \*

18 (b) **Definitions.** The definitions of Section 102 and the definitions in Section 401 for  
19 “Area Median Income” or “AMI,” “Housing Project,” and “Life of the Project,” shall generally  
20 apply to Section 206.9. The following definitions shall also apply, and shall prevail if there is a  
21 conflict with other sections of the Planning Code, including Section 206.2.

22 (1) “100% Affordable Housing.” Residential Units that are deed-restricted  
23 for 55 years or the Life of the Project, whichever is longer and consistent with any applicable  
24 tax credit regulatory requirements, to be affordable to Very-Low, Low, or Moderate income  
25 households with an income up to 120% of the unadjusted area median family income (AMI)



1 for the HUD Metro Fair Market Rent Area (HMFA) that contains San Francisco, as published  
2 annually by MOHCD.

3 (2) "100% Affordable Housing Project." A project for the development of  
4 Residential Units all of which are 100% Affordable Housing, up to a maximum overall average  
5 of 80% AMI across all Residential Units in the project. A 100% Affordable Housing Project  
6 may also include principally permitted non-residential uses on the ground floor, and non-  
7 residential uses that are accessory to and supportive of the affordable housing.

8 Notwithstanding the foregoing, the maximum affordable rent or sales price for a Residential  
9 Unit in a 100% Affordable Housing Project may be no higher than 20% below median market  
10 rents or sales prices for that unit size in the neighborhood in which the project is located,  
11 which neighborhood shall be defined in accordance with the American Community Survey  
12 Neighborhood Profile Boundaries Map. MOHCD shall determine the allowable rents and  
13 sales prices, and the eligible households for such units accordingly.

14 (3) "Educator Housing Project." A project for the development of deed-  
15 restricted Residential Units all of which are restricted for the Life of the Project or 55 years,  
16 whichever is longer and consistent with any applicable tax credit regulatory requirements, to  
17 occupancy by at least one employee of the San Francisco Unified School District ("SFUSD")  
18 or San Francisco Community College District ("SFCCD"), as verified by the Planning  
19 Department or MOHCD. At least four-fifths of the units in an Educator Housing Project must  
20 be deed restricted for the Life of the Project or 55 years, whichever is longer and consistent  
21 with any applicable tax credit regulatory requirements to be affordable to households with an  
22 income from 30% to 140% of the unadjusted area median family income (AMI), with an overall  
23 average of 100% AMI across all such units. Up to one-fifth of the units may be deed restricted  
24 up to a maximum 160% AMI for the HUD Metro Fair Market Rent Area (HMFA) that contains  
25 San Francisco, as published annually by MOHCD. An Educator Housing Project is also

1 allowed to be a mixed-use development project with a maximum 20% of the gross building  
2 square footage designated for non-residential neighborhood-serving uses.

3 (A) No units in an Educator Housing Project shall be smaller than  
4 the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May  
5 16, 2017, or smaller than 300 square feet for a studio.

6 (B) Any units in an Educator Housing Project with a rental rate set  
7 above 120% of Area Median Income shall have a minimum occupancy of two persons.

8 (C) Notwithstanding any other provision of this Code, an Educator  
9 Housing Project with a Development Application filed after January 14, 2020, shall include a  
10 minimum of 50% of the total units as 2-bedroom units or larger, with a minimum of 10% of the  
11 total units as 3-bedroom units or larger.

12 All references in this Section 206.9 to other sections of the Planning Code shall refer to  
13 those other sections as they may be amended from time to time after the effective date of the  
14 initiative measure enacting this Section 206.9.

15 \* \* \* \*

16  
17 Section 3. Effective Date. This ordinance shall become effective 30 days after  
18 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
19 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
20 of Supervisors overrides the Mayor's veto of the ordinance.

21  
22 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
23 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
24 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
25 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment

1 additions, and Board amendment deletions in accordance with the "Note" that appears under  
2 the official title of the ordinance.

3  
4 Section 5. Supermajority Vote Requirement. Under Planning Code Section 206.9(h)  
5 the City may enact this ordinance only if the Board approves the ordinance by at least a two-  
6 thirds vote of all its members.

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

10 By: \_\_\_\_\_  
11 AUDREY WILLIAMS PEARSON  
Deputy City Attorney

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[Planning Code - 100% Affordable Housing and Educator Housing Streamlining Program]

**Ordinance amending the Planning Code to allow extra height, exceeding otherwise applicable height limitations, for 100% Affordable Housing and Educator Housing projects, and to allow such projects to be constructed on parcels greater than 8,000 square feet or which contain only surface parking lots and do not demolish any existing buildings; making findings that the Ordinance furthers the purpose of Planning Code, Section 206.9; making findings under the California Environmental Quality Act, findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public convenience, necessity, and welfare under Planning Code, Section 302.**

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

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

Section 1. Environmental and Land Use Findings.

(a) On April 24, 2014, in Motion No. 19121, the Planning Commission certified a Final Environmental Impact Report (FEIR) for the 2004 and 2009 Housing Element of the General Plan, pursuant to the California Environmental Quality Act (CEQA) (California Public Resources Code Sections 21000 et seq.), the CEQA Guidelines (14 Cal. Code Reg. Sections 15000 et seq.), and Chapter 31 of the Administrative Code. In Ordinance No. 97-14, the Board of Supervisors adopted the Planning Commission's environmental findings as its own,

1 and relies on these same findings for purposes of this ordinance. Copies of Planning  
2 Commission Motion No. 19121 and Ordinance No. 97-14 are on file with the Clerk of the  
3 Board of Supervisors in File No. 140414 and incorporated herein by reference.

4 On \_\_\_\_\_, the Planning Department published an addendum to the FEIR finding that  
5 no subsequent or supplemental environmental review was required for the actions  
6 contemplated in this ordinance. A copy of the addendum is on file with the Clerk of the Board  
7 of Supervisors in File No. \_\_\_\_\_. The Board of Supervisors has reviewed the FEIR and  
8 the addendum and concurs with their conclusions, and finds that the actions contemplated in  
9 this ordinance are within the scope of the project described and analyzed in the FEIR and that  
10 no further environmental review is required.

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

16 (c) Pursuant to Planning Code Section 302, the Board finds that this ordinance will  
17 serve the public necessity, convenience, and welfare for the reasons set forth in Planning  
18 Commission Resolution No. \_\_\_\_\_, and the Board incorporates such reasons herein by  
19 reference. A copy of Planning Commission Resolution No. \_\_\_\_\_ is on file with the Clerk of  
20 the Board of Supervisors in File No. \_\_\_\_\_.

21  
22 Section 2. Article 2 of the Planning Code is hereby amended by revising Section  
23 206.9, to read as follows:

24 **SECTION 206.9. 100% AFFORDABLE HOUSING AND EDUCATOR HOUSING**  
25 **STREAMLINING PROGRAM.**

1                   \*   \*   \*   \*

2                   (c) **Applicability.** A 100% Affordable Housing Project or Educator Housing Project  
3 under this Section 206.9 shall be a Housing Project that:

4                   (1) is located in any zoning district that allows Residential Uses;

5                   (2) is located on a lot or lots equal to or greater than ~~10,000~~ 8,000 square feet or,  
6 in the alternative, is located on a parcel or parcels that contains a surface parking lot and does not  
7 demolish any existing buildings on such parcel or parcels other than buildings that are accessory to the  
8 surface parking lot use, such as a guard station or kiosk;

9                   (3) is not located on land under the jurisdiction of the Recreation and Parks  
10 Department for the purpose of a public park;

11                   (4) meets the definition of a “100 Percent Affordable Housing Project” or an  
12 “Educator Housing Project” in subsection (b); and

13                   (5) does not demolish, remove, or convert any Residential Units, and does not  
14 include any other parcel that has any Residential Units that would be demolished, removed, or  
15 converted as part of the project.

16                   \*   \*   \*   \*

17                   (e) **Zoning Modifications.** Notwithstanding any other provision of this Code, 100%  
18 Affordable Housing Projects and Educator Housing Projects may select any or all of the  
19 following Planning Code modifications:

20                   (1) Rear Yard. The required rear yard per Section 134 or any applicable special  
21 use district may be reduced to no less than 15 feet. Rear yards shall be provided with an  
22 open area at the lowest story containing a Dwelling Unit, and at each succeeding level or  
23 story of the building. Projects located on corner parcels may meet the minimum rear yard  
24 requirement at the interior corner of the property provided that each horizontal dimension of  
25 the open space is a minimum of 15 feet, and that the open area is wholly or partially

1 contiguous to the existing midblock open space, if any, formed by the rear yards of adjacent  
2 properties, and provides for access to light and air to and views from adjacent properties.

3 (2) Open Space. The required common open space per Section 135 may be  
4 reduced to no less than 36 square feet of open space per unit.

5 (3) Inner Courts as Open Space. Inner courts qualifying as useable common  
6 open space per Section 135(g)(2) may be provided by courtyards with no less than 25 feet in  
7 every horizontal dimension, with no restriction on the heights of adjacent walls. All area within  
8 such an inner court shall qualify as common open space under Section 135.

9 (4) Dwelling Unit Exposure. The dwelling unit exposure requirements of  
10 Section 140(a)(2) may be satisfied through qualifying windows facing an unobstructed open  
11 area that is no less than 15 feet in every horizontal dimension, and such open area is not  
12 required to expand in every horizontal dimension at each subsequent floor.

13 (5) Required commercial space. Notwithstanding any other provision of this  
14 Code, any required ground-floor commercial space may include Arts Activities or  
15 Neighborhood-Serving Businesses, as defined in Section 102. Ground floor commercial  
16 spaces accessory to the 100% Affordable Housing or Educator Housing Project shall not be  
17 limited by use size restrictions. Ground floor Arts Activities or Neighborhood-Serving  
18 Businesses shall be considered active uses if more than 50 percent of the linear street  
19 frontage provides transparent walls and direct pedestrian access to a public sidewalk, and are  
20 consistent with the Ground Floor Residential Design Guidelines.

21 (6) Ground Floor Ceiling Height. Projects with active ground floors, as defined  
22 in Section 145.1(b)(2), shall receive up to a maximum of an additional five feet above the  
23 height limit, exclusively to provide a minimum 14-foot (floor to ceiling) ground floor ceiling  
24 height.  
25

1 (7) Projects located entirely or partially on a parcel or parcels designated on the  
2 San Francisco Zoning Map as open space (OS) that are not under the jurisdiction of the  
3 Recreation and Parks Department shall be deemed to have a height limit and a bulk  
4 designation of the closest zoning district that allows Residential Uses.

5 (8) Height. Projects that demonstrate to the satisfaction of the Environmental Review  
6 Officer that the project does not cause a substantial adverse change in the significance of an historic  
7 resource as defined by California Code of Regulations, Title 14, Section 15064.5, and does not create  
8 new shadow in a manner that substantially affects outdoor recreation facilities or other public areas,  
9 shall be allowed additional height as follows:

10 (A) Projects located on a parcel or parcels with a height limit of 40 feet shall be  
11 allowed up to 10 additional feet above the parcel's height district limit in order to provide one  
12 additional story of Residential Use. Exceptions under Section 260(b) shall apply to all such projects.

13 (B) Projects located on a parcel or parcels with a height limit of less than 40  
14 feet shall be allowed up to 20 additional feet above the parcel's height district limit in order to provide  
15 two additional stories of residential use. Exceptions under Section 260(b) shall apply to all such  
16 projects.

17 \* \* \* \*

18  
19 Section 3. Purpose Finding. The Board of Supervisors finds that the amendments  
20 herein further the purpose of Section 206.9 because the amendments will facilitate the  
21 construction and development of 100% Affordable Housing Projects, and Affordable Educator  
22 Housing Projects, as defined in Section 209.6(b), by allowing such projects to be constructed  
23 on more parcels within the City and by allowing such projects to exceed the height limit, as  
24 applicable..  
25



1           Section 4. Supermajority Vote Requirement. In accordance with Planning Code  
2           Section 206.9(h), enacted by the voters as part of Proposition E at the November 5, 2019  
3           election, the City may enact this ordinance only if the Board approves the ordinance by at  
4           least a two-thirds vote of all its members.

5  
6           Section 5. Effective Date. This ordinance shall become effective 30 days after  
7           enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
8           ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
9           of Supervisors overrides the Mayor's veto of the ordinance.

10  
11           Section 6. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
12           intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
13           numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
14           Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
15           additions, and Board amendment deletions in accordance with the "Note" that appears under  
16           the official title of the ordinance.

17  
18  
19           APPROVED AS TO FORM:  
20           DENNIS J. HERRERA, City Attorney

21           By: AUDREY WILLIAMS PEARSON  
22                   Deputy City Attorney

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24  
25