



## EXECUTIVE SUMMARY PLANNING CODE TEXT AMENDMENTS

**HEARING DATE: December 9, 2021**

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

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

**Recommendation:** Approval with Modifications

### Planning Code

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

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

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

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

## Anticipated Amendments

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

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

## Background

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

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

## Issues and Considerations

### Housing Crisis

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

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

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

### Reducing Greenhouse Gas Emissions

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

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

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

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

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

## Vision Zero

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

## Eligible Sites

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

### Auto-Oriented Uses

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

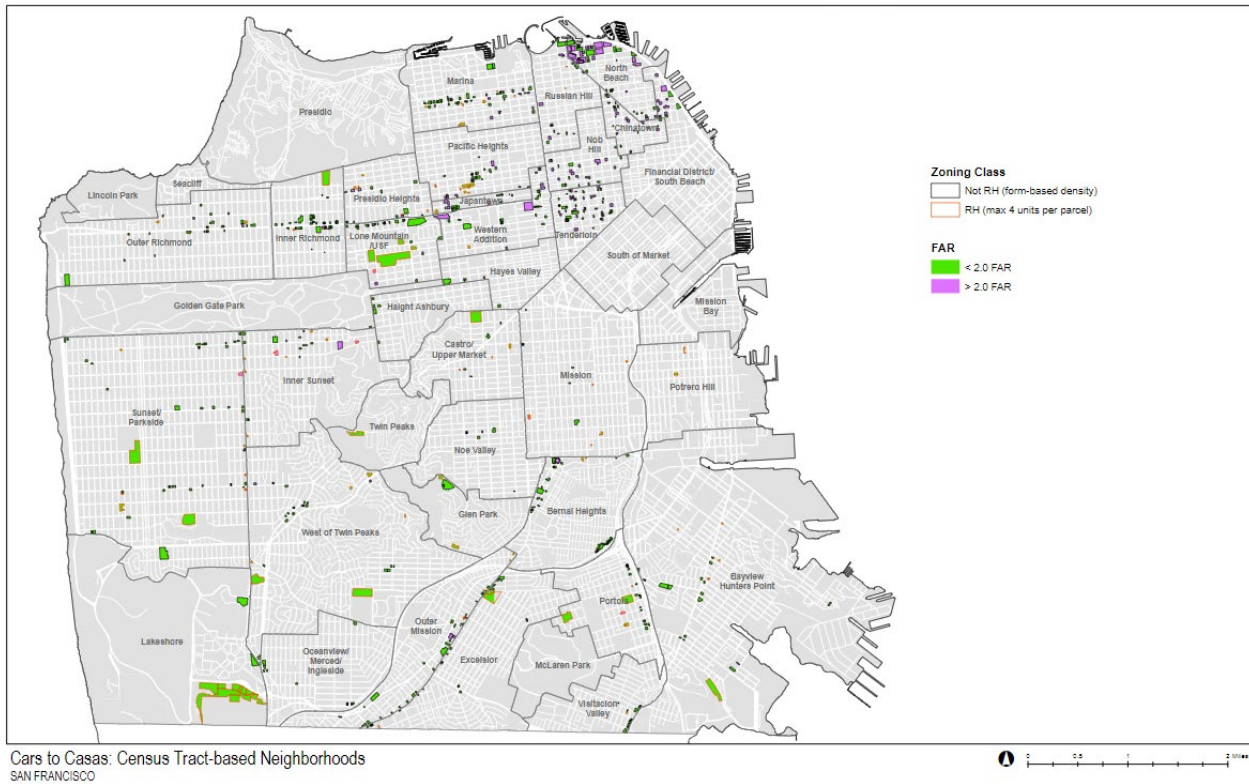
### Potential Development Sites

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

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

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



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

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

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

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

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

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

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

### Numeric Caps

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

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

### Form-Based Density

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

## **Legacy Business Program**

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

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

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

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

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

### **Next Steps**

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

### **General Plan Compliance**

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

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

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

#### Job Losses

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

#### Climate Change and Disproportionate Impacts

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

### Assistance Programs

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

### **Implementation**

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

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

### **Recommendation**

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



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

### **Basis for Recommendation**

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

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

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

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

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

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

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

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

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

## Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

## Environmental Review

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

## Public Comment

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

### Attachments:

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



# PLANNING COMMISSION DRAFT RESOLUTION

**HEARING DATE: December 9, 2021**

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

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

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

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

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

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

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

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed recommendations are as follows:

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

## Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

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

## General Plan Compliance

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

## HOUSING ELEMENT

### OBJECTIVE 1

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

#### Policy 1.3

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

#### Policy 1.6

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

#### Policy 1.7

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

### OBJECTIVE 2

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

#### Policy 2.1

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

#### Policy 2.3

Prevent the removal or reduction of housing for parking.

### OBJECTIVE 3

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

#### Policy 3.4

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

### OBJECTIVE 4

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

#### Policy 4.7

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

### OBJECTIVE 10

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

#### Policy 10.2

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

## TRANSPORTATION ELEMENT

### OBJECTIVE 2

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

##### Policy 2.2

Reduce pollution, noise and energy consumption.

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

#### Planning Code Section 101 Findings

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

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

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or*

*overburdening the streets or neighborhood parking.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*

### **Planning Code Section 302 Findings.**

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

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

Jonas P. Ionin  
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: December 9, 2021



1 [Planning Code - Automotive Uses; Housing Density]

2

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

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

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

21 Section 1. Findings.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 **SEC. 102. DEFINITIONS.**

2 \* \* \* \*

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

14 \* \* \* \*

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

16 \* \* \* \*

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

19 \* \* \* \*

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

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

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

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

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

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

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

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

17                                    **(F) Parking Requirements.**

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

20                                    P: up to 0.25 parking spaces per residential unit

21                                    C: up to 0.5 parking spaces per unit

22                                    NP: above 0.5 spaces per unit

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



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

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

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

12                    ~~—(a) Findings.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 Table 210.3 (PDR Districts)

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

20 Table 731, Noriega Street Neighborhood Commercial District

21 Table 732, Irving Street Neighborhood Commercial District

22 Table 733, Taraval Street Neighborhood Commercial District

23 Table 734, Judah Street Neighborhood Commercial District

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

25 Table 753, SOMA Neighborhood Commercial Transit District



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

5

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

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

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

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

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

18 \* \* \* \*

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

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

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

\* \* \* \*

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

\* \* \* \*

**TABLE 811**

**CHINATOWN VISITOR RETAIL DISTRICT**

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

\* \* \* \*

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

\* \* \* \*

**TABLE 812**

**CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**

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

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

\* \* \* \*

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

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

\* \* \* \*

**Uses**

\* \* \* \*

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

\* \* \* \*

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

Section 7. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal

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

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

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

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

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

### **Remarks**

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

### **Background**

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

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

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

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

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

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

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

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

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



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

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

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

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

## Housing Element

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

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

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

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

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

### **Housing Element 2022 Update**

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

### **Proposed Legislation**

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

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

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

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

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

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

## Project Approvals

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

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

## Anticipated Development

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

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

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

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

## **Project Setting**

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

## **Analysis of Potential Environmental Effects**

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

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

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

## 2004 and 2009 Housing Element FEIR Conclusions

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

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

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

## Changed Circumstances Since the Certification of the FEIR

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

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

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

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

### **Changes to Housing Projections**

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

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

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

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

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

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

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

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

### **Modified Project**

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

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

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

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

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



## **Aesthetics**

### **2009 Housing Element**

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

### **Modified Project**

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

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

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

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

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

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

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

### **Population and Housing**

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

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

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

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

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

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

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

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

### **Cultural and Paleontological Resources**

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

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

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

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

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

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

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

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

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

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

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

## **Transportation and Circulation**

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

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

### ***Modified Project***

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

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

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

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

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

## **Noise**

### **2009 Housing Element**

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

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

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

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

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

### **Modified Project**

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

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

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

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

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

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

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

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

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

### **Air Quality**

#### **2009 Housing Element**

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

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

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

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

### **Modified Project**

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

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

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



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

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

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

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

### **Modified Project**

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

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

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

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

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

**Modified Project**

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

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

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

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

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

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

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

***Modified Project***

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

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

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

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

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

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

### **Modified Project**

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

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

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

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

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

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

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

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

## **Public Services**

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

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

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

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

### **Modified Project**

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

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

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

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

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

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

## **Biological Resources**

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

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

### ***Modified Project***

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

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

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

## **Geology and Soils**

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

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

### ***Modified Project***

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



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

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

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

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

### **Modified Project**

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

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

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

### **Hazards and Hazardous Materials** ***2009 Housing Element***

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

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

### ***Modified Project***

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

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

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

### **Mineral and Energy Resources**

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

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

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

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

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

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

## **Agriculture and Forest Resources**

### **2009 Housing Element**

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

### **Modified Project**

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

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

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

## **Mitigation Measures**

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

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

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

### **Conclusion**

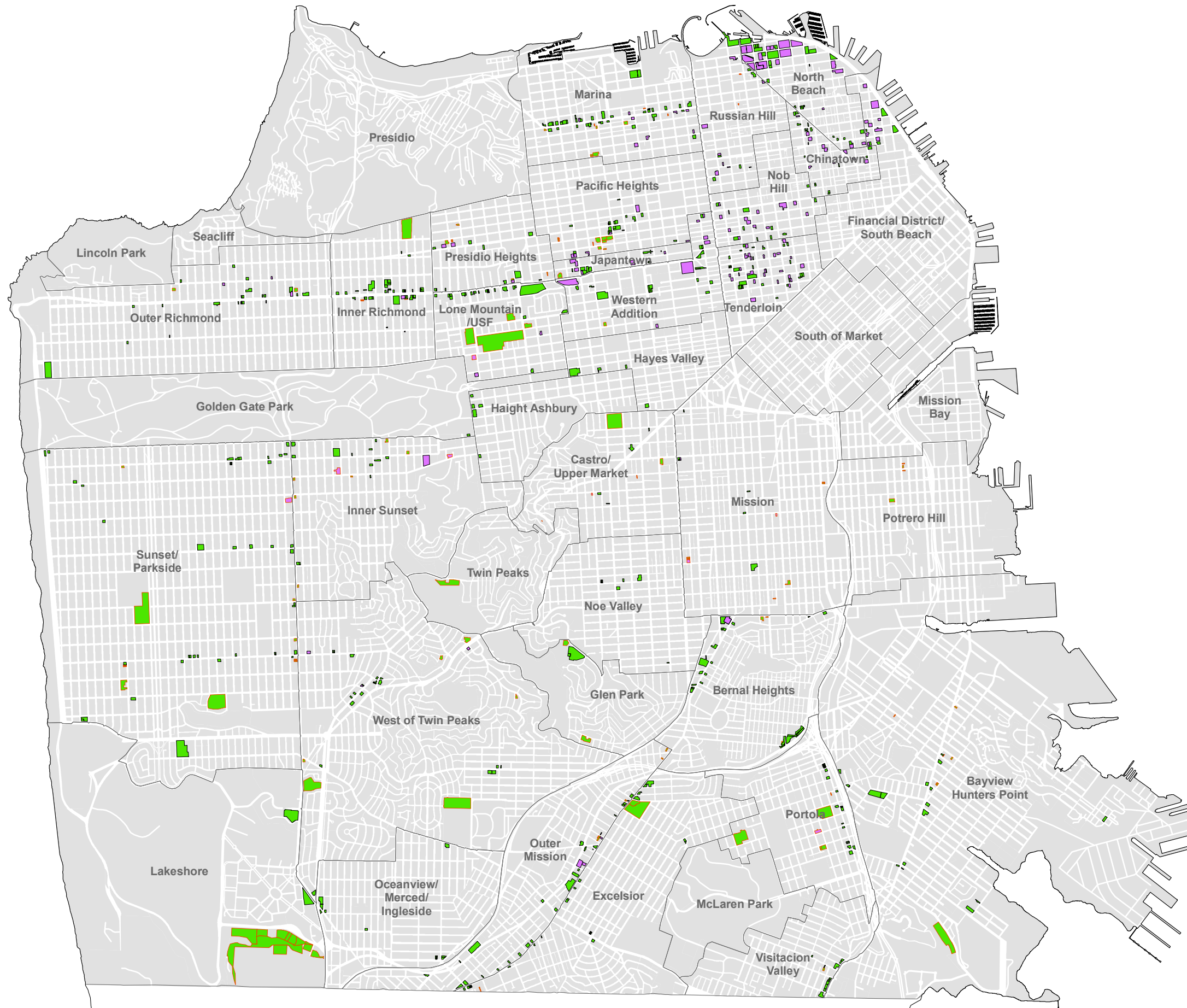
I do hereby certify that the above determination has been made pursuant to State and Local requirements.

DATE 12/1/2021



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

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**Zoning Class**

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

**FAR**

- < 2.0 FAR
- > 2.0 FAR