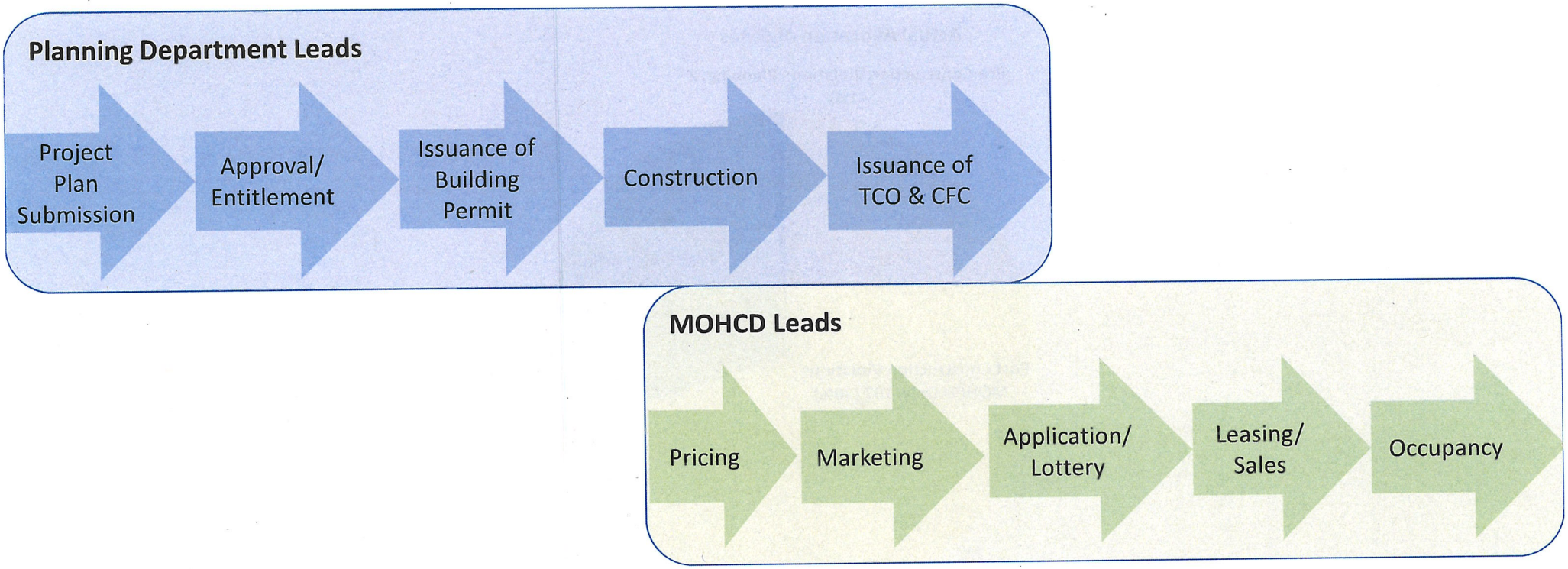
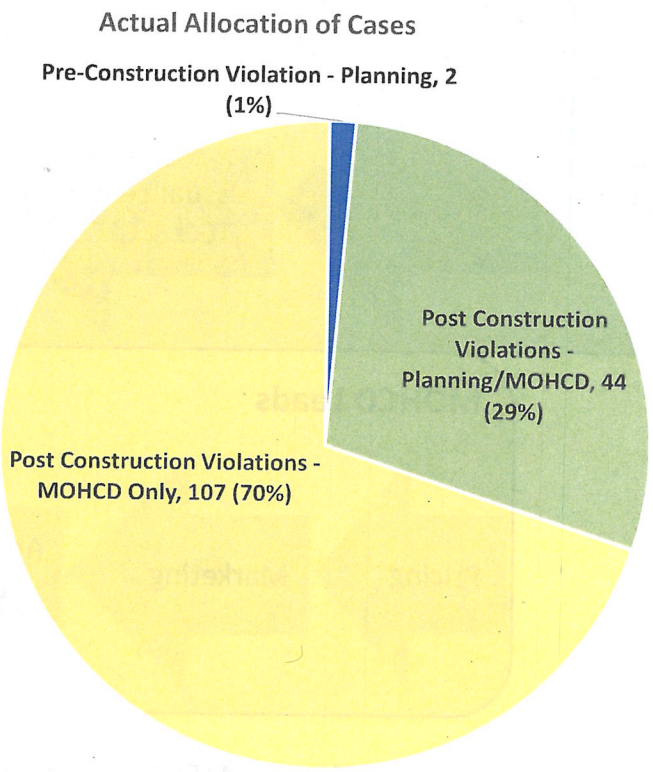
Received at CPC Hearing 5/26/22
2022-002926 PCA

Affordable Units: Development to Occupancy



Affordable units include: Inclusionary Affordable Housing Program (Section 415), State Density Bonus Program, Home SF, Planning Code Section 124(f), regulatory agreements, "artist units", SB35, units created under a Development Agreement, and voluntary affordable units.

Affordable Housing Enforcement Cases
2007-2019



Introduced by Assembly Members Salas and Quirk-Silva

(Coauthors: Assembly Members Cunningham, Flora, Gray, Grayson, Lackey, Low, Mayes, Petrie-Norris, Valladares, Villapudua, and Waldron)

(Coauthors: Senators Hurtado and Newman)

Received at CPC Hearing 5/26/22

Gen. Pub. Com

Ellis

February 17, 2021

An act to amend Section 65852.2 of, and to add Section 65850.02 to, the Government Code, relating to housing.

LEGISLATIVE COUNSEL'S DIGEST

AB 916, as amended, Salas. Zoning: accessory dwelling units: bedroom addition.

The Planning and Zoning Law authorizes the legislative body of any county or city to adopt ordinances that regulate the use of buildings, structures, and land as between industry, business, residences, open space, and other purposes.

This bill would prohibit a city or county legislative body from adopting or enforcing an ordinance requiring a public hearing as a condition of adding space for additional bedrooms or reconfiguring existing space to increase the bedroom count within an existing house, condominium, apartment, or dwelling. The bill would include findings that ensuring adequate housing is a matter of statewide concern and is not a municipal affair, and that the provision applies to all cities, including charter cities.

The Planning and Zoning Law also authorizes a local agency, by ordinance or ministerial approval, to provide for the creation of accessory dwelling units in areas zoned for residential use, as specified. Existing law provides that an accessory dwelling unit may either be an attached or detached residential dwelling unit, and prescribes the minimum and maximum unit size requirements and height limitations a local agency may establish, including a 16-feet height limitation. Existing law provides that a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create not more than 2 accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limitation of 16 feet, among other requirements.

This bill would instead authorize a local agency to establish a height limitation of 18 feet for those accessory dwelling units located on a lot that has an existing multifamily and multistory dwelling. The bill would specify that a local agency shall ministerially approve an application for a building permit within a residential or mixed-use zone to create not more than 2 accessory dwelling units that are located on a lot that has an existing multifamily dwelling, but are detached from that multifamily dwelling and are subject to a height limitation of 18 feet.

By imposing additional duties on local officials, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 65850.02 is added to the Government Code, immediately following Section 65850.01, to read:

65850.02. (a) Notwithstanding any other law, with respect to land zoned for residential use, the legislative body of a city or county shall not adopt or enforce an ordinance requiring a public hearing as a condition of adding space for additional bedrooms or reconfiguring existing space to increase the bedroom count within an existing house, condominium, apartment, or dwelling.

(b) The Legislature finds and declares that ensuring adequate housing is a matter of statewide concern and is not a municipal affair, as that term is used in Section 5 of Article IX of the California Constitution. Therefore, this section applies to all cities, including charter cities.

The Cost of Living in Noe

Buyers Up the Ante

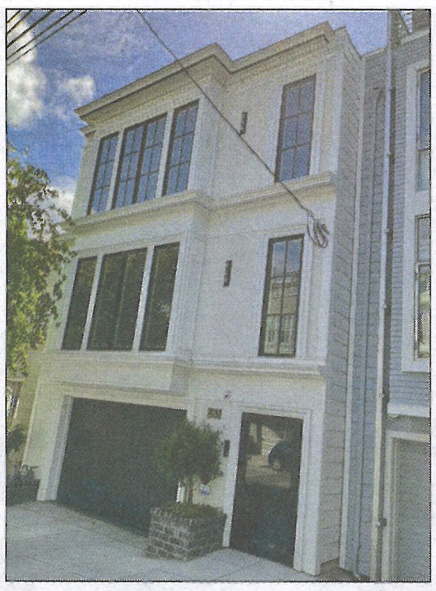
By Corrie M. Anders

Well-heeled buyers pushed the average cost of a single-family home in Noe Valley to $3.4 million in March, according to data supplied to the *Noe Valley Voice* by Corcoran Global Living San Francisco.

One buyer shelled out $9.5 million to purchase a newly renovated home on Elizabeth Street. Another paid $6 million for a modern mansion on 29th Street—$1 million over the seller's asking price. The luxury properties were among 15 detached homes that closed escrow during a month of fierce overbidding reminiscent of the dot-com boom of the 1990s.

The buying frenzy extended to Noe Valley condominiums. Eighteen changed hands in March, up a dozen from February. The average condominium price soared to $2 million.

Worries about inflation and rising interest rates—which hit 5 percent in March, the highest rate in a decade—fueled the competition. The increase created a sense of urgency, the kind where "everyone goes out and tries to buy before rates go up even more," said Corcoran President Randall Kostick. "And so it's not surprising that there was a flurry of activity."



This stately home on Elizabeth Street sold in March for $9.5 million. The original 1955 dwelling had been gutted and expanded to accommodate four bedrooms, four baths, and four skylights.

In addition, Kostick noted, many buyers paid all cash.

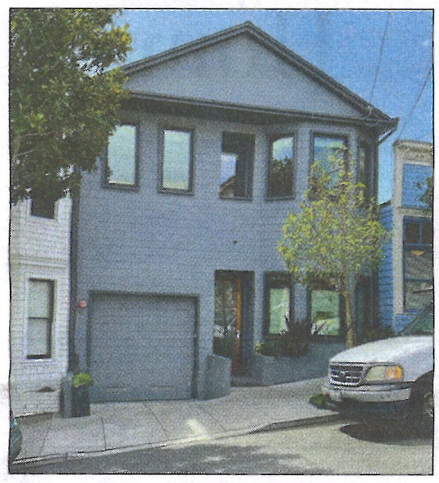
"I suspect that more than half were either all cash or they used one of the specialized loan products that allows a buyer to purchase with no loan contingency," he said.

On average, buyers paid 26 percent more than the sellers' asking price. (Last March, they paid only a 5 percent premium.)

"Twenty-six percent is pretty substantial," Kostick said. "Every house but one sold for above the asking price."

In the most extreme case, buyers paid 56 percent over asking. Their $2,650,000 captured a two-bedroom Edwardian in the 4400 block of 24th Street, originally priced at $1,699,000.

Deals were sealed in an average nine days. "These were fast-paced sales," Kostick said, "every one of them."



A buyer paid $1 million more than the asking price for this modern renovation on 29th Street, perhaps reflecting on the home's 122-year-old history.

Noe Valley Home Sales*

Total Sales	No.	Low Price ($)	High Price ($)	Average Price ($)	Avg. Days on Market	Sale Price as % of List Price
Single-family homes						
March 2022	15	$1,958,400	$9,500,000	$3,440,360	9	126%
February 2022	11	$1,705,000	$6,866,278	$2,958,753	13	114%
March 2021	16	$1,450,000	$6,300,000	$3,054,563	23	105%
Condominiums/TICs						
March 2022	18	$1,080,000	$4,000,000	$1,989,722	14	115%
February 2022	4	$562,000	$1,455,000	$949,875	19	113%
March 2021	15	$491,500	$1,822,888	$1,381,626	46	106%
2- to 4-unit buildings						
March 2022	4	$1,200,000	$2,400,000	$1,797,000	41	117%
February 2022	1	$1,549,000	$1,549,000	$1,549,000	103	100%
March 2021	3	$1,750,000	$4,900,000	$2,950,000	38	98%
5+-unit buildings						
March 2022	0	—	—	—	—	—
February 2022	0	—	—	—	—	—
March 2021	0	—	—	—	—	—

*This survey includes all Noe Valley home sales completed during the month. Noe Valley is loosely defined as the area bordered by Grand View, 22nd, Guerrero, and 30th streets. The *Noe Valley Voice* thanks Corcoran Global Living San Francisco for providing sales data. *NVV5/2022*

The $9.5 million sale on Elizabeth Street happened so fast escrow closed before the home reached the market. Located in Elizabeth's 500 block between Noe and Castro streets, the house attracted the second highest price ever paid for a single-family home in Noe Valley—that is, among the sales the *Voice* has charted since 1999. (The highest price was the $12 million paid in 2017 for a home on a bluff off Duncan Street.)

The four-story renovation—with four bedrooms, four baths, and 4,812 square feet of living space—replaced a house built in 1955. San Francisco building permits show authorization was granted in 2020 to gut the building and add an additional floor, four skylights, two gas fireplaces, and a wet bar, among other features.

The home on 29th Street—the one that sold for $6,005,000, 20.2 percent over its asking price ($4,995,000)—is in the 500 block between Noe and Castro streets. Built in 1900, the house had been renovated and transformed into a four-bedroom, four-bath showpiece, this time with 3,505 square feet of living space on three levels.

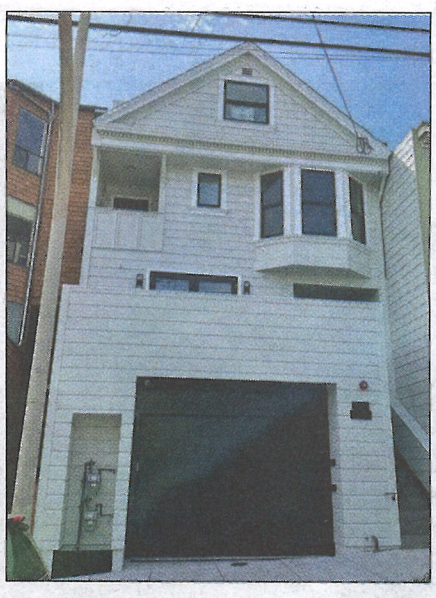
The contemporary remodel featured floor-to-ceiling glass walls, an indoor-outdoor floor plan, a kitchen with Miele appliances and an unusual center island that doubled as an eight-person dining table, a garden with hot tub, and several view decks, including one with a shaded roof and a gas fireplace. The home offered two spaces for parking.

Condos in the Clouds

On the condo front, buyers on average made offers within 14 days and paid 15 percent over asking to land a neighborhood address. That was compared to 46 days and 6 percent, respectively, in March a year ago.

The most expensive condo, located in a remodeled Edwardian in the 4100 block of 26th Street, sold for $4 million—21.4 percent above the seller's asking price ($3,295,000). In our book, that's the most ever paid for a condominium in Noe Valley.

The two-level unit featured four bedrooms and four baths in 2,572 square feet of living space. Amenities included a designer kitchen with European style cabinetry, high-end Thermidor appliances, spa-like bathrooms, a media room, a private elevator from a two-car garage, three balconies, and a roof deck with 360-degree views. ■



Behind this façade on 26th Street is a two-story condominium that sold for a record $4 million in March. *Photos by Corrie M. Anders*

Noe Valley Rents**

Unit	No. in Sample	Range April 2022	Average April 2022	Average March 2022	Average April 2021
Studio	12	$1,600 – $2,895	$2,131 / mo.	$2,156 / mo.	$1,974 / mo.
1-bdrm	47	$1,795 – $4,100	$2,808 / mo.	$2,834 / mo.	$2,619 / mo.
2-bdrm	43	$2,400 – $5,900	$3,888 / mo.	$3,723 / mo.	$3,516 / mo.
3-bdrm	20	$3,550 – $12,000	$5,249 / mo.	$5,123 / mo.	$5,442 / mo.
4+-bdrm	6	$4,950 – $20,000	$8,991 / mo.	$8,909 / mo.	$6,396 / mo.

**This survey is based on a sample of 128 Noe Valley rental listings appearing on Craigslist.org from March 10 to April 9, 2022. In April 2021, there were 234 listings. *NVV5/2022*

Complies with the Secretary's Standards/Art 10/Art 11:	○ Yes	○ No	◉ N/A
CEQA Material Impairment:	○ Yes	◉ No	
Needs More Information:	○ Yes	◉ No	
Requires Design Revisions:	○ Yes	○ No	
Defer to Residential Design Team:	◉ Yes	○ No	

* If No is selected for Historic Resource per CEQA, a signature from Senior Preservation Planner or Preservation Coordinator is required.

PRESERVATION TEAM COMMENTS:

The subject property is a two-story, flat-roofed, single family residence located in central Noe Valley. The stucco-clad wood frame building has two garage doors and a tunnel entrance with a metal entry gate at the ground level facing Elizabeth Street. The second story has two window bays topped by a simple boxed cornice. The building is located at the front of the down-sloping lot and is built out to the side property lines. Based on documentation received from the project architect, Kelly Condon, and reviewed by staff the subject property was constructed between 1954-55 by Henry Ruminson, general contractor.

Permit records show the addition of a ground floor apartment in 1969 and interior remodeling in 2007, but there are no building permits on file for exterior changes other than a roofing permit dating to 1995. While permit history does not indicate approval for window replacement, the existing windows on the primary facade are fixed center panes with two flanking casements, which may not have been the original operation of the windows. Given the absence of historic photographs, it is unclear to what extent a change in the original fenestration may have impacted the building's overall integrity. Despite this change, the structure retains a high level of integrity. Nevertheless, this structure is of a very modest design that does not bear the high artistic values required for listing on the California Register of Historical Resources under
Criterion 3.

Information provided in the consultant's report does not indicate that the subject property is associated with events or persons important to local, state or national history, making it ineligible for listing under Criteria 1 & 2 respectively.

The architectural character of Elizabeth Street in the immediate context of the subject property is mixed. The south side of the street is primarily 1-1/2-- to 2-story single family residences, while the north side of the street has higher-density, 3-story residential buildings on raised basements with garages. Three buildings on the block are known to date to the late-1800s (#511, #557-559, #564), and most of the remaining original buildings were constructed prior to 1914. The subject property is one of three infill construction projects completed in the 1950s-60s. There has been a multitude of contemporary alterations to the buildings on this block such that the degraded integrity makes it ineligible for listing as an historic district.

Signature of a Senior Preservation Planner / Preservation Coordinator:	Date:
	2/24/14

CENTRAL PERMIT BUREAU Form

Write in Ink—File Two Copies

CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT OF PUBLIC WORKS

BLDG. FORM **3**

CENTRAL PERMIT BUREAU

APPLICATION FOR BUILDING PERMIT

ADDITIONS, ALTERATIONS OR REPAIRS

May 19 1969

Application is hereby made to the Department of Public Works of San Francisco for permission to build in accordance with the plans and specifications submitted herewith and according to the description and for the purpose hereinafter set forth:

(1) Location 533 Elizabeth Street

(2) Total Cost ($) 1000.00 (3) No. of Stories 2 (4) Basement or Cellar Yes (yes or no)

(5) Present Use of building 2 family (6) No. of families 2

(7) Proposed Use of building 2 family (8) No. of families 2

(9) Type of construction 5B (1, 2, 3, 4, or 5) (10) Two Family 2 (Proposed Building Code Classification)

(11) Any other building on lot ..... (yes or no) (must be shown on plot plan if answer is yes.)

(12) Does this alteration create an additional story to the building? No (yes or no)

(13) Does this alteration create a horizontal extension to the building? No (yes or no)

(14) Does this alteration constitute a change of occupancy No (yes or no)

(15) Electrical work to be performed Yes (yes or no) (16) Plumbing work to be performed Yes (yes or no)

(17) Automobile runway to be altered or installed No (yes or no)

(18) Sidewalk over sub-sidewalk space to be repaired or altered No (yes or no)

(19) Will street space be used during construction? No (yes or no)

(20) Write in description of all work to be performed under this application:
(Reference to plans is not sufficient)

Add Apartment downstairs

(21) Supervision of construction by ..... Address .....

(22) General Contractor ..... California License No. .....
Address .....

(23) Architect or Engineer (for design) ..... California Certificate No. .....
Address .....

(24) Architect or Engineer (for construction) ..... California Certificate No. .....
Address .....

(25) I hereby certify and agree that if a permit is issued for the construction described in this application, all the provisions of the permit and all laws and ordinances applicable thereto will be complied with. I further agree to save San Francisco and its officials and employees harmless from all costs and damages which may accrue from use or occupancy of the sidewalk, street or subsidewalk space or from anything else in connection with the work included in the permit. The foregoing covenant shall be binding upon the owner of said property, the applicant, their heirs, successors and assignees.

(26) Owner Enrico Zuccoli (Phone .....) Per contract by Bureau
Address 533 Elizabeth Street
Address 533 Elizabeth St.

By ..... Owner's Authorized Agent to be Owner's Authorized Architect, Engineer or General Contractor

CERTIFICATE OF FINAL COMPLETION AND/OR PERMIT OF OCCUPANCY MUST BE OBTAINED ON COMPLETION OF WORK OR ALTERATION INVOLVING AN ENLARGEMENT OF THE BUILDING OR A CHANGE OF OCCUPANCY PURSUANT TO SEC. 306 AND 309, SAN FRANCISCO BUILDING CODE, BEFORE BUILDING IS OCCUPIED.

Pursuant to Sec. 304, San Francisco Building Code, the building permit shall be posted on job. Owner is responsible for approved plans and application being kept at building site.

APPROVAL OF THIS APPLICATION DOES NOT CONSTITUTE AN APPROVAL FOR THE ELECTRICAL WIRING OR PLUMBING INSTALLATIONS. A SEPARATE PERMIT FOR THE WIRING AND PLUMBING MUST BE OBTAINED.

THIS IS NOT A BUILDING PERMIT. NO WORK SHALL BE STARTED UNTIL A PERMIT IS ISSUED.

PART 2 – PROJECT INFORMATION

Owner/Agent Information

Property Owner	[redacted]	Telephone No.	[redacted]
Address	[redacted]	Fax. No.	
	[redacted]	Email	[redacted]
Project Contact	KELLY CONDON	Telephone No.	415-240-8328
Company	KELLY CONDON DESIGN	Fax No.	
Address	443 JOOST AVE SF, CA 94127	Email	KELLYMCONDON@GMAIL.COM

Site Information

Site Address(es):	[redacted] ELIZABETH ST		
Nearest Cross Street(s)	CASTRO & NOE		
Block(s)/Lot(s)	[redacted]	Zoning District(s)	RH-2
Site Square Footage	2850 S.F.	Height/Bulk District	40X
Present or previous site use	SINGLE FAMILY HOME		
Community Plan Area (if any)	N/A		

Project Description - please check all that apply

- ☒ Addition ☐ Change of use ☐ Zoning change ☐ New construction
- ☒ Alteration ☐ Demolition ☐ Lot split/subdivision or lot line adjustment
- ☐ Other (describe) Estimated Cost $450K

Describe proposed use SINGLE FAMILY HOME WITH 2 CAR GARAGE

Narrative project description. Please summarize and describe the purpose of the project.

EXCAVATE BASEMENT DOWN 5'-8" AT DEEPEST POINT / 2'-6" AT SHALLOWEST.
TOTAL EXCAVATION = 3910 CUBIC FEET OF EARTH

ADD A STORY. EXISTING BUILDING IS 2 STORIES OVER BASEMENT. PROPOSED WILL BE 3 OVER BASEMENT.

ADD AT REAR.