

1 [Extension of Planning Commission Review Period.]  
2

3 **Resolution extending the prescribed time within which the Planning Commission may**  
4 **render its decision on a proposed ordinance to amend the San Francisco Planning**  
5 **Code by repealing Section 207.2 [Second Units] in its entirety, adding a new Section**  
6 **207.2, and amending Section 209.1 to authorize one additional secondary unit limited to**  
7 **750 square feet of gross floor area within an existing structure on a lot within 1250 feet**  
8 **of a Primary Transit Street or Transit center and also within 1250 feet of a**  
9 **Neighborhood Commercial or Commercial zoning district, on a lot containing a**  
10 **qualified historical building or where the unit is specifically designed and constructed**  
11 **for the elderly or persons with physical disabilities, to prohibit the owner from**  
12 **legalizing an illegal unit pursuant to the provisions of this ordinance, and providing**  
13 **that the secondary unit shall not be subject to the Rent Ordinance but requiring that a**  
14 **secondary unit in a multi-family building shall be subject to affordability requirements;**  
15 **by amending Sections 135(d), Table 151 of Section 151 and 307(g) to establish the**  
16 **amount of open space and parking required for these secondary units; by amending**  
17 **the San Francisco Traffic Code by adding Section 308.5.1 to prohibit issuance of a**  
18 **residential parking permit to the occupant of a secondary unit; by adding new Section**  
19 **106.4.1.3 to the San Francisco Building Code to require site inspection prior to**  
20 **issuance of a building permit for the secondary unit to verify that no unpermitted unit**  
21 **exists on the property and prohibiting the issuance of a building permit or certification**  
22 **of occupancy for the second unit if an unpermitted unit has operated on the property**  
23 **within the previous ten years, unless that unit was legally demolished prior to January**  
24 **1, 2003; and by amending Section 37.9 of the San Francisco Administrative Code to**  
25

1 **require relocation assistance for persons required to vacate illegal units; and adopting**  
2 **findings.**

3 WHEREAS, On April 15, 2003, Supervisor Aaron Peskin introduced substitute  
4 legislation to amend the San Francisco Planning Code by repealing Section 207.2 [Second  
5 Units] in its entirety, adding a new Section 207.2, and amending Section 209.1 to authorize  
6 one additional secondary unit limited to 750 square feet of gross floor area within an existing  
7 structure on a lot within 1250 feet of a Primary Transit Street or Transit center and also within  
8 1250 feet of a Neighborhood Commercial or Commercial zoning district, on a lot containing a  
9 qualified historical building or where the unit is specifically designed and constructed for the  
10 elderly or persons with physical disabilities, to prohibit the owner from legalizing an illegal unit  
11 pursuant to the provisions of this ordinance, and providing that the secondary unit shall not be  
12 subject to the Rent Ordinance but requiring that a secondary unit in a multi-family building  
13 shall be subject to affordability requirements; by amending Sections 135(d), Table 151 of  
14 Section 151 and 307(g) to establish the amount of open space and parking required for these  
15 secondary units; by amending the San Francisco Traffic Code by adding Section 308.5.1 to  
16 prohibit issuance of a residential parking permit to the occupant of a secondary unit; by adding  
17 new Section 106.4.1.3 to the San Francisco Building Code to require site inspection prior to  
18 issuance of a building permit for the secondary unit to verify that no unpermitted unit exists on  
19 the property and prohibiting the issuance of a building permit or certification of occupancy for  
20 the second unit if an unpermitted unit has operated on the property within the previous ten  
21 years, unless that unit was legally demolished prior to January 1, 2003; and by amending  
22 Section 37.9 of the San Francisco Administrative Code to require relocation assistance for  
23 persons required to vacate illegal units; and adopting findings, a copy of which is on with the  
24 Clerk of the Board of Supervisors in File No. 021598; and,  
25

Supervisor Peskin  
**BOARD OF SUPERVISORS**

1           WHEREAS, On April 21, 2003, the Clerk of the Board transmitted a copy of the  
2 proposed legislation to the Planning Commission for public hearing pursuant to Planning  
3 Code Section 302(b); and,

4           WHEREAS, Planning Code Section 306.4(d)(3) provides that the Planning Commission  
5 must render its decision on the proposed legislation within 90 days of the date of referral and  
6 that failure to act within the prescribed time shall constitute disapproval; and,

7           WHEREAS, An appeal of the Planning Department's environmental determination on  
8 the proposed legislation has been filed with the Board of Supervisors, and the appeal is not  
9 scheduled to be heard until July 15, 2003; and,

10          WHEREAS, The Planning Commission will not be able to render its decision on the  
11 proposed legislation until the Board has heard the appeal of the Department's environmental  
12 determination and environmental review has been completed; and,

13          WHEREAS, Planning Code Section 306.4(d)(3) authorizes the Board of Supervisors to  
14 extend by resolution the prescribed time within which the Commission is to render its decision  
15 on legislation initiated by the Board; and,

16          WHEREAS, The Board deems it appropriate in this instance to grant the Planning  
17 Commission an additional 60 days within which to render its decision; now, therefore, be it

18          RESOLVED, That the Board hereby extends to September 21, 2003 the prescribed  
19 period of time within which the Planning Commission may review and render its decision on  
20 the proposed legislation concerning secondary units.



# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

## Resolution

**File Number:** 031160

**Date Passed:**

Resolution extending the prescribed time within which the Planning Commission may render its decision on a proposed ordinance to amend the San Francisco Planning Code by repealing Section 207.2 [Second Units] in its entirety, adding a new Section 207.2, and amending Section 209.1 to authorize one additional secondary unit limited to 750 square feet of gross floor area within an existing structure on a lot within 1250 feet of a Primary Transit Street or Transit center and also within 1250 feet of a Neighborhood Commercial or Commercial zoning district, on a lot containing a qualified historical building or where the unit is specifically designed and constructed for the elderly or persons with physical disabilities, to prohibit the owner from legalizing an illegal unit pursuant to the provisions of this ordinance, and providing that the secondary unit shall not be subject to the Rent Ordinance but requiring that a secondary unit in a multi-family building shall be subject to affordability requirements; by amending Sections 135(d), Table 151 of Section 151 and 307(g) to establish the amount of open space and parking required for these secondary units; by amending the San Francisco Traffic Code by adding Section 308.5.1 to prohibit issuance of a residential parking permit to the occupant of a secondary unit; by adding new Section 106.4.1.3 to the San Francisco Building Code to require site inspection prior to issuance of a building permit for the secondary unit to verify that no unpermitted unit exists on the property and prohibiting the issuance of a building permit or certification of occupancy for the second unit if an unpermitted unit has operated on the property within the previous ten years, unless that unit was legally demolished prior to January 1, 2003; and by amending Section 37.9 of the San Francisco Administrative Code to require relocation assistance for persons required to vacate illegal units; and adopting findings.

July 8, 2003 Board of Supervisors — ADOPTED

Ayes: 10 - Ammiano, Daly, Duffy, Gonzalez, Hall, Ma, Maxwell, McGoldrick,  
Peskin, Sandoval

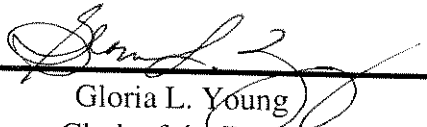
Excused: 1 - Newsom

File No. 031160

I hereby certify that the foregoing Resolution was ADOPTED on July 8, 2003 by the Board of Supervisors of the City and County of San Francisco.

JUL 18 2003

Date Approved

  
Gloria L. Young  
Clerk of the Board

  
Mayor Willie L. Brown Jr. 