



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning and Administrative Code Text Change HEARING DATE: JULY 16, 2015

Project Name: Construction of Accessory Dwelling Units in Supervisorial Districts Three and Eight

Case Number: 2015-005464PCA [Board File No. 15-0365] & 2015-007459PCA [Board File No. 15-0585]

Initiated by: Supervisor Weiner and Supervisor Christenson / Introduced June 2, 2015

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Recommendation: **Recommend Approval with Modification**

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PLANNING & ADMINISTRATIVE CODE AMENDMENTS

The two proposed Ordinances would amend the Planning Code to allow the construction of Accessory Dwelling Units (also known as Secondary or In-Law Units) within the boundaries of Board of Supervisors Districts 3, and District 8 excluding any lot within 500 feet of Block 2623 Lots 116 through 154; amending the Administrative Code to correct section references; 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 directing the Clerk of the Board of Supervisors to send a copy of this ordinance to the California Department of Housing and Community Development after adoption.

The Way It Is Now:

1. Currently, San Francisco allows new ADUs in and within 1,750 feet of the Castro NCD, and also in buildings that are undergoing voluntary or mandatory seismic retrofitting, subject to the following conditions:
 - ADUs can only be built within the existing built envelope and cannot use space from an existing unit.
 - ADUs are exempt from certain provisions of the Planning Code such as rear yard, open space, partial exposure, and parking through an administrative waiver.
 - If the original building is subject to rent control, the AUD(s) would also be subject to the rent control.

- For ADUs in buildings undergoing a seismic retrofit, buildings with four or fewer units are permitted to have one ADU and buildings with 5 or more are permitted to have an unlimited number of ADUs.
 - For ADUs in or within 1,750 feet of the Castro NC District, buildings of 10 units or less can add one ADU, and buildings with 11 or more units can add up to two ADUs.
2. In zoning districts with density controls in District 3, new ADUs are not permitted.
 3. The Definition of an ADU is located in Section 207.
 4. When adding an ADU in buildings undergoing seismic retrofitting, the building can be raised three feet to create the height suitable for residential use.

The Way It Would Be:

1. ADUs would be permitted throughout District 8 subject to the same controls listed above; depending on whether or not it was a seismic retrofit building.
2. ADUs would be permitted throughout District 3 subject to the same controls for ADUs in seismic retrofit buildings.
3. The definition of an ADUs would be moved to Section 102 of the Planning Code
4. For ADUs in buildings undergoing seismic retrofitting, it would be clarified that in cases of raising the building for a maximum of three feet: a) notification requirements of Section 311 and 312 would not apply, and b) a variance is not required if expanding a noncomplying structure.

Exhibit A shows the areas affected by the two Proposed Ordinances.

BACKGROUND

In his State of the City speech in January 2014, Mayor Lee acknowledged a housing shortage and established a seven point plan for housing, one of which focuses on building “more affordable housing, faster”. In the midst of this crisis for housing affordable to low or middle income households, a variety of housing policies are needed to achieve the City’s housing goals.

ADUs within existing residential buildings have been an idea promoted by the State and employed by many local jurisdictions¹ in California to meet affordable housing needs. Academic research and published reports have identified the benefits of ADUs for more than two decades. The California Department of Housing and Community Development identifies multiple potential benefits that ADUs can offer to communities, including: an important source of affordable housing, easing a rental housing deficit, maximizing limited land resources and

¹ Examples are Santa Cruz, Berkeley, Los Angeles, San Luis Obispo.

existing infrastructure, and assisting low and moderate-income homeowners with supplemental income².

What is an Accessory Dwelling Unit?

An ADU is a residential unit added to an existing building or lot with an existing residential use that is subordinate to the other residential units due to its smaller size, location, location of the entrance, low ceiling heights, less light exposure, and so forth. Also known as secondary units, in-law units, or granny flats, ADUs are generally developed using uninhabited spaces within a lot, whether a garage, storage, rear yard, or an attic. These units are entirely independent from the primary unit or units, with independent kitchen, bathroom, sleeping facilities, and access to the street; however, they may share laundry facilities, yards, and other traditional types of common spaces with the primary unit(s).

In 2014, Ordinance 0049-14 created a definition in the Planning Code for an ADU. This definition aligns with the concept of an ADU described above, with a specific restriction that an ADU is a unit added within the existing built envelope as it existed three years prior to application of building permit for the ADU.

San Francisco's Policy for Adding Dwelling Units in Existing Residential Buildings

Many residential properties in the city include fewer units than the zoning controls already allow (Exhibit B). Property owners of these lots can simply apply for a permit to add a unit. Since these units are added to an existing building, it is likely that they were created as an infill of an existing unused space: smaller in size, subordinate location on the lot, potential lower ceiling. Also, in late 2000s after many years of community planning, the City rezoned large areas of the City as a result of the Eastern Neighborhoods, Market Octavia, and Balboa Area Plans. These efforts removed numerical density limits that restrict the number of units per lot in these districts. Instead, the number of units is controlled through height, FAR, and open space, rear yard, and exposure requirements. In the absence of traditional density limits, property owners are now able to add units to the existing buildings as long as other Planning Code requirements are met. Many of these units seek variances from some Planning Code requirements such as open space, rear yard, and exposure. In the past five years, only about 300 units were added through one-unit additions.

The City has also allowed the addition of new units beyond density limits. In 1978, the City created a new zoning district, RH-1(S), to allow secondary units limited to 600 square feet in single-family homes; however, only about 40 parcels fall under this zoning category. More than three decades later, the City expanded on this effort. First was the legalization of illegal units: units built without the benefit of permit and may be in excess of density limits. The Asian Law Caucus carried out a report on such units in the Excelsior Neighborhood in San Francisco. This report suggested that "secondary units are home to tens of thousands of San Francisco residents", while acknowledging the uncertainty of this statement due to the hidden nature of the units as

² California Department of Housing and Community Development, Memorandum for Planning Directors and Interested Parties, August 6, 2003; http://www.hcd.ca.gov/hpd/hpd_memo_ab1866.pdf retrieved on January 29, 2014.

illegal units³. As a response to this issue, Supervisor Chu sponsored an ordinance (Ordinance 0043-14) that created a path for owners to legalize existing units built without permits beyond the density limits. Since the start of this voluntary program in May 2014, the City has received over 200 permit applications for the legalization program. Also in 2014, two other new programs related to ADUs were adopted. Ordinance 0049-14 allowed new ADUs in the Castro District over the existing density limit, followed by Ordinance 003-15 that expanded this provision to buildings undergoing voluntary or mandatory seismic retrofitting (Exhibit B). These Ordinances signify a turning point in the City's housing policy towards ADUs, a major change from previously requiring removal of illegal units to allowing additional units beyond the established density.

ISSUES AND CONCERNS

ADUs: An Infill Housing Strategy

Allowing ADUs within existing residential buildings is a pragmatic infill strategy to create more housing. This strategy is crucial for San Francisco's housing market in multiple aspects. First, adding apartments to existing, older housing stock complements the current housing development trends in San Francisco, which primarily occurs on lots that are significantly underdeveloped or vacant. ADUs would allow more efficient use of land within our existing housing stock as the majority of the city's residential properties are already developed and are unlikely to be redeveloped in near or long-term future. Second, this existing housing stock provides limited available rental housing to the market as many of these buildings are also under rent control where the turnover rate of units for rental is generally low. Exhibit C shows the concentration of rental listings in the past year⁴ indicating low volumes of units available on the market for rent in most of the city except for areas in, SoMa, lower Nob Hill, or parts of the Mission. New ADUs would provide more rental units on the market in these areas with low availability. Lastly, this infill strategy would create more apartments in the areas of the city that are already built-out without changing the neighborhood character, increasing building heights or altering the built form. Such small-scale residential infill could create additional homes for existing and future San Franciscans spread throughout the city.

The proposed Ordinances would allow ADUs throughout Districts 3 and 8; a right step to the right direction of small scale infill housing. Expanding the geographies where ADUs are allowed can potentially provide thousands of units in areas of the city that currently have very low available rental housing on the market.

ADUs: Middle Income Housing

Despite the boom in development with about 7,000 units currently under construction, the city's rental market remains the most expensive in the nation. Trulia, an online real estate service,

³ Asian Law Caucus, Our Hidden Communities: Secondary unit households in the Excelsior Neighborhood of San Francisco, March 22, 2013.

⁴ Data scraping from Padmapper from January to June 2015

publishes a trend report that puts San Francisco rents as the highest in the nation, easily out pricing New York⁵. Trulia also published a map of median asking rents in recent listings by neighborhoods, which ranges up to about \$3,750 per bedroom⁶. The median rent price for a 1 bedroom apartment in San Francisco has been reported as high as \$3,500 by Zumper.⁷ Within District 8 the median price for a 1 bedroom ranges from \$2,810 in Glen Park to \$3,650 in the Castro. In District 3, the median rent for a one bedroom ranges from \$3,040 in North Beach to \$3,995 in financial district. However, the rental listings on this website primarily rely on units in new development projects which are different than what an ADU would look like.

ADUs are usually located on the street level, potentially behind the garage, or a side entrance, possibly low ceiling heights or less light exposure. Looking at Craigslist rental listings for comparable units to an ADU indicates a lower average of \$2,600 for such units in District 3 and \$2,700 in District 8.⁸ Staff estimates that a one bedroom ADU created as a result of the two proposed Ordinances would rent between \$2,600 to \$2900 rent for a new one-bedroom apartment. Assuming that rent is affordable to a household if they are spending less than 30% of their gross income, such apartment would be affordable to a two-person household with a combined income of between \$104K to \$116K equivalent to 130% to 145% of AMI^{9,10}. For San Francisco, this income level represents middle-income households who are today, more than ever, feeling the pressure to leave the city for lower-rental markets in the Bay Area; therefore ADUs can serve this section of the population who are currently poorly served by the new development.

Density Limits Waivers

Similar to previous Ordinances allowing ADUs, the proposed Ordinances allow waivers from density limits. Ordinance 0049-14, allowing ADUs in the Castro, provided waivers from density for one ADU in buildings of 10 units or less and for two ADUs in buildings of more than 10 units. The proposed Ordinance for District 8 expands the same proposal to all parcels within District 8. The proposed Ordinance for District 3, however, allows waivers from density for one ADU in buildings of four units or less, and a complete waiver from density in buildings of five units or more. This proposal aligns with the ADU controls in buildings undergoing seismic retrofitting

⁵ Kolko, Jed; Chief Economist; Trulia trends, January 8th, 2015 Retrieved from <http://www.trulia.com/trends/category/price-rent-monitors/> on January 8, 2015.

⁶ Trulia, San Francisco Real Estate Overview, Retrieved at http://www.trulia.com/real_estate/San_Francisco-California/ on January 27, 2015

⁷ Zumper National Rent Report: June 2015, Retrieved from <https://www.zumper.com/blog/2015/06/zumper-national-rent-report-june-2015/> July 1st, 2015.

⁸ These averages are based on a limited pool of listing pulled at one time from Craigslist.

⁹ Area Median Income (AMI) is the dollar amount where half the population earns less and half earns more.

¹⁰ San Francisco Mayor's Office of Housing, *Maximum Rent by Unit Type: 2015*, <http://www.sf-moh.org/modules/showdocument.aspx?documentid=8829>

where a complete waiver from density limits is allowed. The seismic retrofit program applies only to buildings of five units or more.

The Planning Code imposes density limits in many areas of the city through either an absolute maximum number of units per parcel (RH 1, RH-2, and RH-3) or limits based on the size of the lot (RM-1-, RM-2, RM-3, etc). Waivers from density in these areas cannot currently be obtained through any mechanism. However, removing density limits has been a strategy implemented in San Francisco. In certain areas of city (most of the mixed use districts in the Mission, SoMA, Potrero Hill, etc), the Planning Code does not maintain density limits through such variables. Instead the number of units per lot is controlled by height, bulk, rear yard, open space, and bedroom count requirements.

Ordinance 003-15, allowing ADUs in buildings undergoing seismic retrofitting, struck a balance in the City's policy towards density, in that under certain conditions the density limits on a lot is removed. Those conditions include: 1) if new units are added within the existing built envelope without taking space from existing units, and 2) if the buildings is mid to large scale (5 or more units).

Feasibility of ADUs

Adding an ADU within an existing building requires existing uninhabited space, typically on the ground floor, usually a garage or storage space. Such space is not always available in San Francisco buildings, especially the older buildings without any garage. Other owners may not favor removing garage spaces to add an apartment. Other factors can also prohibit owners from deciding to add a unit: lengthy and complex permitting process, lack of familiarity with the construction process, costs of construction, lack of interest for managing a rental apartment, and so forth.

Based on these challenges, unit additions are not very common in San Francisco, despite the already existing vast potential for adding units within existing buildings throughout the city. Over 37,000 parcels¹¹ can add at least on unit within the allowable density in residential buildings in San Francisco (Exhibit D). However, the Department receives unit additions permits for only a very small fraction of that each year. Since 2014 when the two ADU programs were established, only three applications have been received: two ADUs in the Castro and one in a seismic retrofit program.

To encourage more ADUs, the Department has recently published an ADU handbook developed by a consultant. It is the Department's hope that this handbook will help guide and encourage homeowners that may have the ability to add an ADU to their building, but have been discouraged in the past to do so. This handbook includes six prototypes of adding a unit to an existing building and summarizes the City regulations that govern such permits. The Department will publish this handbook in the coming weeks. This handbook also includes costs analysis for adding a unit to a building. It found that on average an ADU could cost from \$150,000 to

¹¹ This number includes that are density controlled lots that are underbuilt by at least one unit to a maximum of five units, as well as residential lots without density controls throughout the city; it does not include the ADUs allowed beyond the density limits per the new Ordinances since 2014.

\$200,000. While this cost could make adding a unit financially infeasible to many, it indicates that with some investment a property owner could add a unit to their building that would pay for itself within about five years.

Given many factors contributing to the feasibility of an ADU, it is uncertain how many ADUs could potentially result from the two proposed Ordinances. Despite this, staff used a methodology to approximate such a number in Exhibit E. ADUs resulting from these two Ordinances or any unit additions throughout the city would be added incrementally and spread out in different residential blocks.

Application of Rent Control Regulations

San Francisco Residential Rent Stabilization and Arbitration Ordinance¹² (Rent Control Law) regulates the existing housing stock in San Francisco, establishing rent increase constraints for rental units in residential buildings built prior to 1979. The Rent Control Law also protects the tenants residing in these units against no-fault evictions, restricting evictions of these tenants to only fourteen specified just causes. Similar to the previous ADU Ordinances, the two proposed Ordinances require that any new ADU constructed in a building with units currently subject to rent control would also be subject to rent control. Given that most of the buildings in these districts eligible for adding ADUs were all built before 1979 it is safe to assume that the overwhelming majority¹³ of these buildings are subject to the Rent Control law.

This change would create the opportunity to increase the approximately 170,000 units currently protected under Rent Control¹⁴. It would apply the annual rent increase limits to these units at a regulated reasonable rate—helping to ensure tenants won't become priced out of their unit during an economic upturn. The rent stabilization strategy of the City's rent control law limits the amount that the rent can be increased in rent-controlled units, stabilizing rental prices for the tenants of such units, especially during economic booms like the one we are currently in.

The Planning Code already outlines the procedure through which an ADU would legally be subject to the Rent Control law. This procedure includes an agreement between the City and the property owner that would waive the unit from the Costa Hawkins Act, a State law that prohibits municipal rent control ordinances for buildings built after 1995. Under the Costa Hawkins Act, for buildings built after 1995, the property owner may establish the initial and all subsequent rental rates. This agreement represents a condition for permitting an ADU, which is also being used when on-site inclusionary rental units are provided within a project.

Quality of Life Regulations

The Building, Fire, Housing, and Planning Codes all regulate quality of life standards in housing units in order to ensure habitability of residential units. While earthquake and fire safety

¹² Chapter 37 of the Administrative Code

¹³ Condominiums and tenancy in Common buildings are ownership units and not subject to the Rent Control Ordinance.

¹⁴ San Francisco Rent Board. <http://www.sfrb.org/index.aspx?page=940> Retrieved on 2/1/14.

measures along with access to light and air standards represent the minimum life and safety standards, Planning Code requirements regarding open space, exposure, and parking define the quality of life beyond minimum habitation standards. Historically, applications for adding a unit in areas that are already allowed sought variance from some of the Planning Code requirements such as open space, rear yard, exposure, and parking. The two recent Ordinances that allowed ADUs in the Castro or buildings undergoing seismic retrofitting provided a streamlined waiver process from these requirements under the condition that the unit is within the existing built envelope. Similarly, the proposed Ordinances allow the Zoning Administrator (ZA) to waive open space, rear yard, and parking requirements for these ADUs in District 3 or 8. Other City policies such as street trees and provision of bicycle parking remain applicable to these units. Below is a summary discussion of how such provision would facilitate ADUs without compromising the quality of life for ADUs.

Rear Yard- The existing rear yard in a building where an ADU is added would remain unchanged. In cases where the existing buildings are already non-conforming to the rear yard requirements, this Ordinance would allow the new units to also be exempt from complying with the rear yard requirements as well. These buildings were built prior to establishment of rear yard requirements and any added unit would offer similar quality of life levels as the existing units in the building.

Exposure- Exposure requirements contribute significantly to quality of life as they regulate light and air into residential space. While the Building Code regulates the size of windows, the Planning Code regulates the size and quality of the open area to which the windows face. In existing buildings built prior to the Planning Code exposure requirements, it is usually infeasible to provide a code compliant open area for exposure purposes. Allowing flexibility in the size of the open area would not harm livability of ADUs and may be critical to ensuring these units are built. The two most recent ADU ordinances allowed such open area to be 15' by 15'.

Parking- The provision to waive parking requirements would facilitate ADUs in two ways: First, it would allow removing an existing required parking space to provide space for an ADU. Second, if two or more ADUs are proposed on a lot, the parking requirement can also be waived. It is important to note that currently, the Planning Code does not require parking space if only one unit is being added to an existing building.

In a typical new construction project, an average cost of a podium parking spot has been reported nearly \$30,000 per space¹⁵. In the case of new ADUs, while this cost can be lower due to the existing structure, maintaining a parking requirement for these units would still likely render new ADUs as infeasible. Given the goal of streamlining and facilitating earthquake resilience in this Ordinance, parking waivers are appropriate and necessary. San Francisco has advanced a transit first policy that aligns with providing housing without off-street parking.

¹⁵ Seifel Consulting Inc, Inclusionary Housing Financial Analysis, December 2012, Report prepared for San Francisco Mayor's Office of Housing, page 15.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection, or adoption with modifications to the Board of Supervisors.

RECOMMENDATION

The Department recommends that the Commission recommend *approval with modifications* of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The proposed modifications are as follows:

1. Create consistency in number of ADUs allowed per lot across different geographies.
2. Expand the eligible geography within District 8 to include the buffer areas around the associated Supervisor's residences.

BASIS FOR RECOMMENDATION

The Department supports the recommendations of these two Ordinances. San Francisco and the Bay Area region is in dire need for more housing given the significant increase in number of jobs in the region. ADUs represent one housing strategy among many that the City is promoting to facilitate a variety of housing options. Allowing ADUs represent a small-scale infill housing strategy that complements current development. This strategy would create potential to add new homes to properties that otherwise would not have any development potential, efficiently using unoccupied space in existing buildings as a resource to provide more housing.

ADUs are usually located on the ground floor in space that was previously used for parking or storage, and as a result typically have lower ceilings heights. These units will also likely have less light exposure due to smaller windows or windows facing smaller open areas, and side entrances due to location of the unit on the lot. Such subordinate characteristics of ADUs result in lower rents compared to the rental rates of a unit in a newly developed building. Further, the lower rents would accommodate populations that are not adequately being served by the market: younger households, small families, senior and elderly individuals and so forth. Estimated rents for ADUs in District 3 or 8 would provide more rental housing affordable to these households earning 130% to 145% AMI.

The following is the basis for the Department's recommended modifications:

1. **Create consistency in number of ADUs allowed per lot across different geographies-**
Staff recommends that the controls for ADUs in District 8 be modified to align with District 3 controls: For buildings with 4 units or less only one ADU per lot would be allowed, and for buildings with more than four units, density controls would not apply. As proposed, the controls for ADUs in District 8 differ from ADUs in District 3 in terms of number of ADUs allowed per lot. The same difference exists in the existing regulations for ADUs in buildings undergoing seismic retrofitting compared to ADUs in the Castro. Staff finds that the density controls for ADUs in seismic retrofit buildings are further aligned with the City's overall policy towards density controls. In many areas of the City, a combination of form and unit type related requirements (height, bulk, rear yard, open space, and bedroom count requirements) control the number of units allowed per lot as opposed to a certain square footage per unit. Similarly, the ADU controls in buildings

undergoing seismic retrofitting establish form and unit size related requirements in mid to large size buildings (five or more units): that the ADU should stay within the existing built envelope, and it should not take space from existing units. The proposed Ordinance in District 3 already reflects this strategy for buildings with 5 or more units. For smaller buildings (4 or less units) however, recognizing the smaller scale and character of these buildings and the neighborhoods, it would only allow one ADU. Staff supports these controls and recommends that District 8 ADU control also be modified to adopt the more balanced density control strategies.

2. **Expand the eligible geography within District 8 to incorporate the buffer areas around the associated Supervisor's residences currently excluded from the program.** The proposed Ordinance in District 8 excludes properties within a 500' buffer around the residence of Supervisor Wiener sponsoring the legislation. These areas were excluded due to the California Political Reform Act that precludes the ability of officials to participate in decisions that affect their financial interests. Staff finds that applying the ADU controls to the entirety of the district would serve the broader public interest. Expanding the ADU controls to include this area would enable application of the proposed provisions fairly and consistently throughout the District.

ENVIRONMENTAL REVIEW

The proposed ordinance is covered as an Addendum to the 2004 and 2009 Housing Element Final Environmental Impact Report under Case No. 2015-005350ENV, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any comments about this Ordinance.

RECOMMENDATION:	Recommendation of Approval with Modification
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Attachments:

- Exhibit A: Affected Properties in the two Proposed Ordinances
- Exhibit B: Areas where ADUs are already allowed
- Exhibit C: Concentration of Rental Listings in 2015
- Exhibit D: Potential number of new ADUs
- Exhibit E: Draft Planning Commission Resolution for BF No. 15-0365
- Exhibit F: Draft Planning Commission Resolution for BF No. 15-0585
- Exhibit G: Draft Ordinance [Board of Supervisors File No. 15-0365]
- Exhibit H: Draft Ordinance [Board of Supervisors File No. 15-0585]

Exhibit A

Residential Buildings in District 8 (excluding RH-1(D))

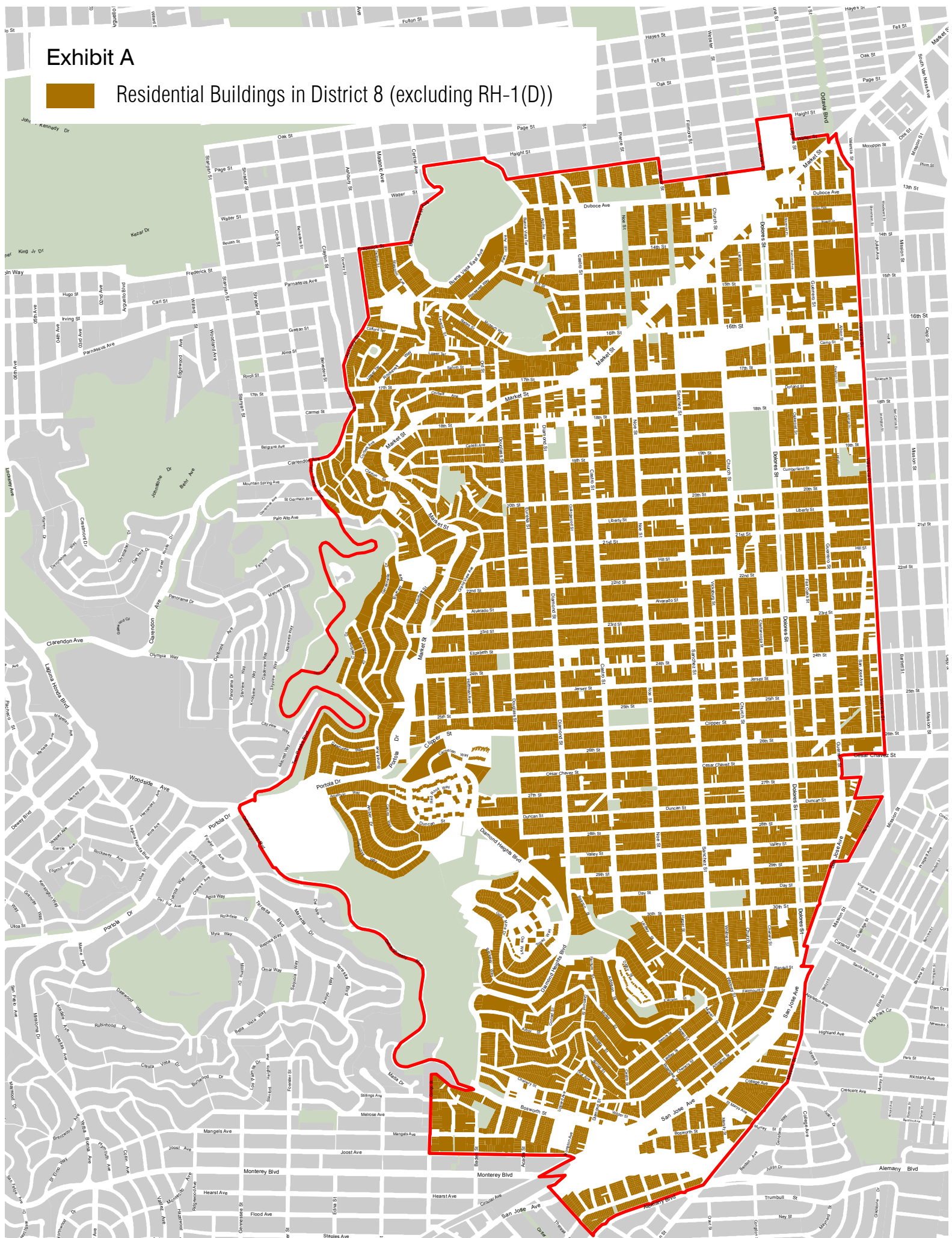


Exhibit A



Residential Buildings in District 3

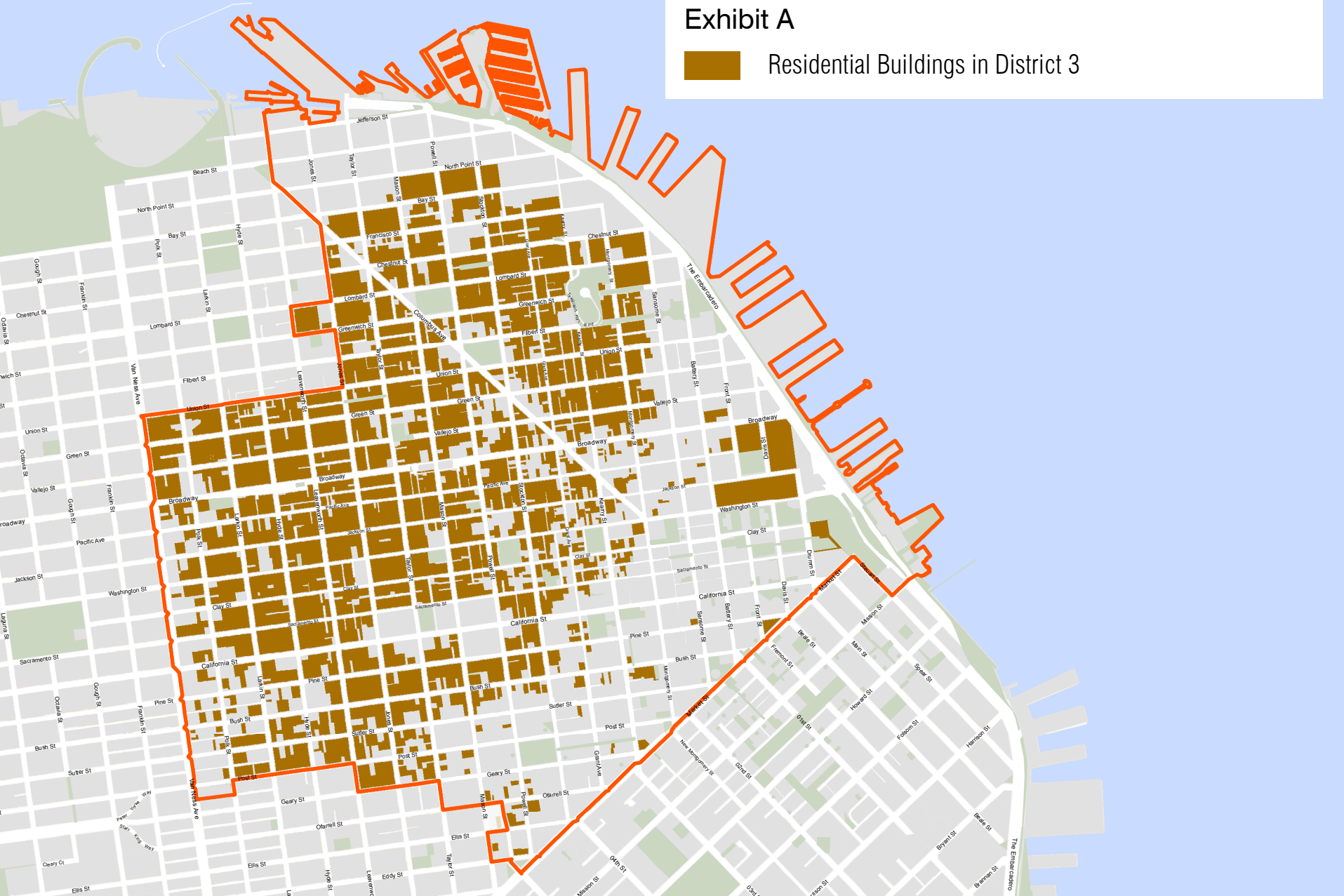


Exhibit B

ELIGIBLE PARCELS FOR ADDING AT LEAST ONE UNIT

- Supervisor District
- ADU Program in Mandatory Seismic Retrofit Building
- ADU Program in the Castro Area
- Residential Parcel with no density limits
- Parcel that can add a unit under existing zoning
- Open Space

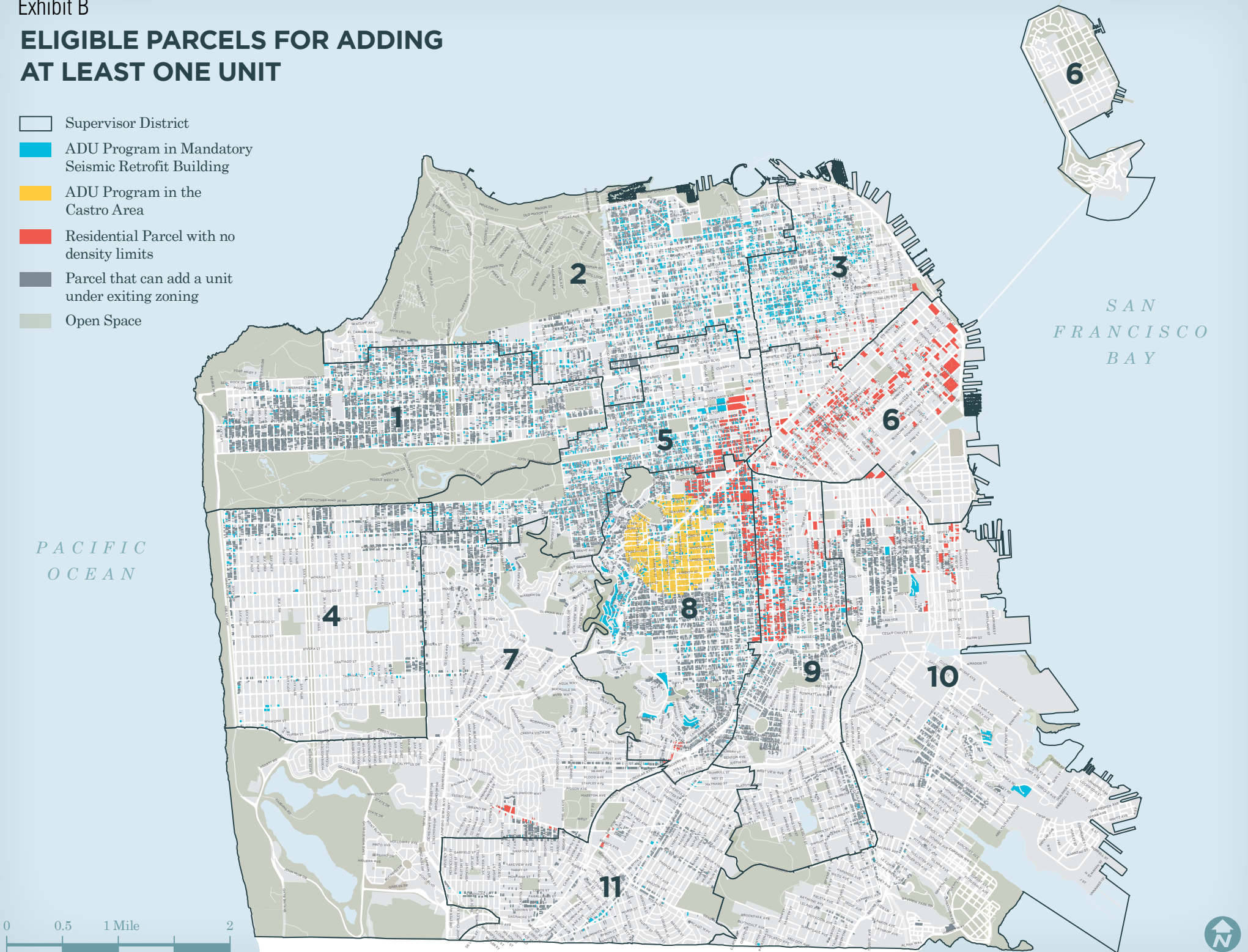


Exhibit C: Concentration of Rental Listings from January to June 2015 (Source: Padmapper)

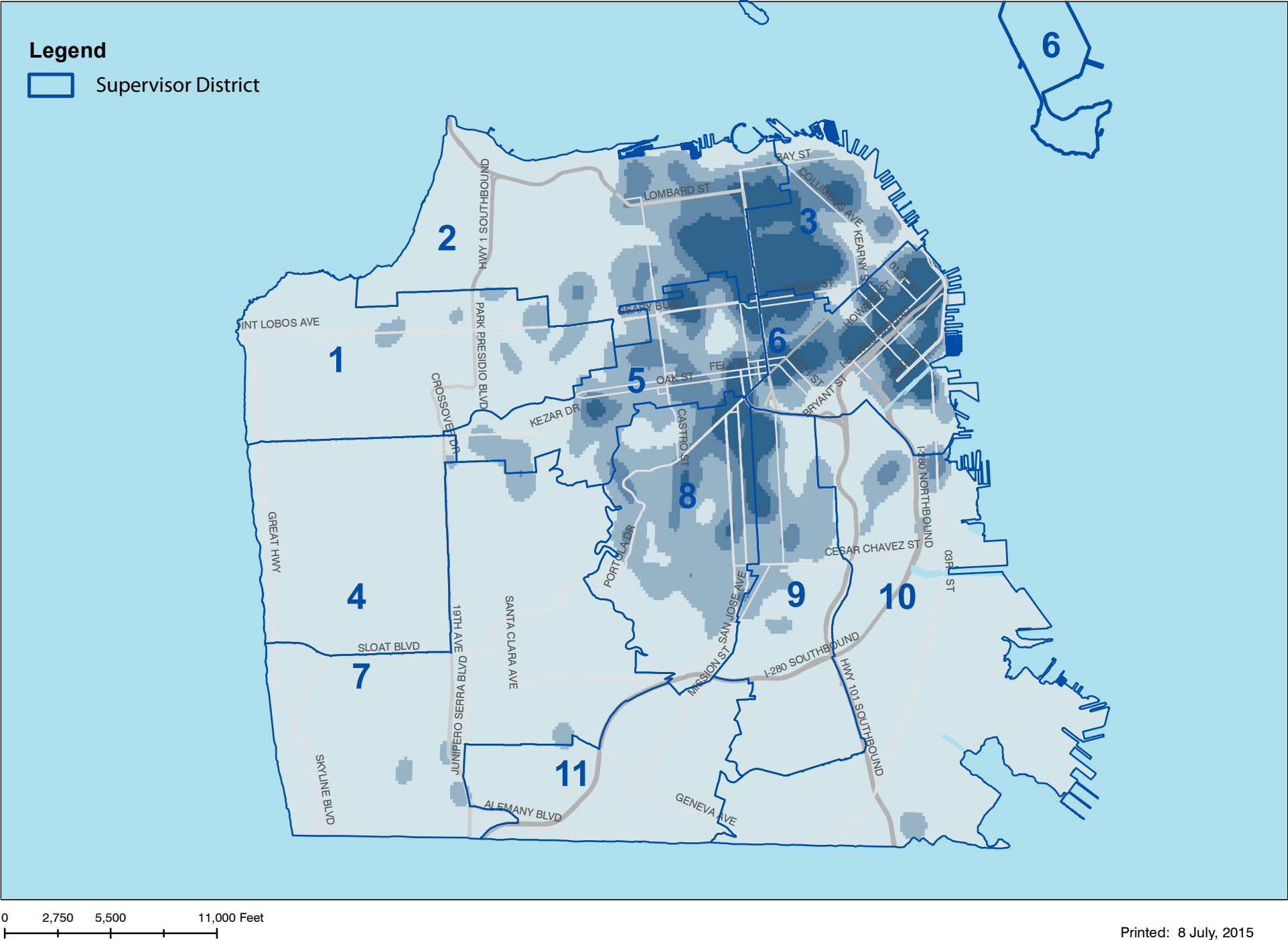


Exhibit D- Potential number of new ADUS

Total Number of Parcels in <u>District 3</u>	5,780
Number of non-residential parcels	-1,350
Number of parcels that may create ADUs under other ordinances ¹	-570
Number of parcels with condominiums ²	-390
Estimate number of remaining parcels with no garages ³	-1,300
Estimate Number of Potential ADU Parcels in District 3	2,170
Approximate number of remaining 4 or less units buildings	1,224
Approximate number of remaining five or more unit buildings ⁴	946
Theoretical Maximum Potential of ADUs in District 3 (1,224 + 946*2)	3,116
Estimate Number of Potential New ADUs in District 3 (3,116 x 0.25 = 779)	779

¹ ADUs allowed in buildings undergoing seismic retrofitting

² Due to the ownership structure for condominiums in a building, staff anticipates that such buildings would not add ADUs.

³ Based on field survey in the Castro Area in 2014

⁴ Based on past trends it is anticipated that buildings of five or more units would on average add a maximum of two ADUs.

Total Number of Parcels in <u>District 8</u>	16,700
Number of non-residential parcels	-540
Number of parcels that may create ADUs under other ordinances ⁵	-3,800
Number of parcels with condominiums	-1,560
Estimate number of remaining parcels with no garages	-3,870
Estimate Number of Potential ADU Parcels in District 8	6,930
Approximate number of remaining 10 or less unit buildings	6,750
Approximate number of remaining 11 or more unit buildings ⁶	180
Theoretical Maximum Potential of ADUs in District 8 (6,750 + 180*2)	7,110
Estimate Number of Potential New ADUs in District 8 (7,110 x 0.25 = 1,775)	1,778

⁵ ADUs allowed in buildings undergoing seismic retrofitting, or the Castro area.

⁶ Based on past trends it is anticipated that buildings of five or more units would on average add a maximum of two ADUs.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution Planning & Administrative Code Text Change

HEARING DATE: JULY 16, 2015

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Project Name: Construction of Accessory Dwelling Units in
Supervisory District Eight
Case Number: 2015-005464PCA [Board File No. 15-0365]
Initiated by: Supervisor Weiner Introduced June 2, 2015
Staff Contact: Kimia Haddadan, Legislative Affairs
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Reviewed by: Aaron Starr, Manager Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: Recommend Approval with Modification

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE AMENDING THE PLANNING CODE TO ALLOW THE CONSTRUCTION OF ACCESSORY DWELLING UNITS (ALSO KNOWN AS SECONDARY OR IN-LAW UNITS) WITHIN THE BOUNDARIES OF BOARD OF SUPERVISORS DISTRICT 8; AMENDING THE ADMINISTRATIVE CODE TO CORRECT SECTION REFERENCES; 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 DIRECTING THE CLERK OF THE BOARD OF SUPERVISORS TO SEND A COPY OF THIS ORDINANCE TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AFTER ADOPTION.

WHEREAS, on Jun 2, 2015, Supervisor Wiener introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 150365, which would amend the Planning Code to allow accessory dwelling units in residential buildings within the boundaries of District 8; and,

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 16, 2015; and,

WHEREAS, the proposed Ordinance is covered as an Addendum to the 2004 and 2009 Housing Element Final Environmental Impact Report under Case No. 2015-005350ENV, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164.

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

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

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

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with modifications** the proposed ordinance. Specifically, the Commission recommends the following modifications:

1. Create consistency in number of ADUs allowed per lot across different geographies so that the controls for ADUs in District 8 be modified to align with District 3 controls: For buildings with 4 units or less only one ADU per lot would be allowed, and for buildings with more than four units, density controls would not apply.
2. Expand the eligible geography within District 8 to include the buffer areas around the associated Supervisor's residences.

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. Allowing ADUs within existing residential buildings is a pragmatic infill strategy to create more housing. This strategy is crucial for San Francisco's housing market in multiple aspects. First, adding apartments to existing, older housing stock complements the current housing development trends in San Francisco, which primarily occurs on lots that are significantly underdeveloped or vacant. Second, this existing housing stock provides limited available rental housing to the market as many of these buildings are also under rent control where the turnover rate of units for rental is generally low. Lastly, this infill strategy would create more apartments in the areas of the city that are already built-out without changing the neighborhood character, increasing building heights or altering the built form. Such small-scale residential infill could create additional homes for existing and future San Franciscans spread throughout the city.
2. ADUs are usually located on the ground floor in space that was previously used for parking or storage, and as a result typically have lower ceilings heights. These units will also likely have less light exposure due to smaller windows or windows facing smaller open areas, and side entrances due to location of the unit on the lot. Such subordinate characteristics of ADUs result in lower rents compared to the rental rates of a unit in a newly developed building. Further, the lower rents would accommodate populations that are not adequately being served by the market: younger households, small families, senior and elderly individuals and so forth. Estimated rents for ADUs in District 3 or 8 would provide more rental housing affordable to these households earning 130% to 145% AMI.

3. The proposed Ordinances would allow ADUs throughout Districts 8; a right step to the right direction of small scale infill housing. Expanding the geographies where ADUs are allowed can potentially provide thousands of units in areas of the city that currently have very low available rental housing on the market.
4. Staff finds that the density controls for ADUs in seismic retrofit buildings are further aligned with the City's overall policy towards density controls. In many areas of the City, a combination of form and unit type related requirements (height, bulk, rear yard, open space, and bedroom count requirements) control the number of units allowed per lot as opposed to a certain square footage per unit. Similarly, the ADU controls in buildings undergoing seismic retrofitting establish form and unit size related requirements in mid to large size buildings (five or more units): that the ADU should stay within the existing built envelope, and it should not take space from existing units. The proposed Ordinance in District 3 already reflects this strategy for buildings with 5 or more units. For smaller buildings (4 or less units) however, recognizing the smaller scale and character of these buildings and the neighborhoods, it would only allow one ADU. Staff supports these controls and recommends that District 8 ADU control also be modified to adopt the more balanced density control strategies.
5. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the Objectives and Policies of the General Plan:

OBJECTIVE 1

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

POLICY 1.5

Consider secondary units in community plans where there is neighborhood support and when other neighborhood goals can be achieved, especially if that housing is made permanently affordable to lower-income households.

The proposed Ordinance would allow Accessory Dwelling units within the boundaries of District 8. San Francisco is in deer need for more housing due to high demand pressures. Allowing ADUs within the existing residential buildings is an infill housing strategy and would provide one housing option among many options needed for San Francisco. This change in land use controls is not part of a community planning effort led by the Planning Department. However, the Commission listened to the public comment and considered the outreach completed by the Board Member and finds that there is sufficient community support and potential to achieve goals in the public interest of the neighborhood, to warrant the undertaking of this change in this these areas;

OBJECTIVE 7

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

POLICY 7.7

Support housing for middle income households, especially through programs that do not require a direct public subsidy.

ADUs are subordinate to the original unit due to their size, location of the entrance, lower ceiling heights, etc. ADUs are anticipated to provide a lower rent compared to the residential units developed in newly constructed buildings and therefore the proposed Ordinance would support housing for middle income households.

1. **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 impact on neighborhood serving retail uses and will not impact 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. The new units would be built within the existing building envelope and therefore would impose minimal impact on the existing housing and 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 and aims to create units affordable to middle income households. The ordinance would, if adopted, increase the number of rent-controlled units in San Francisco.

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 impact 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 a negative impact on the City's Landmarks and historic buildings as the new units would be added under the guidance of local law and policy protecting historic resources, when appropriate. Further, the additional income that may be gained by the property owner may enable the property owner to pursue a higher standard of maintenance for the building.

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 impact on the City's parks and open space and their access to sunlight and vistas.

- 8. 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 recommends that the Board ADOPT the proposed Ordinance with modifications as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 16, 2015.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution Planning & Administrative Code Text Change

HEARING DATE: JULY 16, 2015

1650 Mission St.
Suite 400
San Francisco,
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Planning
Information:
415.558.6377

Project Name: **Construction of Accessory Dwelling Units in
Supervisory District Three**

Case Number: 2015-007459PCA [Board File No. 15-0585]

Initiated by: Supervisor Christenson / Introduced June 2, 2015

Staff Contact: Kimia Haddadan, Legislative Affairs
Kimia.haddadan@sfgov.org, 415-575-9068

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

Recommendation: **Recommend Approval with Modification**

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE AMENDING THE PLANNING CODE TO ALLOW THE CONSTRUCTION OF ACCESSORY DWELLING UNITS (ALSO KNOWN AS SECONDARY OR IN-LAW UNITS) WITHIN THE BOUNDARIES OF BOARD OF SUPERVISORS DISTRICT 3; AMENDING THE ADMINISTRATIVE CODE TO CORRECT SECTION REFERENCES; 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 DIRECTING THE CLERK OF THE BOARD OF SUPERVISORS TO SEND A COPY OF THIS ORDINANCE TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT AFTER ADOPTION.

WHEREAS, on Jun 2, 2015, Supervisor Christensen introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 150585, which would amend the Planning Code to allow accessory dwelling units in residential buildings within the boundaries of District 3; and,

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on July 16, 2015; and,

WHEREAS, the proposed Ordinance is covered as an Addendum to the 2004 and 2009 Housing Element Final Environmental Impact Report under Case No. 2015-005350ENV, pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15164.

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

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

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

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve** the proposed ordinance.

FINDINGS

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

1. Allowing ADUs within existing residential buildings is a pragmatic infill strategy to create more housing. This strategy is crucial for San Francisco's housing market in multiple aspects. First, adding apartments to existing, older housing stock complements the current housing development trends in San Francisco, which primarily occurs on lots that are significantly underdeveloped or vacant. Second, this existing housing stock provides limited available rental housing to the market as many of these buildings are also under rent control where the turnover rate of units for rental is generally low. Lastly, this infill strategy would create more apartments in the areas of the city that are already built-out without changing the neighborhood character, increasing building heights or altering the built form. Such small-scale residential infill could create additional homes for existing and future San Franciscans spread throughout the city.
2. ADUs are usually located on the ground floor in space that was previously used for parking or storage, and as a result typically have lower ceiling heights. These units will also likely have less light exposure due to smaller windows or windows facing smaller open areas, and side entrances due to location of the unit on the lot. Such subordinate characteristics of ADUs result in lower rents compared to the rental rates of a unit in a newly developed building. Further, the lower rents would accommodate populations that are not adequately being served by the market: younger households, small families, senior and elderly individuals and so forth. Estimated rents for ADUs in District 3 or 8 would provide more rental housing affordable to these households earning 130% to 145% AMI.
3. The proposed Ordinance would allow ADUs throughout Districts 3; a right step to the right direction of small scale infill housing. Expanding the geographies where ADUs are allowed can potentially provide thousands of units in areas of the city that currently have very low available rental housing on the market.
4. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the Objectives and Policies of the General Plan:

OBJECTIVE 1

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

POLICY 1.5

Consider secondary units in community plans where there is neighborhood support and when other neighborhood goals can be achieved, especially if that housing is made permanently affordable to lower-income households.

The proposed Ordinance would allow Accessory Dwelling units within the boundaries of District 3. San Francisco is in deer need for more housing due to high demand pressures. Allowing ADUs within the existing residential buildings is an infill housing strategy and would provide one housing option among many options needed for San Francisco. This change in land use controls is not part of a community planning effort led by the Planning Department. However, the Commission listened to the public comment and considered the outreach completed by the Board Member and finds that there is sufficient community support and potential to achieve goals in the public interest of the neighborhood, to warrant the undertaking of this change in this these areas;

OBJECTIVE 7

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

POLICY 7.7

Support housing for middle income households, especially through programs that do not require a direct public subsidy.

ADUs are subordinate to the original unit due to their size, location of the entrance, lower ceiling heights, etc. ADUs are anticipated to provide a lower rent compared to the residential units developed in newly constructed buildings and therefore the proposed Ordinance would support housing for middle income households.

1. **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 impact on neighborhood serving retail uses and will not impact 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. The new units would be built within the existing building envelope and therefore would impose minimal impact on the existing housing and 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 and aims to create units affordable to middle income households. The ordinance would, if adopted, increase the number of rent-controlled units in San Francisco.

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 impact 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 a negative impact on the City's Landmarks and historic buildings as the new units would be added under the guidance of local law and policy protecting historic resources, when appropriate. Further, the additional income that may be gained by the property owner may enable the property owner to pursue a higher standard of maintenance for the building.

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 impact on the City's parks and open space and their access to sunlight and vistas.

- 8. 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 recommends that the Board ADOPT the proposed Ordinance with modifications as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on July 16, 2015.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED:

[Planning, Administrative Codes - Construction of Accessory Dwelling Units]

Ordinance amending the Planning Code to allow the construction of Accessory Dwelling Units (also known as Secondary or In-Law Units) within the boundaries of Board of Supervisors District 8; amending the Administrative Code to correct section references; 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 directing the Clerk of the Board of Supervisors to send a copy of this ordinance to the California Department of Housing and Community Development after adoption.

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

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

Section 1. General and Environmental Findings.

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

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

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

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

8
9 Section 2. Specific Findings.

10 (a) San Francisco has long had a housing shortage. The housing market continues to
11 be tight and housing costs are beyond the reach of many households.

12 (b) Policy 1.5 of the City's 2014 Housing Element, which is a required element of the
13 City's General Plan, states that adding new units in existing residential buildings represents a
14 simple and cost-effective method of expanding the City's housing supply.

15 (c) In Section 65852.150 of the California Government Code, the State Legislature
16 finds and declares that adding an additional unit to existing single-family homes is a valuable
17 form of housing in California. Permitting the creation of accessory dwelling units in existing
18 residential buildings in established, already dense, and transit-rich neighborhoods will provide
19 additional housing without changing the built character of these areas. It also will "green" San
20 Francisco by efficiently using existing buildings and allowing more residents to live within
21 walking distance of transit, shopping, and services.

22 (d) Nothing in this ordinance is intended to change the personal obligations of property
23 owners under existing private agreements.

Section 3. The Planning Code is hereby amended by revising Sections 102, 207 and 307, to read as follows:

SEC. 102. DEFINITIONS.

* * * *

Dwelling Unit, Accessory. Also known as a Secondary Unit or In-Law Unit, is a Dwelling Unit added to an existing residential property and constructed with a complete or partial waiver from the Zoning Administrator of the density limits and/or the parking, rear yard, exposure, or open space standards of this Code pursuant to the provisions of Sections 207(c)(4) and 307(i).

SEC. 207. DWELLING UNIT DENSITY LIMITS.

* * * *

(c) Exceptions to Dwelling Unit Density Limits.

(1) Affordable Units in Projects with 20 percent or more Affordable Units.

For projects that are not located in any RH-1 or RH-2 zoning district, or are not seeking and receiving a density bonus under the provisions of California Government Code Section 65915, where 20 percent or more of the Dwelling Units on-site are “Affordable Units,” the on-site Affordable Units shall not count towards the calculation of dwelling unit density. This Planning Code Section does not provide exceptions to any other Planning Code requirements such as height or bulk. For purposes of this Section 207, “Affordable Units” shall be defined as meeting ~~(H)~~ (A) the criteria of Section 406(b); ~~(2)~~ (B) the requirements of Section 415 et seq. for on-site units; or ~~(3)~~ (C) restricted units in a project using California Debt Limit Allocation Committee (CDLAC) tax-exempt bond financing and 4 percent tax credits under the Tax Credit Allocation Committee (TCAC). If a project sponsor proposes to provide “Affordable Units” that are not restricted by any other program, in order to receive the benefit of the additional density permitted under this Subsection (c)(1) or Subsection (c)(2), the project sponsor shall elect and the Planning Department and MOHCD shall be authorized to enforce,

1 restricting the units as affordable under Planning Code Section 415.6 up to a maximum of 20
2 percent of the units in the principal project. The project sponsor shall make such election
3 through the procedures described in Section 415.5(g) including submitting an Affidavit of
4 Compliance indicating the project sponsor's election to pursue the benefits of Subsection
5 (c)(1) or (c)(2) and committing to 20% percent on-site units restricted under Section 415.6 prior
6 to approval by the Planning Commission or Planning Department staff. If a project sponsor
7 obtains the exemption from the density calculation for Affordable Units provided in this
8 subsection, the exemption shall be recorded against the property. Any later request to
9 decrease the number of Affordable Units shall require the project to go back to the Planning
10 Commission or Planning Department, whichever entity approved the project as a whole.

11 * * * *

12 (4) Accessory Dwelling Units.

13 (A) **Definition.** An "Accessory Dwelling Unit," ~~also known as a Secondary~~
14 ~~Unit or In-Law Unit,~~ is defined in Section 102 for purposes of this Subsection 207(c)(4) as an
15 ~~additional Dwelling Unit that:~~

16 ~~(i) is constructed entirely within the existing built envelope of an existing~~
17 ~~building zoned for Residential use or within the envelope of an existing and authorized auxiliary~~
18 ~~structure on the same lot; and~~

19 ~~(ii) will be constructed with a complete or partial waiver from the Zoning~~
20 ~~Administrator of the density limits and/or the parking, rear yard, exposure, or open space standards of~~
21 ~~this Code pursuant to the provisions of this Section 207(c)(4) and Section 307(1) of this Code.~~

22 ~~As used in this Section 207, the term Accessory Dwelling Unit is separate and distinct from the~~
23 ~~term "dwelling units accessory to other uses" in Section 204.4.~~

24 (B) **Applicability.** The exceptions permitted by this Subsection 207(c)(4)
25 shall apply only to:

1 (i) lots within the boundaries of Board of Supervisors District 8 extant
2 on July 1, 2015 ~~Castro Street Neighborhood Commercial District (NCD) or within 1,750 feet of the~~
3 ~~Castro Street NCD boundaries~~, excluding any lot within 500 feet of Block 2623 Lots 116 through
4 154;

5 (ii) lots ~~located in~~ with a building undergoing mandatory seismic
6 retrofitting in compliance with Section 34B of the Building Code or voluntary seismic
7 retrofitting in compliance with the Department of Building Inspection's Administrative Bulletin
8 094.

9 (C) **Controls.** An Accessory Dwelling Unit is permitted to be constructed
10 under the following conditions:

11 (i) An Accessory Dwelling Unit shall not be constructed using
12 space from an existing Dwelling Unit.

13 (ii) The Accessory Dwelling Unit is subject to the provisions of the San
14 Francisco Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) if the
15 existing building or any existing Dwelling Unit within the building is subject to the Rent Stabilization
16 and Arbitration Ordinance.

17 ~~(ii) (iii) Castro Street NCD and Surrounding Area. Board of~~
18 Supervisors District 8. For Accessory Dwelling Units on lots covered by Subsection
19 207(c)(4)(B)(i):

20 a. An Accessory Dwelling Unit shall not be permitted in any
21 RH-1(D) zoning district.

22 b. An Accessory Dwelling Unit shall be constructed entirely
23 within the existing building envelope or auxiliary structure, as it existed three (3) years prior to
24 the time of the application for a building permit.

25 c. For buildings that have no more than 10 existing dwelling

units, one Accessory Dwelling Unit is permitted; for buildings that have more than 10 existing dwelling units, two Accessory Dwelling Units are permitted.

~~(iii)~~(iv) **Buildings Undergoing Seismic Retrofitting.** For Accessory Dwelling Units on lots covered by Subsection 207(c)(4)(B) (ii):

a. An Accessory Dwelling Unit shall not be permitted in any RH-1 or RH-1(D) zoning district.

b. If ~~allowed~~ permitted by the Building Code, a building in which an Accessory Dwelling Unit is constructed may be raised up to three ~~additional~~ feet ~~in height~~ to create ~~ground floor ceiling~~ heights suitable for residential use on lower floors. Such a raise in height shall be:

1) exempt from the notification requirements of Sections 311 and 312 of this Code; and

2) permitted to expand a noncomplying structure, as defined in Section 180(a)(2) of this Code and further regulated in Sections 172, 180 and 188, without obtaining a variance for increasing the discrepancy between existing conditions on the lot and the required standards of this Code.

~~(iv)~~ (v) Pursuant to the provisions of Section 307(l) of this Code, the Zoning Administrator may grant an Accessory Dwelling Unit ~~may receive a~~ complete or partial waiver of the density limits and parking, rear yard, exposure, or open space standards of this Code. ~~from the Zoning Administrator; provided, h~~ However, that if the existing building or any existing dwelling unit within the building is subject to the provisions of the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code), the property owner shall submit the following to the Department:

~~(AA)~~ a. a proposed agreement demonstrating that the Accessory Dwelling Unit(s) are not subject to the Costa Hawkins Rental Housing Act

(California Civil Code Section 1954.50) because, under Section 1954.52(b), the owner has entered into this agreement with the City in consideration for a direct financial contribution or any other form of assistance specified in California Government Code Sections 65915 et seq. ("Agreement") and

~~(BB)~~ b. if the Planning Director determines necessary, an Affidavit containing information about the direct financial contribution or other form of assistance provided to the property owner. The property owner and the Planning Director (or his designee), on behalf of the City, will execute the Agreement, which shall be reviewed and approved by the City Attorney's Office. The Agreement shall be approved prior to the City's issuance of the First Construction Document for the project, as defined in Section 107A.13.1 of the San Francisco Building Code.

* * * *

SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.

In addition to those specified in Sections 302 through 306, and Sections 316 through 316.6 of this Code, the Zoning Administrator shall have the following powers and duties in administration and enforcement of this Code. The duties described in this Section shall be performed under the general supervision of the Director of Planning, who shall be kept informed of the actions of the Zoning Administrator.

* * * *

(l) Exceptions from Certain Specific Code Standards through Administrative Review for Accessory Dwelling Units Constructed Pursuant to Section 207.4(c) of this Code in the Castro Street Neighborhood Commercial District and within 1,750 feet of the District boundaries, excluding any lot within 500 feet of Block 2623, Lots 116 through 154.

The Zoning Administrator may allow complete or partial relief from the density limits and from the parking, rear yard, exposure, or open space requirements of this Code when

modification of the requirement would facilitate the construction of an Accessory Dwelling Unit, as defined in Section 102 and meeting the requirements of Section 207(c)(4) 715.1 of this Code. The exposure requirements of Section 140 apply, except that subsection (a)(2) may be satisfied through windows facing an open area that is at least 15 feet in every horizontal direction that is not required to expand on subsequent floors. In considering any request for complete or partial relief from these Code requirements, the Zoning Administrator shall facilitate the construction of such Accessory Dwelling Units to the extent feasible and shall consider any criteria elsewhere in this Section 307 that he or she determines to be applicable.

Section 4. The Planning Code is hereby amended by revising the Zoning Control Tables in Sections 209.1, 209.2, and 209.4, to read as follows:

**Table 209.1
ZONING CONTROL TABLE FOR RH DISTRICTS**

Zoning Category	§ References	RH-1 (D)	RH-1	RH-1(S)	RH-2	RH-3
****	****	****				
RESIDENTIAL STANDARDS AND USES						

Residential Uses						
Residential Density, Dwelling Units <u>(7)</u>	§ 207	One unit per lot	P up to one unit per lot. C up to one unit per 3,000 square feet of lot area	P up to two units per lot area, if the second unit is 600 sq. ft. or less. C up to	P up to two units per lot. C up to one unit per 1,500 square feet of lot area.	P up to three units per lot. C up to one unit per 1,000 square feet of lot area.

			with no more than three units per lot	one unit per 3,000 square feet of lot area, with no more than three units per lot		for every 275 square feet of lot area.
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below.

(1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

(4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.

(5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.

(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

(7) Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).

**Table 209.2
ZONING CONTROL TABLE FOR RM DISTRICTS**

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
* * * *	* * * *	* * * *			
RESIDENTIAL STANDARDS AND USES					
* * * *					
Residential Uses					
Residential Density, Dwelling Units <u>(8)</u>	§ 207	Up to one unit per 800 square feet of lot area.	Up to one unit per lot. 600 square feet of lot area.	Up to one unit per 400 square feet of lot area.	Up to one unit per 200 square feet of lot area.

*****	*****	*****	*****	*****	*****
-------	-------	-------	-------	-------	-------

* Not listed below.

(1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

(4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.

(5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.

(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

(7) C required if Group Housing is affiliated with and operated by a Hospital or Institutional Educational Use as defined in Section 102.

(8) Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).

**Table 209.3
ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS**

Zoning Category	§ References	RC-3	RC-4
*****	*****	*****	
RESIDENTIAL STANDARDS AND USES			

Residential Uses			
Residential Density, Dwelling Units <u>(7)</u>	§ 207	Up to one unit per 400 square feet of lot area	Up to one unit per 200 square feet of lot area. No density limits in the Van Ness SUD (§ 243) C up to one unit per 1,000 square feet of lot area. for every 275 square feet of lot area.
*****	*****	*****	*****

* Not listed below.

(1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.

(2) C required for 15 or more children.

- (3) C required for 7 or more persons.
 (4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.
 (5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.
 (6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.
(7) Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).

**Table 209.4
ZONING CONTROL TABLE FOR RTO DISTRICTS**

Zoning Category	§ References	RTO	RTO-M
* * * *	* * * *	* * * *	
RESIDENTIAL STANDARDS AND USES			
* * * *			
Residential Uses			
Residential Density, Dwelling Units <u>(7)</u>	§ 207	P up to one unit per 600 square feet of lot area. C above, per criteria of §207(a).	No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each parcel, along with Residential Design Guidelines.
* * * *	* * * *	* * * *	* * * *

* Not listed below.

- (1) C required if taller than 25 feet above roof, grade or height limit (depending on site) or if within 1000 feet of an R District and includes a parabolic antenna with a diameter in excess of three meters or a composite diameter of antennae in excess of six meters. See definition in 102 for more information.
 (2) Not required to be in an enclosed building.
 (3) Allowed to operate on an open lot, but C required if operated on open lot.
(4) Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).

1 Section 5. The Planning Code is hereby amended by revising Sections 710, 712, 713,
2 715, 721, 726, 728, 731, 733 and 738, to read as follows:

3 **SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

4 NC-1 Districts are intended to serve as local neighborhood shopping districts, providing
5 convenience retail goods and services for the immediately surrounding neighborhoods
6 primarily during daytime hours.

7 These NC-1 Districts are characterized by their location in residential neighborhoods,
8 often in outlying areas of the City. The commercial intensity of these districts varies. Many of
9 these districts have the lowest intensity of commercial development in the City, generally
10 consisting of small clusters with three or more commercial establishments, commonly grouped
11 around a corner; and in some cases short linear commercial strips with low-scale,
12 interspersed mixed-use (residential-commercial) development.

13 Building controls for the NC-1 District promote low-intensity development which is
14 compatible with the existing scale and character of these neighborhood areas. Commercial
15 development is limited to one story. Rear yard requirements at all levels preserve existing
16 backyard space.

17 NC-1 commercial use provisions encourage the full range of neighborhood-serving
18 convenience retail sales and services at the first story provided that the use size generally is
19 limited to 3,000 square feet. However, commercial uses and features which could impact
20 residential livability are prohibited, such as auto uses, financial services, general advertising
21 signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are
22 restricted, depending upon the intensity of such uses in nearby commercial districts.

23 Housing development in new buildings is encouraged above the ground story in most
24 districts. Existing residential units are protected by prohibitions of conversions above the
25

ground story and limitations on demolitions. Dwelling Units are permitted on lots within the boundaries of Board of Supervisors District 8 pursuant to Subsection 207(c)(4) of this Code.

**Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1
ZONING CONTROL TABLE**

****	****	****	****		
No.	Zoning Category	§ References	NC-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
710.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 800 sq. ft. lot area # § 207(c)		
****	****	****	****		

SPECIFIC PROVISIONS FOR NC-1 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 710, 710.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries:</u> <u>Board of Supervisors District 8 extant on July 1, 2015,</u> <u>excluding any lot within 500 feet of Block 2623 Lots 116 through 154.</u> <u>Controls:</u> <u>An “Accessory Dwelling Unit,” as defined in Section 102 and</u>

1		<u>meeting the requirements of Section 207(c)(4) is permitted to be</u>
2		<u>constructed within an existing building zoned for residential use or</u>
3		<u>within an existing and authorized auxiliary structure on the same lot.</u>
4		

SEC. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

NC-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods. NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also serve as major transit routes.

NC-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the districts may include small as well as moderately scaled lots. Buildings typically range in height from two to four stories with occasional taller structures.

NC-3 building standards permit moderately large commercial uses and buildings. Rear yards are protected at residential levels.

A diversified commercial environment is encouraged for the NC-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses. Eating and drinking, entertainment, financial service and certain auto uses generally are permitted with certain limitations at the first and second stories. Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and upper-story conversions.

Dwelling Units are permitted on lots within the boundaries of Board of Supervisors District 8 pursuant to Subsection 207(c)(4) of this Code.

**Table 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3
ZONING CONTROL TABLE**

****	****	****	****		
No.	Zoning Category	§ References	NC-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
712.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq. ft. lot area # § 207(c)		
****	****	****	****	****	****

SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 712, 712.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015,</u> <u>excluding any lot within 500 feet of Block 2623, Lots 116 through 154.</u> <u>Controls: An “Accessory Dwelling Unit,” as defined in Section 102</u>

		<p><i>and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</i></p>
--	--	--

SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.

NC-S Districts are intended to serve as small shopping centers or supermarket sites which provide retail goods and services for primarily car-oriented shoppers. They commonly contain at least one anchor store or supermarket, and some districts also have small medical office buildings. The range of services offered at their retail outlets usually is intended to serve the immediate and nearby neighborhoods. These districts encompass some of the most recent (post-1945) retail development in San Francisco's neighborhoods and serve as an alternative to the linear shopping street.

Shopping centers and supermarket sites contain mostly one-story buildings which are removed from the street edge and set in a parking lot. Outdoor pedestrian activity consists primarily of trips between the parking lot and the stores on-site. Ground and second stories are devoted to retail sales and some personal services and offices.

The NC-S standards and use provisions allow for medium-size commercial uses in low-scale buildings. Rear yards are not required for new development. Most neighborhood-serving retail businesses are permitted at the first and second stories, but limitations apply to fast-food restaurants and take-out food uses. Some auto uses are permitted at the first story. Limited storage and administrative service activities are permitted with some restrictions.

Housing development in new buildings is permitted. Existing residential units are protected by limitations on demolitions and prohibitions of upper-story conversions. Accessory Dwelling Units are permitted on lots within the boundaries of Board of Supervisors District 8 pursuant to Subsection 207(c)(4) of this Code.

**Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S
ZONING CONTROL TABLE**

****	****	****	****
No.	Zoning Category	§ References	NC-S
			Controls by Story
		§ 790.118	1st 2nd 3rd+
****	****	****	**** **** ****
RESIDENTIAL STANDARDS AND USES			
****	****	****	**** **** ****
713.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 800 sq. ft. lot area # § 207(c)
****	****	****	****

SPECIFIC PROVISIONS FOR NC-S DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 713, 713.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u>
		<u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015,</u>
		<u>excluding any lot within 500 feet of Block 2623, Lots 116 through 154.</u>
		<u>Controls: An “Accessory Dwelling Unit,” as defined in Section 102 and</u>
		<u>meeting the requirements of Section 207(c)(4) is permitted to be</u>
		<u>constructed within an existing building zoned for residential use or</u>

		<i>within an existing and authorized auxiliary structure on the same lot.</i>
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SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

Article 7 Code Section	Other Code Section	Zoning Controls
§ 715 § 715.12 § 715.91 § 715.93 § 715.94	§ 207(c)(4)	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: <i>Board of Supervisors District 8 extant on July 1, 2015. The Castro Street NCD and on a lot within 1,750 feet of the District boundaries,</i> excluding any lot within 500 feet of Block 2623, Lots 116 through 154.</p> <p>Controls: An "Accessory Dwelling Unit," as defined in <u>Section 102</u> and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</p>
* * * *	* * * *	* * * *

SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Upper Market Street Neighborhood Commercial District, on Market Street at Castro, is situated at the border of the Eureka Valley, Buena Vista, and Duboce Triangle neighborhoods. Upper Market Street is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A large number of offices are located on Market Street within easy

1 transit access to downtown. The width of Market Street and its use as a major arterial diminish
2 the perception of the Upper Market Street District as a single commercial district. The street
3 appears as a collection of dispersed centers of commercial activity, concentrated at the
4 intersections of Market Street with secondary streets.

5 This district is well served by transit and is anchored by the Castro Street Station of the
6 Market Street subway and the F-Market historic streetcar line. The F, K, L, and M streetcar
7 lines traverse the district, and the Castro Station serves as a transfer point between light rail
8 and crosstown and neighborhood bus lines. Additionally, Market Street is a primary bicycle
9 corridor. Residential parking is not required and generally limited. Commercial establishments
10 are discouraged or prohibited from building accessory off-street parking in order to preserve
11 the pedestrian-oriented character of the district and prevent attracting auto traffic. There are
12 prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on
13 Market Street to preserve and enhance the pedestrian-oriented character and transit function.

14 The Upper Market Street district controls are designed to promote moderate-scale
15 development which contributes to the definition of Market Street's design and character. They
16 are also intended to preserve the existing mix of commercial uses and maintain the livability of
17 the district and its surrounding residential areas. Large-lot and use development is reviewed
18 for consistency with existing development patterns. Rear yards are protected at residential
19 levels. To promote mixed-use buildings, most commercial uses are permitted with some
20 limitations above the second story. In order to maintain continuous retail frontage and
21 preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are
22 encouraged, and eating and drinking, entertainment, and financial service uses are limited.
23 Continuous frontage is promoted by prohibitions of most automobile and drive-up uses.

24 Housing development in new buildings is encouraged above the second story. Existing
25 upper-story residential units are protected by limitations on demolitions and upper-story

conversions. Accessory Dwelling Units are permitted on lots within the boundaries of Board of Supervisors District 8 pursuant to Subsection 207(c)(4) of this Code.

Table 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

*****	*****	*****	*****
No.	Zoning Category	§ References	Upper Market Street
			Controls by Story
		§ 790.118	1st 2nd 3rd+
*****	*****	*****	***** ***** *****
RESIDENTIAL STANDARDS AND USES			
*****	*****	*****	***** ***** *****
721.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 400 sq. ft. lot area # § 207(c)
*****	*****	*****	*****

SPECIFIC PROVISIONS FOR UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
*****	*****	*****
§§ 721, 721.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries:</u> <i>Board of Supervisors District 8 extant on July 1, 2015, excluding any lot within 500 feet of Block 2623, Lots 116 through 154.</i>

1		<i>Controls:</i> <i>An “Accessory Dwelling Unit,” as defined in Section 102 and</i>
2		<i>meeting the requirements of Section 207(c)(4) is permitted to be</i>
3		<i>constructed within an existing building zoned for residential use or</i>
4		<i>within an existing and authorized auxiliary structure on the same lot.</i>
5		

6 **SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

7 The Valencia Street Commercial Transit District is located near the center of San
8 Francisco in the Mission District. It lies along Valencia Street between 14th and Cesar Chavez
9 (Army) Street, and includes a portion of 16th Street extending west toward Dolores Street.
10 The commercial area provides a limited selection of convenience goods for the residents of
11 sections of the Mission and Dolores Heights. Valencia Street also serves a wider trade area
12 with its retail and wholesale home furnishings and appliance outlets. The commercial district
13 also has several automobile-related businesses. Eating and drinking establishments
14 contribute to the street's mixed-use character and activity in the evening hours. A number of
15 upper-story professional and business offices are located in the district, some in converted
16 residential units.

17 The Valencia Street District has a pattern of large lots and businesses, as well as a
18 sizable number of upper-story residential units. Controls are designed to permit moderate-
19 scale buildings and uses, protecting rear yards above the ground story and at residential
20 levels. New neighborhood-serving commercial development is encouraged mainly at the
21 ground story. While offices and general retail sales uses may locate at the second story of
22 new buildings under certain circumstances, most commercial uses are prohibited above the
23 second story. In order to protect the balance and variety of retail uses and the livability of
24 adjacent uses and areas, most eating and drinking and entertainment uses at the ground
25 story are limited. Continuous retail frontage is promoted by prohibiting drive-up facilities, some

1 automobile uses, and new nonretail commercial uses. Parking is not required, and any new
2 parking is required to be set back or below ground. Active, pedestrian-oriented ground floor
3 uses are required.

4 Housing development in new buildings is encouraged above the ground story. Housing
5 density is not controlled by the size of the lot but by requirements to supply a high percentage
6 of larger units and by physical envelope controls. Existing residential units are protected by
7 prohibitions on upper-story conversions and limitations on demolitions, mergers, and
8 subdivisions. Given the area's central location and accessibility to the City's transit network,
9 accessory parking for residential uses is not required. Accessory Dwelling Units are permitted
10 within the district pursuant to Subsection 207(c)(4) of this Code.

11 **Table 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
12 **ZONING CONTROL TABLE**

13	*****	*****	*****	*****	
14	No.	Zoning Category	§	Valencia Street Transit	
15			References	Controls by Story	
16			§ 790.118	1st	2nd
17				3rd+	
18	*****	*****	*****	*****	*****
19	RESIDENTIAL STANDARDS AND USES				
20	*****	*****	*****	*****	*****
21	726.91	Dwelling Unit Density	§§ 207	No density limit #	
22				§ 207(c)	
23					
24	*****	*****	*****	*****	*****
25					

**SPECIFIC PROVISIONS FOR THE VALENCIA STREET
NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 726. 726.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries:</u> <i>Board of Supervisors District 8 as extant on July 1, 2015, excluding any lot within 500 feet of Block 2623, Lots 116 through 154.</i></p> <p><u>Controls:</u> <i>An “Accessory Dwelling Unit,” as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</i></p>

SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.

The 24th Street – Noe Valley Neighborhood Commercial District is situated along 24th Street between Chattanooga and Diamond in the Noe Valley neighborhood of central San Francisco. This daytime-oriented, multi-purpose commercial district provides a mixture of convenience and comparison shopping goods and services to a predominantly local market area. It contains primarily retail sales and personal services at the street level, some office uses on the second story, and residential use almost exclusively on the third and upper stories.

The 24th Street – Noe Valley District controls are designed to allow for development that is compatible with the existing small-scale, mixed-use neighborhood commercial character and surrounding residential area. The small scale of new buildings and neighborhood-serving uses is encouraged and rear yard open space corridors at all levels are

protected. Most commercial uses are directed to the ground story and limited at the second story of new buildings. In order to maintain the variety and mix of retail sales and services along the commercial strip and to control the problems of traffic, congestion, noise and late-night activity, certain potentially troublesome commercial uses are regulated. Eating and drinking establishments require conditional use authorization, and ground-story entertainment and financial service uses are restricted to and at the ground story. Prohibitions on drive-up and most automobile uses help prevent additional traffic and parking congestion.

Housing development in new buildings is encouraged above the ground story. Existing housing units are protected by prohibitions on upper-story conversions and limitations on demolitions. Accessory Dwelling Units are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

**Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

****	****	****			
No.	Zoning Category	§ References	24th Street – Noe Valley		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
728.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq. ft. lot area # § 207(c)		
****	****	****	****	****	****

**SPECIFIC PROVISIONS FOR THE 24TH STREET – NOE VALLEY
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§§ 728. 728.12. 728.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Board of Supervisors District 8 as extant on July 1, 2015, excluding any lot within 500 feet of Block 2623, Lots 116 through 154.</u></p> <p><u>Controls: An “Accessory Dwelling Unit,” as defined in and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</u></p>

SEC. 731. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

NCT-3 Districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT-3 Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The district's form can be either linear along transit-priority corridors, concentric around transit stations, or broader areas where transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-

1 street parking in order to preserve the pedestrian-oriented character of the district and prevent
2 attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-
3 street parking and loading on critical stretches of NC and transit streets to preserve and
4 enhance the pedestrian-oriented character and transit function.

5 NCT-3 Districts are intended in most cases to offer a wide variety of comparison and
6 specialty goods and services to a population greater than the immediate neighborhood,
7 additionally providing convenience goods and services to the surrounding neighborhoods.
8 NCT-3 Districts include some of the longest linear commercial streets in the City, some of
9 which have continuous retail development for many blocks. Large-scale lots and buildings and
10 wide streets distinguish the districts from smaller-scaled commercial streets, although the
11 districts may include small as well as moderately scaled lots. Buildings may range in height,
12 with height limits varying from four to eight stories.

13 NCT-3 building standards permit moderately large commercial uses and buildings.
14 Rear yards are protected at residential levels.

15 A diversified commercial environment is encouraged for the NCT-3 District, and a wide
16 variety of uses are permitted with special emphasis on neighborhood-serving businesses.
17 Eating and drinking, entertainment, and financial service uses generally are permitted with
18 certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted.
19 Other retail businesses, personal services and offices are permitted at all stories of new
20 buildings. Limited storage and administrative service activities are permitted with some
21 restrictions.

22 Housing development in new buildings is encouraged above the second story. Existing
23 residential units are protected by limitations on demolitions and upper-story conversions.

24 Accessory Dwelling Units are permitted within the district pursuant to Subsection 207(c)(4) of this
25 Code.

**Table 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

****	****	****	****
No.	Zoning Category	§ References	NCT-3
			Controls by Story
		§ 790.118	1st 2nd 3rd+
****	****	****	**** **** ****
RESIDENTIAL STANDARDS AND USES			
****	****	****	**** **** ****
731.91	Dwelling Unit Density	§ 207	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. §§ 207(c), 207.6 #
****	****	****	****

SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 731, 731.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries:</u> <i>Board of Supervisors District 8 extant on July 1, 2015, excluding any lot within 500 feet of Block 2623, Lots 116 through 154.</i>

1		<u>Controls: An “Accessory Dwelling Unit,” as defined in Section 102 and</u>
2		<u>meeting the requirements of Section 207(c)(4) is permitted to be</u>
3		<u>constructed within an existing building zoned for residential use or within</u>
4		<u>an existing and authorized auxiliary structure on the same lot.</u>
5		

6 **SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
7 **DISTRICT.**

8 The Upper Market Street Neighborhood Commercial Transit District is located on
9 Market Street from Church to Noe Streets, and on side streets off Market. Upper Market
10 Street is a multi-purpose commercial district that provides limited convenience goods to
11 adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A
12 large number of offices are located on Market Street within easy transit access to downtown.
13 The width of Market Street and its use as a major arterial diminish the perception of the Upper
14 Market Street Transit District as a single commercial district. The street appears as a
15 collection of dispersed centers of commercial activity, concentrated at the intersections of
16 Market Street with secondary streets.

17 This district is well served by transit and is anchored by the Market Street subway (with
18 stations at Church Street and Castro Street) and the F-Market historic streetcar line. All light-
19 rail lines in the City traverse the district, including the F, J, K, L, M, and N, and additional key
20 cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally,
21 Market Street is a primary bicycle corridor. Housing density is limited not by lot area, but by
22 the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot
23 coverage, and standards for residential uses, including open space and exposure, and urban
24 design guidelines. Residential parking is not required and generally limited. Commercial
25 establishments are discouraged or prohibited from building accessory off-street parking in

1 order to preserve the pedestrian-oriented character of the district and prevent attracting auto
2 traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking
3 and loading on Market and Church Streets to preserve and enhance the pedestrian-oriented
4 character and transit function.

5 The Upper Market Street district controls are designed to promote moderate-scale
6 development which contributes to the definition of Market Street's design and character. They
7 are also intended to preserve the existing mix of commercial uses and maintain the livability of
8 the district and its surrounding residential areas. Large-lot and use development is reviewed
9 for consistency with existing development patterns. Rear yards are protected at all levels. To
10 promote mixed-use buildings, most commercial uses are permitted with some limitations
11 above the second story. In order to maintain continuous retail frontage and preserve a
12 balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged,
13 and eating and drinking, entertainment, and financial service uses are limited. Ground floor-
14 commercial space is required along Market and Church Streets. Most automobile and drive-
15 up uses are prohibited or conditional.

16 Housing development in new buildings is encouraged above the second story. Existing
17 upper-story residential units are protected by limitations on demolitions and upper-story
18 conversions. Accessory Dwelling Units are permitted within the district pursuant to Subsection
19 207(c)(4) of this Code.

**Table 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT
DISTRICT ZONING CONTROL TABLE**

*****	*****	*****	*****
No.	Zoning Category	§ References	Upper Market Street Transit
			Controls by Story
		§ 790.118	1st 2nd 3rd+
*****	*****	*****	***** ***** *****
RESIDENTIAL STANDARDS AND USES			
*****	*****	*****	***** ***** *****
733.91	Dwelling Unit Density	§§ 207	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. # §§ 207(c), 207.6
*****	*****	*****	*****

**SPECIFIC PROVISIONS FOR THE UPPER MARKET STREET NEIGHBORHOOD
COMMERCIAL TRANSIT DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
*****	*****	*****
<u>§§ 733.</u>	<u>§ 207(c)(4)</u>	<u>ACCESSORY DWELLING UNITS</u>

1	<u>733.91</u>	<u>Boundaries:</u> <i>Board of Supervisors District 8 extant on July 1, 2015,</i>
2		<i>excluding any lot within 500 feet of Block 2623, Lots 116 through 154.</i>
3		<u>Controls:</u> <i>An "Accessory Dwelling Unit," as defined in Section 102 and</i>
4		<i>meeting the requirements of Section 207(c)(4) is permitted to be</i>
5		<i>constructed within an existing building zoned for residential use or</i>
6		<i>within an existing and authorized auxiliary structure on the same lot.</i>
7		

8 **SEC. 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

9 The Glen Park Neighborhood Commercial Transit (NCT) District lies primarily along
10 Diamond Street from Chenery Street to Monterey Boulevard and Chenery Street from Thor
11 Avenue to Castro Street and includes adjacent portions of Wilder Street, Bosworth Street,
12 Joost Avenue and Monterey Boulevard. The district is mixed use, with predominantly two and
13 three story buildings with neighborhood-serving commercial and retail uses on lower floors
14 and housing or offices above. The area is well-served by both local and regional transit
15 including the Glen Park BART station, Muni bus lines, and a Muni light rail stop (J-Church).

16 The Glen Park NCT is designed to protect and enhance the neighborhood's intimate
17 scale, walkability and "village" atmosphere. Human-scaled buildings with neighborhood-
18 serving uses such as specialty retail stores, restaurants, and local offices are encouraged.
19 Buildings may range in height, with height limits allowing up to three and four stories
20 depending on location. Rear yard corridors above the ground story and at residential levels
21 are generally preserved.

22 Commercial uses are encouraged at the ground story. Retail frontages and pedestrian-
23 oriented streets are protected by limiting curb cuts (i.e. driveways, garage entries) as well as
24 requiring ground floor commercial uses on portions of Diamond and Chenery Streets. Housing
25 development is encouraged above the ground story. Housing density is not controlled by the

size of the lot but by dwelling unit standards, physical envelope controls and unit mix requirements. Given the area's location and accessibility to the transit network, accessory parking for residential and commercial uses is not required. Any new parking is required to be set back to support a pedestrian friendly streetscape. Accessory Dwelling Units are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

Table 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

****	****	****	****
No.	Zoning Category	§ References	Glen Park Transit
			Controls by Story
		§ 790.118	1st 2nd 3rd+
****	****	****	**** **** ****
RESIDENTIAL STANDARDS AND USES			
****	****	****	**** **** ****
738.91	Dwelling Unit Density	§§ 207	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. # §§ 207(c), 207.6
****	****	****	****

**SPECIFIC PROVISIONS FOR THE GLEN PARK NEIGHBORHOOD COMMERCIAL
TRANSIT DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§§ 738, 738.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015,</u> <u>excluding any lot within 500 feet of Block 2623, Lots 116 through 154.</u> <u>Controls: An “Accessory Dwelling Unit,” as defined in Section 102 and</u> <u>meeting the requirements of Section 207(c)(4) is permitted to be</u> <u>constructed within an existing building zoned for residential use or</u> <u>within an existing and authorized auxiliary structure on the same lot.</u>

Section 6. The Administrative Code is hereby amended by revising Section 37.2, to read as follows:

CHAPTER 37: RESIDENTIAL RENT STABILIZATION AND ARBITRATION ORDINANCE

SEC. 37.2. DEFINITIONS.

* * * *

(r) **Rental Units.** All residential dwelling units in the City and County of San Francisco together with the land and appurtenant buildings thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities.

Garage facilities, parking facilities, driveways, storage spaces, laundry rooms, decks, patios, or gardens on the same lot, or kitchen facilities or lobbies in single room occupancy (SRO) hotels, supplied in connection with the use or occupancy of a unit, may not be severed

1 from the tenancy by the landlord without just cause as required by Section 37.9(a). Any
2 severance, reduction or removal permitted under this Section 37.2(r) shall be offset by a
3 corresponding reduction in rent. Either a landlord or a tenant may file a petition with the Rent
4 Board to determine the amount of the rent reduction.

5 The term “rental units” shall not include:

6 * * * *

7 (4) Except as provided in Subsections (A), (B) and (C), dwelling units whose
8 rents are controlled or regulated by any government unit, agency or authority, excepting those
9 unsubsidized and/or unassisted units which are insured by the United States Department of
10 Housing and Urban Development; provided, however, that units in unreinforced masonry
11 buildings which have undergone seismic strengthening in accordance with Building Code
12 Chapters 16B and 16C shall remain subject to the Rent Ordinances to the extent that the
13 ordinance is not in conflict with the seismic strengthening bond program or with the program's
14 loan agreements or with any regulations promulgated thereunder;

15 * * * *

16 (D) The term “rental units” shall include ~~In-Law~~ Accessory Dwelling Units
17 constructed pursuant to Section 207(c)(4) ~~715.1~~ of the Planning Code ~~and the Section 715 Zoning~~
18 ~~Control Table~~ and that have received a complete or partial waiver of the density limits and/or
19 the parking, rear yard, exposure, and or open space standards from the Zoning Administrator
20 pursuant to Planning Code Section 307(l), provided that the building containing the ~~In-Law~~
21 Accessory Dwelling Unit(s) or any unit within the building is already subject to this Chapter.

22 * * * *

23
24 Section 7. Effective Date. This ordinance shall become effective 30 days after
25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
2 of Supervisors overrides the Mayor's veto of the ordinance.

3
4 Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
8 additions, and Board amendment deletions in accordance with the "Note" that appears under
9 the official title of the ordinance.

10
11 Section 9. Severability. If any section, subsection, sentence, clause, phrase, or word of
12 this Section is for any reason held to be invalid or unconstitutional by a decision of any court
13 of competent jurisdiction, such decision shall not affect the validity of the remaining portions of
14 the Section. The Board of Supervisors hereby declares that it would have passed this Section
15 and each and every section, subsection, sentence, clause, phrase, and word not declared
16 invalid or unconstitutional without regard to whether any other portion of this Section would be
17 subsequently declared invalid or unconstitutional.

18
19 Section 10. Directions to Clerk. The Clerk of the Board of Supervisors is hereby
20 directed to submit a copy of this ordinance to the California Department of Housing and
21
22
23
24
25

Community Development within 60 days following adoption pursuant to Section 65852.2(h) of the California Government Code.

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

By: JUDITH A. BOYAJIAN
Deputy City Attorney

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[Planning, Administrative Codes - Construction of Accessory Dwelling Units]

Ordinance amending the Planning Code to allow the construction of Accessory Dwelling Units (also known as Secondary or In-Law Units) within the boundaries of Board of Supervisors District 3; amending the Administrative Code to correct section references; 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 directing the Clerk of the Board of Supervisors to send a copy of this Ordinance to the California Department of Housing and Community Development after adoption.

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

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

Section 1. General Findings.

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

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

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

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

8
9 Section 2. Specific Findings.

10 (a) San Francisco has long had a housing shortage. The housing market
11 continues to be tight and housing costs are beyond the reach of many households.

12 (b) Policy 1.5 of the City's 2014 Housing Element, which is a required element
13 of the City's General Plan, states that adding new units in existing residential buildings
14 represents a simple and cost-effective method of expanding the City's housing supply.

15 (c) In Section 65852.150 of the California Government Code, the State
16 Legislature finds and declares that adding an additional unit to existing single-family homes is
17 a valuable form of housing in California. Permitting the creation of accessory dwelling units in
18 existing residential buildings in established, already dense, and transit-rich neighborhoods will
19 provide additional housing without changing the built character of these areas. It also will
20 "green" San Francisco by efficiently using existing buildings and allowing more residents to
21 live within walking distance of transit, shopping, and services.

22 (d) Nothing in this ordinance is intended to change the personal obligations of
23 property owners under existing private agreements.

Section 3. The Planning Code is hereby amended by revising Sections 102, 207 and 307, to read as follows:

SEC. 102. DEFINITIONS.

* * * *

Dwelling Unit, Accessory. Also known as a Secondary Unit or In-Law Unit, is a Dwelling Unit added to an existing residential property and constructed with a complete or partial waiver from the Zoning Administrator of the density limits and/or the parking, rear yard, exposure, or open space standards of this Code pursuant to the provisions of Sections 207(c)(4) and 307(i).

SEC. 207. DWELLING UNIT DENSITY LIMITS.

* * * *

(c) Exceptions to Dwelling Unit Density Limits.

(1) Affordable Units in Projects with 20 percent or more Affordable

Units. For projects that are not located in any RH-1 or RH-2 zoning district, or are not seeking and receiving a density bonus under the provisions of California Government Code Section 65915, where 20 percent or more of the Dwelling Units on-site are “Affordable Units,” the on-site Affordable Units shall not count towards the calculation of dwelling unit density. This Planning Code Section does not provide exceptions to any other Planning Code requirements such as height or bulk. For purposes of this Section 207, “Affordable Units” shall be defined as meeting ~~(1)~~ (A) the criteria of Section 406(b); ~~(2)~~ (B) the requirements of Section 415 et seq. for on-site units; or ~~(3)~~ (C) restricted units in a project using California Debt Limit Allocation Committee (CDLAC) tax-exempt bond financing and 4 percent tax credits under the Tax Credit Allocation Committee (TCAC). If a project sponsor proposes to provide “Affordable Units” that are not restricted by any other program, in order to receive the benefit of the additional density permitted under this Subsection (c)(1) or Subsection (c)(2), the project sponsor shall elect and the Planning Department and MOHCD shall be authorized to enforce,

1 restricting the units as affordable under Planning Code Section 415.6 up to a maximum of 20
2 percent of the units in the principal project. The project sponsor shall make such election
3 through the procedures described in Section 415.5(g) including submitting an Affidavit of
4 Compliance indicating the project sponsor's election to pursue the benefits of Subsection
5 (c)(1) or (c)(2) and committing to 20% percent on-site units restricted under Section 415.6 prior
6 to approval by the Planning Commission or Planning Department staff. If a project sponsor
7 obtains the exemption from the density calculation for Affordable Units provided in this
8 subsection, the exemption shall be recorded against the property. Any later request to
9 decrease the number of Affordable Units shall require the project to go back to the Planning
10 Commission or Planning Department, whichever entity approved the project as a whole.

11 * * * *

12 (4) Accessory Dwelling Units.

13 (A) **Definition.** An "Accessory Dwelling Unit," ~~also known as a Secondary~~
14 ~~Unit or In-Law Unit,~~ is defined in Section 102 for purposes of this Subsection 207(c)(4) as an
15 ~~additional Dwelling Unit that:~~

16 ~~(i) is constructed entirely within the existing built envelope of an existing~~
17 ~~building zoned for Residential use or within the envelope of an existing and authorized auxiliary~~
18 ~~structure on the same lot; and~~

19 ~~(ii) will be constructed with a complete or partial waiver from the Zoning~~
20 ~~Administrator of the density limits and/or the parking, rear yard, exposure, or open space standards of~~
21 ~~this Code pursuant to the provisions of this Section 207(c)(4) and Section 307(1) of this Code.~~

22 ~~As used in this Section 207, the term Accessory Dwelling Unit is separate and distinct from the~~
23 ~~term "dwelling units accessory to other uses" in Section 204.4.~~

24 (B) **Applicability.** The exceptions permitted by this Subsection 207(c)(4)
25 shall apply only to:

1 (i) lots within the Castro Street Neighborhood Commercial District
2 (NCD) or within 1,750 feet of the Castro Street NCD boundaries, excluding any lot within 500
3 feet of Block 2623 Lots 116 through 154;

4 (ii) lots within the boundaries of Board of Supervisors District 3 extant
5 on July 1, 2015.

6 ~~(ii)~~ (iii) lots ~~located in~~ with a building undergoing mandatory seismic
7 retrofitting in compliance with Section 34B of the Building Code or voluntary seismic
8 retrofitting in compliance with the Department of Building Inspection's Administrative Bulletin
9 094.

10 (C) **Controls.** An Accessory Dwelling Unit is permitted to be constructed
11 under the following conditions:

12 (i) An Accessory Dwelling Unit shall not be constructed using
13 space from an existing Dwelling Unit.

14 (ii) The Accessory Dwelling Unit is subject to the provisions of the San
15 Francisco Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) if the
16 existing building or any existing Dwelling Unit within the building is subject to the Rent Stabilization
17 and Arbitration Ordinance.

18 ~~(ii)~~ (iii) **Castro Street NCD and Surrounding Area.** For
19 Accessory Dwelling Units on lots covered by Subsection 207(c)(4)(B)(i):

20 a. An Accessory Dwelling Unit shall not be permitted in any
21 RH-1(D) zoning district.

22 b. An Accessory Dwelling Unit shall be constructed entirely
23 within the existing building envelope or auxiliary structure, as it existed three (3) years prior to
24 the time of the application for a building permit.

25 c. For buildings that have no more than 10 existing dwelling

units, one Accessory Dwelling Unit is permitted; for buildings that have more than 10 existing dwelling units, two Accessory Dwelling Units are permitted.

(iv) **Board of Supervisors District 3. For Accessory Dwelling Units on lots covered by Subsection 207(c)(4)(B)(ii):**

a. An Accessory Dwelling Unit shall not be permitted in any RH-1(D) zoning district.

b. An Accessory Dwelling Unit shall be constructed entirely within the existing building envelope or auxiliary structure, as it existed three (3) years prior to the time of the application for a building permit.

c. For buildings that have four existing dwelling units or fewer, one Accessory Dwelling Unit is permitted; for buildings that have more than four existing dwelling units, there is no limit on the number of Accessory Dwelling Units permitted by this Section 20(c)(4).

(iii v) **Buildings Undergoing Seismic Retrofitting. For Accessory Dwelling Units on lots covered by Subsection 207(c)(4)(B)(iii) (ii):**

a. An Accessory Dwelling Unit shall not be permitted in any RH-1 or RH-1(D) zoning district.

b. If ~~allowed~~ permitted by the Building Code, a building in which an Accessory Dwelling Unit is constructed may be raised up to three ~~additional~~ feet ~~in height~~ to create ~~ground-floor ceiling~~ heights suitable for residential use on lower floors. Such a raise in height shall be:

1) exempt from the notification requirements of Sections 311 and 312 of this Code; and

2) permitted to expand a noncomplying structure, as defined in Section 180(a)(2) of this Code and further regulated in Sections 172, 180 and 188, without

1 obtaining a variance for increasing the discrepancy between existing conditions on the lot and the
2 required standards of this Code.

3 (vi) a Pursuant to the provisions of Section 307(l) of this Code, the Zoning
4 Administrator may grant an Accessory Dwelling Unit ~~may receive a~~ complete or partial waiver of
5 the density limits and parking, rear yard, exposure, or open space standards of this Code.
6 ~~from the Zoning Administrator; provided, h~~ However, ~~that~~ if the existing building or any existing
7 dwelling unit within the building is subject to the provisions of the San Francisco Residential
8 Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code), the
9 property owner shall submit the following to the Department:

10 a. (AA) a proposed agreement demonstrating that the
11 Accessory Dwelling Unit(s) are not subject to the Costa Hawkins Rental Housing Act
12 (California Civil Code Section 1954.50) because, under Section 1954.52(b), the owner has
13 entered into this agreement with the City in consideration for a direct financial contribution or
14 any other form of assistance specified in California Government Code Sections 65915 et seq.
15 ("Agreement") and

16 b. (BB) if the Planning Director determines necessary, an
17 Affidavit containing information about the direct financial contribution or other form of
18 assistance provided to the property owner. The property owner and the Planning Director (or
19 his designee), on behalf of the City, will execute the Agreement, which shall be reviewed and
20 approved by the City Attorney's Office. The Agreement shall be approved prior to the City's
21 issuance of the First Construction Document, as defined in Section 107A.13.1 of the San
22 Francisco Building Code.

23 * * * *

1 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

2 In addition to those specified in Sections 302 through 306, and Sections 316 through
3 316.6 of this Code, the Zoning Administrator shall have the following powers and duties in
4 administration and enforcement of this Code. The duties described in this Section shall be
5 performed under the general supervision of the Director of Planning, who shall be kept
6 informed of the actions of the Zoning Administrator.

7 * * * *

8 **(l) Exceptions from Certain Specific Code Standards through Administrative**
9 **Review for Accessory Dwelling Units Constructed Pursuant to Section 207.4(c) of this Code in**
10 ~~***the Castro Street Neighborhood Commercial District and within 1,750 feet of the District***~~
11 ~~***boundaries, excluding any lot within 500 feet of Block 2623, Lots 116 through 154.***~~

12 The Zoning Administrator may allow complete or partial relief from the density limits
13 and from the parking, rear yard, exposure, or open space requirements of this Code when
14 modification of the requirement would facilitate the construction of an Accessory Dwelling
15 Unit, as defined in Section ~~*102 and meeting the requirements of Section 207(c)(4) 715.1*~~ of this
16 Code. The exposure requirements of Section 140 apply, except that subsection (a)(2) may be
17 satisfied through windows facing an open area that is at least 15 feet in every horizontal
18 direction that is not required to expand on subsequent floors. In considering any request for
19 complete or partial relief from these Code requirements, the Zoning Administrator shall
20 facilitate the construction of such Accessory Dwelling Units to the extent feasible and shall
21 consider any criteria elsewhere in this Section 307 that he or she determines to be applicable.

22
23 Section 4. The Planning Code is hereby amended by revising the Zoning Control
24 Tables of Sections 209.1, 209.2, 209.3, 209.4, 210.1 and 210.2, to read as follows:

Table 209.1

ZONING CONTROL TABLE FOR RH DISTRICTS

Zoning Category	§ References	RH-1 (D)	RH-1	RH-1(S)	RH-2	RH-3
* * * *	* * * *	* * * *				
RESIDENTIAL STANDARDS AND USES						
* * * *						
Residential Uses						
Residential Density, Dwelling Units (7)	§ 207	One unit per lot	P up to one unit per lot. C up to one unit per 3,000 square feet of lot area with no more than three units per lot	P up to two units per lot area, if the second unit is 600 sq. ft. or less. C up to one unit per 3,000 square feet of lot area, with no more than three units per lot	P up to two units per lot. C up to one unit per 1,500 square feet of lot area.	P up to three units per lot. C up to one unit per 1,000 square feet of lot area. for every 275 square feet of lot area.
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below.

(1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

(4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.

(5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.

(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

(7) Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).

Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
* * * *	* * * *	* * * *			
RESIDENTIAL STANDARDS AND USES					
* * * *					
Residential Uses					
Residential Density, Dwelling Units <u>(7)</u>	§ 207	Up to one unit per 800 square feet of lot area.	Up to one unit per lot. 600 square feet of lot area.	Up to one unit per 400 square feet of lot area.	Up to one unit per 200 square feet of lot area.
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

* Not listed below.

(1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

(4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.

(5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.

(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

(7) Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	§ References	RC-3	RC-4
* * * *	* * * *	* * * *	
RESIDENTIAL STANDARDS AND USES			
* * * *			
Residential Uses			
Residential Density, Dwelling Units <u>(7)</u>	§ 207	Up to one unit per 400 square feet of lot area	Up to one unit per 200 square feet of lot area. No density limits in the Van Ness SUD (§ 243) C up to one unit per 1,000 square feet of lot area. for every 275 square feet of lot area.
* * * *	* * * *	* * * *	* * * *

* Not listed below.

(1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

(4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.

(5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.

(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

(7) Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).

Table 209.4

ZONING CONTROL TABLE FOR RTO DISTRICTS

Zoning Category	§ References	RTO	RTO-M
* * * *	* * * *	* * * *	

RESIDENTIAL STANDARDS AND USES			
* * * *			
Residential Uses			
Residential Density, Dwelling Units <u>(7)</u>	§ 207	P up to one unit per 600 square feet of lot area. C above, per criteria of §207(a).	No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each parcel, along with Residential Design Guidelines.
* * * *	* * * *	* * * *	* * * *

* Not listed below.

(1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

(4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.

(5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.

(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

(7) Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).

Table 210.1

ZONING CONTROL TABLE FOR C-2 DISTRICTS

Zoning Category	§ References	C-2
* * * *	* * * *	* * * *
RESIDENTIAL STANDARDS AND USES		
* * * *		
Residential Uses		
Residential	§ 207	P at a density ratio not exceeding the number of dwelling

Density, Dwelling Units <u>(5)</u>		units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio shall in no case be less than one unit for each 800 square feet of lot area. NP above.	
* * * *	* * * *	* * * *	* * * *

* Not listed below.

(1) C required if not recessed 3 feet.

(2) C required if taller than 25 feet above roof, grade or height limit (depending on site) or if within 1000 feet of an R District and includes a parabolic antenna with a diameter in excess of three meters or a composite diameter or antennae in excess of six meters. See definition in Section 102 for more information.

(3) Not required to be in an enclosed building.

(4) Allowed to operate on an open lot, but C required if operated on an open lot.

(5) *Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).*

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

Zoning Category	§ References	C-3	C-3-O (SD)	C-3-R	C-3-G	C-3-S
* * * *	* * * *	* * * *				
RESIDENTIAL STANDARDS AND USES						
* * * *						
Residential Uses						
Residential Density, Dwelling Units <u>(7)</u>	§ 207	No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot.				
* * * *	* * * *	* * * *	* * * *			

* Not listed below.

(1) C is required if at or below the ground floor.

(2) P if located on the ground floor and offers on-site services to the general public.

NP on the ground floor if it does not provide onsite services to the general public. C is

1 required if the use is larger than 5,000 gross square feet in size or located above the
2 ground floor. In the C-3-R District, in addition to the criteria set forth in Section 303,
3 approval shall be given upon a determination that the use will not detract from the
District's primary function as an area for comparison shopper retailing and direct

4 (3) C Required if operated on an open lot.

5 (4) Required to be in an enclosed building, NP if operated on open lot.

6 (5) C required if taller than 25 feet above roof, grade or height limit depending on site
or if within 1000 feet of an R District and includes a parabolic antenna with a diameter
in excess of 3 meters or a composite diameter of antennae in excess of 6 meters. See
definition in Section 102 for more information.

7 (6) C required for Formula Retail on properties in the C-3-G District with frontage on
Market Street, between 6th Street and the intersection of Market Street, 12th Street
and Franklin Street.

8 (7) Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).

9
10 Section 5. The Planning Code is hereby amended by revising Sections 714, 722, 723,
11 732 and the corresponding Zoning Control Tables, to read as follows:

12 **SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

13 The Broadway Neighborhood Commercial District, located in the northeast quadrant of
14 San Francisco, extends along Broadway from east of Columbus Avenue to Osgood Place. It
15 is part of a larger commercial area which includes North Beach to the north, Chinatown to the
16 south and west, and Jackson Square to the southeast. Broadway's fame and popularity as a
17 Citywide and regional entertainment district is derived from a concentration of nightclubs,
18 music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery
19 Street. These places attract locals and visitors alike, mainly in the evening and late-night
20 hours. In addition to the entertainment and some retail businesses, Broadway contains many
21 upper-story residential hotels. Due to its proximity to downtown, there is strong pressure to
22 develop upper-story offices.

23 The Broadway District controls are designed to encourage development that is
24 compatible with the existing moderate building scale and mixed-use character, and maintain
25 the district's balance of entertainment uses, restaurants, and small-scale retail stores. New

buildings exceeding 40 feet in height will be carefully reviewed and rear yards at residential levels are protected. Most commercial uses in new buildings are permitted at the first two stories. Neighborhood-serving businesses are strongly encouraged. In order to protect the livability of the area, limitations apply to new fast-food restaurants and adult entertainment uses at the first and second stories, as well as late-night activity. Financial services are allowed on the ground story subject to certain limitations. Nonretail offices are prohibited in order to prevent encroachment of the adjoining downtown office uses. Due to the high traffic volume on Broadway, most automobile and drive-up uses are prohibited in order to prevent further traffic congestion. Parking garages are permitted if their ingress and egress do not disrupt the traffic flow on Broadway.

Housing development in new buildings is encouraged above the second story. Existing housing is protected by limitations on demolitions and upper-story conversions. Accessory dwelling units are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

**Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

*****	*****	*****	*****		
No.	Zoning Category	§ References	Broadway		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
RESIDENTIAL STANDARDS AND USES					
*****	*****	*****	*****	*****	*****
714.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 400 sq. ft. lot area #		

			§ 207(c)		
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

**SPECIFIC PROVISIONS FOR THE BROADWAY
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§§ 714, 714.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u>
		<u>Boundaries: Within the boundaries of the Broadway NCD.</u>
		<u>Controls: An “Accessory Dwelling Unit,” as defined in Section 102 and</u>
		<u>meeting the requirements of Section 207(c)(4) is permitted to be</u>
		<u>constructed within an existing building zoned for residential use or within</u> <u>an existing and authorized auxiliary structure on the same lot.</u>

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

The North Beach Neighborhood Commercial District is a nonlinear district centered on Columbus Avenue, located in the valley between Telegraph Hill and Russian Hill north of Broadway. North Beach functions as a neighborhood-serving marketplace, citywide specialty shopping, and dining district, and a tourist attraction, as well as an apartment and residential hotel zone. Traditionally, the district has provided most convenience goods and services for residents of North Beach and portions of Telegraph and Russian Hills. North Beach's eating, drinking, and entertainment establishments remain open into the evening to serve a much wider trade area and attract many tourists. The balance between neighborhood-serving convenience stores and Citywide specialty businesses has shifted, as convenience stores have been replaced by restaurants and bars. The proliferation of financial services, limited

1 financial services, and business and professional services has also upset the district's
2 balance of uses. The relocation of business and professional offices from downtown to North
3 Beach threatens the loss of upper-story residential units.

4 The North Beach District controls are designed to ensure the livability and
5 attractiveness of North Beach. Building standards limit new development to a small to
6 moderate scale. Rear yards are protected above the ground story and at residential levels.
7 Most new commercial development is permitted at the first two stories. Small-scale,
8 neighborhood-serving businesses are strongly encouraged and formula retail uses are
9 prohibited. Use sizes are controlled to limit future consolidation of spaces and to encourage
10 conversion back to the traditional small-scale commercial spaces. Special controls are
11 necessary because an over-concentration of food and beverage service establishments limits
12 neighborhood-serving retail sales and personal services in an area that needs them to thrive
13 as a neighborhood. In order to maintain neighborhood-serving retail sales and personal
14 services and to protect residential livability, additional eating and drinking establishments are
15 prohibited in spaces that have been occupied by neighborhood-serving retail sales and
16 personal services. Special controls limit additional ground-story entertainment uses and
17 prohibit new walk-up automated bank teller machines (ATMs). Financial services, limited
18 financial services, and ground-story business and professional office uses are prohibited from
19 locating in the portion of the district south of Greenwich Street, while new financial services
20 locating in the portion of the district north of Greenwich Street are limited. Restrictions on
21 automobile and drive-up uses are intended to promote continuous retail frontage and maintain
22 residential livability.

23 In keeping with the district's existing mixed-use character, housing development in new
24 buildings is encouraged above the second story. Existing residential units are protected by
25

prohibitions of upper-story conversions and limitations on demolitions. Accessory dwelling units are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

*****	*****	*****	*****
No.	Zoning Category	§ References	North Beach
			Controls by Story
		§ 790.118	1st 2nd 3rd+
*****	*****	*****	***** ***** *****
RESIDENTIAL STANDARDS AND USES			
*****	*****	*****	***** ***** *****
722.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 400 sq. ft. lot area # § 207(c)
*****	*****	*****	*****

SPECIFIC PROVISIONS FOR THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
*****	*****	*****
§§ 722, 722.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries:</u> <u>Within the boundaries of the North Beach NCD.</u> <u>Controls:</u> <u>An “Accessory Dwelling Unit,” as defined in Section 102 and</u>

1		<u>meeting the requirements of Section 207(c)(4) is permitted to be</u>
2		<u>constructed within an existing building zoned for residential use or</u>
3		<u>within an existing and authorized auxiliary structure on the same lot.</u>

4 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

5 Sitting in the gulch between Nob and Russian Hills and Pacific Heights, the Polk Street
6 Neighborhood Commercial District extends for a mile as a north-south linear strip, and
7 includes a portion of Larkin Street between Post and California Streets. Polk Street's dense
8 mixed-use character consists of buildings with residential units above ground-story
9 commercial use. The district has an active and continuous commercial frontage along Polk
10 Street for almost all of its length. Larkin Street and side streets in the district have a greater
11 proportion of residences than Polk Street itself. The district provides convenience goods and
12 services to the residential communities in the Polk Gulch neighborhood and to the residents
13 on the west slopes of Nob and Russian Hills. It has many apparel and specialty stores, as well
14 as some automobile uses, which serve a broader trade area. Commercial uses also include
15 offices, as well as movie theaters, restaurants, and bars which keep the district active into the
16 evening.

17 The Polk Street District controls are designed to encourage and promote development
18 which is compatible with the surrounding neighborhood. The building standards monitor large-
19 scale development and protect rear yards at residential levels. Consistent with Polk Street's
20 existing mixed-use character, new buildings may contain most commercial uses at the first
21 two stories. The controls encourage neighborhood-serving businesses, but limit new eating,
22 drinking, other entertainment, and financial service uses, which can produce parking
23 congestion, noise and other nuisances or displace other types of local-serving convenience
24 goods and services. They also prohibit new adult entertainment uses. Restrictions on drive-up
25

and most automobile uses protect the district's continuous retail frontage and prevent further traffic congestion.

Housing developed in new buildings is encouraged above the second story, especially in the less intensely developed portions of the district along Larkin Street. Existing housing units are protected by limitations on demolitions and upper-story conversions. *Accessory dwelling units are permitted within the district pursuant to Subsection 207(c)(4) of this Code.*

**Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

*****	*****	*****	*****		
No.	Zoning Category	§ References	Polk Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
RESIDENTIAL STANDARDS AND USES					
*****	*****	*****	*****	*****	*****
723.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 400 sq. ft. lot area # § 207(c)		
*****	*****	*****	*****	*****	*****

**SPECIFIC PROVISIONS FOR THE POLK STREET
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
------------------------------	--------------------------	-----------------

1	****	****	****
2			<u>ACCESSORY DWELLING UNITS</u>
3			<u>Boundaries: Within the boundaries of the Polk Street NCD.</u>
4	§§ 723,	§	<u>Controls: An “Accessory Dwelling Unit,” as defined in Section 102 and</u>
5	723.91	207(c)(4)	<u>meeting the requirements of Section 207(c)(4) is permitted to be</u>
6			<u>constructed within an existing building zoned for residential use or within</u>
7			<u>an existing and authorized auxiliary structure on the same lot.</u>

8 **SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

9 Located in the Presidio Heights neighborhood in north-central San Francisco, the
10 Sacramento Street Neighborhood Commercial District functions as a small-scale linear
11 shopping area. It extends along Sacramento Street between Lyon and Spruce. Interspersed
12 among residential buildings and garages, the district's daytime-oriented retail stores provide a
13 limited array of convenience goods to the immediate neighborhood. Sacramento Street also
14 has many elegant clothing, accessory, and antique stores and services, such as hair salons,
15 which attract customers from a wider trade area. Its numerous medical and business offices
16 draw clients from throughout the City. Evening activity in the district is limited to one movie
17 theater, a few restaurants, and some stores near Presidio Avenue.

18 The Sacramento Street District controls are designed to promote adequate growth
19 opportunities for development that is compatible with the surrounding low-density residential
20 neighborhood. The building standards monitor large-scale development and protect rear yards
21 at the grade level and above. Most new commercial development is permitted at the first
22 story; general retail uses are permitted at the second story only if such use would not involve
23 conversion of any existing housing units. Special controls are designed to protect existing
24 neighborhood-serving ground-story retail uses. New medical service uses are prohibited at all
25 stories except a change of use is permitted on the first story or below from a business or

professional service use to medical service use under certain circumstances. Personal and business services are restricted at the ground story and prohibited on upper stories. Limits on new ground-story eating and drinking uses, as well as new entertainment and financial service uses, are intended to minimize the environmental impacts generated by the growth of such uses. The daytime orientation of the district is encouraged by prohibiting bars and restricting late-night commercial activity. New hotels and parking facilities are limited in scale and operation to minimize disruption to the neighborhood. Most new automobile and drive-up uses are prohibited to promote continuous retail frontage.

Housing development in new buildings is encouraged above the second story. Existing residential units are protected by limitations on demolitions and prohibitions of upper-story conversions. Accessory dwelling units are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

**Table 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

*****	*****	*****	*****		
No.	Zoning Category	§ References	Pacific Avenue		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
RESIDENTIAL STANDARDS AND USES					
*****	*****	*****	*****	*****	*****
732.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 1,000 sq. ft. lot area # § 207(c)		

* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

**SPECIFIC PROVISIONS FOR THE PACIFIC AVENUE
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§§ 732, 732.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the Pacific Avenue NCD.</u></p> <p><u>Controls: An “Accessory Dwelling Unit,” as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</u></p>

Section 6. The Planning Code is hereby amended by revising Sections 810, 811, 812 and the corresponding Zoning Control Tables, to read as follows:

SEC. 810.~~1~~ CHINATOWN COMMUNITY BUSINESS DISTRICT.

The Chinatown Community Business District, located in the northeast quadrant of San Francisco, extends along Broadway from the eastern portal of the Broadway Tunnel to Columbus Avenue and along Kearny Street from Columbus to Sacramento Street. This district also includes portions of Commercial Street between Montgomery Street and Grant Avenue and portions of Grant Avenue between Bush and California Streets. It is part of the larger core area of Chinatown.

The portions of Broadway, Kearny and Commercial Streets and Grant Avenue in this district are transitional edges or entries to Chinatown. North and east of the two blocks of

Broadway contained in this district are North Beach and the Broadway Entertainment Districts. Kearny and Columbus Streets are close to intensive office development in the Downtown Financial District. Both Grant Avenue and Commercial Street provide important pedestrian entries to Chinatown. Generally, this district has more potential for added retail and commercial development than other parts of Chinatown.

This zoning district is intended to protect existing housing, encourage new housing and to accommodate modest expansion of Chinatown business activities as well as street-level retail uses. The size of individual professional or business office use is limited in order to prevent these areas from being used to accommodate larger office uses spilling over from the financial district.

Housing development in new buildings is encouraged at upper stories. Existing housing is protected by limitations on demolitions and upper-story conversions. Accessory dwelling units are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

**Table 810
CHINATOWN COMMUNITY BUSINESS DISTRICT
ZONING CONTROL TABLE**

*****	*****	*****	*****		
			Chinatown Community Business District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
RESIDENTIAL STANDARDS AND USES					
*****	*****	*****	*****	*****	*****
.91	Residential Density , Dwelling	§§ 207,	<u>Generally, up to</u> 1 unit per 200 sq. ft.		

	Units <u>Density</u>	207.1, 890.88(a)	lot area # § 207.5 (c)
* * * *	* * * *	* * * *	* * * *

SPECIFIC PROVISIONS FOR THE CHINATOWN COMMUNITY BUSINESS DISTRICT

Article 8 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§§ 810-4 <u>91</u>	§ <u>207(c)(4)</u>	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries:</u> <u>Within the boundaries of the Chinatown Community Business District.</u></p> <p><u>Controls:</u> <u>An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</u></p>

SEC. 811.~~I~~ CHINATOWN VISITOR RETAIL DISTRICT.

The Chinatown Visitor Retail Neighborhood Commercial District extends along Grant Avenue between California and Jackson Streets. This district contains a concentration of shopping bazaars, art goods stores and restaurants which attract visitors and shoppers and contribute to the City's visual and economic diversity. Grant Avenue provides an important link between Downtown retail shopping and the Broadway, North Beach and Fisherman's Wharf areas.

This district is intended to preserve the street's present character and scale and to accommodate uses primarily appealing to visitors (e.g. tourist gifts shops, jewelry stores, art

goods, large restaurants. In order to promote continuous retail frontage, entertainment, financial services, medical service, automotive and drive-up uses are restricted. Most commercial uses, except financial services are permitted on the first two stories. Administrative services, (those not serving the public) are prohibited in order to prevent encroachment from downtown office uses. There are also special controls on fast-food restaurants and tourist hotels. Building standards protect and complement the existing small-scale development and the historic character of the area.

The height limit applicable to the district will accommodate two floors of housing or institutional use above two floors of retail use. Existing residential units are protected by prohibition of upper-story conversions and limitation on demolition. Accessory dwelling units are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

Table 811
CHINATOWN VISITOR RETAIL DISTRICT
ZONING CONTROL TABLE

*****	*****	*****			
			Chinatown Visitor Retail District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
RESIDENTIAL STANDARDS AND USES					
*****	*****	*****	*****	*****	*****
.91	Residential Density, Dwelling Units Density	§§ 207	Generally, up to 1 unit per 200 sq. ft. lot area # § 207.5 (c)		

*****	*****	*****	*****	*****	*****
-------	-------	-------	-------	-------	-------

SPECIFIC PROVISIONS FOR THE CHINATOWN BUSINESS RETAIL DISTRICT

Article 8 Code Section	Other Code Section	Zoning Controls
*****	*****	*****
§§ 811-1 .91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries:</u> <u>Within the boundaries of the Chinatown Visitor Retail District.</u></p> <p><u>Controls:</u> <u>An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</u></p>

SEC. 812.~~1~~ CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

The Chinatown Residential Neighborhood Commercial District extends along Stockton Street between Sacramento and Broadway and along Powell Street between Washington Street and Broadway. It is generally west and uphill from Grant Avenue and is close to the relatively intensely developed residential areas of lower Nob and Russian Hills. Stockton Street is a major transit corridor which serves as "Main Street" for the Chinatown neighborhood. Both Stockton and Powell Streets contain a significant amount of housing as well as major community institutions supportive to Chinatown and the larger Chinese community. This daytime-oriented district provides local and regional specialty food shopping for fresh vegetables, poultry, fish and meat. Weekends are this area's busiest shopping days.

Because Stockton Street is intended to remain principally in its present character, the Stockton Street controls are designed to preserve neighborhood-serving uses and protect the residential livability of the area. The controls promote new residential development compatible with existing small-scale mixed-use character of the area. Consistent with the residential character of the area, commercial development is directed to the ground story. Daytime-oriented use is protected and tourist-related uses, fast-food restaurants and financial services are limited.

Housing development in new and existing buildings is encouraged above the ground floor. Institutional uses are also encouraged. Existing residential units are protected by limits on demolition and conversion. Accessory dwelling units are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

**Table 812
CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

*****	*****	*****			
			Chinatown Residential Neighborhood Commercial District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
RESIDENTIAL STANDARDS AND USES					
*****	*****	*****	*****	*****	*****
.91	Residential Density Dwelling Units <u>Density</u>	§§ 207	<u>Generally, up to</u> 1 unit per 200 sq. ft. lot area #		

			§ 207.5 (c)
* * * *	* * * *	* * * *	* * * *

**SPECIFIC PROVISIONS FOR THE CHINATOWN
RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 8 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§§ 812-1 .91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the Chinatown Residential Neighborhood Commercial District.</u> <u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</u>

Section 7. The Administrative Code is hereby amended by revising Section 37.2, to read as follows:

* * * *

(r) **Rental Units.** All residential dwelling units in the City and County of San Francisco together with the land and appurtenant buildings thereto, and all housing services, privileges, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities.

Garage facilities, parking facilities, driveways, storage spaces, laundry rooms, decks, patios, or gardens on the same lot, or kitchen facilities or lobbies in single room occupancy

1 (SRO) hotels, supplied in connection with the use or occupancy of a unit, may not be severed
2 from the tenancy by the landlord without just cause as required by Section 37.9(a). Any
3 severance, reduction or removal permitted under this Section 37.2(r) shall be offset by a
4 corresponding reduction in rent. Either a landlord or a tenant may file a petition with the Rent
5 Board to determine the amount of the rent reduction.

6 The term "rental units" shall not include:

7 * * * *

8 (4) Except as provided in Subsections (A), (B) and (C), dwelling units whose
9 rents are controlled or regulated by any government unit, agency or authority, excepting those
10 unsubsidized and/or unassisted units which are insured by the United States Department of
11 Housing and Urban Development; provided, however, that units in unreinforced masonry
12 buildings which have undergone seismic strengthening in accordance with Building Code
13 Chapters 16B and 16C shall remain subject to the Rent Ordinances to the extent that the
14 ordinance is not in conflict with the seismic strengthening bond program or with the program's
15 loan agreements or with any regulations promulgated thereunder;

16 * * * *

17 (D) The term "rental units" shall include ~~In-Law~~ Accessory Dwelling Units
18 constructed pursuant to Section 207(c)(4) ~~715.1~~ of the Planning Code ~~and the Section 715 Zoning~~
19 ~~Control Table~~ and that have received a complete or partial waiver of the density limits and/or
20 the parking, rear yard, exposure, and or open space standards from the Zoning Administrator
21 pursuant to Planning Code Section 307(l), provided that the building containing the ~~In-Law~~
22 Accessory Dwelling Unit(s) or any unit within the building is already subject to this Chapter.

23 * * * *

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

5
6 Section 9. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

12 Specifically, the Board of Supervisors recognizes that a pending ordinance in Board of
13 Supervisors File No. 1500365 that authorizes the construction of Accessory Dwelling Units
14 within the boundaries of Board of Supervisors District 8 amends some of the same sections of
15 the Planning Code. The Board intends that, if adopted, the additions and deletions shown in
16 both ordinances be given effect so that the substance of each ordinance be given full force
17 and effect. To this end, the Board directs the City Attorney's Office and the publisher to
18 harmonize the provisions of each ordinance.

19
20 Section 10. Severability. If any section, subsection, sentence, clause, phrase, or word
21 of this Section is for any reason held to be invalid or unconstitutional by a decision of any
22 court of competent jurisdiction, such decision shall not affect the validity of the remaining
23 portions of the Section. The Board of Supervisors hereby declares that it would have passed
24 this Section and each and every section, subsection, sentence, clause, phrase, and word not
25

1 declared invalid or unconstitutional without regard to whether any other portion of this Section
2 would be subsequently declared invalid or unconstitutional.

3
4 Section 11. Directions to Clerk. The Clerk of the Board of Supervisors is hereby
5 directed to submit a copy of this ordinance to the California Department of Housing and
6 Community Development within 60 days following adoption pursuant to Section 65852.2(h) of
7 the California Government Code.

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

11 By: _____
12 JUDITH A. BOYAJIAN
Deputy City Attorney

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