

[Planning, Administrative Codes - Construction of Accessory Dwelling Units – District 8]

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Ordinance amending the Planning Code to allow the construction of Accessory Dwelling Units (ADUs, also known as Secondary or In-Law Units) within the boundaries of Board of Supervisors District 8, ~~prohibit approval of an application for construction of an ADU in any building where a tenant has been evicted under the Ellis Act within ten years prior to filing the application, and prohibit an ADU from being used for~~ require the Planning Department to monitor the use of ADUs as short-term rentals; 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

1 Supervisors in File No. 150804 and is incorporated herein by reference. The Board affirms
2 that determination.

3 (b) On July 16, 2015, the Planning Commission, in Resolution No.19418, adopted
4 findings that the actions contemplated in this ordinance are consistent, on balance, with the
5 City’s General Plan and the eight priority policies of Planning Code Section 101.1. The Board
6 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
7 Board of Supervisors in File No.150804, and is incorporated herein by reference.

8 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
9 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
10 in Planning Commission Resolution No. 19418 and the Board incorporates such reasons
11 herein by reference. A copy of Planning Commission Resolution No. 19418 is on file with the
12 Clerk of the Board of Supervisors in File No. 150804.

13
14 Section 2. Specific Findings.

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

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

20 (c) In Section 65852.150 of the California Government Code, the State Legislature
21 finds and declares that adding an additional unit to existing single-family homes is a valuable
22 form of housing in California. Permitting the creation of accessory dwelling units in existing
23 residential buildings in established, already dense, and transit-rich neighborhoods will provide
24 additional housing without changing the built character of these areas. It also will “green” San
25

1 Francisco by efficiently using existing buildings and allowing more residents to live within
2 walking distance of transit, shopping, and services.

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

5

6 Section 3. The Planning Code is hereby amended by revising Sections 102, 207 and
7 307, to read as follows:

8 **SEC. 102. DEFINITIONS.**

9 * * * *

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

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

15 * * * *

16 (c) **Exceptions to Dwelling Unit Density Limits.**

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

18 For projects that are not located in any RH-1 or RH-2 zoning district, or are not seeking and
19 receiving a density bonus under the provisions of California Government Code Section 65915,
20 where 20 percent or more of the Dwelling Units on-site are “Affordable Units,” the on-site
21 Affordable Units shall not count towards the calculation of dwelling unit density. This Planning
22 Code Section does not provide exceptions to any other Planning Code requirements such as
23 height or bulk. For purposes of this Section 207, “Affordable Units” shall be defined as
24 meeting ~~(1)~~ (A) the criteria of Section 406(b); ~~(2)~~ (B) the requirements of Section 415 et seq.
25 for on-site units; or ~~(3)~~ (C) restricted units in a project using California Debt Limit Allocation

1 Committee (CDLAC) tax-exempt bond financing and 4 percent tax credits under the Tax
2 Credit Allocation Committee (TCAC). If a project sponsor proposes to provide “Affordable
3 Units” that are not restricted by any other program, in order to receive the benefit of the
4 additional density permitted under this Subsection (c)(1) or Subsection (c)(2), the project
5 sponsor shall elect and the Planning Department and MOHCD shall be authorized to enforce,
6 restricting the units as affordable under Planning Code Section 415.6 up to a maximum of 20
7 percent of the units in the principal project. The project sponsor shall make such election
8 through the procedures described in Section 415.5(g) including submitting an Affidavit of
9 Compliance indicating the project sponsor’s election to pursue the benefits of Subsection
10 (c)(1) or (c)(2) and committing to 20% percent on-site units restricted under Section 415.6 prior
11 to approval by the Planning Commission or Planning Department staff. If a project sponsor
12 obtains the exemption from the density calculation for Affordable Units provided in this
13 subsection, the exemption shall be recorded against the property. Any later request to
14 decrease the number of Affordable Units shall require the project to go back to the Planning
15 Commission or Planning Department, whichever entity approved the project as a whole.

16 * * * *

17 **(4) Accessory Dwelling Units.**

18 (A) **Definition.** An “Accessory Dwelling Unit,” *also known as a Secondary*
19 *Unit or In-Law Unit,* is defined *in Section 102 for purposes of this Subsection 207(c)(4) as an*
20 *additional Dwelling Unit that:*

21 *(i) is constructed entirely within the existing built envelope of an existing*
22 *building zoned for Residential use or within the envelope of an existing and authorized auxiliary*
23 *structure on the same lot; and*

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

4 ~~As used in this Section 207, the term Accessory Dwelling Unit is separate and distinct from the~~
5 ~~term “dwelling units accessory to other uses” in Section 204.4.~~

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

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

11 (ii) lots ~~located in~~ with a building undergoing mandatory seismic
12 retrofitting in compliance with Section 34B of the Building Code or voluntary seismic
13 retrofitting in compliance with the Department of Building Inspection’s Administrative Bulletin
14 094.

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

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

19 (ii) The Accessory Dwelling Unit is subject to the provisions of the San
20 Francisco Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) if the
21 existing building or any existing Dwelling Unit within the building is subject to the Rent Stabilization
22 and Arbitration Ordinance.

23 (iii) The Accessory Dwelling Unit shall not be used for short-term
24 rental under Chapter 41A of the Administrative Code. The Department shall require the
25 applicant to disclose on any application for construction of an Accessory Dwelling Unit

1 whether the applicant intends to use, or authorize the use of, the Accessory Dwelling Unit for
2 Short-Term Residential Rentals. The Department shall not approve an application for
3 construction of an Accessory Dwelling Unit unless the applicant has provided the information
4 required by this subsection.

5 ~~(iv) The Department shall not approve an application for~~
6 ~~construction of an Accessory Dwelling Unit in any building where a tenant has been evicted~~
7 ~~pursuant to Section 37.9(a)(10) of the Administrative Code within ten years prior to filing the~~
8 ~~application for construction of an Accessory Dwelling Unit.~~

9 ~~(ii) (v) *Castro Street NCD and Surrounding Area.*~~ (iv) Board of
10 Supervisors District 8. For Accessory Dwelling Units on lots covered by Subsection

11 207(c)(4)(B)(i):

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

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

17 c. For buildings that have no more than 10 existing
18 ~~dDwelling #Units~~, one Accessory Dwelling Unit is permitted; for buildings that have more than
19 10 existing ~~dDwelling #Units~~, two Accessory Dwelling Units are permitted.

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

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

24 b. An Accessory Dwelling Unit shall be constructed entirely
25 within the existing building envelope or auxiliary structure, as it existed three (3) years prior to

1 the time of the application for a building permit.

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

6 1) exempt from the notification requirements of Sections
7 311 and 312 of this Code; and

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

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

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

1 Code Section 41A.4, and shall use such data to evaluate and enforce the requirements of
2 Administrative Code Chapter 41A.

3 (iii) **Department Report.** The Department shall publish a report by
4 April 1, 2016, that describes and evaluates the types of units being developed and their
5 affordability rates, as well as their use as Short-Term Residential Rentals. The report shall
6 contain such additional information as the Director determines would inform decision makers
7 and the public on the effectiveness and implementation of ~~the~~ this Subsection (c)(4) and make
8 recommendations for any amendments or expansion of areas where Accessory Dwelling
9 Units should be constructed. In subsequent years, this information on Accessory Dwelling
10 Units shall be included in the Housing Inventory.

11
12 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

13 In addition to those specified in Sections 302 through 306, and Sections 316 through
14 316.6 of this Code, the Zoning Administrator shall have the following powers and duties in
15 administration and enforcement of this Code. The duties described in this Section shall be
16 performed under the general supervision of the Director of Planning, who shall be kept
17 informed of the actions of the Zoning Administrator.

18 * * * *

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

23 The Zoning Administrator may allow complete or partial relief from the density limits
24 and from the parking, rear yard, exposure, or open space requirements of this Code when
25 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>(Z)</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 with no more	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	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

			than three units per lot	square feet of lot area, with no more than three units per lot		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 <i>(8)</i>	§ 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.

****	****	****	****	****	****
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* 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).

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

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

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

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

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

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

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

ground story and limitations on demolitions. 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 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: Board of Supervisors District 8 extant on July 1, 2015.</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</u>

		<p><i>constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</i></p>
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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.

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

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

5	****	****	****	****		
6	No.	Zoning Category	§ References	NC-3		
7				Controls by Story		
8			§ 790.118	1st	2nd	3rd+
9	****	****	****	****	****	****
10	RESIDENTIAL STANDARDS AND USES					
11	****	****	****	****	****	****
12				Generally, up to 1 unit per 600 sq.		
13	712.91	Dwelling Unit Density	§ 207	ft. lot area #		
14				§ 207(c)		
15	****	****	****	****	****	****
16	****	****	****	****	****	****
17	****	****	****	****	****	****

18 **SPECIFIC PROVISIONS FOR NC-3 DISTRICTS**

19	Article 7	Other	Zoning Controls
20	Code	Code	
21	Section	Section	
22	****	****	****
23	<u>§§ 712,</u> <u>712.91</u>	<u>§ 207(c)(4)</u>	<u>ACCESSORY DWELLING UNITS</u>
24			<u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</u>
25			<u>Controls: An “Accessory Dwelling Unit,” as defined in Section 102</u> <u>and meeting the requirements of Section 207(c)(4), is permitted to be</u>

		<p><i>constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</i></p>
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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.

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

4	*****	*****	*****	*****		
5	No.	Zoning Category	§ References	NC-S		
6				Controls by Story		
7			§ 790.118	1st	2nd	3rd+
8	*****	*****	*****	*****	*****	*****
9	RESIDENTIAL STANDARDS AND USES					
10	*****	*****	*****	*****	*****	*****
11	713.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 800 sq.		
12				ft. lot area #		
13				§ 207(c)		
14	*****	*****	*****	*****		
15	*****	*****	*****	*****		

16 **SPECIFIC PROVISIONS FOR NC-S DISTRICTS**

17	Article 7 Code Section	Other Code Section	Zoning Controls
18	*****	*****	*****
19	§§ 713, 713.91	§ 207(c)(4)	<i>ACCESSORY DWELLING UNITS</i>
20			<i>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</i>
21			<i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and</i>
22			<i>meeting the requirements of Section 207(c)(4), is permitted to be</i>
23			<i>constructed within an existing building zoned for residential use or</i>
24			
25			

		<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, excluding any lot within 500 feet of Block 2623, Lots 116 through 154.</i></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

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

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

5	****	****	****	****		
6	No.	Zoning Category	§ References	Upper Market Street		
7				Controls by Story		
8			§ 790.118	1st	2nd	3rd+
9	****	****	****	****	****	****
10	RESIDENTIAL STANDARDS AND USES					
11	****	****	****	****	****	****
12				Generally, up to 1 unit per 400 sq.		
13	721.91	Dwelling Unit Density	§§ 207	ft. lot area #		
14				§ 207(c)		
15						
16	****	****	****	****		
17						

18 **SPECIFIC PROVISIONS FOR UPPER MARKET STREET**
 19 **NEIGHBORHOOD COMMERCIAL DISTRICT**

20	Article 7 Code Section	Other Code Section	Zoning Controls
21	****	****	****
22	<u>§§ 721,</u>		<u>ACCESSORY DWELLING UNITS</u>
23	<u>721.91</u>	<u>§ 207(c)(4)</u>	<u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</u>
24			<u>Controls: An “Accessory Dwelling Unit,” as defined in Section 102 and</u>
25			

		<p><i>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>
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SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

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

The Valencia Street District has a pattern of large lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. In order to protect the balance and variety of retail uses and the livability of adjacent uses and areas, most eating and drinking and entertainment uses at the ground story are limited. Continuous retail frontage is promoted by prohibiting drive-up facilities, some automobile uses, and new nonretail commercial uses. Parking is not required, and any new

1 parking is required to be set back or below ground. Active, pedestrian-oriented ground floor
 2 uses are required.

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

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

****	****	****	****		
No.	Zoning Category	§ References	Valencia Street Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
726.91	Dwelling Unit Density	§§ 207	No density limit # § 207(c)		
****	****	****	****	****	****

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

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

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-

1 night activity, certain potentially troublesome commercial uses are regulated. Eating and
 2 drinking establishments require conditional use authorization, and ground-story entertainment
 3 and financial service uses are restricted to and at the ground story. Prohibitions on drive-up
 4 and most automobile uses help prevent additional traffic and parking congestion.

5 Housing development in new buildings is encouraged above the ground story. Existing
 6 housing units are protected by prohibitions on upper-story conversions and limitations on
 7 demolitions. Accessory Dwelling Units are permitted within the district pursuant to Subsection
 8 207(c)(4) of this Code.

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

11	****	****	****			
12	No.	Zoning Category	§ References	24th Street – Noe Valley		
13				Controls by Story		
14			§ 790.118	1st	2nd	3rd+
15	****	****	****	****	****	****
16	RESIDENTIAL STANDARDS AND USES					
17	****	****	****	****	****	****
18	728.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq.		
19				ft. lot area #		
20				§ 207(c)		
21	****	****	****	****	****	****
22						
23						
24						
25						

**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)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Board of Supervisors District 8 as extant on July 1, 2015.</u> <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>

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-street parking in order to preserve the pedestrian-oriented character of the district and prevent

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

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

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

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

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

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

1
2 **Table 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
3 **ZONING CONTROL TABLE**

4	*****	*****	*****	*****		
5	No.	Zoning Category	§ References	NCT-3		
6				Controls by Story		
7			§ 790.118	1st	2nd	3rd+
8	*****	*****	*****	*****	*****	*****
9	RESIDENTIAL STANDARDS AND USES					
10	*****	*****	*****	*****	*****	*****
11	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 #		
12						
13						
14						
15						
16						
17						
18						
19	*****	*****	*****	*****		

20 **SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS**

21	Article 7 Code Section	Other Code Section	Zoning Controls
22	*****	*****	*****
23	<u>§§ 731, 731.91</u>	<u>§ 207(c)(4)</u>	<u>ACCESSORY DWELLING UNITS</u>
24			<u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</u>
25			

		<p><i>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.</i></p>
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SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Upper Market Street Neighborhood Commercial Transit District is located on Market Street from Church to Noe Streets, and on side streets off Market. 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 transit access to downtown. The width of Market Street and its use as a major arterial diminish the perception of the Upper Market Street Transit District as a single commercial district. The street appears as a collection of dispersed centers of commercial activity, concentrated at the intersections of Market Street with secondary streets.

This district is well served by transit and is anchored by the Market Street subway (with stations at Church Street and Castro Street) and the F-Market historic streetcar line. All light-rail lines in the City traverse the district, including the F, J, K, L, M, and N, and additional key cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally, Market Street is a primary bicycle corridor. 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-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.

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

22	****	****	****	****
23	No.	Zoning Category	§ References	Upper Market Street Transit
24				Controls by Story
25				

		§ 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
****	****	****
§§ 733, 733.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p>Boundaries: <u>Board of Supervisors District 8 extant on July 1, 2015.</u></p> <p>Controls: <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>

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

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

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

15 Commercial uses are encouraged at the ground story. Retail frontages and pedestrian-
16 oriented streets are protected by limiting curb cuts (i.e. driveways, garage entries) as well as
17 requiring ground floor commercial uses on portions of Diamond and Chenery Streets. Housing
18 development is encouraged above the ground story. Housing density is not controlled by the
19 size of the lot but by dwelling unit standards, physical envelope controls and unit mix
20 requirements. Given the area's location and accessibility to the transit network, accessory
21 parking for residential and commercial uses is not required. Any new parking is required to be
22 set back to support a pedestrian friendly streetscape. Accessory Dwelling Units are permitted
23 within the district pursuant to Subsection 207(c)(4) of this Code.

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

3	****	****	****	****		
4	No.	Zoning Category	§ References	Glen Park Transit		
5				Controls by Story		
6			§ 790.118	1st	2nd	3rd+
7	****	****	****	****	****	****
8	RESIDENTIAL STANDARDS AND USES					
9	****	****	****	****	****	****
10	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		
11						
12	****	****	****	****	****	****
13						
14						
15						
16						
17						
18	****	****	****	****	****	****

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

21	Article 7 Code Section	Other Code Section	Zoning Controls
22	****	****	****
23	§§ 738, 738.91	§ 207(c)(4)	<i>ACCESSORY DWELLING UNITS</i> <i>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</i>

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

The term “rental units” shall not include:

* * * *

(4) Except as provided in Subsections (A), (B) and (C), dwelling units whose rents are controlled or regulated by any government unit, agency or authority, excepting those

1 unsubsidized and/or unassisted units which are insured by the United States Department of
2 Housing and Urban Development; provided, however, that units in unreinforced masonry
3 buildings which have undergone seismic strengthening in accordance with Building Code
4 Chapters 16B and 16C shall remain subject to the Rent Ordinances to the extent that the
5 ordinance is not in conflict with the seismic strengthening bond program or with the program's
6 loan agreements or with any regulations promulgated thereunder;

7 * * * *

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

14 * * * *

15
16 Section 7. Effective Date. This ordinance shall become effective 30 days after
17 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
18 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
19 of Supervisors overrides the Mayor's veto of the ordinance.

20
21 Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
25

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

3
4 Section 9. Severability. If any section, subsection, sentence, clause, phrase, or word of
5 this Section is for any reason held to be invalid or unconstitutional by a decision of any court
6 of competent jurisdiction, such decision shall not affect the validity of the remaining portions of
7 the Section. The Board of Supervisors hereby declares that it would have passed this Section
8 and each and every section, subsection, sentence, clause, phrase, and word not declared
9 invalid or unconstitutional without regard to whether any other portion of this Section would be
10 subsequently declared invalid or unconstitutional.

11
12 Section 10. Directions to Clerk. The Clerk of the Board of Supervisors is hereby
13 directed to submit a copy of this ordinance to the California Department of Housing and
14 Community Development within 60 days following adoption pursuant to Section 65852.2(h) of
15 the California Government Code.

16
17 APPROVED AS TO FORM:
18 DENNIS J. HERRERA, City Attorney

19 By: _____
20 JUDITH A. BOYAJIAN
21 Deputy City Attorney

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23
24
25