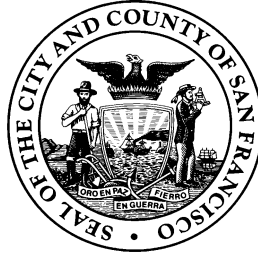


BOARD of SUPERVISORS



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TDD/TTY No. 554-5227

## MEMORANDUM

### LAND USE AND TRANSPORTATION COMMITTEE SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Malia Cohen, Chair  
Land Use and Transportation Committee

FROM: Andrea Ausberry, Assistant Clerk

DATE: July 27, 2015

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, July 28, 2015

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, July 28, 2015. This item was acted upon at the Committee Meeting on Monday, July 27, 2015, at 1:30 p.m., by the votes indicated.

**Item No. 74                      File No. 150804**

**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.**

**DUPLICATED:**

Vote: Supervisor Malia Cohen - Aye  
Supervisor Scott Wiener - Aye  
Supervisor Jane Kim – Aye

**AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE:**

Vote: Supervisor Malia Cohen - Aye  
Supervisor Scott Wiener - Aye  
Supervisor Jane Kim – Aye

RECOMMENDED AS AMENDED AS A COMMITTEE REPORT:

Vote: Supervisor Malia Cohen - Aye  
Supervisor Scott Wiener - Aye  
Supervisor Jane Kim - Aye

c: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Rick Caldeira, Deputy Legislative Clerk  
Jon Givner, Deputy City Attorney

File No. 150804

Committee Item No. 4  
Board Item No. 74

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date July 27, 2015

Board of Supervisors Meeting

Date Jul 28, 2015

**Cmte Board**

- |                                     |                                     |  |
|-------------------------------------|-------------------------------------|--|
| <input type="checkbox"/>            | <input type="checkbox"/>            | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Resolution                                   |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>            | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Introduction Form                            |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/>            | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/>            | Application                                  |
| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | Public Correspondence                        |

**OTHER (Use back side if additional space is needed)**

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Completed by: Andrea Ausberry Date July 24, 2015

Completed by: \_\_\_\_\_ Date \_\_\_\_\_

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

1  
2 **Ordinance amending the Planning Code to allow the construction of Accessory**  
3 **Dwelling Units (ADUs, also known as Secondary or In-Law Units) within the boundaries**  
4 **of Board of Supervisors District 8, ~~prohibit approval of an application for construction~~**  
5 **~~of an ADU in any building where a tenant has been evicted under the Ellis Act within~~**  
6 **~~ten years prior to filing the application, and prohibit an ADU from being used for~~**  
7 **require the Planning Department to monitor the use of ADUs as short-term rentals;**  
8 **amending the Administrative Code to correct section references; affirming the**  
9 **Planning Department’s determination under the California Environmental Quality Act;**  
10 **making findings of consistency with the General Plan and the eight priority policies of**  
11 **Planning Code Section 101.1; and directing the Clerk of the Board of Supervisors to**  
12 **send a copy of this ordinance to the California Department of Housing and Community**  
13 **Development after adoption.**

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

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

22 Section 1. General and Environmental Findings.

23 (a) The Planning Department has determined that the actions contemplated in this  
24 ordinance comply with the California Environmental Quality Act (California Public Resources  
25 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(e)(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(l) 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 ~~d~~Dwelling ~~u~~Units, one Accessory Dwelling Unit is permitted; for buildings that have more than  
19 10 existing ~~d~~Dwelling ~~u~~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. If ~~allowed~~ *permitted* by the Building Code, a building in  
25 which an Accessory Dwelling Unit is constructed may be raised up to three *additional* feet *in*

1 *height to create ~~ground-floor ceiling~~ heights suitable for residential use on lower floors. Such a*  
2 *raise in height shall be:*

3 *1) exempt from the notification requirements of Sections*  
4 *311 and 312 of this Code; and*

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

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

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

22 *~~(BB)~~ b. if the Planning Director determines necessary, an*  
23 *Affidavit containing information about the direct financial contribution or other form of*  
24 *assistance provided to the property owner. The property owner and the Planning Director (or*  
25 *his designee), on behalf of the City, will execute the Agreement, which shall be reviewed and*

1 approved by the City Attorney's Office. The Agreement shall be approved prior to the City's  
2 issuance of the First Construction Document *for the project*, as defined in Section 107A.13.1 of  
3 the San Francisco Building Code.

4 (D) **Monitoring Program.**

5 (i) **Monitoring of Affordability.** The Department shall establish a  
6 system to monitor the affordability of the Accessory Dwelling Units authorized to be  
7 constructed by this Subsection 207(c)(4). Property owners shall provide the Department with  
8 rent information as requested by the Department. The Board of Supervisors recognizes that  
9 property owners and tenants generally consider rental information sensitive and do not want it  
10 publicly disclosed. The intent of the Board is for the Department to obtain the information so  
11 that it can be used by the Department in aggregate form, not in a manner that would be linked  
12 to specific individuals or units. The Department shall only request rental information from  
13 property owners if the notice includes the statement that the Department is acquiring it in  
14 confidence and will publicly disclose it only in aggregate form. The Department shall not ask  
15 property owners to provide rental information if it determines, after consulting with the City  
16 Attorney's Office, that the information would be publicly disclosable under federal, state, or  
17 local law in nonaggregated form.

18 (ii) **Monitoring of use as Short Term Rentals.** The Department  
19 shall collect data on the use of Accessory Dwelling Units authorized to be constructed by this  
20 Subsection (c)(4) as Short-Term Residential Rentals, as that term is defined in Administrative  
21 Code Section 41A.4, and shall use such data to evaluate and enforce the requirements of  
22 Administrative Code Chapter 41A.

23 (iii) **Department Report.** The Department shall publish a report  
24 by April 1, 2016, that describes and evaluates the types of units being developed and their  
25 affordability rates, as well as their use as Short-Term Residential Rentals. The report shall

1 contain such additional information as the Director determines would inform decision makers  
2 and the public on the effectiveness and implementation of the this Subsection (c)(4) and make  
3 recommendations for any amendments or expansion of areas where Accessory Dwelling  
4 Units should be constructed. In subsequent years, this information on Accessory Dwelling  
5 Units shall be included in the Housing Inventory.

6  
7 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING ADMINISTRATOR.**

8 In addition to those specified in Sections 302 through 306, and Sections 316 through  
9 316.6 of this Code, the Zoning Administrator shall have the following powers and duties in  
10 administration and enforcement of this Code. The duties described in this Section shall be  
11 performed under the general supervision of the Director of Planning, who shall be kept  
12 informed of the actions of the Zoning Administrator.

13 \* \* \* \*

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

18 The Zoning Administrator may allow complete or partial relief from the density limits  
19 and from the parking, rear yard, exposure, or open space requirements of this Code when  
20 modification of the requirement would facilitate the construction of an Accessory Dwelling  
21 Unit, as defined in Section 102 and meeting the requirements of Section 207(c)(4) 715.1 of this  
22 Code. The exposure requirements of Section 140 apply, except that subsection (a)(2) may be  
23 satisfied through windows facing an open area that is at least 15 feet in every horizontal  
24 direction that is not required to expand on subsequent floors. In considering any request for  
25 complete or partial relief from these Code requirements, the Zoning Administrator shall

1 facilitate the construction of such Accessory Dwelling Units to the extent feasible and shall  
 2 consider any criteria elsewhere in this Section 307 that he or she determines to be applicable.

3  
 4 Section 4. The Planning Code is hereby amended by revising the Zoning Control  
 5 Tables in Sections 209.1, 209.2, and 209.4, to read as follows:

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

Zoning Category	§ References	RH-1 (D)	RH-1	RH-1(S)	RH-2	RH-3
****	****	****				
<b>RESIDENTIAL STANDARDS AND USES</b>						
****						
<b>Residential Uses</b>						
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.

****	****	****	****	****	****	****
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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) 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
****	****	****			
<b>RESIDENTIAL STANDARDS AND USES</b>					
****					
<b>Residential Uses</b>					
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.
****	****	****	****	****	****

\* 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
****	****	****	

<b>RESIDENTIAL STANDARDS AND USES</b>			
*****			
<b>Residential Uses</b>			
Residential Density, Dwelling Units (7)	§ 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
*****	*****	*****	
<b>RESIDENTIAL STANDARDS AND USES</b>			
*****			
<b>Residential Uses</b>			



1 2 3 4 5	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.
6	****	****	****	****

7 \* Not listed below.

8 (1) C required if taller than 25 feet above roof, grade or height limit (depending on  
9 site) or if within 1000 feet of an R District and includes a parabolic antenna with a  
10 diameter in excess of three meters or a composite diameter of antennae in excess of  
11 six meters. See definition in 102 for more information.(2) Not required to be in an  
12 enclosed building.

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

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

15 (4)

16 Section 5. The Planning Code is hereby amended by revising Sections 710, 712, 713,  
17 715, 721, 726, 728, 731, 733 and 738, to read as follows:

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

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

22 These NC-1 Districts are characterized by their location in residential neighborhoods,  
23 often in outlying areas of the City. The commercial intensity of these districts varies. Many of  
24 these districts have the lowest intensity of commercial development in the City, generally  
25 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.

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

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

11 Housing development in new buildings is encouraged above the ground story in most  
 12 districts. Existing residential units are protected by prohibitions of conversions above the  
 13 ground story and limitations on demolitions. Accessory Dwelling Units are permitted on lots within  
 14 the boundaries of Board of Supervisors District 8 pursuant to Subsection 207(c)(4) of this Code.

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

****	****	****	****		
No.	Zoning Category	§ References	NC-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
<b>RESIDENTIAL STANDARDS AND USES</b>					
****	****	****	****	****	****

1			Generally, up to 1 unit per 800 sq.
2	710.91	Dwelling Unit Density	ft. lot area #
3			§ 207(c)
4			
5	****	****	****

6 **SPECIFIC PROVISIONS FOR NC-1 DISTRICTS**

7 Article 7 Code Section	8 Other Code Section	Zoning Controls
9 ****	****	****
10		<i>ACCESSORY DWELLING UNITS</i>
11		<i>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</i>
12 §§ 710.		<i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and</i>
13 710.91	§ 207(c)(4)	<i>meeting the requirements of Section 207(c)(4), is permitted to be</i>
14		<i>constructed within an existing building zoned for residential use or</i>
15		<i>within an existing and authorized auxiliary structure on the same lot.</i>

16  
17 **SEC. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

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

23 NC-3 Districts include some of the longest linear commercial streets in the City, some  
24 of which have continuous retail development for many blocks. Large-scale lots and buildings  
25 and wide streets distinguish the districts from smaller-scaled commercial streets, although the

1 districts may include small as well as moderately scaled lots. Buildings typically range in  
 2 height from two to four stories with occasional taller structures.

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

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

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

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

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

17	****	****	****	****		
18	No.	Zoning Category	§ References	NC-3		
19				Controls by Story		
20			§ 790.118	1st	2nd	3rd+
21	****	****	****	****	****	****
22	<b>RESIDENTIAL STANDARDS AND USES</b>					
23	****	****	****	****	****	****
24	****	****	****	****	****	****
25						

1			Generally, up to 1 unit per 600 sq.		
2	712.91	Dwelling Unit Density	§ 207	ft. lot area #	
3				§ 207(c)	
4					
5	****	****	****	****	****

**SPECIFIC PROVISIONS FOR NC-3 DISTRICTS**

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 712.712.91	§ 207(c)(4)	<p><i>ACCESSORY DWELLING UNITS</i></p> <p><i>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</i></p> <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>

**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.

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

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

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

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

16	****	****	****	****		
17	No.	Zoning Category	§ References	NC-S		
18				Controls by Story		
19			§ 790.118	1st	2nd	3rd+
20	****	****	****	****	****	****
21	<b>RESIDENTIAL STANDARDS AND USES</b>					
22	****	****	****	****	****	****
23	713.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 800 sq. ft. lot area #		
24						
25						

			§ 207(c)
****	****	****	****

**SPECIFIC PROVISIONS FOR NC-S DISTRICTS**

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 713, 713.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><b>Boundaries:</b> <u>Board of Supervisors District 8 extant on July 1, 2015.</u></p> <p><b>Controls:</b> <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. 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	§ 207(c)(4)	<p>ACCESSORY DWELLING UNITS</p> <p><b>Boundaries:</b> <u>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.</u></p>

§ 715.93		<b>Controls:</b> An "Accessory Dwelling Unit," as defined in <i>Section 102</i> and
§ 715.94		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.
* * * *	* * * *	* * * *

**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 transit access to downtown. The width of Market Street and its use as a major arterial diminish the perception of the Upper Market Street 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 Castro Street Station of the Market Street subway and the F-Market historic streetcar line. The F, K, L, and M streetcar lines traverse the district, and the Castro Station serves as a transfer point between light rail and crosstown and neighborhood bus lines. Additionally, Market Street is a primary bicycle corridor. 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 attracting auto traffic. There are



1 prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on  
 2 Market Street to preserve and enhance the pedestrian-oriented character and transit function.

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

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

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

****	****	****	****		
No.	Zoning Category	§ References	Upper Market Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
<b>RESIDENTIAL STANDARDS AND USES</b>					

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

1 also has several automobile-related businesses. Eating and drinking establishments  
2 contribute to the street's mixed-use character and activity in the evening hours. A number of  
3 upper-story professional and business offices are located in the district, some in converted  
4 residential units.

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

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

1 **Table 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**  
 2 **ZONING CONTROL TABLE**

3	****	****	****	****		
4	No.	Zoning Category	§ References	Valencia Street Transit		
5				Controls by Story		
6			§ 790.118	1st	2nd	3rd+
7						
8	****	****	****	****	****	****
9	<b>RESIDENTIAL STANDARDS AND USES</b>					
10	****	****	****	****	****	****
11	726.91	Dwelling Unit Density	§§ 207	No density limit # § 207(c)		
12						
13	****	****	****	****	****	****
14						

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

17	<b>Article 7</b>	<b>Other</b>	<b>Zoning Controls</b>
18	<b>Code</b>	<b>Code</b>	
19	<b>Section</b>	<b>Section</b>	
20	****	****	****
21	<u>§§ 726.</u> <u>726.91</u>	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u>
22			<u>Boundaries: Board of Supervisors District 8 as extant on July 1, 2015.</u>
23			<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>
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		<i>constructed within an existing building zoned for residential use or</i>
		<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-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.

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

3	****	****	****			
4	<b>No.</b>	<b>Zoning Category</b>	<b>§</b> <b>References</b>	<b>24th Street – Noe Valley</b>		
5				<b>Controls by Story</b>		
6			§ 790.118	1st	2nd	3rd+
7	****	****	****	****	****	****
8	<b>RESIDENTIAL STANDARDS AND USES</b>					
9	****	****	****	****	****	****
10	728.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq.		
11				ft. lot area #		
12				§ 207(c)		
13	****	****	****	****	****	****

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

16	<b>Article 7</b>	<b>Other</b>	<b>Zoning Controls</b>
17	<b>Code</b>	<b>Code</b>	
18	<b>Section</b>	<b>Section</b>	
19	****	****	****
20	§§ 728, 728.12, 728.91	§ 207(c)(4)	<i>ACCESSORY DWELLING UNITS</i>
21			<i>Boundaries: Board of Supervisors District 8 as extant on July 1, 2015.</i>
22			<i>Controls: An "Accessory Dwelling Unit," as defined in and meeting the</i>
23			<i>requirements of Section 207(c)(4), is permitted to be constructed within</i>
24			<i>an existing building zoned for residential use or within an existing and</i>
25			<i>authorized auxiliary structure on the same lot.</i>

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

3 NCT-3 Districts are transit-oriented moderate- to high-density mixed-use  
4 neighborhoods of varying scale concentrated near transit services. The NCT-3 Districts are  
5 mixed use districts that support neighborhood-serving commercial uses on lower floors and  
6 housing above. These districts are well-served by public transit and aim to maximize  
7 residential and commercial opportunities on or near major transit services. The district's form  
8 can be either linear along transit-priority corridors, concentric around transit stations, or  
9 broader areas where transit services criss-cross the neighborhood. Housing density is limited  
10 not by lot area, but by the regulations on the built envelope of buildings, including height, bulk,  
11 setbacks, and lot coverage, and standards for residential uses, including open space and  
12 exposure, and urban design guidelines. Residential parking is not required and generally  
13 limited. Commercial establishments are discouraged or prohibited from building accessory off-  
14 street parking in order to preserve the pedestrian-oriented character of the district and prevent  
15 attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-  
16 street parking and loading on critical stretches of NC and transit streets to preserve and  
17 enhance the pedestrian-oriented character and transit function.

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

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

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

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

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

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

****	****	****	****		
No.	Zoning Category	§ References	NCT-3 Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
<b>RESIDENTIAL STANDARDS AND USES</b>					
****	****	****	****	****	****
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)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><b>Boundaries:</b> <u>Board of Supervisors District 8 extant on July 1, 2015.</u></p> <p><b>Controls:</b> <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. 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

1 Market Street Transit District as a single commercial district. The street appears as a  
2 collection of dispersed centers of commercial activity, concentrated at the intersections of  
3 Market Street with secondary streets.

4 This district is well served by transit and is anchored by the Market Street subway (with  
5 stations at Church Street and Castro Street) and the F-Market historic streetcar line. All light-  
6 rail lines in the City traverse the district, including the F, J, K, L, M, and N, and additional key  
7 cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally,  
8 Market Street is a primary bicycle corridor. Housing density is limited not by lot area, but by  
9 the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot  
10 coverage, and standards for residential uses, including open space and exposure, and urban  
11 design guidelines. Residential parking is not required and generally limited. Commercial  
12 establishments are discouraged or prohibited from building accessory off-street parking in  
13 order to preserve the pedestrian-oriented character of the district and prevent attracting auto  
14 traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking  
15 and loading on Market and Church Streets to preserve and enhance the pedestrian-oriented  
16 character and transit function.

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

commercial space is required along Market and Church Streets. Most automobile and drive-up uses are prohibited or conditional.

Housing development in new buildings is encouraged above the second story. Existing upper-story residential 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 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, 733.91</u>	<u>§ 207(c)(4)</u>	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><b><u>Boundaries:</u></b> <u>Board of Supervisors District 8 extant on July 1, 2015.</u></p> <p><b><u>Controls:</u></b> <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. 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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

The Glen Park NCT is designed to protect and enhance the neighborhood's intimate scale, walkability and "village" atmosphere. Human-scaled buildings with neighborhood-serving uses such as specialty retail stores, restaurants, and local offices are encouraged. Buildings may range in height, with height limits allowing up to three and four stories

1 depending on location. Rear yard corridors above the ground story and at residential levels  
 2 are generally preserved.

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

12 **Table 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**  
 13 **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)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><b><u>Boundaries:</u></b> <i>Board of Supervisors District 8 extant on July 1, 2015.</i></p> <p><b><u>Controls:</u></b> <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>

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,

1 furnishings and facilities supplied in connection with the use or occupancy thereof, including  
2 garage and parking facilities.

3 Garage facilities, parking facilities, driveways, storage spaces, laundry rooms, decks,  
4 patios, or gardens on the same lot, or kitchen facilities or lobbies in single room occupancy  
5 (SRO) hotels, supplied in connection with the use or occupancy of a unit, may not be severed  
6 from the tenancy by the landlord without just cause as required by Section 37.9(a). Any  
7 severance, reduction or removal permitted under this Section 37.2(r) shall be offset by a  
8 corresponding reduction in rent. Either a landlord or a tenant may file a petition with the Rent  
9 Board to determine the amount of the rent reduction.

10 The term "rental units" shall not include:

11 \* \* \* \*

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

20 \* \* \* \*

21 (D) The term "rental units" shall include ~~In-Law~~ Accessory Dwelling Units  
22 constructed pursuant to Section 207(c)(4) 715.1 of the Planning Code ~~and the Section 715 Zoning~~  
23 ~~Control Table~~ and that have received a complete or partial waiver of the density limits and/or  
24 the parking, rear yard, exposure, and or open space standards from the Zoning Administrator  
25

1 pursuant to Planning Code Section 307(l), provided that the building containing the ~~In-Law~~  
2 Accessory Dwelling Unit(s) or any unit within the building is already subject to this Chapter.

3 \* \* \* \*

4  
5 Section 7. Effective Date. This ordinance shall become effective 30 days after  
6 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
7 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
8 of Supervisors overrides the Mayor's veto of the ordinance.

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

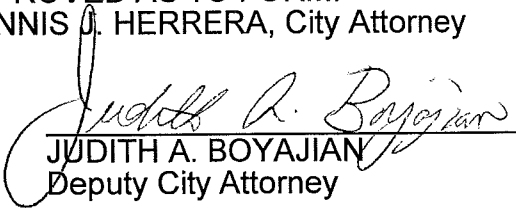
16  
17 Section 9. Severability. If any section, subsection, sentence, clause, phrase, or word of  
18 this Section is for any reason held to be invalid or unconstitutional by a decision of any court  
19 of competent jurisdiction, such decision shall not affect the validity of the remaining portions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



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

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

7  
8 By:

  
JUDITH A. BOYAJIAN  
Deputy City Attorney

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## SAN FRANCISCO PLANNING DEPARTMENT

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July 16, 2015

Ms. Angela Calvillo, Clerk  
Honorable Supervisor Scott Wiener  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

1650 Mission St.  
Suite 400  
San Francisco,  
CA 94103-2479

Reception:  
415.558.6378

Fax:  
415.558.6409

Planning  
Information:  
415.558.6377

Re: Transmittal of Planning Department Case Number 2015.005464PCA:  
Construction of Accessory Dwelling Units in Supervisor District 8  
Board File No. 150365  
Planning Commission Recommendation: Approval with Modification

Dear Ms. Calvillo and Supervisor Wiener,

On July 16, 2015, the San Francisco Planning Commission conducted duly noticed public hearing at a regularly scheduled meeting to consider the proposed amendments to the Planning Code introduced by Supervisors Wiener. At the hearing, the Planning Commission recommended approval with modification of this Ordinance.

The proposed amendments 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.

Please find attached documents relating to the actions by the Commission. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

Aaron D. Starr  
Manager of Legislative Affairs

cc:  
Andrea Ausberry, Assistant Clerk, Land Use and Economic Development Committee of the Board of Supervisors  
Judith Boyajian, City Attorney  
Andres Power, Legislative aid to Supervisor Scott Wiener



# SAN FRANCISCO PLANNING DEPARTMENT

## Planning Commission Resolution No. 19418 Planning & Administrative Code Text Change HEARING DATE: JULY 16, 2015

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*Project Name:* Construction of Accessory Dwelling Units in  
Supervisorial 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  
[Kimia.haddadan@sfgov.org](mailto:Kimia.haddadan@sfgov.org), 415-575-9068  
*Reviewed by:* Aaron Starr, Manager Legislative Affairs  
[aaron.starr@sfgov.org](mailto: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.
3. Prohibit conversion of retail on the ground floor to ADUs.

## 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: Fong, Antonini, Richards, Johnston,

NOES: Wu, Moore

ABSENT: Hillis

ADOPTED:



# 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

*Staff Contact:* Kimia Haddadan, Legislative Affairs  
[Kimia.haddadan@sfgov.org](mailto:Kimia.haddadan@sfgov.org), 415-575-9068

*Reviewed by:* Aaron Starr, Manager Legislative Affairs  
[aaron.starr@sfgov.org](mailto:aaron.starr@sfgov.org), 415-558-6362

*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 retrofiting, 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 retrofiting, 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 jurisdictions<sup>1</sup> 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

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<sup>1</sup> Examples are Santa Cruz, Berkeley, Los Angeles, San Luis Obispo.

existing infrastructure, and assisting low and moderate-income homeowners with supplemental income<sup>2</sup>.

#### **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

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<sup>2</sup> 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](http://www.hcd.ca.gov/hpd/hpd_memo_ab1866.pdf) retrieved on January 29, 2014.

illegal units<sup>3</sup>. 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 year<sup>4</sup> 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,

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

<sup>4</sup> 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 York<sup>5</sup>. Trulia also published a map of median asking rents in recent listings by neighborhoods, which ranges up to about \$3,750 per bedroom<sup>6</sup>. The median rent price for a 1 bedroom apartment in San Francisco has been reported as high as \$3,500 by Zumper.<sup>7</sup> 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.<sup>8</sup> 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<sup>9</sup>,<sup>10</sup>. 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

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

<sup>6</sup> Trulia, San Francisco Real Estate Overview, Retrieved at [http://www.trulia.com/real\\_estate/San\\_Francisco-California/](http://www.trulia.com/real_estate/San_Francisco-California/) on January 27, 2015

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

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

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

<sup>10</sup> 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 parcels<sup>11</sup> can add at least one 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

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<sup>11</sup> 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 Ordinance<sup>12</sup> (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 majority<sup>13</sup> 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 Control<sup>14</sup>. 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

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<sup>12</sup> Chapter 37 of the Administrative Code

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

<sup>14</sup> 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 space<sup>15</sup>. 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.

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<sup>15</sup> 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 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.

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.

<b>RECOMMENDATION:</b>	<b>Recommendation of Approval with Modification</b>
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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

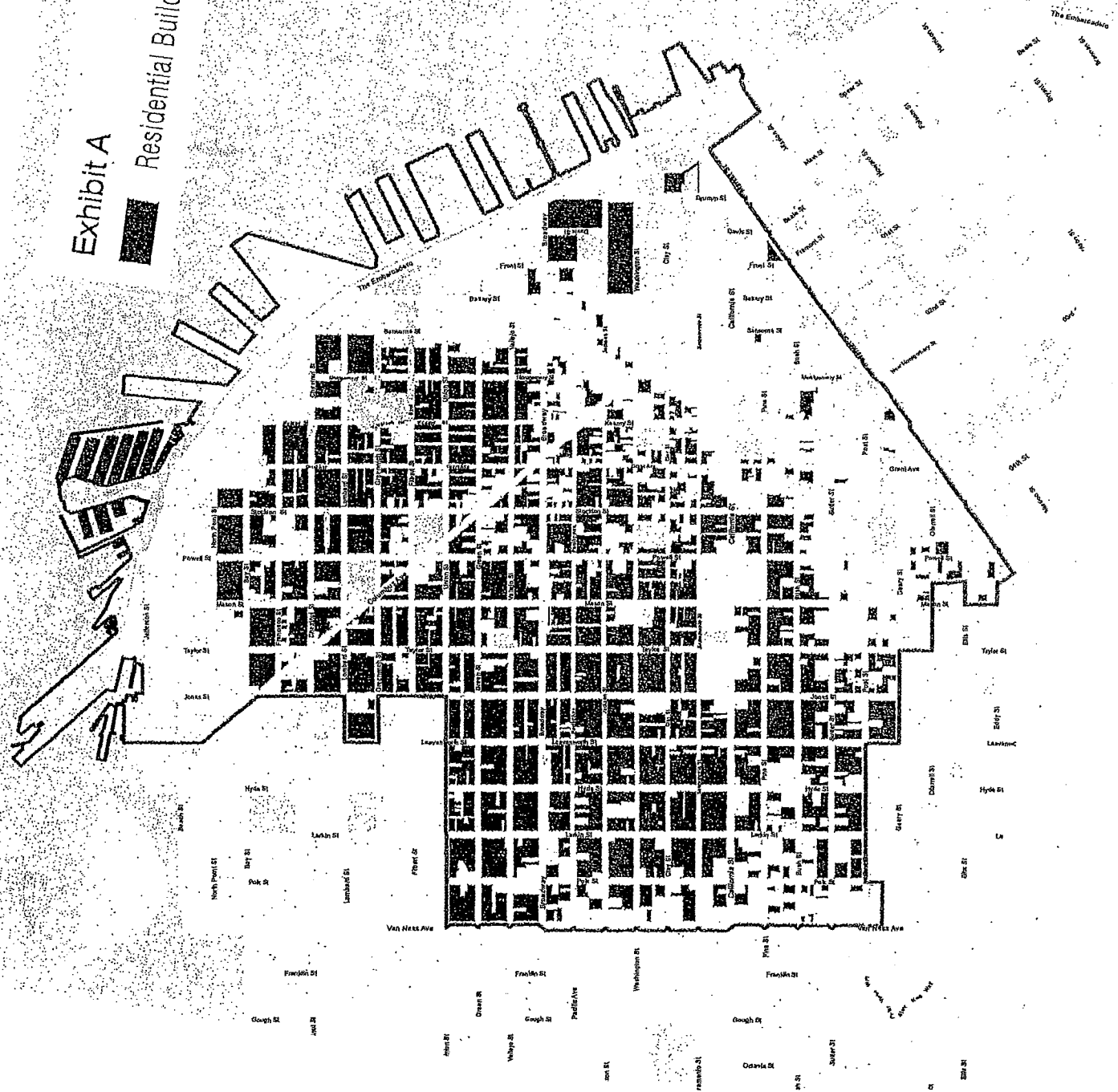








Exhibit B

# 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

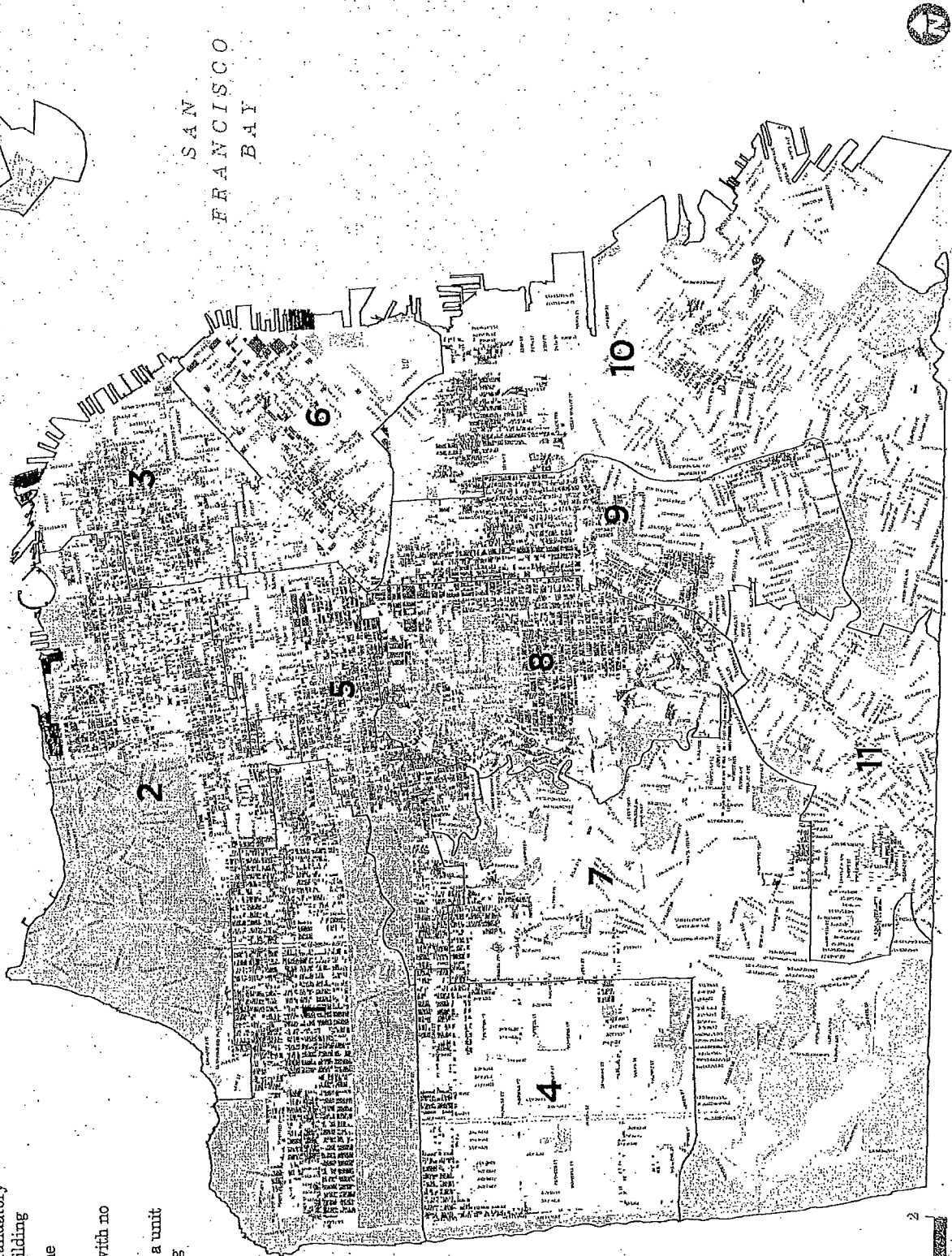
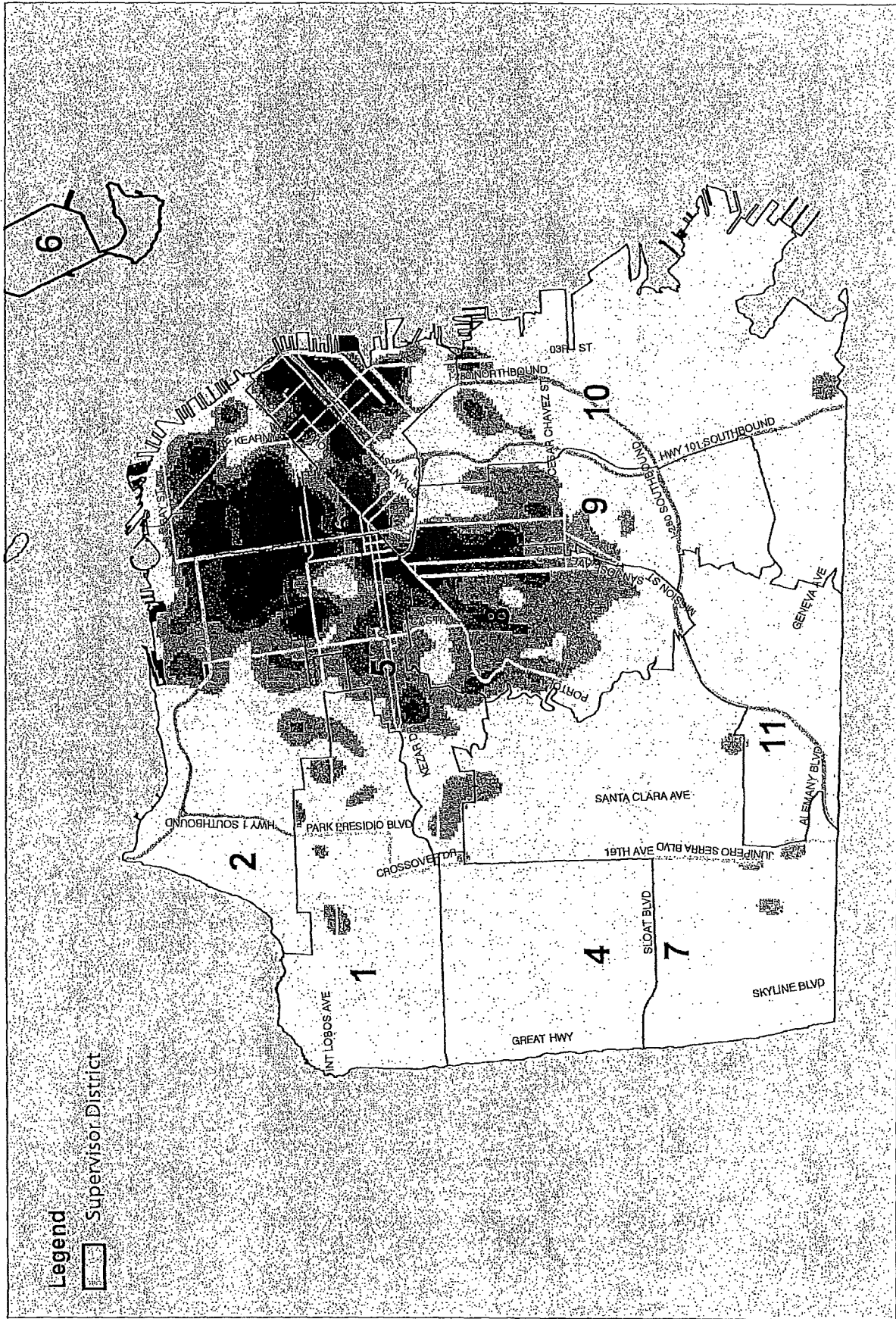


Exhibit C: Concentration of Rental Listings from January to June 2015 (Source: Padmapper)



## Exhibit D- Potential number of new ADUS

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

<sup>1</sup> ADUs allowed in buildings undergoing seismic retrofitting

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

<sup>3</sup> Based on field survey in the Castro Area in 2014

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

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

<sup>5</sup> ADUs allowed in buildings undergoing seismic retrofitting, or the Castro area.

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

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

## MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing & Community Development  
Delene Wolf, Executive Director, Rent Board

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee, Board  
of Supervisors

DATE: June 29, 2015

SUBJECT: SUBSTITUTE - LEGISLATION INTRODUCED.

---

The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Wiener on June 2 2015:

**File No. 150365**

**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.**

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Sophie Hayward, Mayor's Office of Housing  
Eugene Flannery, Mayor's Office of Housing



BOARD of SUPERVISORS



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1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

June 29, 2015

File No. 150365

Sarah Jones  
Environmental Review Officer  
Planning Department  
1650 Mission Street, 4<sup>th</sup> Floor  
San Francisco, CA 94103

Dear Ms. Jones:

On June 2, 2015, Supervisor Wiener introduced the following substitute legislation:

**File No. 150365**

**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.**

This legislation is being transmitted to you for environmental review.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "A. Ausberry".

By: Andrea Ausberry, Assistant Clerk

Attachment

cc: Joy Navarrete, Environmental Planning  
Jeanie Poling, Environmental Planning

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

June 29, 2015

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On June 2, 2015, Supervisor Wiener introduced the following substitute legislation:

**File No. 150365**

**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.**

The proposed ordinance is being transmitted pursuant to Planning Code Section 302(b) for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Andrea Ausberry".

By: Andrea Ausberry, Assistant Clerk  
Land Use and Transportation Committee

c: John Rahaim, Director of Planning  
Aaron Starr, Acting Manager of Legislative Affairs  
AnMarie Rodgers, Senior Policy Manager  
Scott Sanchez, Zoning Administrator  
Sarah Jones, Chief, Major Environmental Analysis  
Jeanie Poling, Environmental Planning  
Joy Navarrete, Environmental Planning

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Olson Lee, Director, Mayor's Office of Housing & Community Development  
Delene Wolf, Executive Director, Rent Board

FROM: Andrea Ausberry, Assistant Clerk, Land Use and Transportation Committee, Board of Supervisors

DATE: July 24, 2015

SUBJECT: DUPLICATED - LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following substitute legislation, introduced by Supervisor Wiener on June 2 2015 and Duplicated on July 20, 2015:

**File No. 150804**

**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 short-term rental; 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.**

If you have any additional comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

c: Sophie Hayward, Mayor's Office of Housing  
Eugene Flannery, Mayor's Office of Housing





**SPUR**

San Francisco | San Jose | Oakland

July 19, 2015

Land Use and Transportation Committee  
San Francisco Board of Supervisors  
1650 Mission Street, Suite 400  
San Francisco, CA 94103

RE: **Construction of Accessory Dwelling Units in Supervisorial Districts 3 & 8**  
File Nos. 150365 and 150585

Dear Supervisors Cohen, Wiener and Kim:

On behalf of SPUR, thank you for the opportunity to comment on the ordinances allowing the construction of Accessory Dwelling Units (ADU) in Board of Supervisors Districts 3 and 8.

SPUR has long advocated making it easier to build or legalize ADUs in San Francisco. Creating ADUs helps add more homes across the city in a way that does not change existing neighborhood character and has limited impact on neighborhood infrastructure. ADUs also provide a subsidy-free path to provide housing units that are typically "affordable by design" because of their size, location and physical constraints.

We support the expansion of Supervisor Wiener's Castro and seismic retrofitting ADU ordinances to the entirety of Districts 3 and 8, which increases the potential for ADUs to help expand the city's housing supply. We support planning staff's modifications that now include the formerly-excluded area around a supervisor's home and create consistency for the allowable number of ADUs per property.

SPUR supports these ordinances and thanks Supervisors Wiener and Christensen for their leadership on this topic.

Please feel free to contact me if you have any questions.

Best,

Kristy Wang  
Community Planning Policy Director

Cc: SPUR Board of Directors  
Supervisor Christensen

CHAIR  
David Friedman

PRESIDENT & CEO  
Gabriel Metcalf

EXECUTIVE VICE CHAIR  
Fel Tsen

VICE CHAIRS  
Alexa Arena  
Emilio Cruz  
Joan Price  
Wade Rose  
Bill Rosetti  
Carl Shannon  
Lydia Tan

SECRETARY  
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TREASURER  
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Richard Loneragan  
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Mary McCue  
Hydra Mendoza  
Terry Micheau  
George Miller  
Leslie Miller  
Tomiqua Moss  
Mary Murphy  
Bob Muscat  
Jeanne Myerson  
Adhi Nagraj  
Brad Paul  
Rich Peterson  
Rebecca Rhine  
Dan Saffler  
Paul Sedway  
Doug Shoemaker  
Ontario Smith  
Emma Stewart  
Stuart Sunshine  
Gary Teague  
Michael Teitz  
Mike Thériault  
Jeffrey Till  
Will Travis  
Joaquín Torres  
Molly Turner  
Jeff Tumlin  
Steve Vattel  
Francesca Vietor  
Fran Weld  
Allison Williams  
Paul Woolford  
Charmaine Yu

July 20, 2015

Supervisor Malia Cohen, Chair  
Land Use and Housing Committee  
Board of Supervisors  
San Francisco, CA

RE: File No. 150365: Construction of Accessory Dwelling Units (Wiener)  
File No. 150585: Construction of Accessory Dwelling Units (Christensen)

Chairperson Cohen and Members of the Committee:

We are writing as organizations that represent and assist hundreds of tenants facing evictions and displacement every year. We write to express our concerns about the twin proposals before the committee today that would permit the construction of new "Accessory Dwelling Units" in Districts 3 and 8 within roughly the envelopes of existing apartment buildings.

We note we do not have an objection to a well designed program to allow the development of accessory units that does not negatively impact existing tenants and vulnerable populations, we are concerned that this legislation does not meet that standard. As drafted, the present legislation does nothing to protect existing residents against displacement and eviction spurred by the development of these new units and does not assure that the newly constructed housing will in reality even become rental units.

These glaring gaps in the proposals should be addressed and corrected before they are presented to the full Board. At minimum, the legislation should provide that: (a) ADUs should not be permitted in any building within which there had been an Ellis Act, no fault eviction, or a buy out of tenants within the past 10 years and (b) as a condition of approval, buildings with ADUs should be required to be maintained as rental housing for a minimum of 10 years following the construction of the additional unit, (c) the legislation should drop their current provisions that will reduce the obligation by developers to provide notice to neighbors and tenants.

Today, in both Districts and across the City there is a wave of Ellis and other evictions by owners and speculators. We should not be rewarding or incentivizing the perpetrators of those evictions with the right to build new ADUs. The present legislation does nothing to prevent that outcome.

Sincerely,

Asian Americans Advancing Justice – Asian Law Caucus  
Causa Justa :: Just Cause  
Chinatown Community Development Center  
Dolores Street Community Services  
Housing Rights Committee of San Francisco  
San Francisco Tenants Union

Member, Board of Supervisors  
District 10



COB, LU, Leg Dep  
City and County of San Francisco

**MALIA COHEN**  
**馬莉亞郭嫻**

---

DATE: July 22, 2015  
TO: Angela Calvillo  
Clerk of the Board of Supervisors  
  
FROM: Supervisor Malia Cohen  
Chairperson  
  
RE: Land Use and Transportation Committee  
COMMITTEE REPORT

---

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on July 28, 2015, as a Committee Report:

150804  
**150365 - [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.~~

This matter will be heard in the Land Use and Transportation Committee on July 27, 2015, at 1:30 p.m.

Sincerely,

A handwritten signature in cursive script that reads "Malia".

Malia Cohen  
Member, Board of Supervisors

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

1  
2  
3 Ordinance amending the Planning Code to allow the construction of Accessory  
4 Dwelling Units (ADUs, also known as Secondary or In-Law Units) within the boundaries  
5 of Board of Supervisors District 8, prohibit approval of an application for construction  
6 of an ADU in any building where a tenant has been evicted under the Ellis Act within  
7 ten years prior to filing the application, and prohibit an ADU from being used for short-  
8 term rental; amending the Administrative Code to correct section references; affirming  
9 the Planning Department's determination under the California Environmental Quality  
10 Act; making findings of consistency with the General Plan and the eight priority  
11 policies of Planning Code Section 101.1; and directing the Clerk of the Board of  
12 Supervisors to send a copy of this ordinance to the California Department of Housing  
13 and Community Development after adoption.

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

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

22 Section 1. General and Environmental Findings.

23 (a) The Planning Department has determined that the actions contemplated in this  
24 ordinance comply with the California Environmental Quality Act (California Public Resources  
25 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
Supervisors in File No. 150804 and is incorporated herein by reference. The Board affirms  
that determination:



Print Form

## Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

1. For reference to Committee.  
An ordinance, resolution, motion, or charter amendment.
2. Request for next printed agenda without reference to Committee.
3. Request for hearing on a subject matter at Committee.
4. Request for letter beginning "Supervisor [ ] inquires"
5. City Attorney request.
6. Call File No. [ ] from Committee.
7. Budget Analyst request (attach written motion).
8. Substitute Legislation File No. [150365]
9. Request for Closed Session (attach written motion).
10. Board to Sit as A Committee of the Whole.
11. Question(s) submitted for Mayoral Appearance before the BOS on [ ]

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission     Youth Commission     Ethics Commission  
 Planning Commission     Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative**

**Sponsor(s):**

Supervisor Wiener

**Subject:**

Planning, Administrative Codes - Construction of Accessory Dwelling Units

**The text is listed below or attached:**

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.

Signature of sponsoring Supervisor: Scott Wiener

For Clerk's Use Only: