

File No. 150804

Committee Item No. 4
Board Item No. 5

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use & Transportation

Date July 27, 2015

Board of Supervisors Meeting

Date 9/8/15

Cmte Board

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Completed by: Andrea Ausberry Date July 24, 2015

Completed by: _____ Date _____

BOARD of SUPERVISORS



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Dr. Carlton B. Goodlett Place, Room 244
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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

[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
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

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*

24

5

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 ~~a~~Dwelling ~~u~~Units, one Accessory Dwelling Unit is permitted; for buildings that have more than
19 10 existing ~~a~~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. An Accessory Dwelling Unit shall be constructed entirely
5 within the existing building envelope or auxiliary structure, as it existed three (3) years prior to

1 the time of the application for a building permit.

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

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

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

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

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

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

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

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

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

18 * * * *

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

23 The Zoning Administrator may allow complete or partial relief from the density limits
24 and from the parking, rear yard, exposure, or open space requirements of this Code when
25 modification of the requirement would facilitate the construction of an Accessory Dwelling

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

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

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

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

Residential Uses						
Residential Density, Dwelling Units (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	P up to two units per lot area, if the second unit is 600 sq. ft. or less. C up to one unit per 3,000	P up to two units per lot. C up to one unit per 1,500 square feet of lot area.	P up to three units per lot. C up to one unit per 1,000 square feet of lot area. for every 275

			than three units per lot	square feet of lot area, with no more than three units per lot		square feet of lot area.
****	****	****	****	****	****	****

* Not listed below.

- (1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.
- (2) C required for 15 or more children.
- (3) C required for 7 or more persons.
- (4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.
- (5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.
- (6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.
- (7) Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).

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

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
****	****	****			
RESIDENTIAL STANDARDS AND USES					

Residential Uses					
Residential Density, Dwelling Units (8)	§ 207	Up to one unit per 800 square feet of lot area.	Up to one unit per lot. 600 square feet of lot area.	Up to one unit per 400 square feet of lot area.	Up to one unit per 200 square feet of lot area.

****	****	****	****	****	****
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* Not listed below.

- (1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.
- (2) C required for 15 or more children.
- (3) C required for 7 or more persons.
- (4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.
- (5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.
- (6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.
- (7) C required if Group Housing is affiliated with and operated by a Hospital or Institutional Educational Use as defined in Section 102.
- (8) *Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).*

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

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

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

* Not listed below.

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

- 1 (2) C required for 15 or more children.
 2 (3) C required for 7 or more persons.
 3 (4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.
 4 (5) Use must be located on a parcel that contains a Hospital or a Post-Secondary
 Educational Institution, additional operating restrictions apply.
 5 (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.
 6 (7) Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).

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

Zoning Category	§ References	RTO	RTO-M
*****	*****	*****	
RESIDENTIAL STANDARDS AND USES			

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

20 * Not listed below.

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

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

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

(4).

1
2 Section 5. The Planning Code is hereby amended by revising Sections 710, 712, 713,
3 715, 721, 726, 728, 731, 733 and 738, to read as follows:

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

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

8 These NC-1 Districts are characterized by their location in residential neighborhoods,
9 often in outlying areas of the City. The commercial intensity of these districts varies. Many of
10 these districts have the lowest intensity of commercial development in the City, generally
11 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,
13 interspersed mixed-use (residential-commercial) development.

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

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

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

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

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

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

SPECIFIC PROVISIONS FOR NC-1 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 710, 710.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be</u></p>

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constructed within an existing building zoned for residential use or
within an existing and authorized auxiliary structure on the same lot.

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

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

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

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

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

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

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

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

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

SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

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

		<p><i>constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</i></p>
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SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.

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

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

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

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

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

****	****	****	****		
No.	Zoning Category	§ References	NC-S		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****

RESIDENTIAL STANDARDS AND USES

****	****	****	****	****	****
713.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 800 sq. ft. lot area # § 207(c)		
****	****	****	****		

SPECIFIC PROVISIONS FOR NC-S DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 713, 713.91	§ 207(c)(4)	<i>ACCESSORY DWELLING UNITS</i> <i>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</i> <i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be</i>

		<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. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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

SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Upper Market Street Neighborhood Commercial District, on Market Street at Castro, is situated at the border of the Eureka Valley, Buena Vista, and Duboce Triangle neighborhoods. Upper Market Street is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods, but also serves as a shopping street

1 for a broader trade area. A large number of offices are located on Market Street within easy
2 transit access to downtown. The width of Market Street and its use as a major arterial diminish
3 the perception of the Upper Market Street District as a single commercial district. The street
4 appears as a collection of dispersed centers of commercial activity, concentrated at the
5 intersections of Market Street with secondary streets.

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

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

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

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

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

SPECIFIC PROVISIONS FOR UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>§§ 721, 721.91</p>	<p>§ 207(c)(4)</p>	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and</u> <u>meeting the requirements of Section 207(c)(4,) is permitted to be</u> <u>constructed within an existing building zoned for residential use or</u> <u>within an existing and authorized auxiliary structure on the same lot.</u></p>
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8 **SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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

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

1 adjacent uses and areas, most eating and drinking and entertainment uses at the ground
 2 story are limited. Continuous retail frontage is promoted by prohibiting drive-up facilities, some
 3 automobile uses, and new nonretail commercial uses. Parking is not required, and any new
 4 parking is required to be set back or below ground. Active, pedestrian-oriented ground floor
 5 uses are required.

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

13 **Table 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 14 **ZONING CONTROL TABLE**

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

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

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

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

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

8 Housing development in new buildings is encouraged above the ground story. Existing
 9 housing units are protected by prohibitions on upper-story conversions and limitations on
 10 demolitions. Accessory Dwelling Units are permitted within the district pursuant to Subsection
 11 207(c)(4) of this Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS

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

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		<p><i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</i></p>
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SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

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

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

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

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

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

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

****	****	****	****
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
****	****	****
§§ 733, 733.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</u> <u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</u>

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

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

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

15 Commercial uses are encouraged at the ground story. Retail frontages and pedestrian-
16 oriented streets are protected by limiting curb cuts (i.e. driveways, garage entries) as well as
17 requiring ground floor commercial uses on portions of Diamond and Chenery Streets. Housing
18 development is encouraged above the ground story. Housing density is not controlled by the
19 size of the lot but by dwelling unit standards, physical envelope controls and unit mix
20 requirements. Given the area's location and accessibility to the transit network, accessory
21 parking for residential and commercial uses is not required. Any new parking is required to be
22 set back to support a pedestrian friendly streetscape. Accessory Dwelling Units are permitted
23 within the district pursuant to Subsection 207(c)(4) of this Code.
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**Table 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

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

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

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

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

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

8 **CHAPTER 37: RESIDENTIAL RENT STABILIZATION AND ARBITRATION ORDINANCE**

9 **SEC. 37.2. DEFINITIONS.**

10 * * * *

11 (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,
13 furnishings and facilities supplied in connection with the use or occupancy thereof, including
14 garage and parking facilities.

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

22 The term "rental units" shall not include:

23 * * * *

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

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

7 * * * *

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

14 * * * *

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

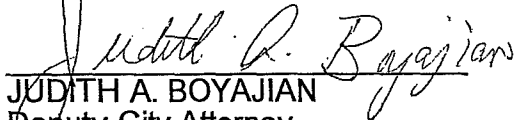
20
21 Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
22 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
23 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
24 Code that are explicitly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

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

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

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

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

19 By: 
20 JUDITH A. BOYAJIAN
Deputy City Attorney

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LEGISLATIVE DIGEST
(7/28/15 – Amended in Board)

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

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, and 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.

Existing Law

Planning Code Section 102 has definitions for various uses. Section 207(c) establishes exemptions to dwelling unit density limits for various types of projects. Subsection (c)(4) allows Accessory Dwelling Units (ADUs), also known as Secondary Units or In-Law Units, to be constructed within the built envelope of an existing building zoned for residential use or an authorized auxiliary structure on the same lot within the Castro Street Neighborhood Commercial District and surrounding area, and in a building undergoing mandatory seismic retrofitting under the Building Code. An ADU cannot be constructed using space from an existing Dwelling Unit.

Section 307 authorizes the Zoning Administrator to grant complete or partial waivers from the Planning Code's density, parking, rear yard, exposure or open space requirements to facilitate construction of an ADU and the Planning Department is required to establish a system for monitoring their affordability. If the ADU was constructed with a waiver of Planning Code requirements, it will be subject to the Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) if the building containing the ADU or any unit within the building is already subject to the Rent Ordinance.

Amendments to Current Law

Planning Code Section 102 is amended to add a definition for Accessory Dwelling Unit. Section 207(c)(4) is amended to allow ADUs to be constructed anywhere within the boundaries of Board of Supervisors District 8. An ADU may not be subdivided in a manner that would allow the ADU to be sold or separately financed pursuant to any condominium plan, housing cooperative, or similar form of separate ownership. For buildings undergoing mandatory seismic retrofitting, a noncomplying structure may be expanded without needing a variance and, if permitted by the Building Code, the building may be raised up to three feet to

create heights suitable for residential use on lower floors. The increase in height for buildings undergoing mandatory seismic retrofitting is exempt from the notification requirements of Planning Code Sections 311 and 312. The Zoning Control Tables for zoning districts within the boundaries of District 8 are amended to refer to ADUs, and conforming technical amendments are made to Planning Code Section 307 and the Rent Ordinance.

An applicant for construction of an ADU must disclose whether the applicant intends to use, or authorize the use of, the ADU for Short-Term Residential Rentals, as that term is defined in Administrative Code Section 41A.4, and the Planning Department cannot approve the application unless the applicant has disclosed this information. The Department is required to collect data on the use of ADUs as Short-Term Residential Rentals, and must use that data to evaluate and enforce the requirements of Chapter 41A.

Background Information

San Francisco has long had a housing shortage. The housing market continues to be tight and housing costs are beyond the reach of many households. Policy 1.5 of the City's 2014 Housing Element states that adding new units in existing residential buildings represents a simple and cost-effective method of expanding the City's housing supply. The State Legislation has also declared, in Section 65852.150 of the California Government Code, that second units in existing residential buildings are a valuable form of housing in California.

Permitting the creation of Accessory Dwelling Units in additional areas of the City that are already dense and transit rich will provide additional housing without changing the built character of these neighborhoods. It also "greens" San Francisco by efficiently using existing buildings and allowing more residents to live within walking distance of transit, shopping, and services.

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SAN FRANCISCO PLANNING DEPARTMENT

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

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Suite 400
San Francisco,
CA 94103-2479

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415.558.6378

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415.558.6409

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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

www.sfplanning.org



**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, 415-575-9068
Reviewed by: Aaron Starr, Manager Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: Recommend Approval with Modification

RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE AMENDING THE PLANNING CODE TO ALLOW THE CONSTRUCTION OF ACCESSORY DWELLING UNITS (ALSO KNOWN AS SECONDARY OR IN-LAW UNITS) WITHIN THE BOUNDARIES OF BOARD OF SUPERVISORS DISTRICT 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;

Planning Commission Resolution No. 19418
Hearing Date: July 16th, 2015

CASE NO. 2015-005464PCA
Construction of Accessory Dwelling Units in
Supervisorial District 8

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, 415-575-9068

Reviewed by: Aaron Starr, Manager Legislative Affairs
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 retrofitting, the building can be raised three feet to create the height suitable for residential use.

The Way It Would Be:

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

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

BACKGROUND

In his State of the City speech in January 2014, Mayor Lee acknowledged a housing shortage and established a seven point plan for housing, one of which focuses on building "more affordable housing, faster". In the midst of this crisis for housing affordable to low or middle income households, a variety of housing policies are needed to achieve the City's housing goals. ADUs within existing residential buildings have been an idea promoted by the State and employed by many local jurisdictions¹ in California to meet affordable housing needs. Academic research and published reports have identified the benefits of ADUs for more than two decades. The California Department of Housing and Community Development identifies multiple potential benefits that ADUs can offer to communities, including, an important source of affordable housing, easing a rental housing deficit, maximizing limited land resources and

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

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

What is an Accessory Dwelling Unit?

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

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

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

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

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

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

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

ISSUES AND CONCERNS

ADUs: An Infill Housing Strategy

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

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

ADUs: Middle Income Housing

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

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

⁴ Data scraping from Padmapper from January to June 2015

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

ADUs are usually located on the street level, potentially behind the garage, or a side entrance, possibly low ceiling heights or less light exposure. Looking at Craigslist rental listings for comparable units to an ADU indicates a lower average of \$2,600 for such units in District 3 and \$2,700 in District 8.⁸ Staff estimates that a one bedroom ADU created as a result of the two proposed Ordinances would rent between \$2,600 to \$2,900 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 AMI⁹.¹⁰ For San Francisco, this income level represents middle-income households who are today, more than ever, feeling the pressure to leave the city for lower-rental markets in the Bay Area; therefore ADUs can serve this section of the population who are currently poorly served by the new development.

Density Limits Waivers

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

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

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

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

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

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

¹⁰ San Francisco Mayor's Office of Housing, *Maximum Rent by Unit Type: 2015*, <http://www.sf-moh.org/modules/showdocument.aspx?documentid=6829>

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

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

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

Feasibility of ADUs

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

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

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

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

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

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

Application of Rent Control Regulations

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

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

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

Quality of Life Regulations

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

¹² Chapter 37 of the Administrative Code

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

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

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

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

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

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

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

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

REQUIRED COMMISSION ACTION

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

RECOMMENDATION

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

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

BASIS FOR RECOMMENDATION

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

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

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

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

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

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

ENVIRONMENTAL REVIEW

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

PUBLIC COMMENT

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

RECOMMENDATION:	Recommendation of Approval with Modification
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Attachments:

- Exhibit A: Affected Properties in the two Proposed Ordinances
- Exhibit B: Areas where ADUs are already allowed
- Exhibit C: Concentration of Rental Listings in 2015
- Exhibit D: Potential number of new ADUs
- ~~Exhibit E:~~ Draft Planning Commission Resolution for BF No. 15-0365
- ~~Exhibit E:~~ 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

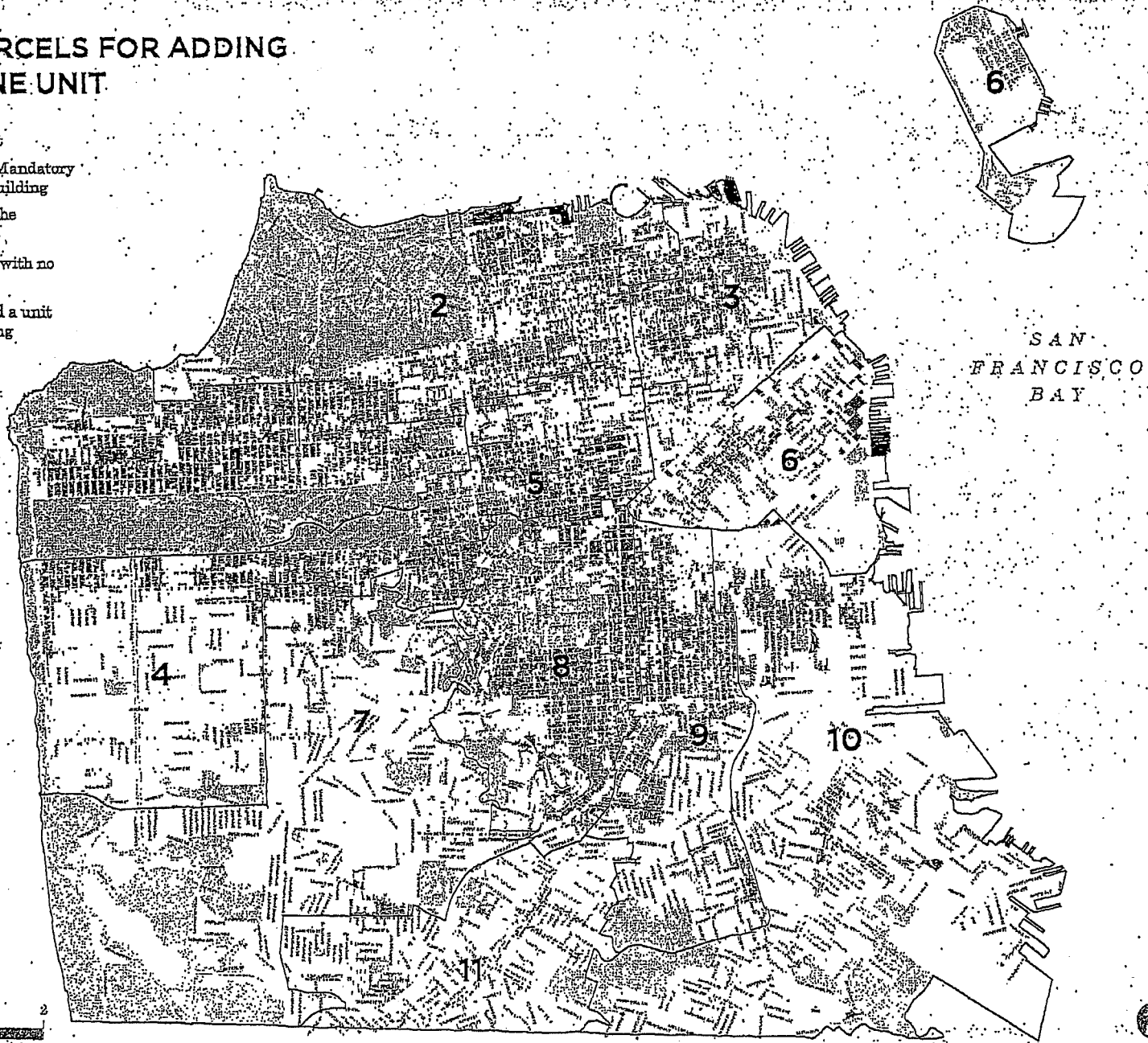
Residential Buildings in District 3



Exhibit B

ELIGIBLE PARCELS FOR ADDING AT LEAST ONE UNIT

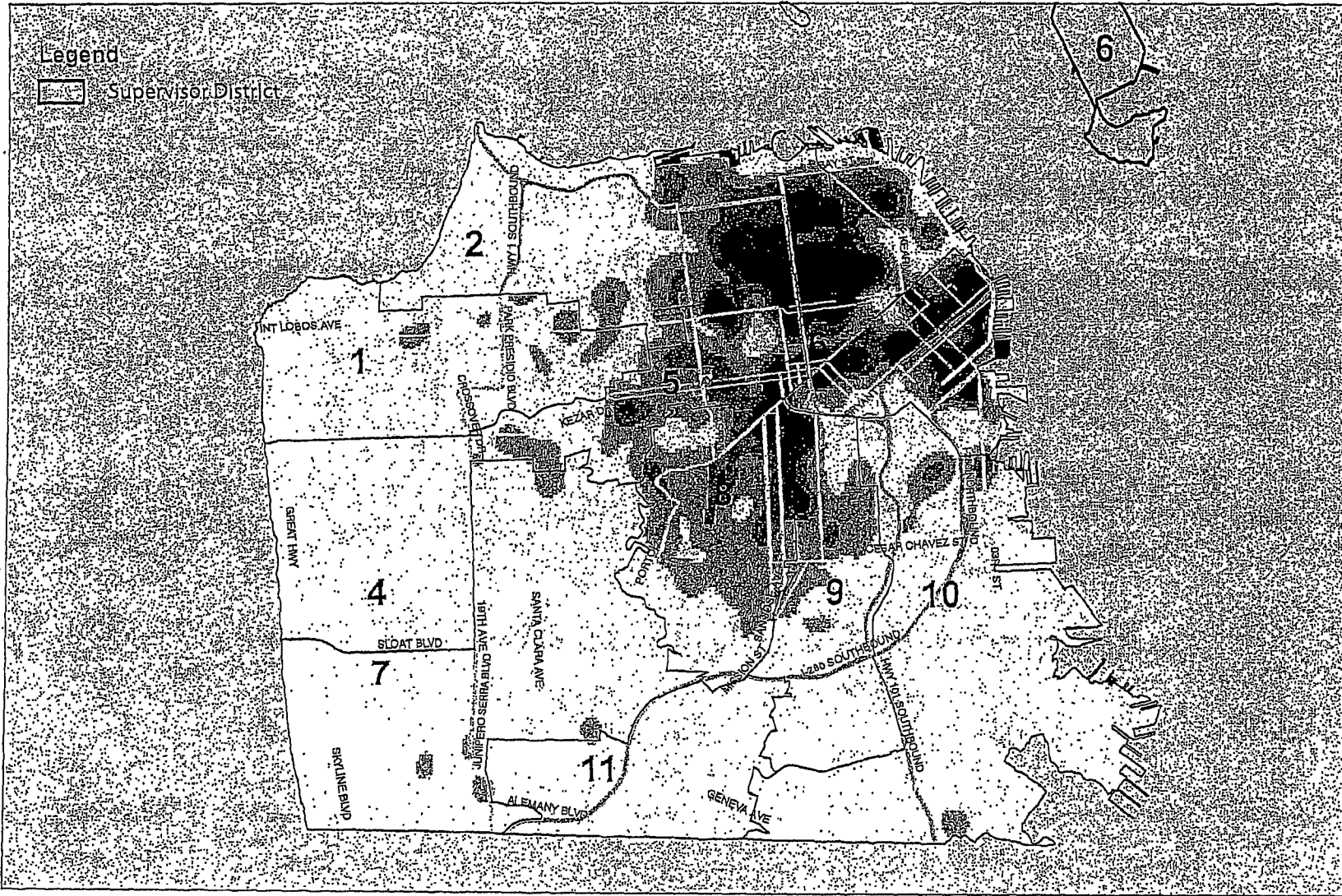
-  Supervisor District
-  ADU Program in Mandatory Seismic Retrofit Building
-  ADU Program in the Castro Area
-  Residential Parcel with no density limits
-  Parcel that can add a unit under existing zoning
-  Open Space



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

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Printed: 8 July, 2015

Exhibit D- Potential number of new ADUS

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

¹ ADUs allowed in buildings undergoing seismic retrofitting

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

³ Based on field survey in the Castro Area in 2014

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

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

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

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

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



City Hall
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, 4th 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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San Francisco 94102-4689
Tel. No. 554-5184
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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: July 24, 2015

SUBJECT: DUPLICATED - 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 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
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Leslie Miller
Toniquia Moss
Mary Murphy
Bob Mutsaers
Jeanne Myerson
Adhi Nagraj
Brad Paul
Rich Peterson
Rebecca Rhine
Dan Saifer
Paul Sachway
Doug Shoemaker
Orlando Smith
Erinna Stewart
Shuart Sunshine
Gary Teague
Michael Teitz
Mike Theriault
Jeffrey Till
Will Travis
Joaquín Torres
Molly Turner
Jeff Tumlin
Steve Vettel
Francesca Vietor
Fran Weld
Allison Williams
Paul Woolford
Charmaine Yu

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OAKLAND
c/o Impact Hub Oakland
2323 Broadway
Oakland, CA 94612
(510) 250-8210

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, LA, 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]

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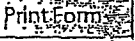
Ordinance amending the Planning Code to allow the construction of Accessory Dwelling Units (ADUs, also known as Secondary or In-Law Units) within the boundaries of Board of Supervisors District 8, prohibit approval of an application for construction of an ADU in any building where a tenant has been evicted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

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

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

Section 1. General and Environmental Findings.

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



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:

Sgt. Wiener

For Clerk's Use Only: