

File No. 190726

Committee Item No. _____

Board Item No. 31

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____
Board of Supervisors Meeting

Date: _____
Date: July 9, 2019

Cmte Board

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OTHER

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| <input type="checkbox"/> | <input checked="" type="checkbox"/> | <u>California Assembly Bill No. 68 - 06/12/19</u> |
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Prepared by: Lisa Lew
Prepared by: _____

Date: June 21, 2019
Date: _____

1 [Opposing California Assembly Bill No. 68 (Ting) - Accessory Dwelling Units - Unless
2 Amended]

3 **Resolution opposing California State Assembly Bill No. 68, authored by Assembly**
4 **Member Phil Ting, unless amended, to provide jurisdictional deference to the City and**
5 **County of San Francisco and other early adopters of permissive Accessory Dwelling**
6 **Unit regulations.**

7
8 WHEREAS, The City and County of San Francisco and the State of California are
9 experiencing a housing affordability crisis, characterized in part by the removal or demolition
10 of over 4,200 units of rent controlled or deed-restricted affordable housing in the past ten
11 years; and

12 WHEREAS, The City and County of San Francisco was among the first cities in the
13 State of California to adopt a Citywide Accessory Dwelling Unit Program in 2016 through
14 consensus legislation co-authored and co-sponsored by then Supervisors Mark Farrell, Scott
15 Wiener and Eric Mar, and current Supervisor Aaron Peskin (Board File No. 160657); and

16 WHEREAS, Since the adoption of San Francisco's Citywide Accessory Dwelling Unit
17 Program, state lawmakers have also recognized the value in Accessory Dwelling Units as an
18 important tool for incentivizing the creation of new units of housing at neighborhood, infill scale
19 in zoning districts that have previously not allowed additional dwelling units on a given lot; and

20 WHEREAS, Shortly after the adoption of San Francisco's Citywide Accessory Dwelling
21 Unit Program, state lawmakers passed State Senate Bill 1069 (Wieckowski) and Assembly
22 Bill 2299 (Bloom) to require local agencies across the State of California to adopt ordinances
23 allowing for the construction of Accessory Dwelling Units or to otherwise approve or
24 disapprove of applications ministerially; and

1 WHEREAS, With the apparent intent of building upon San Francisco's model for the
2 approval and construction of Accessory Dwelling Units and expanding that model statewide,
3 State lawmakers effectively preempted and restricted the ability of jurisdictions like San
4 Francisco to flexibly respond to new areas of concern in the context of approving and
5 permitting the construction of Accessory Dwelling Units, including the construction of
6 Accessory Dwelling Units that would cause the eviction of tenants or severance of tenancies
7 in habitable or auxiliary spaces; and

8 WHEREAS, The ministerial consideration of applications to construct Accessory
9 Dwelling Units should not impair the ability of San Francisco policymakers and City officials to
10 anticipate the potential unintended consequences of San Francisco's Citywide Accessory
11 Dwelling Unit Program and to address those unintended consequences legislatively; now,
12 therefore be it

13 RESOLVED, That the City and County of San Francisco opposes California Assembly
14 Bill No. 68 unless amended to recapture the original intent of San Francisco's Ordinance and
15 to allow for the proliferation of Accessory Dwelling Units unencumbered by concerns about
16 the impact on existing and future tenants; and

17 FURTHER RESOLVED, That the Clerk of the Board of Supervisors notify San
18 Francisco's State Legislative Delegation accordingly.

AMENDED IN SENATE JUNE 12, 2019
AMENDED IN ASSEMBLY APRIL 3, 2019
AMENDED IN ASSEMBLY MARCH 27, 2019
CALIFORNIA LEGISLATURE—2019–20 REGULAR SESSION

ASSEMBLY BILL

No. 68

Introduced by Assembly Member Ting
(Coauthors: Assembly Members Gloria *Gloria*, *Reyes*, and *Wicks*)
(Coauthors: Senators *Skinner* and *Wiener*)

December 3, 2018

An act to amend Sections 65852.2 and 65852.22 of the Government Code, relating to land use.

LEGISLATIVE COUNSEL'S DIGEST

AB 68, as amended, Ting. Land use: accessory dwelling units.

(1) The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and sets forth required ordinance standards, including, among others, lot coverage.

This bill would delete the provision authorizing the imposition of standards on lot coverage and would prohibit an ordinance from imposing requirements on minimum lot size.

(2) Existing law requires a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit or a *junior accessory dwelling unit* within 120 days of receiving the application.

This bill would instead require a local agency to ministerially approve or deny a permit application for the creation of an accessory dwelling unit-permit or *junior accessory dwelling unit* within 60 days from the

date the local agency receives a completed ~~application~~ *application if there is an existing single-family or multifamily dwelling on the lot, and would authorize the permitting agency to delay acting on the permit application if the permit application is submitted with a permit application to create a new single-family or multifamily dwelling on the lot, as specified.*

(3) Existing law prohibits the establishment by ordinance of minimum or maximum size for an accessory dwelling unit, or size based upon a percentage of the proposed or existing primary dwelling, if the limitations do not permit at least an efficiency unit to be constructed.

This bill would instead prohibit the imposition of those limitations if they do not permit at least an 800 square foot accessory dwelling unit that is at least 16 feet in height with 4-foot side and rear yard setbacks. This bill would additionally prohibit the imposition of limits on lot coverage, floor area ratio, open space, and minimum lot size if they prohibit the construction of an accessory dwelling unit meeting those specifications.

(4) Existing law requires ministerial approval of a *building* permit to create *within a zone for single-family use* one accessory dwelling unit ~~within a per single-family dwelling, lot~~, subject to specified conditions and requirements.

This bill would *instead* require ministerial approval of an application for a *building* permit *within a residential or mixed-use zone* to create one or more accessory dwelling units or junior accessory dwelling units ~~on a lot with a depending on, among other things, whether the proposed or existing structure on the lot is a single-family dwelling or multifamily dwelling~~, subject to specified conditions and requirements.

(5) Existing law requires a local agency to submit its accessory dwelling unit ordinance to the Department of Housing and Community Development within 60 days after adoption and authorizes the department to review and comment on the ordinance.

This bill would instead authorize the department to submit written findings to a local agency as to whether the local ordinance complies with state law, would require the local agency to consider the department's findings and to amend its ordinance to comply with state law or adopt a resolution with specified findings. The bill would require the department to notify the Attorney General that the local agency is in violation of state law if the local agency does not amend its ordinance or adopt a resolution with specified findings.

(6) This bill would also prohibit a local agency from issuing a certificate of occupancy for an accessory dwelling unit before issuing a certificate of occupancy for the primary residence.

~~(7) Existing law authorizes a local agency to adopt an ordinance providing for the creation of junior accessory dwelling units in single-family residential zones, and requires a local agency to ministerially approve or deny an application for a junior accessory dwelling unit within 120 days of submission of the application.~~

~~This~~

(7) ~~This~~ bill would ~~instead require a local agency to ministerially approve or deny an application for a junior accessory dwelling unit within 60 days from the date a local agency receives a completed application. The bill would require a local agency that has not adopted an ordinance for the creation of junior accessory dwelling units to apply the same standards established by this bill for local agencies with ordinances.~~

(8) This bill would make other conforming changes, including revising definitions and changes clarifying that the above-specified provisions regulating accessory dwelling units and junior accessory dwelling units also apply to the creation of accessory dwelling units and junior accessory dwelling units on proposed structures to be constructed.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 65852.2 of the Government Code is
- 2 amended to read:
- 3 65852.2. (a) (1) A local agency may, by ordinance, provide
- 4 for the creation of accessory dwelling units in areas zoned to allow
- 5 single-family or multifamily use. The ordinance shall do all of the
- 6 following:
- 7 (A) Designate areas within the jurisdiction of the local agency
- 8 where accessory dwelling units may be permitted. The designation

1 of areas may be based on criteria that may include, but are not
2 limited to, the adequacy of water and sewer services and the impact
3 of accessory dwelling units on traffic flow and public safety.

4 (B) (i) Impose standards on accessory dwelling units that
5 include, but are not limited to, parking, height, setback, landscape,
6 architectural review, maximum size of a unit, and standards that
7 prevent adverse impacts on any real property that is listed in the
8 California Register of Historic Places. These standards shall not
9 include requirements on minimum lot size.

10 (ii) Notwithstanding clause (i), a local agency may reduce or
11 eliminate parking requirements for any accessory dwelling unit
12 located within its jurisdiction.

13 (C) Provide that accessory dwelling units do not exceed the
14 allowable density for the lot upon which the accessory dwelling
15 unit is located, and that accessory dwelling units are a residential
16 use that is consistent with the existing general plan and zoning
17 designation for the lot.

18 (D) Require the accessory dwelling units to comply with all of
19 the following:

20 (i) The unit may be rented separate from the primary residence,
21 but may not be sold or otherwise conveyed separate from the
22 primary residence.

23 (ii) The lot is zoned to allow single-family or multifamily use
24 and includes a proposed or existing single-family dwelling.

25 (iii) The accessory dwelling unit is attached or located within
26 the living area of the proposed or existing primary dwelling,
27 attached or located within an accessory structure, or detached from
28 the proposed or existing primary dwelling and located on the same
29 lot as the proposed or existing primary dwelling.

30 (iv) ~~The~~ *If there is an existing primary dwelling, the* total floor
31 area of an attached accessory dwelling unit shall not exceed 50
32 percent of the ~~proposed or existing primary dwelling living area~~
33 ~~or 1,200 square feet.~~ *dwelling.*

34 (v) The total floor area for a detached accessory dwelling unit
35 shall not exceed 1,200 square feet.

36 (vi) No passageway shall be required in conjunction with the
37 construction of an accessory dwelling unit.

38 (vii) No setback shall be required for an existing living area or
39 accessory structure or a structure constructed in the same location
40 and to the same dimensions as an existing structure that is

1 converted to an accessory dwelling unit or to a portion of an
2 accessory dwelling unit, and a setback of no more than four feet
3 from the side and rear lot lines shall be required for an accessory
4 dwelling unit that is not converted from an existing structure or a
5 new structure constructed in the same location and to the same
6 dimensions as an existing structure.

7 (viii) Local building code requirements that apply to detached
8 dwellings, as appropriate.

9 (ix) Approval by the local health officer where a private sewage
10 disposal system is being used, if required.

11 (x) (I) Parking requirements for accessory dwelling units shall
12 not exceed one parking space per unit or per bedroom, whichever
13 is less. These spaces may be provided as tandem parking on a
14 driveway.

15 (II) Offstreet parking shall be permitted in setback areas in
16 locations determined by the local agency or through tandem
17 parking, unless specific findings are made that parking in setback
18 areas or tandem parking is not feasible based upon specific site or
19 regional topographical or fire and life safety conditions.

20 (III) This clause shall not apply to a unit that is described in
21 subdivision (d).

22 (xi) When a garage, carport, or covered parking structure is
23 demolished in conjunction with the construction of an accessory
24 dwelling unit or converted to an accessory dwelling unit, the local
25 agency shall not require that those offstreet parking spaces be
26 replaced.

27 (2) The ordinance shall not be considered in the application of
28 any local ordinance, policy, or program to limit residential growth.

29 (3) A permit application *to create an accessory dwelling unit*
30 *or a junior accessory dwelling unit* shall be considered ministerially
31 without discretionary review or a hearing, notwithstanding Section
32 65901 or 65906 or any local ordinance regulating the issuance of
33 variances or special use ~~permits~~, *permits*. *The permitting agency*
34 *shall act on the application to create an accessory dwelling unit*
35 *or a junior accessory dwelling unit* within 60 days from the date
36 the local agency receives a completed ~~application~~. *application if*
37 *there is an existing single-family or multifamily dwelling on the*
38 *lot. If the permit application to create an accessory dwelling unit*
39 *or a junior accessory dwelling unit is submitted with a permit*
40 *application to create a new single-family dwelling on the lot, the*

1 *permitting agency may delay acting on the permit application for*
2 *the accessory dwelling unit or the junior accessory dwelling unit*
3 *until the permitting agency acts on the permit application to create*
4 *the new single-family dwelling, but the application to create the*
5 *accessory dwelling unit or junior accessory dwelling unit shall be*
6 *considered without discretionary review or hearing. If the applicant*
7 *requests a delay, the 60-day time period shall be tolled for the*
8 *period of the delay.* A local agency may charge a fee to reimburse
9 it for costs that it incurs as a result of amendments to this paragraph
10 enacted during the 2001–02 Regular Session of the Legislature,
11 including the costs of adopting or amending any ordinance that
12 provides for the creation of an accessory dwelling unit.

13 (4) An existing ordinance governing the creation of an accessory
14 dwelling unit by a local agency or an accessory dwelling ordinance
15 adopted by a local agency after January 1, 2017, shall provide an
16 approval process that includes only ministerial provisions for the
17 approval of accessory dwelling units and shall not include any
18 discretionary processes, provisions, or requirements for those units,
19 except as otherwise provided in this subdivision. If a local agency
20 has an existing accessory dwelling unit ordinance that fails to meet
21 one or more of the requirements of this subdivision, that ordinance
22 shall be null and void to the extent of such conflict on January 1,
23 2017, and that agency shall thereafter apply the applicable
24 standards or standards established in this subdivision for the
25 approval of accessory dwelling units, unless and until the agency
26 amends its ordinance to comply with this section.

27 (5) No other local ordinance, policy, or regulation shall be the
28 basis for the delay or denial of a building permit or a use permit
29 under this subdivision.

30 (6) This subdivision establishes the maximum standards that
31 local agencies shall use to evaluate a proposed accessory dwelling
32 unit on a lot zoned for residential use that includes a proposed or
33 existing single-family dwelling. No additional standards, other
34 than those provided in this subdivision, shall be used or imposed,
35 except that a local agency may require an applicant for a permit
36 issued pursuant to this subdivision to be an owner-occupant or that
37 the property be used for rentals of terms longer than 30 days.

38 (7) A local agency may amend its zoning ordinance or general
39 plan to incorporate the policies, procedures, or other provisions

1 applicable to the creation of an accessory dwelling unit if these
2 provisions are consistent with the limitations of this subdivision.

3 (8) An accessory dwelling unit that conforms to this subdivision
4 shall be deemed to be an accessory use or an accessory building
5 and shall not be considered to exceed the allowable density for the
6 lot upon which it is located, and shall be deemed to be a residential
7 use that is consistent with the existing general plan and zoning
8 designations for the lot. The accessory dwelling unit shall not be
9 considered in the application of any local ordinance, policy, or
10 program to limit residential growth.

11 (b) When a local agency that has not adopted an ordinance
12 governing accessory dwelling units in accordance with subdivision
13 (a) receives an application for a permit to create an accessory
14 dwelling unit pursuant to this subdivision, the local agency shall
15 approve or disapprove the application ministerially without
16 discretionary review pursuant to subdivision (a) within 60 days
17 from the date the local agency receives a completed application.

18 *(a). The permitting agency shall act on the application to create
19 an accessory dwelling unit or a junior accessory dwelling unit
20 within 60 days from the date the local agency receives a completed
21 application if there is an existing single-family or multifamily
22 dwelling on the lot. If the permit application to create an accessory
23 dwelling unit or a junior accessory dwelling unit is submitted with
24 a permit application to create a new single-family dwelling on the
25 lot, the permitting agency may delay acting on the permit
26 application for the accessory dwelling unit or the junior accessory
27 dwelling unit until the permitting agency acts on the permit
28 application to create the new single-family dwelling, but the
29 application to create the accessory dwelling unit or junior
30 accessory dwelling unit shall still be considered ministerially
31 without discretionary review or a hearing. If the applicant requests
32 a delay, the 60-day time period shall be tolled for the period of
33 the delay.*

34 (c) A local agency may establish minimum and maximum unit
35 size requirements for both attached and detached accessory
36 dwelling units. No minimum or maximum size for an accessory
37 dwelling unit, or size based upon a percentage of the proposed or
38 existing primary dwelling, or limits on lot coverage, floor area
39 ratio, open space, and minimum lot size, shall be established by
40 ordinance for either attached or detached dwellings that does not

1 permit at least an 800 square foot accessory dwelling unit that is
2 at least 16 feet in height with four-foot side and rear yard setbacks
3 to be constructed in compliance with all other local development
4 standards. Accessory dwelling units shall not be required to provide
5 fire sprinklers if they are not required for the primary residence.

6 (d) Notwithstanding any other law, a local agency, whether or
7 not it has adopted an ordinance governing accessory dwelling units
8 in accordance with subdivision (a), shall not impose parking
9 standards for an accessory dwelling unit in any of the following
10 instances:

11 (1) The accessory dwelling unit is located within one-half mile
12 of public transit.

13 (2) The accessory dwelling unit is located within an
14 architecturally and historically significant historic district.

15 (3) The accessory dwelling unit is part of the proposed or
16 existing primary residence or an accessory structure.

17 (4) When on-street parking permits are required but not offered
18 to the occupant of the accessory dwelling unit.

19 (5) When there is a car share vehicle located within one block
20 of the accessory dwelling unit.

21 (e) (1) Notwithstanding subdivisions (a) to (d), inclusive, a
22 local agency shall ministerially approve an application for a
23 building permit within a residential or mixed-use zone to create
24 any of the following:

25 (A) One accessory dwelling unit and one junior accessory
26 dwelling unit per lot with a proposed or existing single-family
27 dwelling if all of the following apply:

28 (i) The accessory dwelling unit or junior accessory dwelling
29 unit is ~~substantially~~ within the proposed or existing space of a
30 single-family dwelling or accessory structure, ~~including, but not~~
31 ~~limited to, remodeling or reconstruction of an existing space with~~
32 *substantially structure and may include an expansion of not more*
33 *than 150 square feet beyond* the same physical dimensions as the
34 existing accessory structure. *An expansion beyond the physical*
35 *dimensions of the existing accessory structure shall be limited to*
36 *accommodating ingress and egress.*

37 (ii) The space has exterior access from the proposed or existing
38 single-family dwelling.

39 (iii) The side and rear setbacks are sufficient for fire and safety.

1 (iv) The junior accessory dwelling unit complies with the
2 requirements of Section 65852.22.

3 (B) One detached, new construction, single-story accessory
4 dwelling unit that does not exceed four-foot side and rear yard
5 setbacks for a lot with a proposed or existing single-family
6 dwelling. The accessory dwelling unit may be combined with a
7 junior accessory dwelling unit described in subparagraph (A). A
8 local agency may impose the following conditions on the accessory
9 dwelling unit:

10 (i) A total floor area limitation of not more than 800 square feet.

11 (ii) A height limitation of 16 feet.

12 (C) (i) Multiple accessory dwelling units within the portions
13 of existing multifamily dwelling structures that are not used as
14 livable space, including, but not limited to, storage rooms, boiler
15 rooms, passageways, attics, or garages, if each unit complies with
16 state building standards for dwellings.

17 (ii) *A local agency shall allow at least one accessory dwelling*
18 *unit within an existing multifamily dwelling and may allow up to*
19 *25 percent of the existing multifamily dwelling units.*

20 (D) Not more than two accessory dwelling units that are located
21 on a lot that has an existing multifamily dwelling, but are detached
22 from that multifamily dwelling and are subject to a height limit of
23 16 feet and four-foot rear yard and side setbacks.

24 (2) A local agency shall not require, as a condition for ministerial
25 ~~approval~~, *approval of a permit application for the creation of an*
26 *accessory dwelling unit or a junior accessory dwelling unit*, the
27 correction of nonconforming zoning conditions.

28 (3) The installation of fire sprinklers shall not be required in an
29 accessory dwelling unit if sprinklers are not required for the
30 primary residence.

31 (4) A local agency may require owner occupancy for either the
32 primary dwelling or the accessory dwelling unit on a single-family
33 lot, subject to the requirements of paragraph (6) of subdivision (a).

34 (5) A local agency shall require that a rental of the accessory
35 dwelling unit created pursuant to this subdivision be for a term
36 longer than 30 days.

37 (6) *A local agency may require, as part of the application for*
38 *a permit to create an accessory dwelling unit connected to an*
39 *onsite water treatment system, a percolation test completed within*

1 *the last five years, or, if the percolation test has been recertified,*
2 *within the last 10 years.*

3 ~~(6)~~

4 (7) Subparagraphs (C) and (D) of paragraph (1) shall not apply
5 to a local agency that has adopted an ordinance by July 1, 2018,
6 providing for the approval of accessory dwelling units in
7 multifamily dwelling structures.

8 (f) (1) Fees charged for the construction of accessory dwelling
9 units shall be determined in accordance with Chapter 5
10 (commencing with Section 66000) and Chapter 7 (commencing
11 with Section 66012).

12 (2) Accessory dwelling units shall not be considered by a local
13 agency, special district, or water corporation to be a new residential
14 use for purposes of calculating connection fees or capacity charges
15 for utilities, including water and sewer ~~service~~. *service, unless the*
16 *accessory dwelling unit was constructed with a new single-family*
17 *dwelling.*

18 (A) For an accessory dwelling unit described in subparagraph
19 (A) of paragraph (1) of subdivision (e), a local agency, special
20 district, or water corporation shall not require the applicant to
21 install a new or separate utility connection directly between the
22 accessory dwelling unit and the utility or impose a related
23 connection fee or capacity ~~charge~~. *charge, unless the accessory*
24 *dwelling unit was constructed with a new single-family home.*

25 (B) For an accessory dwelling unit that is not described in
26 subparagraph (A) of paragraph (1) of subdivision (e), a local
27 agency, special district, or water corporation may require a new
28 or separate utility connection directly between the accessory
29 dwelling unit and the utility. Consistent with Section 66013, the
30 connection may be subject to a connection fee or capacity charge
31 that shall be proportionate to the burden of the proposed accessory
32 dwelling unit, based upon either its size or the number of its
33 plumbing fixtures, upon the water or sewer system. This fee or
34 charge shall not exceed the reasonable cost of providing this
35 service.

36 (g) This section does not limit the authority of local agencies
37 to adopt less restrictive requirements for the creation of an
38 accessory dwelling unit.

1 (h) (1) A local agency shall submit a copy of the ordinance
2 adopted pursuant to subdivision (a) to the Department of Housing
3 and Community Development within 60 days after adoption.

4 (2) (A) The department may submit written findings to the local
5 agency as to whether the ordinance complies with this section. If
6 the department finds that the ordinance does not comply with this
7 section, it shall notify the local agency that it is in violation of this
8 section and shall provide the local agency a reasonable time, no
9 longer than 30 days, to respond to the findings before taking any
10 other action authorized by this section.

11 (B) The local agency shall consider findings made by the
12 department pursuant to subparagraph (A) and shall do one of the
13 following:

14 (i) Amend its ordinance to comply with this section.

15 (ii) Adopt a resolution with findings explaining the reason the
16 ordinance complies with this section and addressing the
17 department's findings.

18 (C) (i) If the local agency does not amend its ordinance in
19 response to the department's findings or does not adopt a resolution
20 with findings explaining the reason the ordinance complies with
21 this section and addressing the department's findings, the
22 department shall notify the local agency and may notify the
23 Attorney General that the local agency is in violation of state law.

24 (ii) *Before notifying the Attorney General that the local agency*
25 *is in violation of state law, the department may consider whether*
26 *a local agency adopted an ordinance in compliance with this*
27 *section between January 1, 2017, and January 1, 2020.*

28 (i) As used in this section, the following terms apply:

29 (1) "Accessory dwelling unit" means an attached or a detached
30 residential dwelling unit that provides complete independent living
31 facilities for one or more persons. It shall include permanent
32 provisions for living, sleeping, eating, cooking, and sanitation on
33 the same parcel as the single-family or multifamily dwelling is or
34 will be situated. An accessory dwelling unit also includes the
35 following:

36 (A) An efficiency unit, as defined in Section 17958.1 of the
37 Health and Safety Code.

38 (B) A manufactured home, as defined in Section 18007 of the
39 Health and Safety Code.

1 (2) "Accessory structure" means an existing, fixed structure,
2 including, but not limited to, a garage, studio, pool house, or other
3 similar structure.

4 (3) "Living area" means the interior habitable area of a dwelling
5 unit, including basements and attics but does not include a garage
6 or any accessory structure.

7 (4) "Local agency" means a city, county, or city and county,
8 whether general law or chartered.

9 (5) "Nonconforming zoning condition" means a physical
10 improvement on a property that does not conform with current
11 zoning standards.

12 (6) "Passageway" means a pathway that is unobstructed clear
13 to the sky and extends from a street to one entrance of the accessory
14 dwelling unit.

15 (7) *"Proposed dwelling" means a dwelling that is the subject*
16 *of a permit application and that meets the requirements for*
17 *permitting.*

18 ~~(7)~~

19 (8) "Tandem parking" means that two or more automobiles are
20 parked on a driveway or in any other location on a lot, lined up
21 behind one another.

22 (j) A local agency shall not issue a certificate of occupancy for
23 an accessory dwelling unit before the local agency issues a
24 certificate of occupancy for the primary dwelling.

25 (k) Nothing in this section shall be construed to supersede or in
26 any way alter or lessen the effect or application of the California
27 Coastal Act of 1976 (Division 20 (commencing with Section
28 30000) of the Public Resources Code), except that the local
29 government shall not be required to hold public hearings for coastal
30 development permit applications for accessory dwelling units.

31 SEC. 2. Section 65852.22 of the Government Code is amended
32 to read:

33 65852.22. (a) Notwithstanding Section 65852.2, a local agency
34 may, by ordinance, provide for the creation of junior accessory
35 dwelling units in single-family residential zones. The ordinance
36 may require a permit to be obtained for the creation of a junior
37 accessory dwelling unit, and shall do all of the following:

38 (1) Limit the number of junior accessory dwelling units to one
39 per residential lot zoned for single-family residences with a
40 single-family residence built, or proposed to be built, on the lot.

1 (2) Require owner-occupancy in the single-family residence in
2 which the junior accessory dwelling unit will be permitted. The
3 owner may reside in either the remaining portion of the structure
4 or the newly created junior accessory dwelling unit.
5 Owner-occupancy shall not be required if the owner is another
6 governmental agency, land trust, or housing organization.

7 (3) Require the recordation of a deed restriction, which shall
8 run with the land, shall be filed with the permitting agency, and
9 shall include both of the following:

10 (A) A prohibition on the sale of the junior accessory dwelling
11 unit separate from the sale of the single-family residence, including
12 a statement that the deed restriction may be enforced against future
13 purchasers.

14 (B) A restriction on the size and attributes of the junior accessory
15 dwelling unit that conforms with this section.

16 (4) Require a permitted junior accessory dwelling unit to be
17 constructed within the walls of the proposed or existing
18 single-family residence.

19 (5) Require a permitted junior accessory dwelling to include a
20 separate entrance from the main entrance to the proposed or
21 existing single-family residence, ~~with an interior entry to the main~~
22 ~~living area. A permitted junior accessory dwelling may include a~~
23 ~~second interior doorway for sound attenuation.~~ residence.

24 (6) Require the permitted junior accessory dwelling unit to
25 include an efficiency kitchen, which shall include all of the
26 following:

27 ~~(A) A sink with a maximum waste line diameter of 1.5 inches.~~

28 ~~(B)~~

29 ~~(A) A cooking facility with appliances that do not require~~
30 ~~electrical service greater than 120 volts, or natural or propane gas~~
31 ~~appliances.~~

32 ~~(C)~~

33 ~~(B) A food preparation counter and storage cabinets that are of~~
34 ~~reasonable size in relation to the size of the junior accessory~~
35 ~~dwelling unit.~~

36 (b) (1) An ordinance shall not require additional parking as a
37 condition to grant a permit.

38 (2) This subdivision shall not be interpreted to prohibit the
39 requirement of an inspection, including the imposition of a fee for

1 that inspection, to determine if the junior accessory dwelling unit
2 complies with applicable building standards.

3 (c) An application for a permit pursuant to this section shall,
4 notwithstanding Section 65901 or 65906 or any local ordinance
5 regulating the issuance of variances or special use permits, be
6 considered ministerially, without discretionary review or a hearing.
7 ~~A local agency shall issue a permit within 60 days from the date~~
8 ~~the local agency receives a completed application for a permit~~
9 ~~pursuant to this section. *The permitting agency shall act on the*~~
10 ~~*application to create a junior accessory dwelling unit within 60*~~
11 ~~*days from the date the local agency receives a completed*~~
12 ~~*application if there is an existing single-family dwelling on the lot.*~~
13 ~~*If the permit application to create a junior accessory dwelling unit*~~
14 ~~*is submitted with a permit application to create a new single-family*~~
15 ~~*dwelling on the lot, the permitting agency may delay acting on the*~~
16 ~~*permit application for the junior accessory dwelling unit until the*~~
17 ~~*permitting agency acts on the permit application to create the new*~~
18 ~~*single-family dwelling, but the application to create the junior*~~
19 ~~*accessory dwelling unit shall still be considered ministerially*~~
20 ~~*without discretionary review or a hearing. If the applicant requests*~~
21 ~~*a delay, the 60-day time period shall be tolled for the period of*~~
22 ~~*the delay.*~~ A local agency may charge a fee to reimburse the local
23 agency for costs incurred in connection with the issuance of a
24 permit pursuant to this section.

25 (d) For purposes of any fire or life protection ordinance or
26 regulation, a junior accessory dwelling unit shall not be considered
27 a separate or new dwelling unit. This section shall not be construed
28 to prohibit a city, county, city and county, or other local public
29 entity from adopting an ordinance or regulation relating to fire and
30 life protection requirements within a single-family residence that
31 contains a junior accessory dwelling unit so long as the ordinance
32 or regulation applies uniformly to all single-family residences
33 within the zone regardless of whether the single-family residence
34 includes a junior accessory dwelling unit or not.

35 (e) For purposes of providing service for water, sewer, or power,
36 including a connection fee, a junior accessory dwelling unit shall
37 not be considered a separate or new dwelling unit.

38 (f) This section shall not be construed to prohibit a local agency
39 from adopting an ordinance or regulation, related to parking or a
40 service or a connection fee for water, sewer, or power, that applies

1 to a single-family residence that contains a junior accessory
2 dwelling unit, so long as that ordinance or regulation applies
3 uniformly to all single-family residences regardless of whether the
4 single-family residence includes a junior accessory dwelling unit.

5 (g) If a local agency has not adopted a local ordinance pursuant
6 to this section, the local agency shall ministerially approve a permit
7 to construct a junior accessory dwelling unit that satisfies the
8 requirements set forth in subparagraph (A) of paragraph (1) of
9 subdivision (e) of Section 65852.2 and the requirements of this
10 section.

11 (h) For purposes of this section, the following terms have the
12 following meanings:

13 (1) "Junior accessory dwelling unit" means a unit that is no
14 more than 500 square feet in size and contained entirely within a
15 single-family residence. A junior accessory dwelling unit may
16 include separate sanitation facilities, or may share sanitation
17 facilities with the existing structure.

18 (2) "Local agency" means a city, county, or city and county,
19 whether general law or chartered.

20 SEC. 3. No reimbursement is required by this act pursuant to
21 Section 6 of Article XIII B of the California Constitution because
22 a local agency or school district has the authority to levy service
23 charges, fees, or assessments sufficient to pay for the program or
24 level of service mandated by this act, within the meaning of Section
25 17556 of the Government Code.

O

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

2
3 Ordinance amending the Planning Code to allow the construction of Accessory
4 Dwelling Units (ADUs, also known as Secondary or In-Law Units) on all lots in the City
5 in areas that allow residential use; amending the Administrative Code to revise the
6 definition of "rental unit" as it applies to ADUs; affirming the Planning Department's
7 determination under the California Environmental Quality Act; making findings of
8 consistency with the General Plan, and the eight priority policies of Planning Code,
9 Section 101.1; adopting findings of public necessity, convenience, and welfare under
10 Planning Code, Section 302; and directing the Clerk to send a copy of this ordinance to
11 the California Department of Housing and Community Development after adoption.

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

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

20 Section 1. General and Environmental Findings.

21 (a) The Planning Department has determined that the actions contemplated in this
22 ordinance comply with the California Environmental Quality Act (California Public Resources
23 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
24 Supervisors in File No. 160657 and is incorporated herein by reference. The Board affirms
25 this determination.

1 (b) On June 16, 2016, the Planning Commission, in Resolution No. 19663, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. 160657, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that
7 these Planning Code amendments will serve the public necessity, convenience, and welfare
8 for the reasons set forth in Planning Commission Resolution No. 19663.

9
10 Section 2. Legislative Findings.

11 (a) San Francisco's total land area is approximately 49 square miles, and much of
12 this land is not open to development because of prohibitive topography or public ownership.

13 (b) According to the 2010 United States Census Report, San Francisco is the most
14 densely populated city in California. The San Francisco Bay Area is the second most densely
15 populated metropolitan area in the United States, following only New York City.

16 (c) Housing costs in San Francisco are beyond the reach of the vast majority of low-
17 and middle-income households. Approximately 90% of individuals earning less than \$35,000
18 and over 50% of individuals making from \$35,000 to \$75,000 are spending more than 30% of
19 their income on rent.

20 (d) San Francisco has a shortage of affordable housing units, exacerbated not only
21 by a shortage of new affordable housing units, but also by the continuing loss of affordable
22 housing units across the City. While approximately 6,300 new affordable housing units were
23 built in the period from 2005 to 2015, over 4,500 rent controlled and otherwise protected
24 affordable units were withdrawn from the housing market.

1 (e) Policy 1.5 of the City's 2014 Housing Element, which is a required element of
2 the City's General Plan, states that adding new units in existing residential buildings
3 represents a simple and cost-effective method of expanding the City's housing supply. These
4 units could be developed to meet the needs of seniors, people with disabilities and others
5 who, because of modest incomes or lifestyles, prefer or need small units at relatively low
6 rents, while simultaneously enhancing their overall safety and habitability.

7 (f) Section 65852.2 of the California Government Code provides that any local
8 agency may, by ordinance, provide for the creation of Accessory Dwelling Units (also known
9 as "second" or "in-law" units) in zones that allow for residential use. The State Legislature
10 finds and declares that these units are a valuable form of housing in California.

11 (g) Expanding the ability to construct Accessory Dwelling Units in San Francisco to
12 all areas that allow for residential use will provide additional housing that may be subject to
13 rent control and other rent stabilization protections, without substantially changing their built
14 character and allowing more residents to live within walking distance of transit, shopping, and
15 services.

16 (h) Allowing Accessory Dwelling Units within existing residential buildings, subject to
17 restrictions that incentivize their use as additional affordable rental housing, is a pragmatic
18 infill strategy to create more housing for San Francisco residents. This strategy is crucial for
19 San Francisco's housing market in multiple respects.

20 (i) This infill strategy would create more apartments in the areas of the city that are
21 already built-out without changing the neighborhood character, increasing building heights or
22 altering the built form. Such small-scale residential infill could create additional homes for
23 existing and future San Franciscans spread throughout the city.

1 (j) A need exists in San Francisco for additional affordable housing. By allowing
2 Accessory Dwelling Units citywide, San Francisco will continue to be a major provider of
3 affordable housing opportunities in the region.
4

5 Section 3. The Planning Code is hereby amended by revising Sections 102, 207, and
6 307, and deleting Section 207.2, to read as follows:

7 **SEC. 102. DEFINITIONS.**

8 * * * *

9 **Dwelling Unit, Accessory.** Also known as a Secondary Unit or In-Law Unit, is a Dwelling Unit
10 *added to an existing residential property and constructed entirely within the existing built envelope of*
11 *an existing building in areas that allow residential use or within the existing built envelope of an*
12 *existing and authorized auxiliary structure on the same lot with a complete or partial waiver from the*
13 *Zoning Administrator of the density limits and/or the parking, rear yard, exposure, or open space*
14 *standards of this Code pursuant to the provisions of Sections 207(c)(4) and 307(i).*

15 * * * *

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

17 * * * *

18 (c) **Exceptions to Dwelling Unit Density Limits.** An exception to the calculations
19 under this Section shall be made in the following circumstances:

20 * * * *

21 (4) **Accessory Dwelling Units in Zoning Districts Other Than RH-1(D).**

22 (A) **Definition.** An "Accessory Dwelling Unit" (ADU) is defined in
23 Section 102.

24 (B) **Applicability.** *Except for lots zoned RH-1(D), which are regulated by*
25 *subsection (c)(5) below.* The exceptions permitted by this ~~S~~subsection 207(c)(4) shall apply *only*

1 to all lots located within the City and County of San Francisco in areas that allow residential use;
2 provided, however, that the Department shall not approve an application for construction of an
3 Accessory Dwelling Unit in any building where a tenant has been evicted pursuant to Administrative
4 Code Section 37.9(a)(9) through 37.9(a)(14) under a notice of eviction served within 10 years prior to
5 filing the application for a building permit to construct the ADU or where a tenant has been evicted
6 pursuant to Administrative Code Section 37.9(a)(8) under a notice of eviction served within five years
7 prior to filing the application for a building permit to construct the ADU.

8 (i) lots within the boundaries of Board of Supervisors District 8
9 extant on July 1, 2015;

10 (ii) lots within the boundaries of Board of Supervisors District 3
11 extant on July 1, 2015; and

12 (iii) lots with a building undergoing mandatory seismic retrofitting in
13 compliance with Section 34B of the Building Code or voluntary seismic retrofitting in compliance with
14 the San Francisco Department of Building Inspection's Administrative Bulletin 094.

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

17 (i) For buildings that have four existing Dwelling Units or fewer, one
18 ADU is permitted; for buildings that have more than four existing Dwelling Units, there is no limit on
19 the number of ADUs permitted.

20 (ii) An Accessory Dwelling Unit shall be constructed entirely within
21 the built envelope of an existing building or within the built envelope of an existing and authorized
22 auxiliary structure on the same lot, as the built envelope in either case existed three years prior to the
23 time the application was filed for a building permit to construct the ADU. For purposes of this
24 provision, the "built envelope" shall include all spaces included in Zoning Administrator Bulletin
25 4, as amended from time to time, as well as any infilling underneath rear extensions the open

1 area under a cantilevered room or room built on columns; decks, except for decks that
2 encroach into the required rear yard, or decks that are supported by columns or walls other
3 than the building wall to which it is attached and are multi-level or more than 10 feet above
4 grade; and lightwell infills provided that the infill will be against a blank neighboring wall at the
5 property line and not visible from any off-site location; as these spaces exist as of July 11,
6 2016 and except for any of these spaces that encroach on the required rear yard. In the event
7 that an ADU is built in any of these additional spaces, such construction shall require notice
8 pursuant to Planning Code Section 311 or 312.

9 ~~(i) (iii)~~ An Accessory Dwelling Unit shall not be constructed using
10 space from an existing Dwelling Unit.

11 ~~(iv)~~ *A building undergoing seismic retrofitting may be eligible for a*
12 *height increase pursuant to Subsection (c)(4)(F) below.*

13 ~~(v)~~ *Notwithstanding any other provision of this Code, an Accessory*
14 *Dwelling Unit authorized under this Section 207(c)(4) may not be merged with an original unit(s).*

15 ~~(vi)~~ *An Accessory Dwelling Unit shall not be permitted in any*
16 *building in a Neighborhood Commercial District or in the Chinatown Community Business or Visitor*
17 *Retail Districts if accommodating the Accessory Dwelling Unit it would either eliminate or reduce*
18 *a ground-story retail or commercial space or reduce a ground-story retail or commercial space by*
19 *more than 25%.*

20 ~~(vii)~~ Accessory Dwelling Units shall have a minimum unit size of
21 350 square feet for studio units and 550 square feet for one-bedroom units.

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

1 (iii) (D) Prohibition of Short-Term Rentals. *The Department shall require the*
2 *applicant to disclose on any application for construction of an Accessory Dwelling Unit whether the*
3 *applicant intends to use, or authorize the use of, the An Accessory Dwelling Unit shall not be used for*
4 *Short-Term Residential Rentals under Chapter 41A of the Administrative Code, which restriction*
5 *shall be recorded as a Notice of Special Restriction on the subject lot. The Department shall not*
6 *approve an application for construction of an Accessory Dwelling Unit unless the applicant has*
7 *provided the information required by this subsection.*

8 (iv) — *Board of Supervisors District 8. For Accessory Dwelling Units*
9 *on lots covered by Subsection 207(c)(4)(B)(i):*

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

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

15 c. — *For buildings that have no more than 10 existing Dwelling*
16 *Units, one Accessory Dwelling Unit is permitted; for buildings that have more than 10 existing*
17 *Dwelling Units, two Accessory Dwelling Units are permitted.*

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

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

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

1 *e. For buildings that have four existing Dwelling Units or*
2 *fewer, one Accessory Dwelling Unit is permitted; for buildings that have more than four existing*
3 *Dwelling Units, there is no limit on the number of Accessory Dwelling Units permitted by this Section*
4 *207(e)(4).*

5 (E) Restrictions on Subdivisions. Notwithstanding the provisions of Article
6 9 of the Subdivision Code, a lot with an Accessory Dwelling Unit authorized under this Section
7 207(c)(4) shall not be subdivided in a manner that would allow for the ADU to be sold or
8 separately financed pursuant to any condominium plan, housing cooperative, or similar form
9 of separate ownership; provided, however, that this prohibition on separate sale or finance of
10 the ADU shall not apply to a building that (i) within three years prior to July 11, 2016 was an
11 existing condominium with no Rental Unit as defined in Section 37.2(r) of the Administrative
12 Code, and (ii) has had no evictions pursuant to Sections 37.9(a) through 37.9(a)(14) of the
13 Administrative Code within 10 years prior to July 11, 2016.

14 (F) ~~(E)~~(vi) Buildings Undergoing Seismic Retrofitting. For Accessory
15 Dwelling Units on lots *covered by Subsection 207(e)(4)(B)(iii): with a building undergoing*
16 *mandatory seismic retrofitting in compliance with Section 34B of the Building Code or voluntary*
17 *seismic retrofitting in compliance with the Department of Building Inspection's Administrative Bulletin*
18 *094, the following additional provision applies:*

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

21 *b. An Accessory Dwelling Unit shall be constructed entirely*
22 *within the existing building envelope or auxiliary structure, as it existed three (3) years prior to the*
23 *time of the application for a building permit. If permitted allowed by the Building Code, a building*
24 *in which an Accessory Dwelling Unit is constructed may be raised up to three feet to create*
25

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

3 ~~(i1)~~ shall be exempt from the notification requirements of
4 Sections 311 and 312 of this Code; and

5 ~~(ii2)~~ permitted to may expand a noncomplying structure, as
6 defined in Section 180(a)(2) of this Code and further regulated in Sections 172, 180, and 188,
7 without obtaining a variance for increasing the discrepancy between existing conditions on the
8 lot and the required standards of this Code.

9 ~~(iii)~~ on lots where an ADU is added in coordination with a
10 building undergoing mandatory seismic retrofitting in compliance with Section 34 of the
11 Building Code or voluntary seismic retrofitting in compliance with the Department of Building
12 Inspection's Administrative Bulletin 094, the building and the new ADU shall maintain any
13 eligibility to enter the condo-conversion lottery and may only be subdivided if the entire
14 property is selected on the condo-conversion lottery.

15 ~~(G) (F)(vii)~~ **Waiver of Code Requirements; Applicability of Rent Ordinance.**

16 Pursuant to the provisions of Section 307(l) of this Code, the Zoning Administrator may grant
17 an Accessory Dwelling Unit a complete or partial waiver of the density limits and parking, rear
18 yard, exposure, or open space standards of this Code. ~~However, If the Zoning Administrator~~
19 grants a complete or partial waiver of the requirements of this Code and the subject lot contains any
20 Rental Units at the time an application for a building permit is filed for construction of the Accessory
21 Dwelling Unit(s), the property owner(s) shall enter into a Regulatory Agreement with the City under
22 subsection (c)(4)(H) subjecting the ADU(s) to the San Francisco Residential Rent Stabilization and
23 Arbitration Ordinance (Chapter 37 of the Administrative Code) as a condition of approval of the
24 ADU(s). For purposes of this requirement, Rental Units shall be as defined in Section 37.2(r) of the
25 Administrative Code. existing building or any existing Dwelling Unit within the building is subject to

1 *the provisions of the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Chapter*
2 *37 of the Administrative Code), the property owner shall submit the following to the Department:*

3 (H) (G) Regulatory Agreements. A Regulatory Agreement required by subsection
4 (c)(4)(G) as a condition of approval of an Accessory Dwelling Unit shall contain the following:

5 ~~a.~~ (i) a. proposed agreement demonstrating statement that the Accessory Dwelling
6 Unit(s) ADU(s) are not subject to the Costa Hawkins Rental Housing Act (California Civil Code
7 Section 1954.50) because, under Section 1954.52(b k), the owner has entered into this
8 agreement with the City in consideration for a complete or partial waiver of the density limits,
9 and/or parking, rear yard, exposure or open space standards of this Code or other direct financial
10 contribution or any other form of assistance specified in California Government Code Sections
11 65915 et seq. ("Agreement"); and

12 (ii) ~~b.~~ b. if the Planning Director determines necessary, an Affidavit
13 containing information about the a description of the complete or partial waiver of Code requirements
14 granted by the Zoning Administrator or other direct financial contribution or other form of
15 assistance provided to the property owner; and.

16 (iii) a description of the remedies for breach of the Agreement and other
17 provisions to ensure implementation and compliance with the Agreement.

18 (iv) The property owner and the Planning Director (or his designee), on
19 behalf of the City, will execute the Agreement, which shall be reviewed and approved by the
20 City Attorney's Office. The Agreement shall be ~~approved~~ executed prior to the City's issuance of
21 the First Construction Document for the project, as defined in Section 107A.13.1 of the San
22 Francisco Building Code.

23 (v) Following execution of the Regulatory Agreement by all parties and
24 approval by the City Attorney, the Regulatory Agreement or a memorandum thereof shall be recorded
25 against the property and shall be binding on all future owners and successors in interest.

1 Any Regulatory Agreement entered into under this Section 207(c)(4) shall not preclude
2 a landlord from establishing the initial rental rate pursuant to Section 1954.53 of the Costa
3 Hawkins Rental Housing Act.

4 ~~(D)~~ ~~(H)~~ (I) **Monitoring Program.**

5 (i) **Monitoring and Enforcement of Unit Affordability.** The
6 Department shall establish a system to monitor the affordability of the Accessory Dwelling
7 Units authorized to be constructed by this ~~S~~subsection 207(c)(4) and shall use such data to
8 enforce the requirements of the Regulatory Agreements entered into pursuant to subsection
9 (c)(4)(G)(H) (H). Property owners shall provide the Department with rent information as
10 requested by the Department. The Board of Supervisors recognizes that property owners and
11 tenants generally consider rental information sensitive and do not want it publicly disclosed.
12 The intent of the Board is for the Department to obtain the information for purposes of
13 monitoring and enforcement ~~so~~ but that its public disclosure is not it can be used by the Department in
14 aggregate form, not in a manner that would be linked to specific individuals or units. The
15 Department shall ~~only request rental information from property owners if the notice includes the~~
16 ~~statement that the Department is acquiring it in confidence and will publicly disclose it only in~~
17 ~~aggregate form. The Department shall not ask property owners to provide rental information if it~~
18 ~~determines, after consulting with the City Attorney's Office, with respect to the legal requirements to~~
19 ~~determine how best to achieve the intent of the Board that the information would be publicly~~
20 ~~disclosable under federal, state, or local law in nonaggregated form.~~

21 (ii) **Monitoring and Enforcement of Prohibition on Use as Short**
22 **Term Rentals.** The Department shall collect data on the use of Accessory Dwelling Units
23 authorized to be constructed by this ~~S~~subsection (c)(4) as Short-Term Residential Rentals, as
24 that term is defined in Administrative Code Section 41A.4, and shall use such data to evaluate
25

1 and enforce Notices of Special Restriction pursuant to subsection 207(c)(4)(D) and the
2 requirements of Administrative Code Chapter 41A.

3 (iii) **Department Report.** The Department shall publish a report
4 annually until by April 1, 2019 2016, that describes and evaluates the types of units being
5 developed and their affordability rates as well as their use as Short-Term Residential Rentals.
6 The report shall contain such additional information as the Director or the Board of Supervisors
7 determines would inform decision makers and the public on the effectiveness and
8 implementation of this ~~§~~ subsection (c)(4) and make include recommendations for any
9 amendments to the requirements of this Section 207(c)(4) or expansion of areas where Accessory
10 Dwelling Units should be constructed. The Department shall transmit this report to the Board of
11 Supervisors for its review and public input. In subsequent years, this information on Accessory
12 Dwelling Units shall be included reported annually in the Housing Inventory.

13 (5) Accessory Dwelling Units in RH-1(D) Zoning Districts.

14 (A) Definition. An "Accessory Dwelling Unit" (ADU) is defined in Section
15 102.

16 (B) Controls on Construction. An Accessory Dwelling Unit in an RH-1(D)
17 zoning district shall be allowed only as mandated by Section 65852.2 of the California Government
18 Code and only in strict compliance with the requirements of subsection (b) of Section 65852.2, as that
19 state law is amended from time to time.

20 (C) Department Report. In the report required by subsection (c)(4)(l)(iii)
21 (H)(3), the Department shall include a description and evaluation of the number and types of units
22 being developed pursuant to this subsection (c)(5), their affordability rates, and such other information
23 as the Director or the Board of Supervisors determines would inform decision makers and the public.

24 SEC. 207.2 SECOND UNITS.
25

1 (a) — ~~Second units, as defined and referred to in Government Code Section 65852.2, are~~
2 ~~precluded in RH-1(D) and RH-1 zoned areas, except for units designed for and occupied by senior~~
3 ~~citizens ("Senior Housing" as defined by Section 102) and except as may hereafter be permitted by later~~
4 ~~amendments to this Code governing second units.~~

5 (b) — ~~Government Code Section 65852.2 requires a City to adopt either an ordinance~~
6 ~~permitting or precluding second units within single family and multifamily zoned areas or, in the~~
7 ~~alternative, to be subject to certain restrictions set forth in Government Code Section 65852.2(b). The~~
8 ~~provisions of this ordinance, in light of other provisions of the Planning Code governing second units,~~
9 ~~do not result in the total preclusion of second units within single family and multifamily zoned areas~~
10 ~~and therefore San Francisco has a legislative scheme which complies with Government Code Section~~
11 ~~65852.2(a). In the event that it is determined, however, that San Francisco's legislative scheme does not~~
12 ~~comply with Government Code Section 65852.2(a), the following findings are made with the intent of~~
13 ~~complying with Government Code Section 65852.2(c).~~

14 (1) — ~~San Francisco's total land area is approximately 49 square miles and much of~~
15 ~~this land is not open to development because of topography or public ownership. San Francisco does~~
16 ~~not have the option open to many other cities of annexing undeveloped land currently outside its~~
17 ~~borders.~~

18 (2) — ~~San Francisco already has higher density development than other cities in~~
19 ~~California, both in terms of units per square feet of lot area and in terms of units per linear feet of~~
20 ~~street frontage. The density for housing development in San Francisco ranges from 4,000 square feet of~~
21 ~~lot area per unit in RH-1(D) (House, One Family Detached Dwellings) Districts to 200 square feet per~~
22 ~~unit in RM-4 (Mixed Residential, High Density) Districts. Except for districts which require a lot width~~
23 ~~of 33 feet and an area of 4,000 square feet, the minimum lot size for housing development is 2,500~~
24 ~~square feet in area, following the standard lot size in San Francisco (25 X 100 square feet), or 1,750~~
25 ~~square feet for lots within 125 feet of a corner. This density and lot size requirement allows greater~~

1 *density than other jurisdictions in California where the typical density and lot size is about 5,000*
2 *square feet per unit for single family dwellings and 1,500 square feet per unit for multifamily*
3 *development.*

4 (3) — *San Francisco is the most densely populated city in California. It is the fourth*
5 *most densely populated city in the nation following only New York City and two cities in New Jersey*
6 *(Jersey City and Patterson).*

7 (4) — *The limited land area and the limited developable land area of San Francisco*
8 *make it difficult to provide sites to replace single-family houses lost through conversion to a higher*
9 *density. Once single-family homes are converted into multiple dwelling structures by the addition of a*
10 *second unit, single-family housing stock is eliminated from the existing supply of single-family homes.*
11 *The irrevocable loss of the limited supply of single-family housing stock throughout the City will*
12 *adversely affect the health, safety and welfare of San Francisco residents.*

13 (5) — *Single-family residences have in recent years been demolished at a faster rate*
14 *than any other residential structures in the City primarily because new multiple-unit residential*
15 *development in the City often occurs as the result of the demolition of single-family homes in multiple-*
16 *unit districts. Single-family homes were 37 percent of the residential units demolished in 1984, and 61*
17 *percent of the residential units demolished in 1983. Single-family homes represented an even larger*
18 *percentage of the residential structures demolished. Single-family homes were 86 percent of the*
19 *residential structures demolished in 1984, and 74.4 percent of the residential structures demolished in*
20 *1983.*

21 (6) — *Single-family structures represent only 1/3 of all residential structures in San*
22 *Francisco compared to 60 percent of the residential structures in the State of California. Single-family*
23 *homes accounted for 18 percent of the new housing units in San Francisco in 1984, and 7 percent of*
24 *the new units in 1983. Other jurisdictions in California had single-family structures representing*
25 *approximately 50 percent of their new residential building permits for the same period.*

1 (7) — *The number of families in San Francisco declined in the years from 1970 to*
2 *1980, as evidenced by the school enrollment for the population group under 15 years old. The decline*
3 *in enrollment was from 106,900 to 83,790. The zoning policy of the City and County of San Francisco*
4 *should encourage families to live in the City rather than encouraging them to leave the City. A further*
5 *decline in the number of families living in the City is detrimental to the public health, safety and*
6 *welfare.*

7 (8) — *The addition of second units to single family dwellings usually results in an*
8 *increase in the cost of those dwellings, and, in addition, to the cost of the remaining smaller supply of*
9 *single family homes without second units. An increase in the cost of these types of dwellings will*
10 *discourage families from living in the City because the cost of dwellings most suitable for families will*
11 *be beyond the means of many who would otherwise live in the City.*

12 (9) — *San Francisco will probably face a need for more large units in the future than it*
13 *did in the past, as the population ages and the new baby boom continues. Many women born between*
14 *1945 and 1952 who delayed child bearing during the 1970's are now having babies at the same rate as*
15 *women born after 1952.*

16 (10) — *The addition of second units in single family houses throughout the City will*
17 *irrevocably deplete its limited supply of single family homes and discourage families from living in the*
18 *City by removing the type and size of dwelling units most suitable for families. Many of the residential*
19 *parcels in the City are less than 2,500 square feet in size or 1,750 square feet for corner lots and do not*
20 *meet minimum lot size standards. Many of these parcels were developed without required garages or*
21 *with minimal garage space, and do not comply with existing off street parking requirements. The*
22 *addition of second residential units in these areas could only worsen existing congestion.*

23 (11) — *Parking problems are severe in a number of areas of the City because of its*
24 *dense population. The addition of second units in such areas will exacerbate the parking problem.*
25 *Imposing off street parking requirements on secondary units would only partially alleviate that*

1 *problem in that additional units cause increased traffic other than that engaged in by the occupants of*
2 *the units (such as persons visiting the occupants for social or business purposes) as well as by the*
3 *occupants of the units.*

4 *(12) — Increased parking problems in areas of the City already burdened with traffic*
5 *congestion adversely affects the health, safety and welfare of the residents of such areas by interfering*
6 *with access to off-street parking spaces, requiring additional police services to control traffic problems*
7 *and unlawful parking, requiring occupants and visitors to park further from their homes (thereby also*
8 *exposing themselves to greater inconvenience and, in some instances, threat to safety), and interfering*
9 *with access by emergency vehicles during an emergency (a problem which is further complicated in*
10 *areas with narrow streets, winding roads, and other topographical features which make access by*
11 *vehicles difficult).*

12 *(13) — A need exists in San Francisco for additional affordable housing. Allowing*
13 *second units in RH 1(D) and RH 1 Districts is one means of providing such housing. However, to allow*
14 *second units without restriction in all areas currently zoned RH 1(D) and RH 1 would adversely affect*
15 *the health, safety and welfare of the public by permitting the conversion of an undue number of single-*
16 *family houses to multi-family units; by eliminating low density residential areas in the City and thereby*
17 *depriving those who desire to live in the City without the stress of living in higher density areas of their*
18 *opportunity to do so; and by permitting second units to be added in areas where undue traffic*
19 *congestion and the attendant difficulties described above, will occur.*

20 *(14) — A further period of time is needed in order to determine those areas of the City*
21 *where the traffic congestion problems described above would be least likely to occur and where second*
22 *units may therefore be permitted without adverse impact to the public.*

23 *(15) — There are no large districts suitable for the provision of second units, but instead*
24 *there are small subareas which must be reviewed on a case-by-case basis with community participation*
25 *in the review process. A case-by-case review is needed in order to determine those areas of the City*

1 ~~where the traffic congestion problems described above would be least likely to occur and where second~~
2 ~~units may therefore be permitted without adverse impact to the public. Furthermore:~~

3 ~~(A) — The Planning Code presently permits a secondary unit in all single~~
4 ~~family homes in RH 1(S) (House, One Family with Minor Second Unit), RH 2 (House, Two Family)~~
5 ~~and RH 3 (House, Three Family) Districts no matter what the lot size. Second units in single family~~
6 ~~homes are permitted in all other multifamily residential districts (all RM and RC Districts), depending~~
7 ~~on the size of the lot.~~

8 ~~(B) — The Planning Code permits the mapping of the RH 1(S) (House, One~~
9 ~~Family with Minor Second Unit) District. These RH 1(S) Zoning Districts provide for a two family~~
10 ~~dwelling with the second dwelling limited to 600 square feet of net floor area. The second unit remains~~
11 ~~subordinate to the owner's unit and the structures retain the appearance of single family dwellings. The~~
12 ~~RH 1(S) Zoning District has been mapped in four areas of the City. Additional mapping of the RH 1(S)~~
13 ~~Zoning District may be used to legalize existing secondary units in single family homes and to increase~~
14 ~~the number of secondary units.~~

15 ~~(C) — Dwellings specifically designed for and occupied by senior citizens~~
16 ~~("Senior Housing") are presently permitted at a density ratio or number of Dwelling Units not~~
17 ~~exceeding twice the number of Dwelling Units otherwise permitted as a principal use in the district by~~
18 ~~the Planning Code.~~

19 ~~(16) — Restricting second units in single family homes in San Francisco's RH 1(D) and~~
20 ~~RH 1 Zoning Districts may limit the housing opportunities of the region. However, over time,~~
21 ~~applications for RH 1(S) zoning designation may be reviewed on a case-by-case basis by the Planning~~
22 ~~Commission and its staff, the Board of Supervisors and the Mayor and where second units would be~~
23 ~~appropriate and would not adversely affect the public health, safety and welfare of residents of the City~~
24 ~~and County of San Francisco, such rezoning applications would be approved. Neither the provisions of~~
25 ~~this Section nor those of Government Code Section 65852.2 preclude the City from hereafter amending~~

1 *this Code in order to permit second units in additional situations designed to address specific housing*
2 *needs and circumstances unique to San Francisco.*

3 *(17) — San Francisco has been and will continue to be a major provider of affordable*
4 *housing opportunities in the region.*

5 *(A) — Currently (1986) San Francisco administers 6,766 units of public*
6 *housing and 2,574 Section 8 certificates.*

7 *(B) — Article 34, Section 1 of the California Constitution requires the approval*
8 *of the electorate as a condition to the development or acquisition of a low rent housing project by the*
9 *local jurisdiction. San Francisco has met the requirement with the City's voters approving the*
10 *development of a maximum of 3,000 low income housing units by a vote on Proposition Q on*
11 *November 2, 1976. Together with the units previously approved, approximately 4,000 low income*
12 *housing units may be developed, constructed or acquired.*

13 *(C) — Between 1981 and 1985, San Francisco's housing production efforts*
14 *included, but were not limited to the following:*

15 *1. — San Francisco undertook a major rezoning of underutilized land*
16 *which will allow the development of 14,000 housing units. Another 1,700 units are underway on vacant*
17 *publicly owned sites in the City.*

18 *2. — San Francisco set aside \$10,000,000 in general fund monies for*
19 *an Affordable Housing Fund. \$6,100,000 of this amount is committed to create 443 housing units*
20 *including the renovation of 82 vacant public housing units into privately managed two and three-*
21 *bedroom apartments.*

22 *3. — San Francisco combined \$1,000,000 in federal Community*
23 *Development Funds with the proceeds of an \$8,000,000 bond issue to finance home improvement loans*
24 *for low and moderate income homeowners.*

1 4. ~~The Office Housing Production Program (OHPP), under which~~
2 ~~high rise office developers are required to build or contribute to housing on a formula based on the~~
3 ~~size of their projects was instituted in 1981. The program has resulted in \$25,000,000 and over 3,700~~
4 ~~housing units to date.~~

5 5. ~~The City of San Francisco has sold \$84,000,000 in two bond~~
6 ~~issues since 1982 to provide 30 year, 10 3/4 percent mortgages to some 900 low to middle income first-~~
7 ~~time homebuyers. In addition a \$42,000,000 bond issue was sold to finance up to 400 homes with 9.8~~
8 ~~percent mortgages. In June, 1985 the City sold \$44,000,000 in mortgage revenue bonds to finance the~~
9 ~~construction of 563 units of rental housing on five sites.~~

10 (D) ~~Between 1980 and mid 1985 community based nonprofit organizations~~
11 ~~which receive Community Development Block Grant funding built 1,166 new housing units for low and~~
12 ~~moderate income households. At the time of the 1985 report on their activities they had 200 units under~~
13 ~~construction, and 426 units planned. During this same time the organizations rehabilitated 1,780 units~~
14 ~~for lower income households, had 426 units undergoing rehabilitation, and had plans to rehabilitate~~
15 ~~1,285 units.~~

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

17 In addition to those specified in Sections 302 through 306, and Sections 316 through
18 316.6 of this Code, the Zoning Administrator shall have the following powers and duties in
19 administration and enforcement of this Code. ~~The duties described in this Section shall be~~
20 ~~performed under the general supervision of the Director of Planning, who shall be kept informed of the~~
21 ~~actions of the Zoning Administrator.~~

22 * * * *

23 (l) **Exceptions from Certain Specific Code Standards Through**
24 **Administrative Review for Accessory Dwelling Units Constructed Pursuant to Section**
25 **207(c)(4) 207.4(e) of this Code.** The Zoning Administrator may allow complete or partial relief

1 from the density limits and from the parking, rear yard, exposure, and/or open space
 2 requirements of this Code when modification of the requirement would facilitate the
 3 construction of an Accessory Dwelling Unit, as defined in Section 102 and meeting the
 4 requirements of Section 207(c)(4) of this Code. The exposure requirements of Section 140
 5 apply, except that subsection (a)(2) may be satisfied through windows facing an open area
 6 that is at least 15 feet in every horizontal direction that is not required to expand on
 7 subsequent floors. In considering any request for complete or partial relief from these Code
 8 requirements, the Zoning Administrator shall facilitate the construction of such Accessory
 9 Dwelling Units to the extent feasible and shall consider any criteria elsewhere in this Section
 10 307 that he or she determines to be applicable. Nothing in this Section shall be interpreted as
 11 allowing for an existing non-conforming use to be deemed conforming.

12 * * * *

13
 14 Section 4. The Planning Code is hereby amended by revising Sections 209.1, 210.4,
 15 710 through 747, and 810 through 818, 827, 828, 829, and 840 through 847, to read as
 16 follows:

17 **SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.**

18 * * * *

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

<i>Zoning Category</i>	<i>§ References</i>	<i>RH-1(D)</i>	<i>RH-1</i>	<i>RH-1(S)</i>	<i>RH-2</i>	<i>RH-3</i>
RESIDENTIAL STANDARDS AND USES						
<i>Development Standards</i>						
Residential Uses						

1			P up to one unit			
2			per lot. C up to	P up to two units per lot, if the	P up to two	P up to three
3	Residential		one unit per	second unit is 600 sq. ft. or	units per	units per lot. C
4	Density,	§ 207	3,000 square	less. C up to one unit per	lot. C up to	up to one unit
5	Dwelling	per lot.	feet of lot area,	3,000 square feet of lot area,	one unit per	per 1,000
6	Units (7)		with no more	with no more than three units	1,500 square	square feet of
7			than three units	per lot.	feet of lot	lot area.
8			per lot.		area.	
9	****					

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

SEC. 210.4. M DISTRICTS: INDUSTRIAL

* * * *

**Table 210.4
ZONING CONTROL TABLE FOR M DISTRICTS**

Zoning Category	§ References	M-1	M-2

RESIDENTIAL STANDARDS AND USES			
Development Standards			

Residential Uses		
Residential Density, Dwelling Units (3)	§ 207	C at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio shall in no case be less than one

		unit for each 800 feet of lot area. Any remaining fraction of one-half or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units. NP above.
* * * *		

* * * *

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

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

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

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

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

NC-1 commercial use provisions encourage the full range of neighborhood-serving convenience retail sales and services at the first story provided that the use size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability are prohibited, such as auto uses, financial services, general advertising

1 signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are
 2 restricted, depending upon the intensity of such uses in nearby commercial districts.

3 Housing development in new buildings is encouraged above the ground story in most
 4 districts. Existing residential units are protected by prohibitions of conversions above the
 5 ground story and limitations on demolitions. Accessory Dwelling Units are permitted within the
 6 district on lots within the boundaries of Board of Supervisors District 8 pursuant to ~~§~~ subsection
 7 207(c)(4) of this Code.

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

10 * * * *

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

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§ 710.91	§ 207(c)(4)	ACCESSORY DWELLING UNITS Boundaries: <u>Within the boundaries of the NC-1 Districts Board of Supervisors District 8 extant on July 1, 2015.</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 <u>in areas that allow zoned for</u> residential use or within an existing and authorized auxiliary structure on the same lot, <u>provided that it does not eliminate or reduce a</u> <u>ground story retail or commercial space.</u>

20 **SEC. 711. NC-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

21 The NC-2 District is intended to serve as the City's Small-Scale Neighborhood
 22 Commercial District. These districts are linear shopping streets which provide convenience
 23 goods and services to the surrounding neighborhoods as well as limited comparison shopping
 24 goods for a wider market. The range of comparison goods and services offered is varied and
 25 often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2

1 Districts are commonly located along both collector and arterial streets which have transit
2 routes.

3 These districts range in size from two or three blocks to many blocks, although the
4 commercial development in longer districts may be interspersed with housing or other land
5 uses. Buildings typically range in height from two to four stories with occasional one-story
6 commercial buildings.

7 The small-scale district controls provide for mixed-use buildings which approximate or
8 slightly exceed the standard development pattern. Rear yard requirements above the ground
9 story and at residential levels preserve open space corridors of interior blocks.

10 Most new commercial development is permitted at the ground and second stories.
11 Neighborhood-serving businesses are strongly encouraged. Eating and drinking and
12 entertainment uses, however, are confined to the ground story. The second story may be
13 used by some retail stores, personal services, and medical, business and professional offices.
14 Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities,
15 and other automobile uses protect the livability within and around the district, and promote
16 continuous retail frontage.

17 Housing development in new buildings is encouraged above the ground story. Existing
18 residential units are protected by limitations on demolition and upper-story conversions.

19 Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this
20 Code.

Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2
ZONING CONTROL TABLE

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

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
711.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 800 sq. ft. lot area # § 207(c)		
****	****	****	****	****	****

PECIFIC PROVISIONS FOR NC-2 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
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****	****	****
§ 711.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><i>Boundaries: Within the boundaries of the NC-2 Districts.</i></p> <p><i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>

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

NC-3 Districts are intended in most cases to offer a wide variety of comparison and specialty goods and services to a population greater than the immediate neighborhood, additionally providing convenience goods and services to the surrounding neighborhoods.

1 NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also
2 serve as major transit routes.

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

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

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

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

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

22 * * * *

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

24

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

25

§ 712.91	§ 207(c)(4)	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: <i>Within the boundaries of the NC-3 Districts Board of Supervisors District 8 extant on July 1, 2015.</i></p> <p>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 <i>in areas that allow zoned for residential use</i> or within an existing and authorized auxiliary structure on the same lot, <i>provided that it does not eliminate or reduce a ground story retail or commercial space.</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

1 restaurants and take-out food uses. Some auto uses are permitted at the first story. Limited
 2 storage and administrative service activities are permitted with some restrictions.

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

7
 8 **Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT NC-S**
 9 **ZONING CONTROL TABLE**

10 * * * *

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

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§ 713.91	§ 207(c)(4)	ACCESSORY DWELLING UNITS Boundaries: <i>Within the boundaries of the NC-S Districts Board of Supervisors District 8 extant on July 1, 2015.</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 <i>in areas that allow zoned for</i> residential use or within an existing and authorized auxiliary structure on the same lot, <i>provided that it does not eliminate or reduce a ground story retail or commercial space.</i>

19
 20 **SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

21 * * * *

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

Article 7 Code Section	Other Code Section	Zoning Controls
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1	****	****	****
2	§§ 714, 714.91	§ 207(c)(4)	ACCESSORY DWELLING UNITS
3			Boundaries: Within the boundaries of the Broadway NCD.
4			Controls: An "Accessory Dwelling Unit," as defined in Section 102
5			and meeting the requirements of Section 207(c)(4), is permitted to be
6			constructed within an existing building <i>in areas that allow zoned for</i>
7	residential use or within an existing and authorized auxiliary structure		
8	on the same lot, <i>provided that it does not eliminate or reduce a ground-</i>		
9	<i>story retail or commercial space.</i>		
10	****	****	****

11 **SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

12 ****

13 **SPECIFIC PROVISIONS FOR THE CASTRO STREET**
 14 **NEIGHBORHOOD COMMERCIAL DISTRICT**

15 Article 7	15 Other	15 Zoning Controls
16 Code	Code	
16 Section	Section	
17		ACCESSORY DWELLING UNITS
18	§ 207(c)(4)	Boundaries: <i>Board of Supervisors District 8 extant on July 1, 2015.</i> Within
19		the boundaries of the Castro Street NCD.
20		Controls: An "Accessory Dwelling Unit," as defined in Section 102
21		and meeting the requirements of Section 207(c)(4), is permitted to be
22		constructed within an existing building <i>in areas that allow zoned for</i>
23	residential use or within an existing and authorized auxiliary structure	
24	on the same lot, <i>provided that it does not eliminate or reduce a ground-</i>	
25	<i>story retail or commercial space.</i>	

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SEC. 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Inner Clement Street Commercial District is located on Clement Street between Arguello Boulevard and Funston Avenue in the eastern portion of the Richmond District of northwest San Francisco. The district provides a wide selection of convenience goods and services for the residents of the Inner Richmond neighborhood. Inner Clement Street has one of the greatest concentrations of restaurants of any commercial street in San Francisco, drawing customers from throughout the City and region. There are also a significant number of professional, realty, and business offices as well as financial institutions. The pleasant pedestrian character of the district is derived directly from the intensely active retail frontage on Clement Street.

The Inner Clement Street District controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that supports the district's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories, although certain limitations apply to uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and protect adjacent residential livability. These controls prohibit additional financial service and limit additional eating and drinking establishments, late-night commercial uses and ground-story entertainment uses. In order to maintain the street's active retail frontage, controls also prohibit most new automobile and drive-up uses.

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

demolitions. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Table 716. INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Inner Clement Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
716.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq. ft. lot area # § 207(c)		
****	****	****	****	****	****

SPECIFIC PROVISIONS FOR THE INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 716, 716.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the Inner Clement Street NCD.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary</u></p>

		<i>structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i>
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SEC. 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Outer Clement Street Neighborhood Commercial District is located on Clement Street between 19th Avenue and 27th Avenue in the western portion of the Richmond District. The shopping area contains small-scale convenience businesses, as well as many restaurants and a movie theater. The district's restaurants serve a neighborhood and Citywide clientele during the evening hours, while convenience shopping uses cater for the most part to daytime neighborhood shoppers. Outer Clement Street contains many mixed-use buildings with some fully commercial and fully residential buildings interspersed between them.

The Outer Clement Street District controls are designed to promote development that is in keeping with the district's existing small-scale, mixed-use character. The building standards monitor large-scale development and protect rear yards at all levels. Future commercial growth is directed to the ground story in order to promote more continuous and active retail frontage. Additional eating and drinking establishments are regulated to prevent over-concentration, while ground-story entertainment and financial service uses are monitored in order to limit the problems of traffic, congestion, noise and late-night activity associated with such uses and to protect existing neighborhood-serving businesses. Other controls restricting late-night activity, hotels, automobile uses, and drive-up facilities are designed to preserve the low-intensity character of the district.

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

Table 717. OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Outer Clement Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
717.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq. ft. lot area # § 207(c)		
****	****	****	****	****	****

SPECIFIC PROVISIONS FOR THE OUTER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 717, 717.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><i>Boundaries: Within the boundaries of the Outer Clement Street NCD.</i></p> <p><i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>

1 **SEC. 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 The Upper Fillmore Street Neighborhood Commercial District is situated in the south-
3 central portion of Pacific Heights. It runs north-south along Fillmore Street from Jackson to
4 Bush and extends west one block along California and Pine Streets. This medium-scaled,
5 multi-purpose commercial district provides convenience goods to its immediate neighborhood
6 as well as comparison shopping goods and services on a specialized basis to a wider trade
7 area. Commercial businesses are active during both day and evening and include a number
8 of bars, restaurants, specialty groceries, and specialty clothing stores.

9 The Upper Fillmore District controls are designed to protect the existing building scale
10 and promote new mixed-use development which is in character with adjacent buildings.
11 Building standards regulate large lot and use development and protect rear yards above the
12 ground story and at residential levels. Most commercial uses are permitted at the first two
13 stories of new buildings. Special controls are designed to preserve the existing equilibrium of
14 neighborhood-serving convenience and specialty commercial uses. In order to maintain
15 convenience stores and protect adjacent livability, additional bars (unless part of a full-service
16 restaurant) and formula retail establishments are prohibited, other eating and drinking
17 establishments and self-service specialty foods require conditional use authorization and
18 ground-story entertainment and financial service uses are limited. In order to promote
19 continuous retail frontage, drive-up and most automobile uses are prohibited.

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

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

1 Table 718. UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 2 ZONING CONTROL TABLE

3 ****

No.	Zoning Category	§ References	Upper Fillmore Street Controls by Story		
		§ 790.118	1st	2nd	3rd+

6 ****

RESIDENTIAL STANDARDS AND USES					
****	Residential Use	****	****	****	****
718.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq. ft. lot area # § 207(c)		
****	****	****	****		

11 SPECIFIC PROVISIONS FOR THE UPPER FILLMORE STREET NEIGHBORHOOD
 12 COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 718, 718.91	§ 207(c)(4)	<p data-bbox="607 1213 1003 1249"><i>ACCESSORY DWELLING UNITS</i></p> <p data-bbox="607 1276 1360 1312"><i>Boundaries: Within the boundaries of the Upper Fillmore Street</i></p> <p data-bbox="607 1339 673 1375"><i>NCD.</i></p> <p data-bbox="607 1402 1385 1732"><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 in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>

1 **SEC. 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 Northwest of the City's geographical center, the Haight Street Neighborhood
3 Commercial District is located in the Haight-Ashbury neighborhood, extending along Haight
4 Street between Stanyan and Central Avenue, including a portion of Stanyan Street between
5 Haight and Beulah. The shopping area provides convenience goods and services to local
6 Haight-Ashbury residents, as well as comparison shopping goods and services to a larger
7 market area. The commercial district is also frequented by users of Golden Gate Park on
8 weekends and by City residents for its eating, drinking, and entertainment places. Numerous
9 housing units establish the district's mixed residential-commercial character.

10 The Haight Street District controls are designed to protect the existing building scale
11 and promote new mixed-use development which is in character with adjacent buildings. The
12 building standards regulate large-lot and use development and protect rear yards above the
13 ground story and at residential levels. To promote the prevailing mixed-use character, most
14 commercial uses are directed primarily to the ground story with some upper-story restrictions
15 in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving
16 commercial uses and regulate the more intensive commercial uses which can generate
17 congestion and nuisance problems, special controls prohibit additional drinking uses, limit
18 additional eating establishments, restrict expansion and intensification of existing eating and
19 drinking establishments, and limit entertainment and tourist hotels. Prohibitions of most
20 automobile and drive-up uses protect the district's continuous retail frontage.

21 Housing development in new buildings is encouraged above the ground story. Existing
22 residential units are protected by prohibition of upper-story conversions and limitations on
23 demolitions. Accessory Dwelling Units are permitted within the district pursuant to subsection
24 207(c)(4) of this Code.

1 Table 719. HAIGHT STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 2 ZONING CONTROL TABLE

3 ****

No.	Zoning Category	§ References	Haight Street Controls by Story		
		§ 790.118	1st	2nd	3rd+

4 ****

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
719.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq. ft. lot area § 207(c). #		
****	****	****	****		

10 SPECIFIC PROVISIONS FOR THE HAIGHT STREET NEIGHBORHOOD COMMERCIAL
 11 DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 719, 719.91	§ 207(c)(4)	<p><i>ACCESSORY DWELLING UNITS</i></p> <p><i>Boundaries: Within the boundaries of the Haight Street NCD.</i></p> <p><i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>

23 SEC. 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

24 The Hayes-Gough Neighborhood Commercial Transit District is located within walking
 25 distance of the Civic Center, lying west of Franklin Street and east of Laguna Street, with its

1 southern edge generally at Lily Street, with an extension south along both sides of Octavia
2 Boulevard to Market Street. This mixed-use commercial district contains a limited range of
3 retail commercial activity, which primarily caters to the immediate need of the neighborhood.
4 The few comparison goods that it does provide attract clientele from a wider area outside its
5 neighborhood, mostly the Performing Arts and Civic Center workers and visitors. There are a
6 number of restaurants and art galleries, but other types of retail activity are limited.

7 The Hayes-Gough District controls are designed to allow for growth and expansion that
8 is compatible with the existing building and use scales. Building standards protect the
9 moderate building and use size and require rear yards at residential levels. To maintain the
10 mixed-use character of the district, most commercial uses are permitted at the first and
11 second stories and housing is strongly encouraged at the third story and above. In order to
12 encourage lively pedestrian-oriented commercial activity, but restrict certain sensitive and
13 problematic uses, eating and drinking, and entertainment uses are directed to the ground
14 story. Retail sales activity, especially neighborhood-serving businesses, is further promoted
15 by restricting new ground-story medical, business and professional offices. To protect
16 continuous frontage, drive-up and most automobile uses are prohibited, above-ground parking
17 is required to be setback or below ground, and active, pedestrian-oriented ground floor uses
18 are required on Hayes Street and portions of Octavia Boulevard.

19 Housing development in new buildings is encouraged above the second story, and is
20 controlled not by lot area but by physical envelope controls. Existing residential units are
21 protected by limitations on demolitions, mergers, subdivisions, and upper-story conversions.
22 Given the area's central location and accessibility to the downtown and to the City's transit
23 network, accessory parking for residential uses is not required. The code controls for this
24 district are supported and augmented by design guidelines and policies in the Market and
25

1 Octavia Area Plan of the General Plan. Accessory Dwelling Units are permitted within the district
 2 pursuant to subsection 207(c)(4) of this Code.

3 **Table 720. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 4 **ZONING CONTROL TABLE**

5 *****

No.	Zoning Category	§ References	Hayes-Gough Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+

6 *****

RESIDENTIAL STANDARDS AND USES					
*****	*****	*****	*****	*****	*****
720.91	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		
*****	*****	*****	*****	*****	*****

17 **SPECIFIC PROVISIONS FOR THE HAYES-GOUGH NEIGHBORHOOD COMMERCIAL**
 18 **TRANSIT DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
*****	*****	*****
§§ 720, 720.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <i>Boundaries: Within the boundaries of the Hayes-Gough NCT.</i> <i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to</i>

		<p><i>be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>
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SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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

The Upper Market Street district controls are designed to promote moderate-scale development which contributes to the definition of Market Street's design and character. They

1 are also intended to preserve the existing mix of commercial uses and maintain the livability of
 2 the district and its surrounding residential areas. Large-lot and use development is reviewed
 3 for consistency with existing development patterns. Rear yards are protected at residential
 4 levels. To promote mixed-use buildings, most commercial uses are permitted with some
 5 limitations above the second story. In order to maintain continuous retail frontage and
 6 preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are
 7 encouraged, and eating and drinking, entertainment, and financial service uses are limited.
 8 Continuous frontage is promoted by prohibitions of most automobile and drive-up uses.

9 Housing development in new buildings is encouraged above the second story. Existing
 10 upper-story residential units are protected by limitations on demolitions and upper-story
 11 conversions. Accessory Dwelling Units are permitted *within the district on lots within the*
 12 *boundaries of Board of Supervisors District 8* pursuant to ~~§~~ subsection 207(c)(4) of this Code.

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

15 ****

16 **SPECIFIC PROVISIONS FOR THE UPPER MARKET STREET**
 17 **NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 721. 721.91	§ 207(c)(4)	ACCESSORY DWELLING UNITS Boundaries: Within the boundaries of the Upper Market Street NCD. 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 <i>in areas that allow zoned for</i> residential use or within an existing and authorized auxiliary structure

		on the same lot, <u>provided that it does not eliminate or reduce a ground-story retail or commercial space.</u>
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SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

SPECIFIC PROVISIONS FOR THE NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 722, 722.91	§ 207(c)(4)	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: Within the boundaries of the North Beach NCD.</p> <p>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 <i>in areas that allow zoned for residential use</i> or within an existing and authorized auxiliary structure on the same lot, <u>provided that it does not eliminate or reduce a ground-story retail or commercial space.</u></p>
****	****	****

SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL .

SPECIFIC PROVISIONS FOR THE POLK 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>8</p> <p>§§ 723, 723.91</p>	<p>§</p> <p>207(c)(4)</p>	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: Within the boundaries of the Polk Street NCD.</p> <p>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 <i>in areas that allow zoned for residential use</i> or within an existing and authorized auxiliary structure on the same lot, <i>provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>
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9 **SEC. 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

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

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

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

10 Housing development in new buildings is encouraged above the second story. Existing
 11 residential units are protected by limitations on demolitions and prohibitions of upper-story
 12 conversions. Accessory Dwelling Units are permitted within the district pursuant to subsection
 13 207(c)(4) of this Code.

14 **Table 724. SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 15 **ZONING CONTROL TABLE**

16 * * * *

No.	Zoning Category	§ References	Sacramento Street Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

17 * * * *

RESIDENTIAL STANDARDS AND USES					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
724.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 800 sq. ft. lot area § 207(c)#		
* * * *	* * * *	* * * *	* * * *		

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

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§§ 724, 724.91	§ 207(c)(4)	<p style="text-align: center;"><u>ACCESSORY DWELLING UNITS</u></p> <p><i>Boundaries: Within the boundaries of the Sacramento Street NCD.</i></p> <p><i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Union Street Commercial District is located in northern San Francisco between the Marina and Pacific Heights neighborhoods. The district lies along Union Street between Van Ness Avenue and Steiner, including an arm extending north on Fillmore Street to Lombard. The shopping area provides limited convenience goods for the residents of sections of the Cow Hollow, Golden Gate Valley, and Pacific Heights neighborhoods immediately surrounding the street. Important aspects of Union Street's business activity are eating and drinking establishments and specialty shops whose clientele comes from a wide trade area. There are also a significant number of professional, realty, and business offices. Many restaurants and bars as well as the district's two movie theaters are open into the evening hours, and on weekends the street's clothing, antique stores and galleries do a vigorous business.

The Union Street District controls are designed to provide sufficient growth opportunities for commercial development that is in keeping with the existing scale and character, promote

1 continuous retail frontage, and protect adjacent residential livability. Small-scale buildings and
 2 neighborhood-serving uses are promoted, and rear yards above the ground story and at all
 3 residential levels are protected. Most commercial development is permitted at the first two
 4 stories of new buildings, while retail service uses are monitored at the third story and above.
 5 Controls are necessary to preserve the remaining convenience businesses and to reduce the
 6 cumulative impacts which the growth of certain uses have on neighborhood residents. Such
 7 controls prohibit additional drinking establishments and limit additional eating establishments,
 8 entertainment, and financial service uses. Most automobile and drive-up uses are prohibited in
 9 order to maintain continuous retail frontage and minimize further traffic congestion.

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

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

14 **Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 15 **ZONING CONTROL TABLE**

16 * * * *

No.	Zoning Category	§ References	Union Street Controls by Story		
		§ 790.118	1st	2nd	3rd+

18 * * * *

RESIDENTIAL STANDARDS AND USES					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
725.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq. ft. lot area § 207(c)#		
* * * *	* * * *	* * * *	* * * *		

SPECIFIC PROVISIONS FOR THE UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 725, 725.91	§ 207(c)(4)	<p style="text-align: center;"><u>ACCESSORY DWELLING UNITS</u></p> <p>Boundaries: <u>Within the boundaries of the Union Street NCD.</u></p> <p>Controls: <u>An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</u></p>

SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

SPECIFIC PROVISIONS FOR THE VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 726, 726.91	§ 207(c)(4)	<p style="text-align: center;">ACCESSORY DWELLING UNITS</p> <p>Boundaries: <u>Within the boundaries of the Valencia Street NCT Board of Supervisors District 8 extant on July 1, 2015.</u></p> <p>Controls: <u>An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be</u></p>

		<p>constructed within an existing building <i>in areas that allow zoned for</i> residential use or within an existing and authorized auxiliary structure on the same lot, <u><i>provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></u></p>
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SEC. 727. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The 24th Street – Mission Neighborhood Commercial Transit District is situated in the Inner Mission District on 24th Street between Bartlett Street and San Bruno Avenue. This mixed-use district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services to a wider trade area. The street has a great number of Latin American restaurants, grocery stores, and bakeries as well as other gift and secondhand stores. Most commercial businesses are open during the day while the district's bars and restaurants are also active in the evening. Dwelling units are frequently located above the ground-story commercial uses.

The 24th Street – Mission Neighborhood Commercial Transit District controls are designed to provide potential for new development consistent with the existing scale and character. Small-scale buildings and neighborhood-serving uses are encouraged, and rear yard corridors above the ground story and at residential levels are protected. Most commercial uses are encouraged at the ground story, while service uses are permitted with some limitations at the second story. Special controls are necessary to preserve the unique mix of convenience and specialty commercial uses. In order to maintain convenience stores and protect adjacent livability, new bars and fast-food restaurants are prohibited, and limitations apply to the development and operation of ground-story full-service restaurants, take-out food and entertainment uses. Continuous retail frontage is maintained and encouraged by prohibiting most automobile and drive-up uses, banning curb cuts, and requiring active,

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

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

10 **Table 727. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT**
 11 **DISTRICT ZONING CONTROL TABLE**

12 * * * *

No.	Zoning Category	§ References	24th Street – Mission Transit Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

15 * * * *

RESIDENTIAL STANDARDS AND USES					
No.	Zoning Category	§ References	1st	2nd	3rd+
727.91	Dwelling Unit Density	§ 207	No density limit # § 207(c)		

20 **SPECIFIC PROVISIONS FOR THE 24TH STREET – MISSION NEIGHBORHOOD**
 21 **COMMERCIAL TRANSIT DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
§727, 727.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the 24th Street Mission NCT.</u>

		<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 in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>
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SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.

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

Article 7 Code Section	Other Code Section	Zoning Controls
*****	*****	*****
§§ 728, 728.91	§ 207(c)(4)	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: Within the boundaries of the 24th Street – Noe Valley NCD <i>Board of Supervisors District 8 extant on July 1, 2015.</i></p> <p>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>provided that it does not eliminate or reduce a ground-story retail or commercial space.</u></p>

SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

Located in the southwestern part of the City, the West Portal Avenue Neighborhood Commercial District stretches for three long blocks along West Portal Avenue from Ulloa

1 Street to 15th Avenue and extends one block east along Ulloa Street from the Twin Peaks
2 Tunnel entrance to Claremont Boulevard. West Portal Avenue provides a selection of goods
3 and services for customers coming mainly from the surrounding west of Twin Peaks and
4 Sunset single-family residential neighborhoods. The lively, small-scale retail frontage is
5 interrupted at several locations by large-scale financial institutions which take up a large
6 amount of commercial ground-story frontage. More than half of the number of medical,
7 professional and business offices are located at the ground level. Except for one three-movie
8 theater complex, West Portal offers no entertainment uses and its restaurants are mainly
9 family-oriented.

10 The West Portal Avenue District controls are designed to preserve the existing family-
11 oriented, village character of West Portal Avenue. The building standards limit building heights
12 to 26 feet and two stories and maintain the existing pattern of rear yards at the ground level
13 and above. The height, bulk and design of new development, especially on large lots, should
14 respect the small-scale character of the district and its surrounding residential neighborhoods.
15 Lot mergers creating large lots are discouraged. Individual nonresidential uses require
16 conditional use permits above 2,500 square feet and are restricted to 4,000 square feet as an
17 absolute limit to conform with the existing small use sizes in the district.

18 Special controls on commercial uses are designed to protect the existing mix of
19 ground-story retail uses and prevent further intensification and congestion in the district. No
20 new financial services are permitted. Because the district and surrounding neighborhoods are
21 well served by the existing number of eating and drinking establishments, new bars,
22 restaurants and take-out food generally are discouraged: any proposed new establishment
23 should be carefully reviewed to ensure that it is neighborhood-serving and family-oriented,
24 and will not involve high-volume take-out food or generate traffic, parking, or litter problems.
25 Medical, business or professional services are permitted at the first two stories, but additional

1 ground-story locations are to be closely monitored to ensure that the current balance between
 2 retail and office uses is maintained. Existing service stations are encouraged to continue
 3 operating, but changes in their size, operation, or location are subject to review. Other
 4 automotive uses are prohibited. The neighborhood-oriented, retail character of the district is
 5 further protected by prohibiting hotels and nonretail uses. The daytime orientation of the
 6 district is maintained by prohibitions of entertainment uses and late-night commercial
 7 operating hours.

8 Housing development is limited. Existing residential units are protected by
 9 limitations on demolition and prohibition of upper-story conversions; new construction is to be
 10 carefully reviewed to ensure appropriate scale, design and compatibility with adjacent
 11 development. Accessory Dwelling Units are permitted within the district pursuant to subsection
 12 207(c)(4) of this Code.

13 **Table 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**
 14 **ZONING CONTROL TABLE**

15 * * * *

No.	Zoning Category	§ References	West Portal Avenue Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

18 * * * *

RESIDENTIAL STANDARDS AND USES					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
729.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 800 sq. ft. lot area # § 207(c)		
* * * *	* * * *	* * * *	* * * *		

**SPECIFIC PROVISIONS FOR THE WEST PORTAL AVENUE NEIGHBORHOOD
COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§§ 729, 729.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the West Portal Avenue</u></p> <p><u>NCD.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102</u></p> <p><u>and meeting the requirements of Section 207(c)(4), is permitted to</u></p> <p><u>be constructed within an existing building in areas that allow</u></p> <p><u>residential use or within an existing and authorized auxiliary</u></p> <p><u>structure on the same lot, provided that it does not eliminate or</u></p> <p><u>reduce a ground-story retail or commercial space.</u></p>

SEC. 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Inner Sunset Neighborhood Commercial District is located in the Inner Sunset neighborhood, consisting of the NC-2 district bounded by Lincoln Way on the north, Fifth Avenue on the east, Kirkham Street on the south, and Nineteenth Avenue on the west. The shopping area provides convenience goods and services to local Inner Sunset residents, as well as comparison shopping goods and services to a larger market area. The commercial district is also frequented by users of Golden Gate Park on weekends and by City residents for its eating, drinking, and entertainment places. Numerous housing units establish the district's mixed residential-commercial character.

The Inner Sunset District controls are designed to protect the existing building scale and promote new mixed-use development which is in character with adjacent buildings. The building

standards regulate large-lot and use development and protect rear yards above the ground story and at residential levels. To promote the prevailing mixed use character, most commercial uses are directed primarily to the ground story with some upper-story restrictions in new buildings. In order to maintain the balanced mix and variety of neighborhood-serving commercial uses and regulate the more intensive commercial uses which can generate congestion and nuisance problems, special controls prohibit additional eating and drinking uses, restrict expansion and intensification of existing eating and drinking establishments, and limit entertainment and tourist hotels. Prohibitions of most automobile and drive-up uses protect the district's continuous retail frontage.

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

Table 730. INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

* * * *

No.	Zoning Category	§ References	Inner Sunset Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

* * * *

RESIDENTIAL STANDARDS AND USES					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
730.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 800 sq. ft. lot area # § 207(c)		
* * * *	* * * *	* * * *	* * * *		

1 SPECIFIC PROVISIONS FOR THE INNER SUNSET NEIGHBORHOOD COMMERCIAL
2 DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 730, 730.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the Inner Sunset NCD.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</u></p>

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

16 ****

17 SPECIFIC PROVISIONS FOR THE NCT-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 731, 731.91	§ 207(c)(4)	<p>ACCESSORY DWELLING UNITS</p> <p><u>Boundaries: Within the boundaries of the NCT-3 Districts 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>

		constructed within an existing building <i>in areas that allow zoned for</i> residential use or within an existing and authorized auxiliary structure on the same lot, <i>provided that it does not eliminate or reduce a ground-story retail or commercial space.</i>
--	--	--

SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

SPECIFIC PROVISIONS FOR THE PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 732.732.91	§ 207(c)(4)	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: Within the boundaries of the Pacific Avenue NCD.</p> <p>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 <i>in areas that allow zoned for</i> residential use or within an existing and authorized auxiliary structure on the same lot, <i>provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>

SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

SPECIFIC PROVISIONS FOR THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls

1	****	****	****
2			ACCESSORY DWELLING UNITS
3			Boundaries: <i>Board of Supervisors District 8 extant on July 1, 2015 Within</i>
4			<i>the boundaries of the Upper Market Street NCT.</i>
5	§§ 733.		Controls: An "Accessory Dwelling Unit," as defined in Section 102
6	733.91	§	and meeting the requirements of Section 207(c)(4), is permitted to be
7		207(c)(4)	constructed within an existing building <i>in areas that allow zoned for</i>
8			residential use or within an existing and authorized auxiliary structure
9			on the same lot, <i>provided that it does not eliminate or reduce a ground-</i>
10			<i>story retail or commercial space.</i>

11 **SEC. 733A. NCT-1 – NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT.**

12 NC-1 Districts are intended to serve as local neighborhood shopping districts, providing
13 convenience retail goods and services for the immediately surrounding neighborhoods
14 primarily during daytime hours. NCT-1 Districts are located near major transit services. They
15 are small mixed-use clusters, generally surrounded by residential districts, with small-scale
16 neighborhood-serving commercial uses on lower floors and housing above. Housing density is
17 limited not by lot area, but by the regulations on the built envelope of buildings, including
18 height, bulk, setbacks, and lot coverage, and standards for residential uses, including open
19 space and exposure, and urban design guidelines. There are prohibitions on access (i.e.
20 driveways, garage entries) to off-street parking and loading on critical stretches of commercial
21 and transit street frontages to preserve and enhance the pedestrian-oriented character and
22 transit function. Residential parking is not required and generally limited. Commercial
23 establishments are discouraged from building excessive accessory off-street parking in order
24 to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic.
25

1 NCT-1 Districts are generally characterized by their location in residential
 2 neighborhoods. The commercial intensity of these districts varies. Many of these districts have
 3 the lowest intensity of commercial development in the City, generally consisting of small
 4 clusters with three or more commercial establishments, commonly grouped around a corner;
 5 and in some cases short linear commercial strips with low-scale, interspersed mixed-use
 6 (residential-commercial) development. Building controls for the NCT-1 District promote low-
 7 intensity development which is compatible with the existing scale and character of these
 8 neighborhood areas. Commercial development is limited to one story. Rear yard requirements
 9 at all levels preserve existing backyard space.

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

16 Existing residential units are protected by prohibitions of conversions above the
 17 ground story and limitations on demolitions. Accessory Dwelling Units are permitted within the
 18 district pursuant to subsection 207(c)(4) of this Code.

19 **Table 733A. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1**
 20 **NEIGHBORHOOD COMMERCIAL DISTRICT**
 21 **ZONING CONTROL TABLE**

21 * * * *

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

22 * * * *

23 **RESIDENTIAL STANDARDS AND USES**

****	****	****	****	****	****
733A.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 NCT-1 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 733A, 733A.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <i>Boundaries: Within the boundaries of the NCT-1 Districts.</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 constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i>

SEC. 734. NCT-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

NCT-2 Districts are transit-oriented mixed-use neighborhoods with small scale commercial uses near transit services. The NCT-2 Districts are mixed use districts that

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

14 NCT-2 Districts are intended to provide convenience goods and services to the
15 surrounding neighborhoods as well as limited comparison shopping goods for a wider market.
16 The range of comparison goods and services offered is varied and often includes specialty
17 retail stores, restaurants, and neighborhood-serving offices. The small-scale district controls
18 provide for mixed-use buildings, which approximate or slightly exceed the standard
19 development pattern. Rear yard requirements above the ground story and at residential levels
20 preserve open space corridors of interior blocks.

21 Most new commercial development is permitted at the ground and second stories.
22 Neighborhood-serving businesses are strongly encouraged. Eating and drinking and
23 entertainment uses, however, are confined to the ground story. The second story may be
24 used by some retail stores, personal services, and medical, business and professional offices.
25 Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities,

1 and other automobile uses protect the livability within and around the district, and promote
 2 continuous retail frontage.

3 Housing development in new buildings is encouraged above the ground story. Existing
 4 residential units are protected by limitations on demolition and upper-story conversions.

5 Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this
 6 Code.

7 **Table 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL**
 8 **TRANSIT DISTRICT NCT-2 ZONING CONTROL TABLE**

9 * * * *

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

10 * * * *

RESIDENTIAL STANDARDS AND USES					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
734.91	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		
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

21 **SPECIFIC PROVISIONS FOR THE NCT-2 DISTRICTS**

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>8</p>	<p>§§ 734, 734.91</p> <p>§ 207(c)(4)</p>	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the NCT-2 Districts.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102</u></p> <p><u>and meeting the requirements of Section 207(c)(4), is permitted to</u></p> <p><u>be constructed within an existing building in areas that allow</u></p> <p><u>residential use or within an existing and authorized auxiliary</u></p> <p><u>structure on the same lot, provided that it does not eliminate or</u></p> <p><u>reduce a ground-story retail or commercial space.</u></p>
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9 **SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

10 The SoMa Neighborhood Commercial Transit District (SoMa NCT) is located along the
 11 6th Street and Folsom Street corridors in the South of Market. The commercial area provides
 12 a limited selection of convenience goods for the residents of the South of Market. Eating and
 13 drinking establishments contribute to the street's mixed-use character and activity in the
 14 evening hours. A number of upper-story professional and business offices are located in the
 15 district, some in converted residential units.

16 The SoMa NCT has a pattern of ground floor commercial and upper story residential
 17 units. Controls are designed to permit moderate-scale buildings and uses, protecting rear
 18 yards above the ground story and at residential levels. Active, neighborhood-serving
 19 commercial development is required at the ground story, curb cuts are prohibited and ground
 20 floor transparency and fenestration adds to the activation of the ground story. While offices
 21 and general retail sales uses may locate on the second story or above of new buildings, most
 22 commercial uses are prohibited above the second story. In order to protect the balance and
 23 variety of retail use, bars and liquor stores are allowed with a conditional use. Continuous
 24 retail frontage is promoted by prohibiting drive-up facilities, some automobile uses, and new
 25

1 non-retail commercial uses. Above-ground parking is required to be setback or below ground.
 2 Active, pedestrian-oriented ground floor uses are required.

3 Housing development in new buildings is encouraged above the ground story. Housing
 4 density is not controlled by the size of the lot or by density controls, but by bedroom counts.
 5 Given the area's central location and accessibility to the City's transit network, parking for
 6 residential and commercial uses is not required. Accessory Dwelling Units are permitted within
 7 the district pursuant to subsection 207(c)(4) of this Code.

8 **Table 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 9 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	SoMa Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
735.91	Dwelling Unit Density	§ 207	No density limit by. §§ 207(c)#.		
****	****	****	****		

17 **SPECIFIC PROVISIONS FOR THE SOMA NCT DISTRICTS**

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 735, 735.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the SoMa NCT District.</u> <u>Controls: An "Accessory Dwelling Unit," as defined in Section 102</u> <u>and meeting the requirements of Section 207(c)(4), is permitted to</u> <u>be constructed within an existing building in areas that allow</u>

		<p><i>residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>
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SEC. 736. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Mission Street Commercial Transit District is located near the center of San Francisco in the Mission District. It lies along Mission Street between 15th and Cesar Chavez (Army) Street, and includes adjacent portions of 17th Street, 21st Street, 22nd Street, and Cesar Chavez Street. The commercial area of this District provides a selection of goods serving the day-to-day needs of the residents of the Mission District. Additionally, this District serves a wider trade area with its specialized retail outlets. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours.

The District is extremely well-served by transit, including regional-serving BART stations at 16th Street and 24th Street, major buses running along Mission Street, and both cross-town and local-serving buses intersecting Mission along the length of this district. Given the area's central location and accessibility to the City's transit network, accessory parking for residential uses is not required. Any new parking is required to be set back or be below ground.

This District has a mixed pattern of larger and smaller lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. Continuous retail frontage is promoted by requiring ground floor commercial uses in new developments and prohibiting curb cuts. Housing development in new buildings is

1 encouraged above the ground story. Housing density is not controlled by the size of the lot but
 2 by requirements to supply a high percentage of larger units and by physical envelope controls.
 3 Existing residential units are protected by prohibitions on upper-story conversions and
 4 limitations on demolitions, mergers, and subdivisions. Accessory Dwelling Units are permitted
 5 within the district pursuant to subsection 207(c)(4) of this Code.

6 **Table 736. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 7 **DISTRICT ZONING CONTROL TABLE**

8 *****

No.	Zoning Category	§ References	Mission Street Transit Controls by Story		
		§ 790.118	1st	2nd	3rd+

9 *****

RESIDENTIAL STANDARDS AND USES					
*****	*****	*****	*****	*****	*****
736.91	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		
*****	*****	*****	*****	*****	*****

19 *****

20 **SPECIFIC PROVISIONS FOR THE MISSION NCT DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
*****	*****	*****
§§ 736, 736.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <i>Boundaries: Within the boundaries of the Mission NCT District.</i>

	<p><i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>
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SEC. 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Ocean Avenue Neighborhood Commercial Transit District is located on Ocean Avenue from Howth Street to Manor Drive. Ocean Avenue is a multi-purpose transit-oriented small-scale commercial district that is modeled on the NCT-2 District. Ocean Avenue was developed as a streetcar-oriented commercial district in the 1920s and continues to serve this function, with the K-line streetcar on Ocean Avenue. Numerous other bus lines serve the area, especially the eastern end, where the Phelan Loop serves as a major bus terminus. The eastern end of the district is anchored by the main City College campus and direct linkages to the Balboa Park BART/MUNI rail station a couple blocks to the east, which serves as the southernmost San Francisco station for BART and the terminus of the J, K, and M streetcar lines. Because of the immediate proximity of the BART/MUNI station the district has quick and easy transit access to downtown.

The Ocean Avenue NCT District is mixed use, transitioning from a predominantly one- and two-story retail district to include neighborhood-serving commercial uses on lower floors and housing above. 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. Access (i.e. driveways, garage entries) to off-street parking and loading is generally prohibited on

Ocean Avenue to preserve and enhance the pedestrian-oriented character and transit function of the street. Residential and commercial parking are not required.

The Ocean Avenue NCT District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. Buildings may range in height, with height limits generally allowing up to four or five stories. Lots are generally small to medium in size and lot consolidation is prohibited to preserve the fine grain character of the district, unless the consolidation creates a corner parcel that enables off-street parking to be accessed from a side street.

Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Commercial uses are required at the ground level and permitted at the second story.

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

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

Table 737. OCEAN AVENUE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Ocean Avenue Transit Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
737.91	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 OCEAN AVENUE NCT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
*****	*****	*****
§§ 737, 737.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the Ocean Avenue NCT District.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</u></p>

SEC. 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

SPECIFIC PROVISIONS FOR GLEN PARK NCT 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>§§ 738, 738.91</p> <p>§ 207(c)(4)</p>	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: <i>Within the boundaries of the Glen Park NCT Board of Supervisors District 8 extant on July 1, 2015.</i></p> <p>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 <i>in areas that allow zoned for residential use</i> or within an existing and authorized auxiliary structure on the same lot, <i>provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>
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7 **SEC. 739. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

8 The Noriega Street Neighborhood Commercial District is located in the Outer Sunset
9 neighborhood and includes the non-residential currently-zoned NC-2 properties fronting both
10 sides of Noriega Street between 19th and 27th and 30th through 33rd Avenues.

11 The District provides a selection of convenience goods and services for the residents of
12 the Outer Sunset District. There are a high concentration of restaurants, drawing customers
13 from throughout the City and the region. There are also a significant number of professional,
14 realty, and business offices as well as financial institutions.

15 The Noriega Street Neighborhood Commercial District controls are designed to
16 promote development that is consistent with its existing land use patterns and to maintain a
17 harmony of uses that support the District's vitality. The building standards allow small-scale
18 buildings and uses, protecting rear yards above the ground story and at residential levels. In
19 new development, most commercial uses are permitted at the first two stories, although
20 certain limitations apply to uses at the second story. Special controls are necessary to
21 preserve the equilibrium of neighborhood-serving convenience and comparison shopping
22 businesses and to protect adjacent residential livability. To protect continuous frontage, drive-
23 up uses are prohibited and active, pedestrian-oriented ground floor uses generally must be
24 provided, unless such uses are authorized by Conditional Use. These controls are designed
25 to encourage the street's active retail frontage, and local fabrication and production of goods.

1 Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of
 2 this Code.

3 **Table 739. NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 4 **ZONING CONTROL TABLE**

5 *****

No.	Zoning Category	§ References	Noriega Street Controls by Story		
		§ 790.118	1st	2nd	3rd+

6 *****

RESIDENTIAL STANDARDS AND USES					
*****	*****	*****	*****	*****	*****
739.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 800 sq. ft. lot area # § 207(c)		
*****	*****	*****	*****		

7
 8
 9
 10
 11
 12 **SPECIFIC PROVISIONS FOR THE NORIEGA STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
*****	*****	*****
§§ 739, 739.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the Noriega Street NCD.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</u></p>

1 **SEC. 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 The Irving Street Neighborhood Commercial District is located in the Outer Sunset
 3 neighborhood and includes the non-residential currently-zoned NC-2 properties fronting both
 4 sides of Irving Street between 19th and 27th Avenues. The District provides a selection of
 5 convenience goods and services for the residents of the Outer Sunset District. There are a
 6 high concentration of restaurants, drawing customers from throughout the City and the region.
 7 There are also a significant number of professional, realty, and business offices as well as
 8 financial institutions.

9 The Irving Street Neighborhood Commercial District controls are designed to promote
 10 development that is consistent with its existing land use patterns and to maintain a harmony of
 11 uses that support the District's vitality. The building standards allow small-scale buildings and
 12 uses, protecting rear yards above the ground story and at residential levels. In new
 13 development, most commercial uses are permitted at the first two stories, although certain
 14 limitations apply to uses at the second story. Special controls are necessary to preserve the
 15 equilibrium of neighborhood-serving convenience and comparison shopping businesses and
 16 to protect adjacent residential livability. These controls are designed to encourage the street's
 17 active retail frontage, and local fabrication and production of goods.

18 Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of
 19 this Code.

20 **Table 740. IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 21 **ZONING CONTROL TABLE**

22 ****

No.	Zoning Category	§ References	Irving Street Controls by Story		
		§ 790.118	1st	2nd	3rd+

23 ****

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****

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

SPECIFIC PROVISIONS FOR THE IRVING STREET NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 740, 740.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the Irving Street NCD.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</u></p>

SEC. 741. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Taraval Street Neighborhood Commercial District is located in the Outer Sunset neighborhood and includes the non-residential currently-zoned NC-2 properties fronting both sides of Taraval Street from 19th through 36th Avenues. The District provides a selection of convenience goods and services for the residents of the Outer Sunset District. There are a high concentration of restaurants, drawing customers from throughout the City and the region. There are also a significant number of professional, realty, and business offices as well as financial institutions.

1 The Taraval Street Neighborhood Commercial District controls are designed to
 2 promote development that is consistent with its existing land use patterns and to maintain a
 3 harmony of uses that support the District's vitality. The building standards allow small-scale
 4 buildings and uses, protecting rear yards above the ground story and at residential levels. In
 5 new development, most commercial uses are permitted at the first two stories, although
 6 certain limitations apply to uses at the second story. Special controls are necessary to
 7 preserve the equilibrium of neighborhood-serving convenience and comparison shopping
 8 businesses and to protect adjacent residential livability. These controls are designed to
 9 encourage the street's active retail frontage, and local fabrication and production of goods.

10 Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of
 11 this Code.

12 **Table 741. TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 13 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Taraval Street Controls by Story		
		§ 790.118	1st	2nd	3rd+

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
741.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 800 sq. ft. lot area # § 207(c)		
****	****	****	****		

21 **SPECIFIC PROVISIONS FOR THE TARAVAL STREET NEIGHBORHOOD COMMERCIAL**
 22 **DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 741, 741.91	§ 207(c)(4)	ACCESSORY DWELLING UNITS

		<p><i>Boundaries: Within the boundaries of the Taraval Street NCD.</i></p> <p><i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>
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SEC. 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Judah Street Neighborhood Commercial District is located in the Outer Sunset neighborhood and includes the non-residential currently-zoned NC-2 properties fronting both sides of Judah Street from 29th through 33rd Avenues. The District provides a selection of convenience goods and services for the residents of the Outer Sunset District. There are a high concentration of restaurants, drawing customers from throughout the City and the region. There are also a significant number of professional, realty, and business offices as well as financial institutions.

The Judah Street Neighborhood Commercial District controls are designed to promote development that is consistent with its existing land use patterns and to maintain a harmony of uses that support the District's vitality. The building standards allow small-scale buildings and uses, protecting rear yards above the ground story and at residential levels. In new development, most commercial uses are permitted at the first two stories, although certain limitations apply to uses at the second story. Special controls are necessary to preserve the equilibrium of neighborhood-serving convenience and comparison shopping businesses and to protect adjacent residential livability. These controls are designed to encourage the street's active retail frontage, and local fabrication and production of goods.

1 Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of
 2 this Code.

3 **Table 742. JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 4 **ZONING CONTROL TABLE**

5 * * * *

No.	Zoning Category	§ References	Judah Street Controls by Story		
		§ 790.118	1st	2nd	3rd+

6 * * * *

RESIDENTIAL STANDARDS AND USES					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
742.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 800 sq. ft. lot area # § 207(c)		
* * * *	* * * *	* * * *	* * * *		

12 **SPECIFIC PROVISIONS FOR THE JUDAH STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§§ 742, 742.91	§ 207(c)(4)	<p><i>ACCESSORY DWELLING UNITS</i></p> <p><i>Boundaries: Within the boundaries of the Judah Street NCD.</i></p> <p><i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>

1 **SEC. 743. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

2 The Folsom Street Neighborhood Commercial Transit District (Folsom Street NCT) is
3 located along Folsom Street in the Western SoMa area, generally between 7th Street and
4 10th Streets.

5 The Folsom Street NCT has a pattern of ground floor commercial and upper story
6 residential units. Controls are designed to permit moderate-scale buildings and uses,
7 protecting rear yards above the ground story and at residential levels. Active, neighborhood-
8 serving commercial development is required at the ground story where transparency and
9 fenestration requirements add to the activation at the street level. While offices and general
10 retail sales uses may locate on the second story, most commercial uses are prohibited above
11 the second story. In order to protect the balance and variety of retail use, bars and restaurants
12 are permitted on the ground floor, and liquor stores are allowed with a conditional use.
13 Continuous non-residential frontage is promoted by prohibiting drive-up facilities, some
14 automobile uses, and permitting a mix of commercial and production, distribution, and repair
15 uses. Parking is required to be setback if above grade or locate below ground. Active,
16 pedestrian-oriented ground floor uses are required.

17 Housing development in new buildings is encouraged above the ground story, and
18 student housing is only permitted in newly constructed buildings. Housing density is not
19 controlled by the size of the lot or by density controls, but by bedroom counts. Given the
20 area's central location and accessibility to the City's transit network, parking for residential and
21 commercial uses is not required. Accessory Dwelling Units are permitted within the district
22 pursuant to subsection 207(c)(4) of this Code.

Table 743. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Folsom Street Transit Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

RESIDENTIAL STANDARDS AND USES					
*****	*****	*****	*****	*****	*****
743.91	Dwelling Unit Density	§ 207	No density limit.# § 207(c)		
*****	*****	*****	*****		

SPECIFIC PROVISIONS FOR THE FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
*****	*****	*****
§§ 743, 743.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the Folsom Street NCT.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</u></p>

1 **SEC. 744. REGIONAL COMMERCIAL DISTRICT.**

2 The Regional Commercial District (RCD) is located along the 9th Street and 10th Street
 3 corridors, generally running from Mission Street to Harrison Street, and provides for a wide
 4 variety of commercial uses and services to a population greater than the immediate
 5 neighborhood. While providing convenience goods and services to the surrounding
 6 neighborhood, the RCD corridors are also heavily trafficked thoroughfares into and out of the
 7 City that serve shoppers from other neighborhoods and cities.

8 Large-scale lots and buildings and wide streets distinguish the RCD from smaller-
 9 scaled neighborhood commercial streets, although the district also includes small as well as
 10 moderately scaled lots. Buildings typically range in height from two to four stories with
 11 occasional taller structures.

12 A diverse commercial environment is encouraged for the RCD. Eating and drinking
 13 establishments, general retail, office, certain auto uses, and production, distribution, and
 14 repair uses generally are permitted with certain limitations at the first and second stories. Arts
 15 activities are encouraged on all floors, but nighttime entertainment uses are prohibited.

16 Housing development is encouraged at the second story and above, and permitted on
 17 the ground floor on smaller lots. Student housing is not permitted, and existing residential
 18 units are protected by limitations on demolitions and conversions. Accessory Dwelling Units are
 19 permitted within the district pursuant to subsection 207(c)(4) of this Code.

20 **Table 744. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE**

21 * * * *

No.	Zoning Category	§ References	Regional Commercial Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

22 * * * *

RESIDENTIAL STANDARDS AND USES					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *

744.91	Dwelling Unit Density	§ 207	No density limit.# § 207(c)
****	****	****	****

SPECIFIC PROVISIONS FOR THE REGIONAL COMMERCIAL DISTRICT

<u>Article 7 Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
§§ 744, 744.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the Regional Commercial District.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</u></p>

SEC. 745. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Excelsior Outer Mission Street Neighborhood Commercial District is located along Mission Street between Alemany Boulevard and the San Francisco-San Mateo county line. Outer Mission Street is mixed use, combining street-fronting retail businesses on the ground floor and housing on upper floors. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. The area is transit-oriented and the commercial uses serve residents of the area as well as residents and visitors from adjacent and other neighborhoods.

The Excelsior Outer Mission Street Neighborhood Commercial District is intended to provide convenience goods and services to the surrounding neighborhoods as well as limited

1 comparison shopping goods for a wider market. Housing development in new buildings is
 2 encouraged above the second story. Existing residential units are protected by limitations on
 3 demolitions and upper-story conversions. Parking for residential and commercial uses is not
 4 required. Buildings range in height, with height limits generally allowing up to four stories. Lots
 5 vary in size, generally small- or medium-sized with some very large parcels. *Accessory*
 6 *Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.*

7 **Table 745. EXCELSIOR OUTER MISSION STREET**
 8 **NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

9 *****

No.	Zoning Category	§ References	Excelsior Outer Mission Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

10 *****

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
745.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq. ft. lot area # § 207(c)		
****	****	****	****		

16 **SPECIFIC PROVISIONS FOR THE EXCELSIOR OUTER MISSION STREET**
 17 **NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 745, 745.91	§ 207(c)(4)	<i>ACCESSORY DWELLING UNITS</i> <i>Boundaries: Within the boundaries of the Excelsior Outer Mission Street NCD.</i>

		<p><i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>
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SEC. 746. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Divisadero Street Neighborhood Commercial Transit District ("Divisadero Street NCT") extends along Divisadero Street between Haight and O'Farrell Streets. Divisadero Street's dense mixed-use character consists of buildings with residential units above ground-story commercial use. Buildings typically range in height from two to four stories with occasional one-story commercial buildings. The district has an active and continuous commercial frontage along Divisadero Street for most of its length. Divisadero Street is an important public transit corridor and throughway street. The commercial district provides convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market.

The Divisadero Street NCT controls are designed to encourage and promote development that enhances the walkable, mixed-use character of the corridor and surrounding neighborhoods. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks. Housing development in new buildings is encouraged above the ground story. Existing residential units are protected by limitations on demolition and upper-story conversions. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Consistent with Divisadero Street's existing mixed-use character, new commercial development is permitted at the ground and second stories. Most neighborhood-serving

businesses are strongly encouraged. Controls on new Formula Retail uses are consistent with Citywide policy for Neighborhood Commercial Districts; Eating and Drinking and Entertainment uses are confined to the ground story. The second story may be used by some retail stores, personal services, and medical, business and professional offices. Additional flexibility is offered for second-floor Eating and Drinking, Entertainment, and Trade Shop uses in existing non-residential buildings to encourage the preservation and reuse of such buildings. Hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage.

Table 746. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Divisadero Street <i>Transit</i> Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
746.91	<i>Residential Density, Dwelling Units Density</i>	§§ 207, 207.1, 207.4, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure, required dwelling unit mix, 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)#, 207.4, 207.6		
****	****	****	****		

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

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§§ 746, 746.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the Divisadero Street NCT.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</u></p>

SEC. 747. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Fillmore Street Neighborhood Commercial Transit District ("Fillmore Street NCT") extends along Fillmore Street between Bush and McAllister Streets. Fillmore Street's dense mixed-use character consists of buildings with residential units above ground-story commercial use. Buildings range in height from one-story commercial buildings to high-rise towers. Fillmore Street and Geary Boulevard are important public transit corridors. The commercial district provides convenience goods and services to the surrounding neighborhoods as well as shopping, cultural, and entertainment uses that attract visitors from near and far.

The Fillmore Street NCT controls are designed to encourage and promote development that enhances the walkable, mixed-use character of the corridor and surrounding neighborhoods. Rear yard requirements at residential levels preserve open space

1 corridors of interior blocks. Housing development in new buildings is encouraged above the
 2 ground story. Existing residential units are protected by limitations on demolition and upper-
 3 story conversions. Accessory Dwelling Units are permitted within the district pursuant to subsection
 4 207(c)(4) of this Code.

5 Consistent with Fillmore Street's existing mixed-use character, new commercial
 6 development is permitted at the ground and second stories. Most neighborhood- and visitor-
 7 serving businesses are strongly encouraged. Controls on new Formula Retail uses are
 8 consistent with Citywide policy for Neighborhood Commercial Districts; Eating and Drinking
 9 and entertainment uses are confined to the ground story. The second story may be used by
 10 some retail stores, personal services, and medical, business, and professional offices.
 11 Parking and hotels are monitored at all stories. Limits on drive-up facilities and other
 12 automobile uses protect the livability within and around the district and promote continuous
 13 retail frontage.

14 **Table 747. FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
 15 **DISTRICT ZONING CONTROL TABLE**

16 * * * *

No.	Zoning Category	§ References	Fillmore Street Transit Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

18 * * * *

RESIDENTIAL STANDARDS AND USES					
* * * *	* * * *	* * * *	* * * *	* * * *	* * * *
747.91	Residential Density, Dwelling <u>Units Density</u>	§§ 207, 207.1, 207.4, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure, required dwelling unit mix, 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)#, 207.4, 207.6
****	****	****	****

SPECIFIC PROVISIONS FOR THE FILLMORE STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 747, 747.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><i>Boundaries: Within the boundaries of the Fillmore Street NCT.</i></p> <p><i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i></p>

SEC. 748. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.

The Japantown Neighborhood Commercial District extends between Geary Boulevard and Post Street from Fillmore Street to Laguna Street, the north side of Post Street from Webster Street to Laguna Street, and Buchanan Street from Post Street to midway between Sutter Street and Bush Street. The character of these streets is largely commercial, including large malls, although there are some residential units above the ground story. Buildings are typically two- to four-stories, although there are two taller hotels. Geary Boulevard, Fillmore Street, and Sutter Street are important public transit corridors. The commercial district

1 provides convenience goods and services to the surrounding neighborhoods as well as
 2 shopping, cultural, and entertainment uses that attract visitors from near and far.

3 The Japantown Neighborhood Commercial District controls are designed to
 4 encourage and promote development that enhances the walkable, commercial character of
 5 this area and to support its local and regional role. New commercial development is required
 6 on the ground floor and permitted above. Most neighborhood- and visitor-serving businesses
 7 are strongly encouraged, including eating, drinking, and retail uses, as long as they do not
 8 create a nuisance. Less active commercial uses are encouraged above the ground floor,
 9 along with housing and institutional uses. Accessory Dwelling Units are permitted within the
 10 district pursuant to subsection 207(c)(4) of this Code.

11 **Table 748. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT**
 12 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Japantown Controls by Story		
			1st	2nd	3rd+
		§ 790.118			

13 *****

14 **RESIDENTIAL STANDARDS AND USES**

****	****	****	****	****	****
748.91	<i>Residential Density,</i> <i>Dwelling Units Density</i>	§§ 207, 207.1, 207.4, 790.88(a)	Generally, 1 unit per 400 sq. ft. lot area §§ 207(c)#, 207.4, 207.6		
****	****	****	****		

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 20 **SPECIFIC PROVISIONS FOR THE JAPANTOWN**
 21 **NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
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<p>§§ 748, 748.91</p>	<p>§ 207(c)(4)</p>	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the Japantown NCT.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4), is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</u></p>
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SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.

<p>SPECIFIC PROVISIONS FOR CHINATOWN COMMUNITY BUSINESS DISTRICT</p>		
<p>Section</p>	<p>Zoning Controls</p>	
<p>****</p>	<p>****</p>	<p>****</p>
<p>§§ 810, 810.91</p>	<p>§ 207(c)(4)</p>	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: Within the boundaries of the Chinatown Community Business District.</p> <p>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>provided that it does not eliminate or reduce a ground-story retail or commercial space.</u></p>
<p>****</p>	<p>****</p>	<p>****</p>

1 SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

2 *****

3 SPECIFIC PROVISIONS FOR CHINATOWN VISITOR RETAIL DISTRICT		
4 Section		5 Zoning Controls
6 *****	7 *****	8 *****
9 §§ 811, 10 811.91	11 § 12 207(c)(4)	13 ACCESSORY DWELLING UNITS 14 Boundaries: Within the boundaries of the Chinatown Visitor Retail District. 15 Controls: An "Accessory Dwelling Unit," as defined in Section 102 and 16 meeting the requirements of Section 207(c)(4) is permitted to be 17 constructed within an existing building <i>in areas that allow zoned for</i> 18 residential use or within an existing and authorized auxiliary structure on 19 the same lot, <i>provided that it does not eliminate or reduce a ground-story retail</i> 20 <i>or commercial space.</i>
21 *****	22 *****	23 *****

16 SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

17 *****

18 SPECIFIC PROVISIONS FOR CHINATOWN RESIDENTIAL NEIGHBORHOOD DISTRICT		
19 Section		20 Zoning Controls
21 *****	22 *****	23 *****
24 §§ 812, 25 812.91	26 § 27 207(c)(4)	28 ACCESSORY DWELLING UNITS 29 Boundaries: Within the boundaries of the Chinatown Residential 30 Neighborhood District. 31 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 <i>in areas that allow zoned for residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.</i>
*****	*****	*****

SEC. 813. RED – RESIDENTIAL ENCLAVE DISTRICT.

Residential Enclave Districts (RED) encompass many of the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the South of Market area. Within these predominantly residential enclaves lie a number of vacant parcels, parking lots and other properties in open storage use. These properties are undeveloped or underdeveloped and are viewed as opportunity sites for new, moderate-income, in-fill housing.

The zoning controls for this district are tailored to the design needs and neighborhood characteristics of these enclaves and are intended to encourage and facilitate the development of attractive, compatible and economically feasible in-fill housing while providing adequate residential amenities to the site and neighborhood.

Dwelling units are permitted as a principal use. Nonresidential uses, except art related activities, are not permitted, except for certain uses in historic buildings. Existing commercial activities in nonresidential structures may continue as nonconforming uses subject to the termination requirements of Sections 185 and 186. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Table 813			
RED – RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Residential Enclave Controls

USE STANDARDS			
813.03	Residential Density	§§ 124(b), 208	No density limit #
****	****	§§ 102.9, 123, 124, 127	Generally, 1.0 to 1 floor area ratio

<u>SPECIFIC PROVISIONS FOR THE RESIDENTIAL ENCLAVE DISTRICT</u>			
<u>Section</u>		<u>Zoning Controls</u>	
		<u>ACCESSORY DWELLING UNITS</u>	
		<u>Boundaries: Within the boundaries of the Residential Enclave District.</u>	
		<u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and</u>	
§§ 813, 813.03	§ 207(c)(4)	<u>meeting the requirements of Section 207(c)(4) is permitted to be</u>	
		<u>constructed within an existing building in areas that allow residential</u>	
		<u>use or within an existing and authorized auxiliary structure on the same</u>	
		<u>lot. .</u>	

SEC. 814. SPD – SOUTH PARK DISTRICT.

South Park is an attractive affordable mixed-use neighborhood. The South Park District (SPD) is intended to preserve the scale, density and mix of commercial and residential activities within this unique neighborhood. The district is characterized by small-scale, continuous-frontage warehouse, retail and residential structures built in a ring around an oval-shaped, grassy park. Retention of the existing structures is encouraged, as is a continued mix of uses, family-sized housing units, and in-fill development which contributes positively to the

neighborhood scale and use mix. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Most retail, general commercial, office, service/light industrial, arts, live/work and residential activities are permitted. Group housing, social services, and other institutional uses are conditional uses. Hotels, motels, movie theaters, adult entertainment and nighttime entertainment are not permitted.

SPECIFIC PROVISIONS FOR SPD DISTRICTS		
Article Code Section	Other Code Section	Zoning Controls
****	****	****
		<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the SPD Districts.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 §§ 814, 814.03 § 207(c)(4) and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot. .</u></p>
****	****	****

SEC. 815. RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT.

The Residential/Service Mixed Use District (RSD) runs along Harrison St. between 4th St. and 5th St. The RSD serves as a housing opportunity area within the South of Market Mixed Use Districts. The district controls are intended to facilitate the development of high-density, mid-rise housing, including residential hotels and live/work units, while also encouraging the expansion of retail, business service and commercial and cultural arts

1 activities. Accessory Dwelling Units are permitted within the district pursuant to
 2 subsection 207(c)(4) of this Code.

3 Residential hotels are subject to flexible standards for parking, rear yard/open space
 4 and density. Continuous ground floor commercial frontage with pedestrian-oriented retail
 5 activities along major thoroughfares is encouraged.

6 General office, hotels, nighttime entertainment, adult entertainment, massage
 7 establishment, movie theaters and heavy industrial uses are not permitted, except that
 8 massages services are authorized as a conditional use in the Residential/Service Mixed Use
 9 District when provided in conjunction with full-service spa services.

10 **Table 815**
 11 **RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Residential/Service Mixed Use District Controls
****	****	****	****
§§ 815, Residential 815.03 Density Limit		§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the Residential/Service Mixed Use District.</u> <u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</u>

22 **SEC. 816. SLR – SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT.**

23 The Service/Light Industrial/Residential (SLR) Mixed Use District is designed to
 24 maintain and facilitate the growth and expansion of small-scale light industrial, home and
 25

1 business service, wholesale distribution, arts production and performance/exhibition activities,
 2 live/work use, general commercial and neighborhood-serving retail and personal service
 3 activities while protecting existing housing and encouraging the development of housing and
 4 live/work space at a scale and density compatible with the existing neighborhood.

5 Housing and live/work units are encouraged over ground floor commercial/service/light
 6 industrial activity. New residential or mixed use developments are encouraged to provide as
 7 much mixed-income rental housing as possible. Existing group housing and dwelling units
 8 would be protected from demolition or conversion to nonresidential use by requiring
 9 conditional use review. Accessory Dwelling Units are permitted within the district pursuant to
 10 subsection 207(c)(4) of this Code.

11 General office, hotels, nighttime entertainment, movie theaters, adult entertainment and
 12 heavy industrial uses are not permitted.

13 **Table 816**
 14 **SLR – SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT**
 15 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Service/Light Industrial/ Residential Mixed Use District Controls
****	****	****	****
816.03	Residential Density Limit	§§ 124, 207.5, 208	1:200 for dwelling units #; 1 bedroom for each 70 sq. ft. of lot area for group housing
****	****	****	****

23 **SPECIFIC PROVISIONS FOR SLR DISTRICTS**

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

1	Section		
2	****	****	****
3			<u>ACCESSORY DWELLING UNITS</u>
4			<u>Boundaries: Within the boundaries of the SLR Mixed Use District.</u>
5			<u>Controls: An "Accessory Dwelling Unit," as defined in Section 102</u>
6	<u>§§ 816,</u>	<u>§ 207(c)(4)</u>	<u>and meeting the requirements of Section 207(c)(4) is permitted to be</u>
7	<u>816.03</u>		<u>constructed within an existing building in areas that allow</u>
8			<u>residential use or within an existing and authorized auxiliary</u>
9			<u>structure on the same lot.</u>

SEC. 817. SLI – SERVICE/LIGHT INDUSTRIAL DISTRICT.

The Service/Light Industrial (SLI) District is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, live/work use, arts uses, light industrial activities and small design professional office firms. Existing group housing and dwelling units are protected from demolition or conversion to nonresidential use and development of group housing and low-income affordable dwelling units are permitted as a conditional use. General office, hotels, movie theaters, nighttime entertainment and adult entertainment uses are not permitted. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Table 817			
SLI – SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Service/Light Industrial District Controls
****	****	****	****

1			1:200 for dwelling units #;
2	817.03 Residential Density Limit	§ 208	1 bedroom for each 70 sq. ft. of lot area
3			for group housing
4	****	****	****

SPECIFIC PROVISIONS FOR SLI DISTRICTS		
Article Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 817, 817.03	§207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the SLI Mixed Use District.</u> <u>Controls: An "Accessory Dwelling Unit," as defined in Section 102</u> <u>and meeting the requirements of Section 207(c)(4) is permitted to be</u> <u>constructed within an existing building in areas that allow residential</u> <u>use or within an existing and authorized auxiliary structure on the</u> <u>same lot.</u>
****	****	****

SEC. 818. SSO – SERVICE/SECONDARY OFFICE DISTRICT.

The Service/Secondary Office District (SSO) is designed to accommodate small-scale light industrial, home and business services, arts activities, live/work units, and small-scale, professional office space and large-floor-plate "back office" space for sales and clerical work forces. Nighttime entertainment is permitted as a conditional use. Dwelling units and group housing are permitted as conditional uses. Demolition or conversion of existing group housing

1 or dwelling units requires conditional use authorization. Accessory Dwelling Units are permitted
 2 within the district pursuant to subsection 207(c)(4) of this Code.

3 Office, general commercial, most retail, service and light industrial uses are principal
 4 permitted uses. Large hotel, movie theater, adult entertainment and heavy industrial uses are
 5 not permitted.

6 Small hotels of 75 rooms or less are permitted in this District only as a conditional use.
 7 Any such conditional use authorization requires a conditional use finding that disallows project
 8 proposals that displace existing Production, Distribution and Repair (PDR) uses.

9

Table 818

SSO – SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Service/Secondary Office District Controls
****	****	****	****
818.03	Residential Density	§§ 124(b), 207.5, 208	1:200 for dwellings #; 1 bedroom for each 70 sq. ft. of lot area for group housing
****	****	****	****

18

SPECIFIC PROVISIONS FOR SSO DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 818, 818.03	§207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the SLI Mixed Use District.</u> <u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be</u>

		<i>constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</i>
* * * *	* * * *	* * * *

SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).

The Rincon Hill Downtown Residential Mixed Use District (RH-DTR), the boundaries of which are shown in Section Map No. 1 of the Zoning Map, is established for the purposes set forth below.

The RH-DTR District is adjacent to the southern edge of the downtown, generally bounded by Folsom Street, the Bay Bridge, the Embarcadero, and Essex Street. High-density residential uses and supporting commercial and institutional uses are allowed and encouraged within the limits set by height, bulk, and tower spacing controls. Folsom Street is intended to develop as the neighborhood commercial heart of the Rincon Hill and Transbay neighborhoods, and pedestrian-oriented uses are required on the ground floor. Individual townhouse dwelling units with ground floor entries directly to the street are required on streets that will become primarily residential, including First, Fremont, Beale, Main, and Spear Streets.

While lot coverage is limited for all levels with residential uses that do not face onto streets or alleys, traditional rear yard open spaces are not required except in the limited instances where there is an existing pattern of them, such as smaller lots on the Guy Place block. Specific height, bulk, and setback controls establish appropriate heights for both towers and mid-rise podium development and ensure adequate spacing between towers in order to establish a neighborhood scale and ensure light and air to streets and open spaces. Setbacks are required where necessary to provide transition space for ground floor residential uses and

1 to ensure sunlight access to streets and open spaces. Off-street parking must be located
 2 below grade.

3 Given the need for services and open space resulting from new development, projects
 4 will provide or contribute funding for the creation of public open space and community facilities
 5 as described in the Rincon Hill Area Plan of the General Plan. The Rincon Hill Streetscape
 6 Plan, part of the Area Plan, proposes to enhance and redesign most streets in the district to
 7 create substantial new open space amenities, improve pedestrian conditions, and improve the
 8 flow of local traffic and transit. Detailed standards for the provision of open spaces, mid-block
 9 pathways, and residential entries are provided to ensure that new buildings contribute to
 10 creating a public realm of the highest quality in Rincon Hill. Accessory Dwelling Units are
 11 permitted within the district pursuant to subsection 207(c)(4) of this Code.

12 **Table 827**
 13 **RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT**
 14 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Rincon Hill Downtown Residential Mixed Use District Zoning Controls

Residential Standards and Uses			

.47	Residential Density, Dwelling Units	§ 890.88(a)	No Limit. § 207.5(d) # Unit Mix Required § 207.6

22 **SPECIFIC PROVISIONS FOR**
 23 **RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE**

Section	Zoning Controls
---------	-----------------

*****	*****	*****
		<u>ACCESSORY DWELLING UNITS</u>
		<u>Boundaries: Within the boundaries of the Rincon Hill Downtown Residential Mixed Use District.</u>
<u>§ 827.47</u>	<u>§207(c)(4)</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 in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</u>

SEC. 828. TRANSBAY DOWNTOWN RESIDENTIAL DISTRICT (TB-DTR).

The Transbay Downtown Residential District, which is wholly within the Transbay Redevelopment Project Area, comprises mostly publicly owned parcels containing infrastructure or underutilized land related to the Transbay Terminal and former Embarcadero Freeway. This district generally extends along the north side of Folsom Street from Spear to Essex Streets, and between Main and Beale Streets to the north side of Howard Street. Laid out in the Transbay Redevelopment Plan and its companion documents, including the Design for the Development and the Development Controls and Design Guidelines for the Transbay Redevelopment Project, is the comprehensive vision for this underutilized area as a high-density, predominantly residential, district within walking distance of the downtown core, transit facilities, and the waterfront. The plan for the district includes: a mix of widely-spaced high-rises, mixed with a street-defining base of low- and mid-rise buildings with ground floor townhouses; a public open space on part of the block bounded by Folsom, Beale, Howard, and Main Streets; ground-floor retail along Folsom Street; and several new alleyways to break up the size of the blocks.

1 (a) **Basic Controls.** Development controls for this district are established in the
2 Transbay Redevelopment Plan as approved by the Planning Commission on December 9,
3 2004, and January 13, 2005, specifically the Development Controls and Design Guidelines for
4 the Transbay Redevelopment Project. On matters to which these Redevelopment documents
5 are silent, controls in this Code pertaining to the C-3-O District shall apply. The C-3-O District
6 permits construction of Accessory Dwelling Units pursuant to Section 207(c)(4) of this Code.

7 **SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (SB-DTR).**

8 The South Beach Downtown Residential Mixed Use District (SB-DTR), the boundaries
9 of which are shown in Section Map No. 1 of the Zoning Map, is established for the purposes
10 set forth below.

11 The SB-DTR District is adjacent to the southern edge of the downtown, generally
12 bounded by the Bay Bridge, Bryant Street, the Embarcadero, and 2nd Street, and is primarily
13 comprised of the former South Beach Redevelopment Area. High-density residential uses and
14 supporting commercial and institutional uses are allowed and encouraged within the limits set
15 by height, bulk, and tower spacing controls. Individual townhouse dwelling units with ground
16 floor entries directly to the street are generally required on streets.

17 While lot coverage is limited for all levels with residential uses that do not face onto
18 streets or alleys, traditional rear yard open spaces are not required. Specific height, bulk, and
19 setback controls establish appropriate heights for both towers and mid-rise podium
20 development and ensure adequate spacing between towers in order to establish a
21 neighborhood scale and ensure light and air to streets and open spaces. Setbacks are
22 required where necessary to provide transition space for ground floor residential uses and to
23 ensure sunlight access to streets and open spaces. Off-street parking must be located below
24 grade. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of
25 this Code.

**Table 829
SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT
ZONING CONTROL TABLE**

No.	Zoning Category	§ References	South Beach Downtown Residential District Zoning Controls

Residential Standards and Uses			

.47	Residential Density, Dwelling Units	§ 890.88(a)	No Limit. § 207.5(d) # Unit Mix Required § 207.6

**SPECIFIC PROVISIONS FOR
SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT**

Section	Zoning Controls	
****	****	****
§ 829.47	§207(c)(4)	<p style="text-align: center;"><u>ACCESSORY DWELLING UNITS</u></p> <p style="text-align: center;"><u>Boundaries: Within the boundaries of the South Beach Downtown Residential District.</u></p> <p style="text-align: center;"><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 in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</u></p>

SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.

The Mixed Use-General (MUG) District is largely comprised of the low-scale, production, distribution, and repair uses mixed with housing and small-scale retail. The MUG is designed to maintain and facilitate the growth and expansion of small-scale light industrial,

1 wholesale distribution, arts production and performance/exhibition activities, general
 2 commercial and neighborhood-serving retail and personal service activities while protecting
 3 existing housing and encouraging the development of housing at a scale and density
 4 compatible with the existing neighborhood.

5 Housing is encouraged over ground floor commercial and production, distribution, and
 6 repair uses. New residential or mixed use developments are encouraged to provide as much
 7 mixed-income family housing as possible. Existing group housing and dwelling units would be
 8 protected from demolition or conversion to nonresidential use by requiring conditional use
 9 review. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of
 10 this Code.

11 Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy
 12 industrial uses are not permitted. Office is restricted to the upper floors of multiple story
 13 buildings.

Table 840			
MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-General District Controls

Residential Uses			
****	****	****	****
840.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit #
****	****	****	****

SPECIFIC PROVISIONS FOR
MUG – MIXED USE-GENERAL DISTRICT

<u>Section</u>	<u>Zoning Controls</u>
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		<i>ACCESSORY DWELLING UNITS</i>
		<i>Boundaries: Within the boundaries of the MUG – Mixed Use-General District.</i>
<i>§ 840.24</i>	<i>§207(c)(4)</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 constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</i>

SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.

The Mixed Use-Residential District (MUR) serves as a buffer between the higher-density, predominantly commercial area of Yerba Buena Center to the east and the lower-scale, mixed use service/industrial and housing area west of Sixth Street.

The MUR serves as a major housing opportunity area within the eastern portion of the South of Market. The district controls are intended to facilitate the development of high-density, mid-rise housing, including family-sized housing and residential hotels. The district is also designed to encourage the expansion of retail, business service and commercial and cultural arts activities. *Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.*

Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged. Hotels, nighttime entertainment, adult entertainment and heavy industrial uses are not permitted. Office is limited by residential-to-non residential ratio in new construction.

Table 841			
MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-Residential District Controls
* * * *			

Residential Uses			
****	****	****	****
841.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit <i>within #</i>
****	****	****	****

**SPECIFIC PROVISIONS FOR
MUR – RESIDENTIAL DISTRICT**

<u>Section</u>	<u>Zoning Controls</u>
<u>§ 841.24</u>	<p align="center"><u>ACCESSORY DWELLING UNITS</u></p> <p><i>Boundaries: Within the boundaries of the MUR – Mixed Use-Residential District.</i></p> <p><i>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</i></p>

SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.

The Mixed Use-Office (MUO) runs predominantly along the 2nd Street corridor in the South of Market area. The MUO is designed to encourage office uses and housing, as well as small-scale light industrial and arts activities. Nighttime entertainment and small tourist hotels are permitted as a conditional use. Large tourist hotels are permitted as a conditional use in certain height districts. Dwelling units and group housing are permitted, while demolition or conversion of existing dwelling units or group housing requires conditional use authorization. Family-sized housing is encouraged. *Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.*

Office, general commercial, most retail, production, distribution, and repair uses are also principal permitted uses. Adult entertainment and heavy industrial uses are not permitted.

**Table 842
MUO – MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed Use-Office District Controls

Residential Uses			
****	****	****	****
842.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit #
****	****	****	****

**SPECIFIC PROVISIONS FOR
MUO – MIXED USE OFFICE DISTRICT**

<u>Section</u>	<u>Zoning Controls</u>
§ 842.24	<p style="text-align: center;"><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the MUO – Mixed Use-Office District.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</u></p>

SEC. 843. UMU – URBAN MIXED USE DISTRICT.

The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern

1 Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair
 2 uses such as light manufacturing, home and business services, arts activities, warehouse,
 3 and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime
 4 entertainment. Housing is also permitted, but is subject to higher affordability requirements.
 5 Family-sized dwelling units are encouraged. Within the UMU, office uses are restricted to the
 6 upper floors of multiple story buildings. In considering any new land use not contemplated in
 7 this District, the Zoning Administrator shall take into account the intent of this District as
 8 expressed in this Section and in the General Plan. Accessory Dwelling Units are permitted within
 9 the district pursuant to subsection 207(c)(4) of this Code.

10

Table 843			
UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Urban Mixed Use District Controls
* * * *			
Residential Uses			
* * * *	* * * *	* * * *	* * * *
843.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit #
* * * *	* * * *	* * * *	* * * *

18

19 **SPECIFIC PROVISIONS FOR**
UMU – URBAN MIXED USE DISTRICT

20

<u>Section</u>	<u>Zoning Controls</u>	
<u>§ 843.24</u>	<u>§207(c)(4)</u>	<u>ACCESSORY DWELLING UNITS</u>
		<u>Boundaries: Within the boundaries of the UMU – Mixed Use District.</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 constructed</u>

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within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.

SEC. 844. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.

The WSoMa Mixed Use-General (WMUG) District is largely comprised of the low-scale, production, distribution, and repair uses mixed with housing and small-scale retail. The WMUG is designed to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood.

Housing is encouraged over ground floor commercial and production, distribution, and repair uses. New residential or mixed use developments are encouraged to provide as much mixed-income family housing as possible. Existing group housing and dwelling units will be protected from demolition or conversion to nonresidential use by requiring conditional use review. *Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.*

Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy industrial uses are not permitted. Office use is restricted to customer-based services on the ground floor.

Table 844			
WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	WSoMa Mixed Use-General District Controls

Residential Uses			
****	****	****	****

1	844.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit #
2	****	****	****	****

4
5 **SPECIFIC PROVISIONS FOR WMUG DISTRICTS**

Section	Zoning Controls		
6 7 8 9 10 11 12 13 14	****	****	****
§ 844.24	§207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the WSoMa-Mixed Use General District.</u></p> <p><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</u></p>	

15 **SEC. 845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.**

16 The WSoMa Mixed Use-Office (WMUO) runs predominantly along the Townsend
17 Street corridor between 4th Street and 7th Street and on 11th Street, from Harrison Street to
18 the north side of Folsom Street. The WMUO is designed to encourage office uses along with
19 small-scale light industrial and arts activities. Nighttime entertainment is permitted, although
20 limited by buffers around RED and RED-MX districts.

21 Office, general commercial, most retail, production, distribution, and repair uses are
22 also principal permitted uses. Residential uses, large hotels, adult entertainment and heavy
23 industrial uses are not permitted.

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

Table 845 WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	<u>WSoMa</u> Mixed Use-Office District Controls

Residential Uses			
****	****	****	****
845.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit #
****	****	****	****

SPECIFIC PROVISIONS FOR WMUO DISTRICTS

<u>Section</u>	<u>Zoning Controls</u>
§ 845.24	<p align="center"><u>ACCESSORY DWELLING UNITS</u></p> <p align="center"><u>Boundaries: Within the boundaries of the WSoMa Mixed Use-Office District.</u></p> <p align="center"><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 in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</u></p>

SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.

The Service/Arts/Light Industrial (SALI) District is largely comprised of low-scale buildings with production, distribution, and repair uses. The district is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, and light industrial activities, with an emphasis on preserving and expanding arts activities. Nighttime Entertainment is permitted although limited by buffers around RED and

1 RED-MX districts. Residential Uses, Offices, Hotels, and Adult Entertainment uses are not
 2 permitted. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4)
 3 of this Code.

4 **Table 846**
SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	SALI District Controls

Residential Uses			

846.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit #

12 **SPECIFIC PROVISIONS FOR SALI DISTRICTS**

Section	Zoning Controls	
*****	*****	*****
§ 846.24	§207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the SALI Districts.</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 in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.</u>

22 **SEC. 847. RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT.**

23 Residential Enclave-Mixed Districts (RED-MX) encompass some of the clusters of low-
 24 scale, medium density, predominantly residential neighborhoods located along the narrow
 25 side streets of the Western SoMa area. Many parcels in these residential enclaves are

1 underdeveloped and represent opportunities for new residential and low-intensity commercial
 2 uses.

3 While residential uses are encouraged throughout these districts, group housing is
 4 limited, and student housing and single-room-occupancy units are prohibited. Small-scale
 5 retail, restaurants, arts activities, and other commercial uses are principally permitted to
 6 create the potential for more active, mixed use alleys. Some automobile-related and
 7 production, distribution, and repair uses are also permitted with limitations. Existing
 8 commercial activities in nonresidential structures may continue as nonconforming uses
 9 subject to the termination requirements of Article 1.7. Accessory Dwelling Units are permitted
 10 within the district pursuant to subsection 207(c)(4) of this Code.

11

Table 847			
RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Residential Enclave-Mixed <u>District</u> Controls

USE STANDARDS			
847.03	Residential Density	§§ 124, 207.5, 208	No density limit #
****	****	****	****

18 **SPECIFIC PROVISIONS FOR RESIDENTIAL ENCLAVE-MIXED DISTRICTS**

19

<u>Section</u>	<u>Zoning Controls</u>	
		<u>ACCESSORY DWELLING UNITS</u>
		<u>Boundaries: Within the boundaries of the Residential Enclave-Mixed</u>
<u>§ 847.24</u>	<u>§207(c)(4)</u>	<u>Districts.</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 constructed</u>

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within an existing building in areas that allow residential use or within an existing and authorized auxiliary structure on the same lot.

Section 5. The Administrative Code is hereby amended by revising Section 37.2, to read as follows:

SEC. 37.2. DEFINITIONS.

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

* * * *

The term "rental units" shall not include:

* * * *

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

* * * *

(D) The term "rental units" shall include Accessory Dwelling Units constructed pursuant to Section 207(c)(4) of the Planning Code and that have received a

1 complete or partial waiver of the density limits and the parking, rear yard, exposure, or open
2 space standards from the Zoning Administrator pursuant to Planning Code Section 307(l),
3 ~~provided that the building containing the Accessory Dwelling Unit(s) or any unit within the building is~~
4 ~~already subject to this Chapter.~~

5 * * * *

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

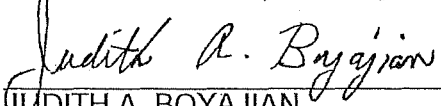
13
14 Section 7. Severability. If any section, subsection, sentence, clause, phrase, or word
15 of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any
16 court of competent jurisdiction, such decision shall not affect the validity of the remaining
17 portions of the ordinance. The Board of Supervisors hereby declares that it would have
18 passed this ordinance and each and every section, subsection, sentence, clause, phrase, and
19 word not declared invalid or unconstitutional without regard to whether any other portion of
20 this ordinance would subsequently be declared invalid or unconstitutional.

21
22 Section 8. Directions to Clerk. The Clerk of the Board of Supervisors is hereby directed
23 to submit a copy of this ordinance to the California Department of Housing and Community
24 Development within 60 days following adoption pursuant to Section 65852.2(h) of the
25 California Government Code.

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Section 9. This Section is uncodified. The Planning Department shall prepare and submit to the Board of Supervisors a Report on the size of Accessory Dwelling Units (ADUs) constructed or proposed to be constructed pursuant to Planning Code Section 207(c)(4). The Report shall be submitted no later than 15 months from the date of adoption of this ordinance and shall include the size data on all ADUs that have been constructed or are proposed to be constructed from the effective date of Planning Code Section 207(c)(4), and any predecessor ADU legislation, up to 12 months from the effective date of this ordinance.

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

By: 
JUDITH A. BOYAJIAN
Deputy City Attorney
n:\legana\as2016\1600445\01122593.docx



City and County of San Francisco

Tails
Ordinance

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

File Number: 160657

Date Passed: July 26, 2016

Ordinance amending the Planning Code to allow the construction of Accessory Dwelling Units (ADUs, also known as Secondary or In-Law Units) on all lots in the City in areas that allow residential use; amending the Administrative Code to revise the definition of "rental unit" as it applies to ADUs; 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; adopting findings of public necessity, convenience, and welfare under Planning Code, Section 302; and directing the Clerk to send a copy of this ordinance to the California Department of Housing and Community Development after adoption.

July 18, 2016 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

July 18, 2016 Land Use and Transportation Committee - REFERRED WITHOUT RECOMMENDATION AS AMENDED AS A COMMITTEE REPORT

July 19, 2016 Board of Supervisors - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 11 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang, Wiener and Yee

July 19, 2016 Board of Supervisors - PASSED ON FIRST READING AS AMENDED

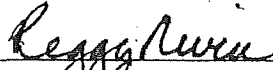
Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and Wiener
Noes: 1 - Yee

July 26, 2016 Board of Supervisors - FINALLY PASSED

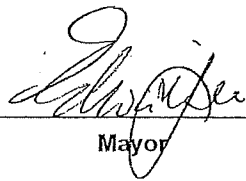
Ayes: 10 - Avalos, Breed, Campos, Cohen, Farrell, Kim, Mar, Peskin, Tang and Wiener
Noes: 1 - Yee

File No. 160657

I hereby certify that the foregoing
Ordinance was FINALLY PASSED on
7/26/2016 by the Board of Supervisors of
the City and County of San Francisco.



for Angela Carillo
Clerk of the Board



Mayor

8/4/2016

Date Approved

Print Form

Introduction Form

By a Member of the Board of Supervisors or Mayor

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2019 JUN 19 AM 10:50
Time stamp
gr:meeting date *dw*

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 [] inquiries"
- 5. City Attorney Request.
- 6. Call File No. [] from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No. []
- 9. Reactivate File No. []
- 10. Topic 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 the Imperative Form.

Sponsor(s):

Peskin

Subject:

[Opposing Assembly Bill 68 (Ting) Unless Amended]

The text is listed:

Resolution opposing California State Assembly Bill 68 (Ting) unless amended to provide jurisdictional deference to the City and County of San Francisco and other early adopters of permissive Accessory Dwelling Unit regulations.

Signature of Sponsoring Supervisor:

For Clerk's Use Only

