

## **LEGISLATIVE DIGEST**

[Planning Code - Exceptions from Dwelling Unit Density Limits and from Other Specified Code Requirements]

**Ordinance amending the Planning Code to permit exceptions from dwelling unit density limits and other requirements of the Code when adding Dwelling Units to existing buildings undergoing seismic retrofitting, deleting the requirement that a new In-Law Unit constructed in and near the Castro Street Neighborhood Commercial District be limited to 750 square feet, correcting outdated cross-references and Code language, affirming the Planning Department's California Environmental Quality Act determination; and making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1.**

### Existing Law

For the various zoning districts of the City, the Planning Code limits the number of Dwelling Units permitted on a given lot. Dwelling unit density may be limited to 1, 2, or 3 units per lot, or limited by a ratio of Dwelling Units to lot area. Certain exceptions are permitted – double density for Senior Housing in various zoning districts, and density exceptions and waivers of certain other Code requirements for new In-Law Units within and adjacent to the Castro Street Neighborhood Commercial District. Exceptions other than those specified are not permitted, and may be approved only with a zoning variance. In Districts where no Residential Density Limit is specified, dwelling unit density is limited by the applicable requirements and limitations elsewhere in the Planning Code, including but not limited to height, bulk, setbacks, open space, exposure, and unit mix, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.

In 2013, the City adopted Section 34B of the Building Code, which established a mandatory program for the seismic retrofit of defined “soft-story” buildings. Prior to that, retrofit standards and permit processing for voluntary seismic retrofits of soft-story buildings were established in the Department of Building Inspection's Administrative Bulletin AB-094.

### Amendments to Current Law

This ordinance would permit exceptions from Residential density limits, as well as parking, private open space, and rear yard exposure, when adding new Dwelling Units to existing buildings that are undergoing earthquake safety retrofit under the Building Code. Units created under this exception must be in an area zoned for residential use, be entirely within the existing building or an existing authorized ancillary building on the same lot, not in an RH-1 or RH-1(D) district, and not constructed using space from an existing unit. The ordinance would also delete the 750 square foot maximum size for new In-Law Units currently permitted

within existing buildings in and adjacent to the Castro Street Neighborhood Commercial District.

In addition to the substantive amendments described above, the ordinance consolidates all the density exceptions into Section 207 of the Planning Code and thus relocates the existing density exceptions for Senior Housing and In-Law Units from other sections of the Code. The ordinance also corrects some outdated Code language and incorrect cross-references in the Article 7 Zoning Control Tables and related Code sections.

#### Background Information

Allowing density exceptions for buildings undergoing seismic retrofits in order to encourage the addition of new Dwelling Units to existing buildings continues the City's attempts to address the problem of San Francisco's housing shortage. The permitted exceptions are similar to those authorized for new In-Law Units in the Castro Street Neighborhood Commercial District and adjacent area that were enacted in 2014. Removing the 750 square foot limit for new Dwelling Units ensures that all available space can be fully utilized.

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