

[Planning, Administrative Codes - Construction of Accessory Dwelling Units - District 3]

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

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

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

22 Section 1. General Findings.

23 (a) The Planning Department has determined that the actions contemplated in this
24 ordinance comply with the California Environmental Quality Act (California Public Resources
25 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
Supervisors in File No. 150805 and is incorporated herein by reference. The Board affirms
this determination

1 (b) On July 16, 2015, the Planning Commission, in Resolution No. 19419, 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. 150805, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
7 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
8 in Planning Commission Resolution No. 19419 and the Board incorporates such reasons
9 herein by reference. A copy of Planning Commission Resolution No. 19419 is on file with the
10 Clerk of the Board of Supervisors in File No. 150805.

11
12 Section 2. Specific Findings.

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

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

18 (c) In Section 65852.150 of the California Government Code, the State
19 Legislature finds and declares that adding an additional unit to existing single-family homes is
20 a valuable form of housing in California. Permitting the creation of accessory dwelling units in
21 existing residential buildings in established, already dense, and transit-rich neighborhoods will
22 provide additional housing without changing the built character of these areas. It also will
23 "green" San Francisco by efficiently using existing buildings and allowing more residents to
24 live within walking distance of transit, shopping, and services.

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

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

6 **SEC. 102. DEFINITIONS.**

7 * * * *

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

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

13 * * * *

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

15 (1) **Affordable Units in Projects with 20 percent or more Affordable**
16 **Units.** For projects that are not located in any RH-1 or RH-2 zoning district, or are not seeking
17 and receiving a density bonus under the provisions of California Government Code Section
18 65915, where 20 percent or more of the Dwelling Units on-site are “Affordable Units,” the on-
19 site Affordable Units shall not count towards the calculation of dwelling unit density. This
20 Planning Code Section does not provide exceptions to any other Planning Code requirements
21 such as height or bulk. For purposes of this Section 207, “Affordable Units” shall be defined as
22 meeting ~~(1)~~ (A) the criteria of Section 406(b); ~~(2)~~ (B) the requirements of Section 415 et seq.
23 for on-site units; or ~~(3)~~ (C) restricted units in a project using California Debt Limit Allocation
24 Committee (CDLAC) tax-exempt bond financing and 4 percent tax credits under the Tax
25 Credit Allocation Committee (TCAC). If a project sponsor proposes to provide “Affordable

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

14 * * * *

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

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

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

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

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

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

5 (i) lots within the Castro Street Neighborhood Commercial District
6 (NCD) or within 1,750 feet of the Castro Street NCD boundaries, excluding any lot within 500
7 feet of Block 2623 Lots 116 through 154;

8 (ii) lots within the boundaries of Board of Supervisors District 3 extant
9 on July 1, 2015.

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

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

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

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

22 (iii) The Accessory Dwelling Unit shall not be used for short-term
23 rental under Chapter 41A of the Administrative Code .

24 (iv) The Department shall not approve an application for
25 construction of an Accessory Dwelling Unit in any building where a tenant has been evicted

1 pursuant to Section 37.9(a)(10) of the Administrative Code within ten years prior to filing the
2 application for construction of an Accessory Dwelling Unit.

3 ~~(ii)~~ (v) **Castro Street NCD and Surrounding Area.** For Accessory
4 Dwelling Units on lots covered by Subsection 207(c)(4)(B)(i):

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

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

10 c. For buildings that have no more than 10 existing dwelling
11 units, one Accessory Dwelling Unit is permitted; for buildings that have more than 10 existing
12 dwelling units, two Accessory Dwelling Units are permitted.

13 (vi) Board of Supervisors District 3. For Accessory Dwelling Units on
14 lots covered by Subsection 207(c)(4)(B)(ii):

15 a. An Accessory Dwelling Unit shall not be permitted in any RH-
16 1(D) zoning district.

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

20 c. For buildings that have four existing dwelling units or fewer,
21 one Accessory Dwelling Unit is permitted; for buildings that have more than four existing dwelling
22 units, there is no limit on the number of Accessory Dwelling Units permitted by this Section 20(c)(4).

23 ~~(iii)~~ (vii) **Buildings Undergoing Seismic Retrofitting.** For
24 Accessory Dwelling Units on lots covered by Subsection 207(c)(4)(B)(~~iii~~) ~~(ii)~~:

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

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

7 1) exempt from the notification requirements of Sections
8 311 and 312 of this Code; and

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

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

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

1 direction that is not required to expand on subsequent floors. In considering any request for
 2 complete or partial relief from these Code requirements, the Zoning Administrator shall
 3 facilitate the construction of such Accessory Dwelling Units to the extent feasible and shall
 4 consider any criteria elsewhere in this Section 307 that he or she determines to be applicable.

5
 6 Section 4. The Planning Code is hereby amended by revising the Zoning Control
 7 Tables of Sections 209.1, 209.2, 209.3, 209.4, 210.1 and 210.2, to read as follows:

8 **Table 209.1**

9 **ZONING CONTROL TABLE FOR RH DISTRICTS**

Zoning Category	§ References	RH-1 (D)	RH-1	RH-1(S)	RH-2	RH-3
* * * *	* * * *	* * * *				
RESIDENTIAL STANDARDS AND USES						
* * * *						
Residential Uses						
Residential Density, Dwelling Units <u>(Z)</u>	§ 207	One unit per lot	P up to one unit per lot. C up to one unit per 3,000 square feet of lot area with no more than three units per lot	P up to two units per lot area, if the second unit is 600 sq. ft. or less. C up to one unit per 3,000 square feet of lot area, with no more than	P up to two units per lot. C up to one unit per 1,500 square feet of lot area.	P up to three units per lot. C up to one unit per 1,000 square feet of lot area. for every 275 square feet of lot area.

				three units per lot		
****	****	****	****	****	****	****

* Not listed below.

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

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

(4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.

(5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.

(6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

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

Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS

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

Residential Uses					
Residential Density, Dwelling Units <u>(7)</u>	§ 207	Up to one unit per 800 square feet of lot area.	Up to one unit per lot. 600 square feet of lot area.	Up to one unit per 400 square feet of lot area.	Up to one unit per 200 square feet of lot area.
****	****	****	****	****	****

* Not listed below.

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

(2) C required for 15 or more children.

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

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

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

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

* Not listed below.

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

1 **Table 209.4**

2 **ZONING CONTROL TABLE FOR RTO DISTRICTS**

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

15 * Not listed below.

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

17 (2) C required for 15 or more children.

18 (3) C required for 7 or more persons.

19 (4) C for 5 or fewer guest rooms or suites of rooms; NP for 6 or more guest rooms.

20 (5) Use must be located on a parcel that contains a Hospital or a Post-Secondary Educational Institution, additional operating restrictions apply.

21 (6) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

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

23 **Table 210.1**

24 **ZONING CONTROL TABLE FOR C-2 DISTRICTS**

Zoning Category	§ References	C-2
* * * *	* * * *	* * * *

RESIDENTIAL STANDARDS AND USES			
* * * *			
Residential Uses			
Residential Density, Dwelling Units <u>(5)</u>	§ 207	P 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 square feet of lot area. NP above.	
* * * *	* * * *	* * * *	* * * *

* Not listed below.

(1) C required if not recessed 3 feet.

(2) C required if taller than 25 feet above roof, grade or height limit (depending on site) or if within 1000 feet of an R District and includes a parabolic antenna with a diameter in excess of three meters or a composite diameter or antennae in excess of six meters. See definition in Section 102 for more information.

(3) Not required to be in an enclosed building.

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

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

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

Zoning Category	§ References	C-3	C-3-O (SD)	C-3-R	C-3-G	C-3-S
* * * *	* * * *	* * * *				
RESIDENTIAL STANDARDS AND USES						
* * * *						
Residential Uses						
Residential Density, Dwelling Units <u>(7)</u>	§ 207	No density limit. Density is regulated by the permitted height and bulk, and required setbacks, exposure, and open space of each development lot.				

* * * *	* * * *	* * * *	* * * *
---------	---------	---------	---------

* Not listed below.

- (1) C is required if at or below the ground floor.
- (2) P if located on the ground floor and offers on-site services to the general public. NP on the ground floor if it does not provide onsite services to the general public. C is required if the use is larger than 5,000 gross square feet in size or located above the ground floor. In the C-3-R District, in addition to the criteria set forth in Section 303, approval shall be given upon a determination that the use will not detract from the District's primary function as an area for comparison shopper retailing and direct consumer services.
- (3) C Required if operated on an open lot.
- (4) Required to be in an enclosed building, NP if operated on open lot.
- (5) C required if taller than 25 feet above roof, grade or height limit depending on site or if within 1000 feet of an R District and includes a parabolic antenna with a diameter in excess of 3 meters or a composite diameter of antennae in excess of 6 meters. See definition in Section 102 for more information.
- (6) C required for Formula Retail on properties in the C-3-G District with frontage on Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street.
- (7) Construction of Accessory Dwelling Units may be permitted pursuant to Section 207(c)(4).

Section 5. The Planning Code is hereby amended by revising Sections 714, 722, 723, 732 and the corresponding Zoning Control Tables, to read as follows:

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

The Broadway Neighborhood Commercial District, located in the northeast quadrant of San Francisco, extends along Broadway from east of Columbus Avenue to Osgood Place. It is part of a larger commercial area which includes North Beach to the north, Chinatown to the south and west, and Jackson Square to the southeast. Broadway's fame and popularity as a Citywide and regional entertainment district is derived from a concentration of nightclubs, music halls, adult theaters, bars, and restaurants between Grant Avenue and Montgomery Street. These places attract locals and visitors alike, mainly in the evening and late-night hours. In addition to the entertainment and some retail businesses, Broadway contains many

1 upper-story residential hotels. Due to its proximity to downtown, there is strong pressure to
 2 develop upper-story offices.

3 The Broadway District controls are designed to encourage development that is
 4 compatible with the existing moderate building scale and mixed-use character, and maintain
 5 the district's balance of entertainment uses, restaurants, and small-scale retail stores. New
 6 buildings exceeding 40 feet in height will be carefully reviewed and rear yards at residential
 7 levels are protected. Most commercial uses in new buildings are permitted at the first two
 8 stories. Neighborhood-serving businesses are strongly encouraged. In order to protect the
 9 livability of the area, limitations apply to new fast-food restaurants and adult entertainment
 10 uses at the first and second stories, as well as late-night activity. Financial services are
 11 allowed on the ground story subject to certain limitations. Nonretail offices are prohibited in
 12 order to prevent encroachment of the adjoining downtown office uses. Due to the high traffic
 13 volume on Broadway, most automobile and drive-up uses are prohibited in order to prevent
 14 further traffic congestion. Parking garages are permitted if their ingress and egress do not
 15 disrupt the traffic flow on Broadway.

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

19 **Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT**
 20 **ZONING CONTROL TABLE**

21	****	****	****	****	
22	No.	Zoning Category	§	Broadway	
23			References	Controls by Story	
24			§ 790.118	1st	2nd
25					3rd+

1	****	****	****	****	****	****
2	RESIDENTIAL STANDARDS AND USES					
3	****	****	****	****	****	****
4	714.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 400 sq. ft. lot area # § 207(c)		
5						
6						
7						
8	****	****	****	****	****	****

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

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 714, 714.91	§ 207(c)(4)	<i><u>ACCESSORY DWELLING UNITS</u></i> <i><u>Boundaries: Within the boundaries of the Broadway NCD.</u></i> <i><u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</u></i>

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

The North Beach Neighborhood Commercial District is a nonlinear district centered on Columbus Avenue, located in the valley between Telegraph Hill and Russian Hill north of Broadway. North Beach functions as a neighborhood-serving marketplace, citywide specialty shopping, and dining district, and a tourist attraction, as well as an apartment and residential hotel zone. Traditionally, the district has provided most convenience goods and services for

1 residents of North Beach and portions of Telegraph and Russian Hills. North Beach's eating,
2 drinking, and entertainment establishments remain open into the evening to serve a much
3 wider trade area and attract many tourists. The balance between neighborhood-serving
4 convenience stores and Citywide specialty businesses has shifted, as convenience stores
5 have been replaced by restaurants and bars. The proliferation of financial services, limited
6 financial services, and business and professional services has also upset the district's
7 balance of uses. The relocation of business and professional offices from downtown to North
8 Beach threatens the loss of upper-story residential units.

9 The North Beach District controls are designed to ensure the livability and
10 attractiveness of North Beach. Building standards limit new development to a small to
11 moderate scale. Rear yards are protected above the ground story and at residential levels.
12 Most new commercial development is permitted at the first two stories. Small-scale,
13 neighborhood-serving businesses are strongly encouraged and formula retail uses are
14 prohibited. Use sizes are controlled to limit future consolidation of spaces and to encourage
15 conversion back to the traditional small-scale commercial spaces. Special controls are
16 necessary because an over-concentration of food and beverage service establishments limits
17 neighborhood-serving retail sales and personal services in an area that needs them to thrive
18 as a neighborhood. In order to maintain neighborhood-serving retail sales and personal
19 services and to protect residential livability, additional eating and drinking establishments are
20 prohibited in spaces that have been occupied by neighborhood-serving retail sales and
21 personal services. Special controls limit additional ground-story entertainment uses and
22 prohibit new walk-up automated bank teller machines (ATMs). Financial services, limited
23 financial services, and ground-story business and professional office uses are prohibited from
24 locating in the portion of the district south of Greenwich Street, while new financial services
25 locating in the portion of the district north of Greenwich Street are limited. Restrictions on

1 automobile and drive-up uses are intended to promote continuous retail frontage and maintain
 2 residential livability.

3 In keeping with the district's existing mixed-use character, housing development in new
 4 buildings is encouraged above the second story. Existing residential units are protected by
 5 prohibitions of upper-story conversions and limitations on demolitions. Accessory dwelling units
 6 are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

7 **Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT**
 8 **ZONING CONTROL TABLE**

9	****	****	****	****		
10	No.	Zoning Category	§ References	North Beach		
11				Controls by Story		
12			§ 790.118	1st	2nd	3rd+
13	****	****	****	****	****	****
14	RESIDENTIAL STANDARDS AND USES					
15	****	****	****	****	****	****
16	722.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 400 sq.		
17				ft. lot area #		
18				§ 207(c)		
19	****	****	****	****		
20	****	****	****	****		
21	****	****	****	****		

22 **SPECIFIC PROVISIONS FOR THE NORTH BEACH**
 23 **NEIGHBORHOOD COMMERCIAL DISTRICT**

24	Article 7 Code Section	Other Code Section	Zoning Controls
25			

1	****	****	****
2			<u>ACCESSORY DWELLING UNITS</u>
3			<u>Boundaries:</u> <u>Within the boundaries of the North Beach NCD.</u>
4	§§ 722,	§	<u>Controls:</u> <u>An “Accessory Dwelling Unit,” as defined in Section 102 and</u>
5	<u>722.91</u>	<u>207(c)(4)</u>	<u>meeting the requirements of Section 207(c)(4) is permitted to be</u>
6			<u>constructed within an existing building zoned for residential use or</u>
7			<u>within an existing and authorized auxiliary structure on the same lot.</u>

8 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

9 Sitting in the gulch between Nob and Russian Hills and Pacific Heights, the Polk Street
10 Neighborhood Commercial District extends for a mile as a north-south linear strip, and
11 includes a portion of Larkin Street between Post and California Streets. Polk Street's dense
12 mixed-use character consists of buildings with residential units above ground-story
13 commercial use. The district has an active and continuous commercial frontage along Polk
14 Street for almost all of its length. Larkin Street and side streets in the district have a greater
15 proportion of residences than Polk Street itself. The district provides convenience goods and
16 services to the residential communities in the Polk Gulch neighborhood and to the residents
17 on the west slopes of Nob and Russian Hills. It has many apparel and specialty stores, as well
18 as some automobile uses, which serve a broader trade area. Commercial uses also include
19 offices, as well as movie theaters, restaurants, and bars which keep the district active into the
20 evening.

21 The Polk Street District controls are designed to encourage and promote development
22 which is compatible with the surrounding neighborhood. The building standards monitor large-
23 scale development and protect rear yards at residential levels. Consistent with Polk Street's
24 existing mixed-use character, new buildings may contain most commercial uses at the first
25 two stories. The controls encourage neighborhood-serving businesses, but limit new eating,

1 drinking, other entertainment, and financial service uses, which can produce parking
 2 congestion, noise and other nuisances or displace other types of local-serving convenience
 3 goods and services. They also prohibit new adult entertainment uses. Restrictions on drive-up
 4 and most automobile uses protect the district's continuous retail frontage and prevent further
 5 traffic congestion.

6 Housing developed in new buildings is encouraged above the second story, especially
 7 in the less intensely developed portions of the district along Larkin Street. Existing housing
 8 units are protected by limitations on demolitions and upper-story conversions. *Accessory*
 9 *dwelling units are permitted within the district pursuant to Subsection 207(c)(4) of this Code.*

10 **Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 11 **ZONING CONTROL TABLE**

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

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

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§§ 723, 723.91	§ 207(c)(4)	<p><i>ACCESSORY DWELLING UNITS</i></p> <p><u>Boundaries:</u> <i>Within the boundaries of the Polk Street NCD.</i></p> <p><u>Controls:</u> <i>An “Accessory Dwelling Unit,” as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</i></p>

SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

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

The Sacramento Street District controls are designed to promote adequate growth opportunities for development that is compatible with the surrounding low-density residential neighborhood. The building standards monitor large-scale development and protect rear yards at the grade level and above. Most new commercial development is permitted at the first

1 story; general retail uses are permitted at the second story only if such use would not involve
 2 conversion of any existing housing units. Special controls are designed to protect existing
 3 neighborhood-serving ground-story retail uses. New medical service uses are prohibited at all
 4 stories except a change of use is permitted on the first story or below from a business or
 5 professional service use to medical service use under certain circumstances. Personal and
 6 business services are restricted at the ground story and prohibited on upper stories. Limits on
 7 new ground-story eating and drinking uses, as well as new entertainment and financial service
 8 uses, are intended to minimize the environmental impacts generated by the growth of such
 9 uses. The daytime orientation of the district is encouraged by prohibiting bars and restricting
 10 late-night commercial activity. New hotels and parking facilities are limited in scale and
 11 operation to minimize disruption to the neighborhood. Most new automobile and drive-up uses
 12 are prohibited to promote continuous retail frontage.

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

17 **Table 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**
 18 **ZONING CONTROL TABLE**

19	****	****	****	****		
20	No.	Zoning Category	§ References	Pacific Avenue		
21				Controls by Story		
22			§ 790.118	1st	2nd	3rd+
23	****	****	****	****	****	****
24	RESIDENTIAL STANDARDS AND USES					
25						

1	****	****	****	****	****
2	732.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 1,000 sq. ft. lot area # § 207(c)	
3					
4					
5					
6	****	****	****	****	****

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**SPECIFIC PROVISIONS FOR THE PACIFIC AVENUE
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 732, 732.91	§ 207(c)(4)	<i>ACCESSORY DWELLING UNITS</i> <u>Boundaries:</u> <i>Within the boundaries of the Pacific Avenue NCD.</i> <u>Controls:</u> <i>An “Accessory Dwelling Unit,” as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</i>

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Section 6. The Planning Code is hereby amended by revising Sections 810, 811, 812 and the corresponding Zoning Control Tables, to read as follows:

22

SEC. 810.~~I~~ CHINATOWN COMMUNITY BUSINESS DISTRICT.

23
24
25

The Chinatown Community Business District, located in the northeast quadrant of San Francisco, extends along Broadway from the eastern portal of the Broadway Tunnel to Columbus Avenue and along Kearny Street from Columbus to Sacramento Street. This district

1 also includes portions of Commercial Street between Montgomery Street and Grant Avenue
 2 and portions of Grant Avenue between Bush and California Streets. It is part of the larger core
 3 area of Chinatown.

4 The portions of Broadway, Kearny and Commercial Streets and Grant Avenue in this
 5 district are transitional edges or entries to Chinatown. North and east of the two blocks of
 6 Broadway contained in this district are North Beach and the Broadway Entertainment Districts.
 7 Kearny and Columbus Streets are close to intensive office development in the Downtown
 8 Financial District. Both Grant Avenue and Commercial Street provide important pedestrian
 9 entries to Chinatown. Generally, this district has more potential for added retail and
 10 commercial development than other parts of Chinatown.

11 This zoning district is intended to protect existing housing, encourage new housing and
 12 to accommodate modest expansion of Chinatown business activities as well as street-level
 13 retail uses. The size of individual professional or business office use is limited in order to
 14 prevent these areas from being used to accommodate larger office uses spilling over from the
 15 financial district.

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

19 **Table 810**
 20 **CHINATOWN COMMUNITY BUSINESS DISTRICT**
 21 **ZONING CONTROL TABLE**

22	****	****	****	****
23				Chinatown Community Business
24				<i>District</i>
25				Controls by Story

No.	Zoning Category	§ References	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
.91	Residential Density , Dwelling Units <u>Density</u>	§§ 207, 207.1, 890.88(a)	<u>Generally, up to</u> 1 unit per 200 sq. ft. lot area # § 207.5 (c)		
****	****	****	****		

**SPECIFIC PROVISIONS FOR THE CHINATOWN
COMMUNITY BUSINESS DISTRICT**

Article 8 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 810-1 .91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u>
		<u>Boundaries: Within the boundaries of the Chinatown Community Business 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 zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</u>

SEC. 811.1. CHINATOWN VISITOR RETAIL DISTRICT.

The Chinatown Visitor Retail Neighborhood Commercial District extends along Grant Avenue between California and Jackson Streets. This district contains a concentration of shopping bazaars, art goods stores and restaurants which attract visitors and shoppers and

1 contribute to the City's visual and economic diversity. Grant Avenue provides an important link
 2 between Downtown retail shopping and the Broadway, North Beach and Fisherman's Wharf
 3 areas.

4 This district is intended to preserve the street's present character and scale and to
 5 accommodate uses primarily appealing to visitors (e.g. tourist gifts shops, jewelry stores, art
 6 goods, large restaurants. In order to promote continuous retail frontage, entertainment,
 7 financial services, medical service, automotive and drive-up uses are restricted. Most
 8 commercial uses, except financial services are permitted on the first two stories.

9 Administrative services, (those not serving the public) are prohibited in order to prevent
 10 encroachment from downtown office uses. There are also special controls on fast-food
 11 restaurants and tourist hotels. Building standards protect and complement the existing small-
 12 scale development and the historic character of the area.

13 The height limit applicable to the district will accommodate two floors of housing or institutional
 14 use above two floors of retail use. Existing residential units are protected by prohibition of
 15 upper-story conversions and limitation on demolition. Accessory dwelling units are permitted
 16 within the district pursuant to Subsection 207(c)(4) of this Code.

17 **Table 811**
 18 **CHINATOWN VISITOR RETAIL DISTRICT**
 19 **ZONING CONTROL TABLE**

20	****	****	****			
21				Chinatown Visitor Retail <i>District</i>		
22				Controls by Story		
23	No.	Zoning Category	§ References	1st	2nd	3rd+
24	****	****	****	****	****	****
25	RESIDENTIAL STANDARDS AND USES					

1	****	****	****	****	****
2	.91	Residential Density , Dwelling Units Density	§§ 207	<u>Generally, up to 1 unit per 200 sq. ft.</u> lot area # § 207.5 (c)	
3					
4					
5					
6	****	****	****	****	****

**SPECIFIC PROVISIONS FOR THE CHINATOWN
BUSINESS RETAIL DISTRICT**

Article 8 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 811.1 .91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the Chinatown Visitor Retail 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 zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</u>

SEC. 812.1. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

The Chinatown Residential Neighborhood Commercial District extends along Stockton Street between Sacramento and Broadway and along Powell Street between Washington Street and Broadway. It is generally west and uphill from Grant Avenue and is close to the relatively intensely developed residential areas of lower Nob and Russian Hills. Stockton Street is a major transit corridor which serves as "Main Street" for the Chinatown

1 neighborhood. Both Stockton and Powell Streets contain a significant amount of housing as
 2 well as major community institutions supportive to Chinatown and the larger Chinese
 3 community. This daytime-oriented district provides local and regional specialty food shopping
 4 for fresh vegetables, poultry, fish and meat. Weekends are this area's busiest shopping days.

5 Because Stockton Street is intended to remain principally in its present character, the
 6 Stockton Street controls are designed to preserve neighborhood-serving uses and protect the
 7 residential livability of the area. The controls promote new residential development compatible
 8 with existing small-scale mixed-use character of the area. Consistent with the residential
 9 character of the area, commercial development is directed to the ground story. Daytime-
 10 oriented use is protected and tourist-related uses, fast-food restaurants and financial services
 11 are limited.

12 Housing development in new and existing buildings is encouraged above the ground
 13 floor. Institutional uses are also encouraged. Existing residential units are protected by limits
 14 on demolition and conversion. Accessory dwelling units are permitted within the district pursuant to
 15 Subsection 207(c)(4) of this Code.

16 **Table 812**
 17 **CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**
ZONING CONTROL TABLE

18	****	****	****			
19				Chinatown Residential Neighborhood Commercial District		
20						
21						
22						
23						
24	No.	Zoning Category	§ References	1st	2nd	3rd+
25	****	****	****	****	****	****

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
.91	Residential Density Dwelling Units <u>Density</u>	§§ 207	<i>Generally, up to 1 unit per 200 sq. ft. lot area # § 207.5 (c)</i>		
****	****	****	****	****	****

**SPECIFIC PROVISIONS FOR THE CHINATOWN
RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 8 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 812.4 .91	§ 207(c)(4)	<i><u>ACCESSORY DWELLING UNITS</u></i> <i><u>Boundaries:</u> Within the boundaries of the Chinatown Residential Neighborhood Commercial District.</i> <i><u>Controls:</u> An “Accessory Dwelling Unit,” as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</i>

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

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

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

12 The term “rental units” shall not include:

13 * * * *

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

22 * * * *

23 (D) The term “rental units” shall include ~~In-Law~~ Accessory Dwelling Units
24 constructed pursuant to Section 207(c)(4) ~~715.1~~ of the Planning Code ~~and the Section 715 Zoning~~
25 ~~Control Table~~ and that have received a complete or partial waiver of the density limits and/or

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

4 * * * *

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

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

16 Specifically, the Board of Supervisors recognizes that a pending ordinance in Board of
17 Supervisors File No. 150365 that authorizes the construction of Accessory Dwelling Units
18 within the boundaries of Board of Supervisors District 8 amends some of the same sections of
19 the Planning Code. The Board intends that, if adopted, the additions and deletions shown in
20 both ordinances be given effect so that the substance of each ordinance be given full force
21 and effect. To this end, the Board directs the City Attorney’s Office and the publisher to
22 harmonize the provisions of each ordinance.

23
24 Section 10. Severability. If any section, subsection, sentence, clause, phrase, or word
25 of this Section is for any reason held to be invalid or unconstitutional by a decision of any

1 court of competent jurisdiction, such decision shall not affect the validity of the remaining
2 portions of the Section. The Board of Supervisors hereby declares that it would have passed
3 this Section and each and every section, subsection, sentence, clause, phrase, and word not
4 declared invalid or unconstitutional without regard to whether any other portion of this Section
5 would be subsequently declared invalid or unconstitutional.

6
7 Section 11. Directions to Clerk. The Clerk of the Board of Supervisors is hereby
8 directed to submit a copy of this ordinance to the California Department of Housing and
9 Community Development within 60 days following adoption pursuant to Section 65852.2(h) of
10 the California Government Code.

11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: _____
15 JUDITH A. BOYAJIAN
16 Deputy City Attorney

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