

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

1
2 **Ordinance amending the Planning Code to permit exceptions from dwelling unit**
3 **density limits and other requirements of the Code when adding Dwelling Units to**
4 **existing buildings undergoing seismic retrofitting; deleting the requirement that a new**
5 **In-Law Unit constructed in and near the Castro Street Neighborhood Commercial**
6 **District be limited to 750 square feet; correcting outdated cross-references and Code**
7 **language; affirming the Planning Department’s California Environmental Quality Act**
8 **determination; and making findings of consistency with the General Plan, and the eight**
9 **priority policies of Planning Code, Section 101.1.**

10
11 **NOTE: Unchanged Code text and uncodified text** are in plain Arial font.
12 **Additions to Codes** are in *single-underline italics Times New Roman font*.
13 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.
14 **Board amendment additions** are in double-underlined Arial font.
15 **Board amendment deletions** are in ~~strikethrough-Arial font~~.
16 **Asterisks (* * * *)** indicate the omission of unchanged Code
17 subsections or parts of tables.

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

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources
22 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination.
23 Said determination is on file with the Clerk of the Board of Supervisors in File No. 140954 and
24 is incorporated herein by reference.

25 (b) On February 12, 2015, the Planning Commission, in Resolution No. R-19322,
adopted findings that the actions contemplated in this ordinance are consistent, on balance,
with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
2 the Board of Supervisors in File No. 140954, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board finds that the actions
4 contemplated in this ordinance will serve the public necessity, convenience, and welfare for
5 the reasons set forth in Planning Commission Resolution No. R-19322 and the Board
6 incorporates such reasons herein by reference. A copy of the Planning Commission
7 Resolution No. R-19322 is on file with the Clerk of the Board of Supervisors in File No.
8 140954.

9 Section 2. The Planning Code is hereby amended by revising Sections 207, 207.1,
10 208 and 307, and deleting Section 207.4, to read as follows:

11 **SEC. 207. ~~DENSITY OF DWELLING UNITS DENSITY LIMITS IN R-DISTRICTS.~~**

12 (a) Applicability. The density of ~~d~~Dwelling ~~#~~Units permitted in the various Districts
13 shall be as set forth in the Zoning Control Table for the district in which the lot is located. The
14 term "Dwelling Unit" is defined in Section 102 of this Code. In districts where no density limit is
15 specified, density shall not be limited by lot area but rather by the applicable requirements and
16 limitations set forth elsewhere in this Code. Such requirements and limitations include, but are not
17 limited to, height, bulk, setbacks, open space, exposure and unit mix as well as applicable design
18 guidelines, elements and area plans of the General Plan and design review by the Planning
19 Department.

20 **SEC. 207.1. ~~RULES FOR CALCULATION OF DWELLING UNIT DENSITIES.~~**

21 (b) Rules for Calculating Dwelling Unit Density. In districts that establish a maximum
22 dwelling unit density, the following rules shall apply in the calculation of dwelling unit density~~ies~~
23 under this Code:

24 (a) (1) The entire amount of lot area per Dwelling Unit specified by the Code shall
25 be required for each Dwelling Unit on the lot. A remaining fraction of one-half or more of the

1 minimum of lot area per Dwelling Unit shall be adjusted upward to the next higher whole
2 number of Dwelling Units.

3 ~~(b)~~ (2) Where permitted by this Code, two or more of the dwelling and other housing
4 uses specified in the Code may be located on a single lot, either in one structure or in
5 separate structures, provided that the specified density limits are not exceeded by the total of
6 such combined uses. Where Dwelling Units and Group Housing are combined, the maximum
7 permitted density for Dwelling Units and for Group Housing shall be prorated to the total lot
8 area according to the quantities of these two uses that are combined on the lot.

9 ~~(c)~~ (3) Where any portion of a lot is narrower than five feet, such a portion shall not
10 be counted as part of the lot area for purposes of calculating the permitted dwelling density.

11 ~~(d)~~ (4) No private right-of-way used as the principal vehicular access to two or more
12 lots shall be counted as part of the lot area of any such lot for purposes of calculating the
13 permitted dwelling unit density.

14 ~~(e)~~ (5) Where a lot is divided by a use district boundary line, the dwelling unit
15 density limit for each district shall be applied to the portion of the lot in that district, and none
16 of the Dwelling Units attributable to the district permitting the greater density shall be located
17 in the district permitting the lesser density.

18 (6) In Neighborhood Commercial Districts, the dwelling unit density shall be at a
19 density ratio not exceeding the number of Dwelling Units permitted in the nearest Residential District,
20 provided that the maximum density ratio shall in no case be less than the amount set forth in the Zoning
21 Control Table for the district in which the lot is located. The distance to each Residential District shall
22 be measured either from the midpoint of the front lot line or from a point directly across the street
23 therefrom, whichever permits the greater density.

24 (c) **Exceptions to Dwelling Unit Density Limits.**
25

1 ~~(f)~~ (1) Affordable Units in Projects with 20 percent or more Affordable Units. For
2 projects that are not located in any RH-1 or RH-2 zoning district, or are not seeking and
3 receiving a density bonus under the provisions of California Government Code Section 65915,
4 where 20 percent or more of the Dwelling Units on-site are “Affordable Units,” the on-site
5 Affordable Units shall not count towards the calculation of dwelling unit density. This Planning
6 Code Section does not provide exceptions to any other Planning Code requirements such as
7 height or bulk. For purposes of this Section 207-~~I~~, “Affordable Units” shall be defined as
8 meeting (1) the criteria of Section 406(b); (2) the requirements of Section 415 et seq. for on-
9 site units; or (3) restricted units in a project using California Debt Limit Allocation Committee
10 (CDLAC) tax-exempt bond financing and 4 percent tax credits under the Tax Credit Allocation
11 Committee (TCAC). If a project sponsor proposes to provide “Affordable Units” that are not
12 restricted by any other program, in order to receive the benefit of the additional density
13 permitted under this Subsection (c)(1) ~~(f)~~ or Subsection (c)(2) ~~(g)~~, the project sponsor shall
14 elect and the Planning Department and MOHCD shall be authorized to enforce, restricting the
15 units as affordable under Planning Code Section 415.6 up to a maximum of 20 percent of the
16 units in the principal project. The project sponsor shall make such election through the
17 procedures described in Section 415.5(g) including submitting an Affidavit of Compliance
18 indicating the project sponsor’s election to pursue the benefits of Subsection (c)(1) ~~(f)~~ or (c)(2)
19 ~~(g)~~ and committing to 20% on-site units restricted under Section 415.6 prior to approval by the
20 Planning Commission or Planning Department staff. If a project sponsor obtains the
21 exemption from the density calculation for Affordable Units provided in this subsection, the
22 exemption shall be recorded against the property. Any later request to decrease the number
23 of Affordable Units shall require the project to go back to the Planning Commission or
24 Planning Department, whichever entity approved the project as a whole.
25

1 ~~(g)~~ **(2) Affordable Units in RTO Districts.** In the RTO District, on site Dwelling Units
2 that are “Affordable Units,” as defined in Subsection ~~(a)~~ ~~(f)~~, shall not count toward density
3 calculations or be limited by lot area.

4 ~~(h)~~ **(3) Double Density for Senior Housing in RH, RM, RC, and NC Districts.**
5 Senior Housing, as defined in and meeting all the criteria and conditions defined in Section
6 102 of this Code, is permitted up to twice the dwelling unit density otherwise permitted for the
7 District.

8 **(A)** Projects in RC Districts or within one-quarter of a mile from an RC or
9 NC-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including Named
10 Commercial Districts, and located in an area with adequate access to services including but
11 not limited to transit, shopping and medical facilities, shall be principally permitted.

12 **(B)** Projects in RH and RM Districts located more than one-quarter of a
13 mile from an RC or NCD-2 (Small-Scale Neighborhood Commercial District) zoned area or
14 higher, including Named Commercial Districts, shall require Conditional Use authorization.

15 **(4) In-Law Units Within and Adjacent to the Castro Neighborhood**
16 **Commercial District. Accessory Dwelling Units.**

17 **(A) Definition.** ~~An “Accessory Dwelling Unit,” “In-Law Unit,”~~ *also known as a*
18 *Secondary Unit or Accessory Dwelling In-Law Unit, is defined for purposes of this Subsection*
19 *207(c)(4) as an additional Dwelling Unit that:*

20 ~~(i) is permitted to be~~ *constructed entirely within the existing built*
21 *envelope, as it existed three (3) years prior to the time of the application, of an existing building*
22 *zoned for ~~Residential use or within the envelope of an existing and authorized~~ auxiliary structure on*
23 *the same lot; and*

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

4 As used in this Section 207, the term Accessory Dwelling Unit is separate and distinct
5 from the term "dwelling units accessory to other uses" in Section 204.4.

6 (B) Applicability. The exceptions permitted by this Subsection 207(c)(4) shall
7 apply only to lots:

8 (i) lots within the Castro Street Neighborhood Commercial District
9 (NCD); or

10 (ii) on a lot within 1,750 feet of the Castro Street NCD boundaries,
11 excluding any lot within 500 feet of Block 2623 Lots 116 through 154; and

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

16 (C) Controls. An Accessory Dwelling Unit, "In-Law Unit," as defined above
17 is permitted to be constructed within an existing building zoned for Residential use or within an
18 existing and authorized auxiliary structure on the same lot under the following conditions:

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

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

23 a. An In-Law Accessory Dwelling Unit shall not be permitted
24 in any RH-1(D) zoning district.

25 (ii) b. An In-Law Accessory Dwelling Unit shall be constructed

1 entirely within the existing building envelope or auxiliary structure, as it existed three (3) years
2 prior to the time of the application.

3 (iii)c. For buildings that have no more than 10 existing dwelling
4 units, one In-Law Accessory Dwelling Unit is permitted; for buildings that have more than 10
5 existing dwelling units, two In-Law Accessory Dwelling Units are permitted.

6 (iv) An In-Law Unit shall not be constructed using space
7 from an existing Dwelling Unit.

8 (iii) Buildings Undergoing Seismic Retrofitting. For Accessory
9 Dwelling Units on lots covered by Subsection 207(c)(4)(B)(ii):

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

12 b. If allowed by the Building Code, a building in which an
13 Accessory Dwelling Unit is constructed may be raised up to three additional feet in height to
14 create ground-floor ceiling heights suitable for residential use.

15 (iv) Pursuant to the provisions of Section 307(l) of this Code, an In-Law
16 Accessory Dwelling Unit may receive a waiver of the density limits and parking, rear yard, exposure,
17 or open space standards of this Code from the Zoning Administrator; provided, however, that if the
18 existing building or any existing dwelling unit within the building is subject to the provisions of the San
19 Francisco Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative
20 Code), the property owner shall submit to the Department (AA) a proposed agreement demonstrating
21 that the In-Law 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 entered into
23 this agreement with the City in consideration for a direct financial contribution or any other form of
24 assistance specified in California Government Code Sections 65915 et seq. ("Agreement") and (BB) if
25 the Planning Director determines necessary, an Affidavit containing information about the direct

1 financial contribution or other form of assistance provided to the property owner. The property owner
2 and the Planning Director (or his designee), on behalf of the City, will execute the Agreement, which
3 shall be reviewed and approved by the City Attorney's Office. The Agreement shall be approved prior
4 to the City's issuance of the First Construction Document, as defined in Section 107A.13.1 of the San
5 Francisco Building Code.

6 **(D) Monitoring Program.**

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

19 **(ii) Department Report.** The Department shall publish a report ~~one~~
20 year after the effective date of this Subsection 207(c)(4) by April 1, 2016, that describes and
21 evaluates the types of units being developed and their affordability rates. The report shall contain such
22 additional information as the Director determines would inform decisionmakers and the public on the
23 effectiveness and implementation of the Subsection and make recommendations for any amendments or
24 expansion of areas where In-Law Accessory Dwelling Units should be constructed. In subsequent
25 years, information on In-Law Accessory Dwelling Units shall be included in the Housing Inventory.

1 ~~(5) Additional Dwelling Units in Buildings Undergoing Seismic~~

2 ~~Retrofitting.~~

3 ~~(A) Purpose.~~ San Francisco requires the seismic retrofitting of certain
4 buildings to protect residents and preserve housing in the event of an earthquake. The
5 purpose of this Subsection 207(c)(5) is to provide exceptions from or modification of certain
6 requirements of this Code in order to foster the creation of new Dwelling Units within existing
7 buildings as they are seismically retrofitted.

8 ~~(B) Applicability.~~ The exceptions permitted by this Subsection shall
9 apply to the addition of Dwelling Units which meet all of the following criteria. They are:

10 ~~(i) located in a building undergoing mandatory seismic retrofitting~~
11 ~~in compliance with Section 34B of the Building Code or voluntary seismic retrofitting in~~
12 ~~compliance with the San Francisco Department of Building Inspection's Administrative Bulletin~~
13 ~~094;~~

14 ~~(ii) constructed entirely within an existing building zoned for~~
15 ~~Residential use, or within an existing and authorized auxiliary structure on the same lot. If~~
16 ~~allowed by the Building Code, buildings may be raised upon to three feet to create ground-~~
17 ~~floor ceiling heights suitable for residential use;~~

18 ~~(iii) not located in an RH-1 or RH-1(D) District;~~

19 ~~(iv) not constructed using space from an existing unit; and~~

20 ~~(v) if the existing building or any existing Dwelling Unit within the~~
21 ~~building is subject to the provisions of the San Francisco Residential Rent Stabilization and~~
22 ~~Arbitration Ordinance (Chapter 37 of the Administrative Code), the property owner shall~~
23 ~~submit to the Department (i) a proposed agreement demonstrating that the new units are not~~
24 ~~subject to the Costa Hawkins Rental Housing Act (California Civil Code Section 1954.50)~~
25 ~~because, under Section 1954.52(b), the owner has entered into this agreement with the City~~

1 in consideration for a direct financial contribution or any other form of assistance specified in
2 California Government Code Sections 65915 et seq. ("Agreement") and (ii) if the Planning
3 Director determines necessary, an Affidavit containing information about the direct financial
4 contribution or other form of assistance provided to the property owner. The property owner
5 and the Planning Director (or his designee), on behalf of the City, will execute the Agreement,
6 which shall be reviewed and approved by the City Attorney's Office. The Agreement shall be
7 approved prior to the City's issuance of the First Construction Document, as defined in
8 Section 107A.13.1 of the San Francisco Building Code.

9 _____ (C) **Exceptions Permitted.** Dwelling Units meeting all of the criteria of
10 Subsection 207(c)(5) above are exempt from the density limits, parking, rear yard exposure,
11 or open space standards of this Code.

12 ***SEC. 207.4. DENSITY OF DWELLING UNITS IN NEIGHBORHOOD COMMERCIAL***
13 ***DISTRICTS.***

14 *The density of dwelling units in Neighborhood Commercial Districts shall be as stated in the*
15 *following subsections:*

16 *(a) The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code*
17 *shall apply in Neighborhood Commercial Districts, except that any remaining fraction of 1/2 or more of*
18 *the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole*
19 *number of dwelling units.*

20 *(b) The dwelling unit density in Neighborhood Commercial Districts shall be at a density ratio*
21 *not exceeding the number of dwelling units permitted in the nearest Residential District, provided that*
22 *the maximum density ratio shall in no case be less than the amount set forth in the zZoning control*
23 *table for the district. The distance to each Residential District shall be measured from the midpoint of*
24 *the front lot line or from a point directly across the street therefrom, whichever permits the greater*
25 *density.*

1 ~~The dwelling unit density for dwellings specifically designed for and occupied by senior citizens~~
2 ~~or persons with physical disabilities shall be at a density ratio not exceeding twice the number of~~
3 ~~dwelling units permitted by the limits set forth in Subsection (a).~~

4 ~~(c) The dwelling unit density in the RCD District and NCT Districts, as listed in Section~~
5 ~~702.1(b), shall not be limited by lot area, but by the applicable requirements and limitations elsewhere~~
6 ~~in this Code, including but not limited to height, bulk, setbacks, open space, exposure, and unit mix, as~~
7 ~~well as by applicable design guidelines, applicable elements and area plans of the General Plan, and~~
8 ~~design review by the Planning Department.~~

9 **SEC. 208. DENSITY LIMITS LIMITATIONS FOR GROUP HOUSING.**

10 * * * *

11 (c) The rules for ~~calculating~~ ~~calculation of~~ dwelling unit ~~density~~ ~~densities~~ set forth in
12 Section 207-~~1~~ shall also apply in ~~calculating~~ ~~calculation of~~ the density ~~limits~~ ~~limitations~~ for Group
13 Housing, ~~except that in NC Districts, any remaining fraction of one-half or more of the maximum~~
14 ~~amount of lot area per Bedroom shall be adjusted upward to the next higher whole number of~~
15 ~~Bedrooms.~~

16 * * * *

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

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

23 * * * *

24 ~~(l) Exceptions from Certain Specific Code Standards through Administrative~~
25 ~~Review in the Castro Street Neighborhood Commercial District and within 1,750 feet of~~

1 ~~the District boundaries, excluding any lot within 500 feet of Block 2623, Lots 116~~
2 ~~through 154 for Accessory Dwelling Units from Certain Specific Code Standards~~
3 ~~through Administrative Review.~~

4 The Zoning Administrator may allow complete or partial relief from the density limits
5 and from the parking, rear yard, exposure, or open space requirements of this Code when
6 modification of the requirement would facilitate the construction of an ~~In-Law~~ Accessory
7 Dwelling Unit, as defined in Section ~~207(c)(4)~~ 715.1 of this Code, ~~or an additional Dwelling Unit~~
8 ~~in a building undergoing seismic retrofitting pursuant to Section 207(c)(5) of this Code.~~ The
9 exposure requirements of Section 140 apply, except that subsection (a)(2) may be satisfied
10 through windows facing an open area that is at least 15 feet in every horizontal direction that
11 is not required to expand on subsequent floors. In considering any request for complete or
12 partial relief from these Code requirements, the Zoning Administrator shall facilitate the
13 construction of such ~~In-Law~~ Accessory Dwelling Units to the extent feasible and shall consider
14 any criteria elsewhere in this Section 307 that he or she determines to be applicable.

15
16 Section 3. The Planning Code is hereby amended by revising Section 715.1 and the
17 accompanying Zoning Control Table, to read as follows:

18 **SEC. 715.1. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

19 (a) **The Castro Street District.** The Castro Street District is situated in Eureka Valley,
20 close to the geographic center of San Francisco between the Mission District, Twin Peaks,
21 and Upper Market Street. The physical form of the district is a crossing at Castro and 18th
22 Streets, the arms of which contain many small, but intensely active commercial businesses.
23 The multi-purpose commercial district provides both convenience goods to its immediate
24 neighborhood as well as comparison shopping goods and services on a specialized basis to a
25 wider trade area. Commercial businesses are active both in the daytime and late into the

1 evening and include a number of gay-oriented bars and restaurants, as well as several
2 specialty clothing and gift stores. The district also supports a number of offices in converted
3 residential buildings.

4 (b) **Intent of Controls.** The Castro Street District controls are designed to maintain
5 existing small-scale development and promote a balanced mix of uses. Building standards
6 permit small-scale buildings and uses and protect rear yards above the ground story and at
7 residential levels. In new buildings, most commercial uses are permitted at the ground and
8 second stories. Special controls are necessary to preserve the existing equilibrium of
9 neighborhood-serving convenience and specialty commercial uses. In order to maintain
10 convenience stores and protect adjacent residential livability, controls authorize some
11 additional eating and drinking establishments with a conditional use, permit self-service
12 specialty food establishments, and permit with certain limitations new late-night uses, adult
13 and other entertainment, and financial service uses. The continuous retail frontage is
14 maintained by prohibiting most automobile and drive-up uses.

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

19 ~~(e) **"In-Law Units."** "In-Law Units," which are also known as Secondary Units or Accessory~~
20 ~~Dwelling Units, are allowed in the Castro Street Neighborhood Commercial District and on a lot~~
21 ~~within 1,750 feet of the District boundaries, excluding any lot within an RH-1(D) zoning district or any~~
22 ~~lot within 500 feet of Block 2623, Lots 116 through 154. For purposes of this Section, an In-Law Unit is~~
23 ~~defined as an additional dwelling unit that (1) is permitted to be constructed entirely within the existing~~
24 ~~built envelope, as it existed three (3) years prior to the time of the application, of an existing building~~
25 ~~zoned for residential use or within the envelope of an existing auxiliary structure on the same lot and~~

1 ~~(2) will be constructed with a complete or partial waiver from the Zoning Administrator of the density~~
2 ~~limits and/or the parking, rear yard, exposure, or open space standards of this Code pursuant to the~~
3 ~~Special Provisions in Table 715 and Section 307(1).~~

4 ~~(1) **Monitoring of Affordability.** The Department shall establish a system to monitor~~
5 ~~the affordability of the In-Law Units authorized to be constructed in the Castro Street Neighborhood~~
6 ~~Commercial District by this Section 715.1. Property owners shall provide the Department with rent~~
7 ~~information as requested by the Department. The Board of Supervisors recognizes that property owners~~
8 ~~and tenants generally consider rental information sensitive and do not want it publicly disclosed. The~~
9 ~~intent of the Board is for the Department to obtain the information so that it can be used by the~~
10 ~~Department in aggregate form, not in a manner that would be linked to specific individuals or units.~~
11 ~~The Department shall only request rental information from property owners if the notice includes the~~
12 ~~statement that the Department is acquiring it in confidence and will publicly disclose it only in~~
13 ~~aggregate form. The Department shall not ask property owners to provide rental information if it~~
14 ~~determines, after consulting with the City Attorney's Office, that the information would be publicly~~
15 ~~disclosable under federal, state, or local law in nonaggregated form.~~

16 ~~(2) **Department Report.** The Department shall publish a report one year after the~~
17 ~~effective date of Subsection (c) that describes and evaluates the types of units being developed and their~~
18 ~~affordability rates. The report shall contain such additional information as the Director determines~~
19 ~~would inform decisionmakers and the public on the effectiveness and implementation of Subsection (c)~~
20 ~~and make recommendations for any amendments or expansion of areas where In-Law Units should be~~
21 ~~constructed. In subsequent years, information on In-Law Units shall be included in the Housing~~
22 ~~Inventory.~~

23
24 **SEC. Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
25 **ZONING CONTROL TABLE**

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| No. | Zoning Category | § References | Castro Street | | |
|---------------------------|-----------------|---------------------|--|--|--|
| | | | Controls | | |
| BUILDING STANDARDS | | | | | |
| *** 715.12 **** | Rear Yard | §§ 130, 134, 136 | Required at the second story and above and at all residential levels § 134(a) (e) # | | |

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

Retail Sales and Services

| | | | | | |
|------------------------|--------------------------|---|----|----|--|
| **** 715.54 **** | Massage Establishment | § 790.60, § 1900 29.1 - 29.32 Health Code | C# | C# | |
|------------------------|--------------------------|---|----|----|--|

RESIDENTIAL STANDARDS AND USES

| | | | | | |
|--------|--|--------------------------------|--|---|---|
| 715.90 | Residential Use | § 790.88 | P | P | P |
| 715.91 | <i>Residential Dwelling Unit</i> Density, <i>Dwelling Units</i> | §§ 207, 207.1, 790.88(a) | Generally, <i>up to</i> 1 unit per 800 sq. ft. lot area. <i>Certain exceptions permitted by § 207(c)#.</i> § 207.4# | | |

| | | | | |
|---|--------|----------------------------|---------------------------|---|
| 1 | 715.92 | Residential Density, Group | §§ 207, 207.1, | Generally, <i>up to</i> 1 bedroom per 275 |
| 2 | **** | Housing | 208, 790.88(b) | sq. ft. lot area |
| 3 | | | | § 208 |

**SPECIFIC PROVISIONS FOR CASTRO STREET
NEIGHBORHOOD COMMERCIAL DISTRICT**

| Article 7 Code Section **** | Other Code Section | Zoning Controls |
|--|---|---|
| <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>§§ <u>715, 715.12, 715.91,</u> <u>715.93, 715.94</u></p> | <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25</p> <p>§ <u>207(c)(4)</u></p> | <p><u>IN-LAW ACCESSORY DWELLING UNITS</u></p> <p>Boundaries: The Castro Street NCD and on a lot within 1,750 feet of the District boundaries, excluding any lot within 500 feet of Block 2623, Lots 116 through 154.</p> <p>Controls: An "In-Law <u>Accessory Dwelling Unit</u>," as defined in <i>and meeting the requirements of</i> Section <u>207(c)(4) 715</u>, 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>under the following conditions:</i></p> <p>(1) An In-Law Unit shall not be permitted in any RH-1(D) zoning district.</p> <p>(2) An In-Law Unit shall be constructed entirely within the existing building envelope.</p> <p>(3) For buildings that have no more than 10 existing</p> |

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| | <p><i>dwelling units, one In-Law Unit is permitted; for buildings that have more than 10 existing dwelling units, two In-Law Units are permitted.</i></p> <p><i>(4) An In-Law Unit shall not exceed 750 square feet of habitable space.</i></p> <p><i>(5) An In-Law Unit shall not be constructed using space from an existing dwelling unit.</i></p> <p><i>(6) Pursuant to the provisions of Section 307(l) of this Code, and In-Law Unit may receive a waiver of the density limits and parking, rear yard, exposure, or open space standards of this Code from the Zoning Administrator; provided, however, that if the existing building or any existing dwelling unit within the building is subject to the provisions of the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the San Francisco Administrative Code), the property owner shall submit to the Department (i) a proposed agreement demonstrating that the In-Law Unit(s) are not subject to the Costa Hawkins Rental Housing Act (California Civil Code Section 1954.50) because, under Section 1954.52(b), the owner has entered into this agreement with the City in consideration for a direct financial contribution or any other form of assistance specified in California Government Code</i></p> |
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| | <p><i>Sections 65915 et seq. ("Agreement") and (ii) if the Planning Director determines necessary, an Affidavit containing information about the direct financial contribution or other form of assistance provided to the property owner. The property owner and the Planning Director (or his designee), on behalf of the City, will execute the Agreement, which shall be reviewed and approved by the City Attorney's Office. The Agreement shall be approved prior to the City's issuance of the First Construction Document, as defined in Section 107A.13.1 of the San Francisco Building Code.</i></p> |
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Section 4. The Planning Code is hereby amended by revising Section 790.60, to read as follows:

SEC. 790.60. MESSAGE ESTABLISHMENT.

(a) **Definition.** Massage establishments are defined by Sections ~~1900~~ 29.1 - 29.32 of the San Francisco Health Code. The massage establishment shall first obtain a permit from the Department of Public Health pursuant to Section 29.10 ~~1908~~ of the San Francisco Health Code.

* * * *

Section 5. The Planning Code is hereby amended by revising Section 710.1 and the accompanying Zoning Control Table, to read as follows:

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

1 Section 6. The Planning Code is hereby amended to revise the following Sections by
2 revising the Section headings and Subsections .54, .90, .91, and .92 of the accompanying
3 Zoning Control Tables to correspond to the revisions to Section 710.1 and the Zoning Control
4 Table in Section 710 shown in Section 5 of this ordinance.

5 Section 711.1. NC-2 – Small-Scale Neighborhood Commercial District

6 Section 712.1. NC-3 – Moderate-Scale Neighborhood Commercial District.

7 Section 713.1. NC-S – Neighborhood Commercial Shopping Center District.

8 Section 714.1. Broadway Neighborhood Commercial District.

9 Section 716.1. Inner Clement Street Neighborhood Commercial District.

10 Section 717.1. Outer Clement Street Neighborhood Commercial District.

11 Section 718.1. Upper Fillmore Street Neighborhood Commercial District.

12 Section 719.1. Haight Street Neighborhood Commercial District.

13 Section 720.1. Hayes-Gough Neighborhood Commercial District.

14 Section 721.1. Upper Market Street Neighborhood Commercial District.

15 Section 722.1. North Beach Neighborhood Commercial District.

16 Section 723.1. Polk Steet Neighborhood Commercial District.

17 Section 724.1. Sacramento Street Neighborhood Commercial District.

18 Section 725.1. Union Street Neighborhood Commercial District.

19 Section 726.1. Valencia Street Neighborhood Commercial District.

20 Section 727.1. 24th Street – Mission Neighborhood Commercial District.

21 Section 728.1. 24th Street – Noe Valley Neighborhood Commercial District.

22 Section 729.1. West Portal Neighborhood Commercial District.

23 Section 730.1. Inner Sunset Neighborhood Commercial District.

24 Section 731.1. NCT-3. Moderate-Scale Neighborhood Commercial Transit District.

25 Section 732.1. Pacific Avenue Neighborhood Commercial District.

1 Section 733.1. Upper Market Street Neighborhood Commercial Transit District.

2 Section 733A. NCT-1 – Neighborhood Commercial Transit Cluster District.

3 Section 734.1. NCT-2 – Small-Scale Neighborhood Commercial Transit District.

4 Section 735.1. SOMA Neighborhood Commercial Transit District.

5 Section 736.1. Mission Street Neighborhood Commercial Transit District.

6 Section 737.1. Ocean Avenue Neighborhood Commercial Transit District.

7 Section 738.1. Glen Park Neighborhood Commercial Transit District.

8 Section 739.1. Noriega Street Neighborhood Commercial District.

9 Section 740.1. Irving Street Neighborhood Commercial District.

10 Section 741.1. Taraval Street Neighborhood Commercial District.

11 Section 742.1. Judah Street Neighborhood Commercial District.

12 Section 743.1. Folsom Street Neighborhood Commercial Transit District.

13 Section 744.1. Regional Commercial District.

14 Section 745.1. Excelsior Outer Mission Street Neighborhood Commercial District.

15 The City Attorney shall prepare the revisions and confirm that the San Francisco Code
16 Publisher has made the correct changes to the text of the Planning Code. No other additions
17 or deletions to the Code are authorized by this Section.

18
19 Section 7. The Planning Code is hereby amended to revise the following Sections by
20 revising Subsection .54 of the accompanying Zoning Control Tables to substitute a cross-
21 reference to Sections 29.1-29.32 of the Health Code for the existing cross-reference to
22 Section 1900 of the Health Code.

23 Section 711. Small-Scale Neighborhood Commercial District NC-2.

24 Section 712. Moderate-Scale Neighborhood Commercial District NC-3.

25 Section 713. Neighborhood Commercial Shopping Center District NC-S.

- 1 Section 714. Broadway Neighborhood Commercial District.
- 2 Section 716. Inner Clement Street Neighborhood Commercial District.
- 3 Section 718. Upper Fillmore Street Neighborhood Commercial District.
- 4 Section 719. Haight Street Neighborhood Commercial District.
- 5 Section 720. Hayes-Gough Neighborhood Commercial District.
- 6 Section 721. Upper Market Street Neighborhood Commercial District.
- 7 Section 722. North Beach Neighborhood Commercial District.
- 8 Section 723. Polk Steet Neighborhood Commercial District.
- 9 Section 724. Sacramento Street Neighborhood Commercial District.
- 10 Section 726.1. Valencia Street Neighborhood Commercial District.
- 11 Section 727. 24th Street – Mission Neighborhood Commercial District.
- 12 Section 728. 24th Street – Noe Valley Neighborhood Commercial District.
- 13 Section 730. Inner Sunset Neighborhood Commercial District.
- 14 Section 731. Moderate-Scale Neighborhood Commercial Transit District NCT-3.
- 15 Section 733. Upper Market Street Neighborhood Commercial Transit District.
- 16 Section 734. Small-Scale Neighorhood Commercial Transit District NCT-2.
- 17 Section 735. SOMA Neighorhood Commercial Transit District.
- 18 Section 736. Mission Street Neighorhood Commercial Transit District.
- 19 Section 737. Ocean Avenue Neighorhood Commercial Transit District.
- 20 Section 738. Glen Park Neighorhood Commercial Transit District.
- 21 Section 739. Noriega Street Neighborhood Commercial District.

22 The City Attorney shall prepare the revisions and confirm that the San Francisco Code
23 Publisher has made the correct changes to the text of the Planning Code. No other additions
24 or deletions to the Code are authorized by this Section.

25

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

5
6 Section 9. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
7 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
8 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
9 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
10 additions, and Board amendment deletions in accordance with the "Note" that appears under
11 the official title of the ordinance.

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

15 By:


16 JUDITH A. BOYAJIAN
17 Deputy City Attorney

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City and County of San Francisco

Tails
Ordinance

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

File Number: 140954

Date Passed: March 17, 2015

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.

March 02, 2015 Land Use and Transportation Committee - AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

March 02, 2015 Land Use and Transportation Committee - RECOMMENDED AS AMENDED

March 10, 2015 Board of Supervisors - PASSED, ON FIRST READING

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

March 17, 2015 Board of Supervisors - FINALLY PASSED

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

File No. 140954

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 3/17/2015 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board
Mayor

3/26/15
Date Approved