

## LEGISLATIVE DIGEST

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

**Ordinance amending the Planning Code to allow construction of Accessory Dwelling Units (also known as Secondary or In-Law Units) in the 24th Street - Noe Valley Neighborhood Commercial District or within 1,750 feet of its boundaries, and on lots in the Glen Park Neighborhood Commercial Transit District and lots zoned NC-S within Board of Supervisors District 8; amending the Administrative Code to provide that an Accessory Dwelling Unit constructed with a waiver of Code requirements is subject to the San Francisco Rent Ordinance if the existing building or any existing dwelling unit is already subject to the Rent Ordinance; making environmental findings, and findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and directing the Clerk to send a copy of this ordinance to the California Department of Housing and Community Development.**

### Existing Law

Planning Code Section 207(c) establishes exemptions to Dwelling Unit density limits for various types of projects. Subsection (c)(4) allows Accessory Dwelling Units (ADUs), also known as Secondary Units or In-Law Units, to be constructed on lots within the Castro Street Neighborhood Commercial District and within 1,750 feet of its boundaries, excluding any lot within 500 feet of Block 2623, Lots 116 through 154, under the following conditions: (1) an ADU cannot be constructed using space from an existing Dwelling Unit, (2) an ADU is not permitted in any RH-1(D) zoning district, and (3) only one ADU is permitted in a building with no more than 10 existing Dwelling Units and two ADUs are permitted for buildings with more than 10 existing Dwelling Units. The Planning Department is required to establish a system for monitoring the affordability of the ADUs.

Section 307 authorizes the Zoning Administrator to grant complete or partial exceptions from the Code's density, parking, rear yard, exposure or open space requirements of the Planning Code for ADUs. The San Francisco Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) defines "rental unit" as including an ADU constructed in the Castro Neighborhood Commercial District if the owner has received a waiver of Planning Code requirements from the Zoning Administrator and the building containing the ADU or any unit within the building is already subject to the Rent Ordinance.

The NC-S Districts are established in Section 713 of the Planning Code and regulated in the accompanying Zoning Control Table. The 24th Street – Noe Valley Neighborhood Commercial District is established in Section 728 and the Glen Park Neighborhood Commercial Transit District is established in Section 738, and both have an accompanying Zoning Control Table.

Amendments to Current Law

Planning Code Section 207(c) is amended to allow Accessory Dwelling Units to be constructed in the 24th Street – Noe Valley Neighborhood Commercial District or within 1,750 feet of its boundaries, and on lots in the Glen Park Neighborhood Commercial Transit District and lots zoned NC-S within Board of Supervisors District 8 under the same limitations as apply to the Castro Street Neighborhood Commercial District. Amendments have been made to Planning Code Sections 307, 713, 728, and 738, as well as to the Rent Ordinance, to add the new areas covered by this legislation.

Background Information

San Francisco has long had a housing shortage. The housing market continues to be tight and housing costs are beyond the reach of many households. Policy I.5 of the City's 2014 Housing Element states that adding new units in existing residential buildings represents a simple and cost-effective method of expanding the City's housing supply. The State Legislation has also declared, in Section 65852.150 of the California Government Code, that second units in existing residential buildings are a valuable form of housing in California.

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

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