

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

2

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

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.

18

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

20 Section 1. General and Environmental Findings.

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

1 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
3 City’s General Plan and the 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. \_\_\_\_\_, 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. \_\_\_\_\_ and the Board incorporates such reasons  
9 herein by reference. A copy of Planning Commission Resolution No. \_\_\_\_\_ is on file with  
10 the Clerk of the Board of Supervisors in File No. \_\_\_\_\_.

11  
12 Section 2. Specific Findings.

13 (a) San Francisco has long had a housing shortage. The housing market continues to  
14 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 of the  
16 City’s General Plan, states that adding new units in existing residential buildings represents a  
17 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 Legislature  
19 finds and declares that adding an additional unit to existing single-family homes is a valuable  
20 form of housing in California. Permitting the creation of accessory dwelling units in existing  
21 residential buildings in established, already dense, and transit-rich neighborhoods will provide  
22 additional housing without changing the built character of these areas. It also will “green” San  
23 Francisco by efficiently using existing buildings and allowing more residents to live within  
24 walking distance of transit, shopping, and services.

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

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

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

7 \* \* \* \*

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

9 (1) **Affordable Units in Projects with 20 percent or more Affordable Units.**

10 For projects that are not located in any RH-1 or RH-2 zoning district, or are not seeking and  
11 receiving a density bonus under the provisions of California Government Code Section 65915,  
12 where 20 percent or more of the Dwelling Units on-site are “Affordable Units,” the on-site  
13 Affordable Units shall not count towards the calculation of dwelling unit density. This Planning  
14 Code Section does not provide exceptions to any other Planning Code requirements such as  
15 height or bulk. For purposes of this Section 207, “Affordable Units” shall be defined as  
16 meeting ~~(1)~~ (A) the criteria of Section 406(b); ~~(2)~~ (B) the requirements of Section 415 et seq.  
17 for on-site units; or ~~(3)~~ (C) restricted units in a project using California Debt Limit Allocation  
18 Committee (CDLAC) tax-exempt bond financing and 4 percent tax credits under the Tax  
19 Credit Allocation Committee (TCAC). If a project sponsor proposes to provide “Affordable  
20 Units” that are not restricted by any other program, in order to receive the benefit of the  
21 additional density permitted under this Subsection (c)(1) or Subsection (c)(2), the project  
22 sponsor shall elect and the Planning Department and MOHCD shall be authorized to enforce,  
23 restricting the units as affordable under Planning Code Section 415.6 up to a maximum of 20  
24 percent of the units in the principal project. The project sponsor shall make such election  
25 through the procedures described in Section 415.5(g) including submitting an Affidavit of

1 Compliance indicating the project sponsor’s election to pursue the benefits of Subsection  
2 (c)(1) or (c)(2) and committing to 20% *percent* on-site units restricted under Section 415.6 prior  
3 to approval by the Planning Commission or Planning Department staff. If a project sponsor  
4 obtains the exemption from the density calculation for Affordable Units provided in this  
5 subsection, the exemption shall be recorded against the property. Any later request to  
6 decrease the number of Affordable Units shall require the project to go back to the Planning  
7 Commission or Planning Department, whichever entity approved the project as a whole.

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

11 (3) **Double Density for Senior Housing in RH, RM, RC, and NC Districts.**  
12 Senior Housing, as defined in and meeting all the criteria and conditions defined in Section  
13 102 of this Code, is permitted up to twice the dwelling unit density otherwise permitted for the  
14 District.

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

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

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

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

1 (i) is constructed entirely within the existing built envelope of an  
2 existing building zoned for Residential use or within the envelope of an existing and  
3 authorized auxiliary structure on the same lot; and

4 (ii) will be constructed with a complete or partial waiver from the  
5 Zoning Administrator of the density limits and/or the parking, rear yard, exposure, or open  
6 space standards of this Code pursuant to the provisions of this Section 207(c)(4) and Section  
7 307(l) of this Code.

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

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

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

15 (ii) lots within the 24th Street – Noe Valley Neighborhood Commercial  
16 District (NCD) or within 1,750 of the 24th Street – Noe Valley NCD boundaries;

17 (iii) lots within the Glen Park Neighborhood Commercial Transit (NCT)  
18 District that are within the boundaries of Board of Supervisors District 8 extant on July 1, 2015;

19 (iv) lots zoned NC-S that are within the boundaries of Board of  
20 Supervisors District 8 extant on July 1, 2015; and

21 ~~(ii)~~ (v) lots located in a building undergoing mandatory seismic  
22 retrofitting in compliance with Section 34B of the Building Code or voluntary seismic  
23 retrofitting in compliance with the Department of Building Inspection’s Administrative Bulletin  
24 094.

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

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

5 (ii) ~~Castro Street NCD and Surrounding Area.~~ For Accessory  
6 Dwelling Units on lots covered by Subsection 207(c)(4)(B)(i) through (iv):

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

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

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

15 (iii) Buildings Undergoing Seismic Retrofitting. For Accessory  
16 Dwelling Units on lots covered by Subsection 207(c)(4)(B)(v) ~~(ii)~~:

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

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

22 (iv) Pursuant to the provisions of Section 307(l) of this Code, an  
23 Accessory Dwelling Unit may receive a waiver of the density limits and parking, rear yard,  
24 exposure, or open space standards of this Code from the Zoning Administrator; provided,  
25 however, that if the existing building or any existing dwelling unit within the building is subject

1 to the provisions of the San Francisco Residential Rent Stabilization and Arbitration  
2 Ordinance (Chapter 37 of the Administrative Code), the property owner shall submit to the  
3 Department (AA) a proposed agreement demonstrating that the Accessory Dwelling Unit(s)  
4 are not subject to the Costa Hawkins Rental Housing Act (California Civil Code Section  
5 1954.50) because, under Section 1954.52(b), the owner has entered into this agreement with  
6 the City in consideration for a direct financial contribution or any other form of assistance  
7 specified in California Government Code Sections 65915 et seq. ("Agreement") and (BB) if the  
8 Planning Director determines necessary, an Affidavit containing information about the direct  
9 financial contribution or other form of assistance provided to the property owner. The property  
10 owner and the Planning Director (or his designee), on behalf of the City, will execute the  
11 Agreement, which shall be reviewed and approved by the City Attorney's Office. The  
12 Agreement shall be approved prior to the City's issuance of the First Construction Document,  
13 as defined in Section 107A.13.1 of the San Francisco Building Code.

14 **(D) Monitoring Program.**

15 **(i) Monitoring of Affordability.** The Department shall establish a  
16 system to monitor the affordability of the Accessory Dwelling Units authorized to be  
17 constructed by this Subsection 207(c)(4). Property owners shall provide the Department with  
18 rent information as requested by the Department. The Board of Supervisors recognizes that  
19 property owners and tenants generally consider rental information sensitive and do not want it  
20 publicly disclosed. The intent of the Board is for the Department to obtain the information so  
21 that it can be used by the Department in aggregate form, not in a manner that would be linked  
22 to specific individuals or units. The Department shall only request rental information from  
23 property owners if the notice includes the statement that the Department is acquiring it in  
24 confidence and will publicly disclose it only in aggregate form. The Department shall not ask  
25 property owners to provide rental information if it determines, after consulting with the City

1 Attorney's Office, that the information would be publicly disclosable under federal, state, or  
2 local law in nonaggregated form.

3 (ii) **Department Report.** The Department shall publish a report by  
4 April 1, 2016, that describes and evaluates the types of units being developed and their  
5 affordability rates. The report shall contain such additional information as the Director  
6 determines would inform decisionmakers and the public on the effectiveness and  
7 implementation of the Subsection and make recommendations for any amendments or  
8 expansion of areas where Accessory Dwelling Units should be constructed. In subsequent  
9 years, information on Accessory Dwelling Units shall be included in the Housing Inventory.

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

11 In addition to those specified in Sections 302 through 306, and Sections 316 through  
12 316.6 of this Code, the Zoning Administrator shall have the following powers and duties in  
13 administration and enforcement of this Code. The duties described in this Section shall be  
14 performed under the general supervision of the Director of Planning, who shall be kept  
15 informed of the actions of the Zoning Administrator.

16 \* \* \* \*

17 (l) **Exceptions from Certain Specific Code Standards through Administrative**  
18 **Review for Accessory Dwelling Units Constructed Pursuant to Section 207.4(c) of this Code in**  
19 ***the Castro Street Neighborhood Commercial District and within 1,750 feet of the District***  
20 ***boundaries, excluding any lot within 500 feet of Block 2623, Lots 116 through 154.***

21 The Zoning Administrator may allow complete or partial relief from the density limits  
22 and from the parking, rear yard, exposure, or open space requirements of this Code when  
23 modification of the requirement would facilitate the construction of an Accessory Dwelling  
24 Unit, as defined in Section 207(c)(4) ~~715.1~~ of this Code. The exposure requirements of Section  
25 140 apply, except that subsection (a)(2) may be satisfied through windows facing an open



1 area that is at least 15 feet in every horizontal direction that is not required to expand on  
2 subsequent floors. In considering any request for complete or partial relief from these Code  
3 requirements, the Zoning Administrator shall facilitate the construction of such Accessory  
4 Dwelling Units to the extent feasible and shall consider any criteria elsewhere in this Section  
5 307 that he or she determines to be applicable.

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7 Section 4. The Planning Code is hereby amended by revising Sections 713, 728 and  
8 738 and the corresponding Zoning Control Tables, to read as follows:

9 **SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.**

10 NC-S Districts are intended to serve as small shopping centers or supermarket sites  
11 which provide retail goods and services for primarily car-oriented shoppers. They commonly  
12 contain at least one anchor store or supermarket, and some districts also have small medical  
13 office buildings. The range of services offered at their retail outlets usually is intended to serve  
14 the immediate and nearby neighborhoods. These districts encompass some of the most  
15 recent (post-1945) retail development in San Francisco's neighborhoods and serve as an  
16 alternative to the linear shopping street.

17 Shopping centers and supermarket sites contain mostly one-story buildings which are  
18 removed from the street edge and set in a parking lot. Outdoor pedestrian activity consists  
19 primarily of trips between the parking lot and the stores on-site. Ground and second stories  
20 are devoted to retail sales and some personal services and offices.

21 The NC-S standards and use provisions allow for medium-size commercial uses in low-  
22 scale buildings. Rear yards are not required for new development. Most neighborhood-serving  
23 retail businesses are permitted at the first and second stories, but limitations apply to fast-food  
24 restaurants and take-out food uses. Some auto uses are permitted at the first story. Limited  
25 storage and administrative service activities are permitted with some restrictions.

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

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

			NC-S		
No.	Zoning Category	§ References	Controls		
<b>BUILDING STANDARDS</b>					
****	****	****	****		
713.12	Rear Yard	§§ 130, 134, 136	Not Required #		
****	****	****			
No.	Zoning Category	§ References	NC-S		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
<b>RESIDENTIAL STANDARDS AND USES</b>					
713.90	Residential Use	§ 790.88	P #	P #	P #
713.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 800 sq. ft. lot area # § 207(c)		

1 2 3	713.92	Residential Density, Group Housing	§§ 207, 208	Generally, up to 1 bedroom per 275 sq. ft. lot area § 208		
4 5 6	713.92b	Residential Density, Homeless Shelters	§§ 102, 207.1, 790.88(c)	Density limits per § 208(a)		
7 8 9	713.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft if private, or 133 sq. ft. if common # § 135(d)		
10 11 12	713.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit # §§ 151, 161(a) (g)		
13 14	713.95	Community Residential Parking	§ 790.10	C	C #	C #

**SPECIFIC PROVISIONS FOR NC-S DISTRICTS**

16 17 18	Article 7 Code Section	Other Code Section	Zoning Controls
19	****	****	****
20 21 22 23 24 25	§§ 713. 713.12, 713.91, 713.93, 713.94	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <b>Boundaries:</b> <u>Within the boundaries of Board of Supervisors District 8 extant on July 1, 2015.</u> <b>Controls:</b> <u>An "Accessory Dwelling Unit," as defined in and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an</u>

		<p><i>existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</i></p>
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**SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.**

The 24th Street – Noe Valley Neighborhood Commercial District is situated along 24th Street between Chattanooga and Diamond in the Noe Valley neighborhood of central San Francisco. This daytime-oriented, multi-purpose commercial district provides a mixture of convenience and comparison shopping goods and services to a predominantly local market area. It contains primarily retail sales and personal services at the street level, some office uses on the second story, and residential use almost exclusively on the third and upper stories.

The 24th Street – Noe Valley District controls are designed to allow for development that is compatible with the existing small-scale, mixed-use neighborhood commercial character and surrounding residential area. The small scale of new buildings and neighborhood-serving uses is encouraged and rear yard open space corridors at all levels are protected. Most commercial uses are directed to the ground story and limited at the second story of new buildings. In order to maintain the variety and mix of retail sales and services along the commercial strip and to control the problems of traffic, congestion, noise and late-night activity, certain potentially troublesome commercial uses are regulated. Eating and drinking establishments require conditional use authorization, and ground-story entertainment and financial service uses are restricted to and at the ground story. Prohibitions on drive-up and most automobile uses help prevent additional traffic and parking congestion.

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

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

3 **Table 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT**  
 4 **ZONING CONTROL TABLE**

			24th Street – Noe Valley		
No.	Zoning Category	§ References	Controls		
<b>BUILDING STANDARDS</b>					
****	****	****	****		
728.12	Rear Yard	§§ 130, 134, 136	Required at grade level and above # § 134(a)(e)		
****	****	****			
			24th Street – Noe Valley		
No.	Zoning Category	§ References	Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
<b>RESIDENTIAL STANDARDS AND USES</b>					
728.90	Residential Use	§ 790.88	P	P	P
728.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 600 sq. ft. lot area # § 207(c)		
728.92	Residential Density, Group Housing	§§ 207, 208	Generally, up to 1 bedroom per 210 sq. ft. lot area		

			§ 208		
728.92b	Residential Density, Homeless Shelters	§§ 102, 207.1, 790.88(c)	Density limits per § 208(a)		
728.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common # § 135(d)		
728.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	Generally, 1 space for each dwelling unit # §§ 151, 161(a) (g)		
728.95	Community Residential Parking	§ 790.10	C	C	C

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

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 728. 728.12. 728.91. 728.93. 728.94	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><b>Boundaries:</b> <u>Within the boundaries of the 24th Street – Noe Valley NCD and within 1,750 feet of the boundaries of the 24th Street – Noe Valley NCD.</u></p> <p><b>Controls:</b> <u>An “Accessory Dwelling Unit,” as defined in and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an</u></p>

1 

		<i>existing building zoned for residential use or within an existing and</i>
		<i>authorized auxiliary structure on the same lot.</i>

3 **SEC. 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

4 The Glen Park Neighborhood Commercial Transit (NCT) District lies primarily along  
5 Diamond Street from Chenery Street to Monterey Boulevard and Chenery Street from Thor  
6 Avenue to Castro Street and includes adjacent portions of Wilder Street, Bosworth Street,  
7 Joost Avenue and Monterey Boulevard. The district is mixed use, with predominantly two and  
8 three story buildings with neighborhood-serving commercial and retail uses on lower floors  
9 and housing or offices above. The area is well-served by both local and regional transit  
10 including the Glen Park BART station, Muni bus lines, and a Muni light rail stop (J-Church).

11 The Glen Park NCT is designed to protect and enhance the neighborhood's intimate  
12 scale, walkability and "village" atmosphere. Human-scaled buildings with neighborhood-  
13 serving uses such as specialty retail stores, restaurants, and local offices are encouraged.  
14 Buildings may range in height, with height limits allowing up to three and four stories  
15 depending on location. Rear yard corridors above the ground story and at residential levels  
16 are generally preserved.

17 Commercial uses are encouraged at the ground story. Retail frontages and pedestrian-  
18 oriented streets are protected by limiting curb cuts (i.e. driveways, garage entries) as well as  
19 requiring ground floor commercial uses on portions of Diamond and Chenery Streets. Housing  
20 development is encouraged above the ground story. Housing density is not controlled by the  
21 size of the lot but by dwelling unit standards, physical envelope controls and unit mix  
22 requirements. Given the area's location and accessibility to the transit network, accessory  
23 parking for residential and commercial uses is not required. Any new parking is required to be  
24 set back to support a pedestrian friendly streetscape. Accessory Dwelling Units are permitted  
25 within the district pursuant to Subsection 207(c)(4) of this Code.

1 **Table 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING**

2 **CONTROL TABLE**

			<b>Glenn Park Transit</b>		
<b>No.</b>	<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>		
<b>BUILDING STANDARDS</b>					
****	****	****	****		
738.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)		
****	****	****			
<b>No.</b>	<b>Zoning Category</b>	<b>§ References</b>	<b>Glen Park Transit</b>		
			<b>Controls by Story</b>		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
<b>RESIDENTIAL STANDARDS AND USES</b>					
738.90	Residential Use	§ 790.88	P except C for frontages listed in 145.4	P	P
738.91	Dwelling Unit Density	§§ 207	No residential density limit by lot area. Density restricted by physical		



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			envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6#
738.92	Residential Density, Group Housing	§§ 207, 208	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208
738.92b	Residential Density, Homeless Shelters	§§ 102, 207.1, 790.88(c)	Density limits per § 208(a)
738.93	Usable Open Space	§§ 135, 136	Generally, either 100 sq. ft if private,

1		<i>[Per Residential Unit]</i>		or 133 sq. ft. if common #		
2				§ 135(d)		
3	738.94	Off-Street Parking, Residential	§§ 150, 153 - 157, 159 - 160, 204.5	P up to one car for each unit; NP above. § 151.1, 166, 167, 145.1 #		
7	738.95	Community Residential Parking	§ 790.10	C	C	C

**SPECIFIC PROVISIONS FOR THE GLEN PARK**

**NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

11	Article 7	Other	Zoning Controls
12	Code Section	Code Section	
13			
14	****	****	****
15			<u>ACCESSORY DWELLING UNITS</u>
16			<u><i>Boundaries: The portion of the Glen Park NCT that is</i></u>
17	<u>§§ 738, 738.12, 738.91,</u>	<u>§ 207(c)(4)</u>	<u><i>within the boundaries of Board of Supervisors District 8</i></u>
18	<u>738.93, 738.94</u>		<u><i>extant on July 1, 2015.</i></u>
19			

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

\*\*\*\*

(r) **Rental Units.** All residential dwelling units in the City and County of San Francisco together with the land and appurtenant buildings thereto, and all housing services, privileges,

1 furnishings and facilities supplied in connection with the use or occupancy thereof, including  
2 garage and parking facilities.

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

10 The term "rental units" shall not include:

11 \* \* \* \*

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

20 \* \* \* \*

21 (D) The term "rental units" shall include ~~In-Law~~ Accessory Dwelling Units  
22 constructed pursuant to Section 207(c)(4) ~~715.1~~ of the Planning Code ~~and the Section 715 Zoning~~  
23 ~~Control Table~~ and that have received a complete or partial waiver of the density limits and/or  
24 the parking, rear yard, exposure, and or open space standards from the Zoning Administrator  
25

1 pursuant to Planning Code Section 307(l), provided that the building containing the ~~In-Law~~  
2 Accessory Dwelling Unit(s) or any unit within the building is already subject to this Chapter.

3 \* \* \* \*

4  
5 Section 6. 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 7. 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  
17 Section 8. Severability. If any section, subsection, sentence, clause, phrase, or word of  
18 this Section is for any reason held to be invalid or unconstitutional by a decision of any court  
19 of competent jurisdiction, such decision shall not affect the validity of the remaining portions of  
20 the Section. The Board of Supervisors hereby declares that it would have passed this Section  
21 and each and every section, subsection, sentence, clause, phrase, and word not declared  
22 invalid or unconstitutional without regard to whether any other portion of this Section would be  
23 subsequently declared invalid or unconstitutional.

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

5  
6 APPROVED AS TO FORM:  
7 DENNIS J. HERRERA, City Attorney

8 By: \_\_\_\_\_  
9 JUDITH A. BOYAJIAN  
Deputy City Attorney

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