

1 [Planning, Administrative Codes - Construction of Accessory Dwelling Units - District 8]

2
3 **Ordinance amending the Planning Code to allow the construction of Accessory**
4 **Dwelling Units (ADU) (also known as Secondary or In-Law Units) within the boundaries**
5 **of Board of Supervisors District 8, and prohibit a subdivision that would allow an ADU**
6 **to be separately sold or financed; amending the Administrative Code to correct section**
7 **references; affirming the Planning Department’s determination under the California**
8 **Environmental Quality Act; making findings of consistency with the General Plan, and**
9 **the eight priority policies of Planning Code, Section 101.1; and directing the Clerk of**
10 **the Board of Supervisors to send a copy of this Ordinance to the California Department**
11 **of Housing and Community Development after adoption.**

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

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. 150365 and is incorporated herein by reference. The Board affirms
25 that determination.

(b) On July 16, 2015, the Planning Commission, in Resolution No.19418, adopted
findings that the actions contemplated in this ordinance are consistent, on balance, with the

1 City’s General Plan and the eight priority policies of Planning Code Section 101.1. The Board
2 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
3 Board of Supervisors in File No.150365, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
5 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
6 in Planning Commission Resolution No. 19418 and the Board incorporates such reasons
7 herein by reference. A copy of Planning Commission Resolution No. 19418 is on file with the
8 Clerk of the Board of Supervisors in File No. 150365.

9
10 Section 2. Specific Findings.

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

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

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

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

1 Section 3. The Planning Code is hereby amended by revising Sections 102, 207 and
2 307, to read as follows:

3 **SEC. 102. DEFINITIONS.**

4 * * * *

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

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

10 * * * *

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

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

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

1 restricting the units as affordable under Planning Code Section 415.6 up to a maximum of 20
2 percent of the units in the principal project. The project sponsor shall make such election
3 through the procedures described in Section 415.5(g) including submitting an Affidavit of
4 Compliance indicating the project sponsor's election to pursue the benefits of Subsection
5 (c)(1) or (c)(2) and committing to 20% percent on-site units restricted under Section 415.6 prior
6 to approval by the Planning Commission or Planning Department staff. If a project sponsor
7 obtains the exemption from the density calculation for Affordable Units provided in this
8 subsection, the exemption shall be recorded against the property. Any later request to
9 decrease the number of Affordable Units shall require the project to go back to the Planning
10 Commission or Planning Department, whichever entity approved the project as a whole.

11 * * * *

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

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

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

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

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

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

1 (i) lots within the boundaries of Board of Supervisors District 8 extant
2 on July 1, 2015 Castro Street Neighborhood Commercial District (NCD) or within 1,750 feet of the
3 Castro Street NCD boundaries, excluding any lot within 500 feet of Block 2623 Lots 116 through 154;

4 (ii) lots ~~located in~~ with a building undergoing mandatory seismic
5 retrofitting in compliance with Section 34B of the Building Code or voluntary seismic
6 retrofitting in compliance with the Department of Building Inspection's Administrative Bulletin
7 094.

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

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

12 (ii) The Accessory Dwelling Unit is subject to the provisions of the San
13 Francisco Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) if the
14 existing building or any existing Dwelling Unit within the building is subject to the Rent Stabilization
15 and Arbitration Ordinance.

16 (iii) Notwithstanding the provisions of Article 9 of the Subdivision
17 Code, a lot with an Accessory Dwelling Unit authorized under this Section 207(c)(4) may not
18 be subdivided in a manner that would allow for the Accessory Dwelling Unit to be sold or
19 separately financed pursuant to any condominium plan, housing cooperative, or similar form
20 of separate ownership.

21 ~~(ii)~~ (iv) Castro Street NCD and Surrounding Area. Board of
22 Supervisors District 8. For Accessory Dwelling Units on lots covered by Subsection
23 207(c)(4)(B)(i):

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

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

4 c. For buildings that have no more than 10 existing
5 ~~d~~Dwelling ~~#~~Units, one Accessory Dwelling Unit is permitted; for buildings that have more than
6 10 existing ~~d~~Dwelling ~~#~~Units, two Accessory Dwelling Units are permitted.

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

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

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

15 1) exempt from the notification requirements of Sections
16 311 and 312 of this Code; and

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

21 ~~(iv)~~ (vi) Pursuant to the provisions of Section 307(I) of this Code,
22 the Zoning Administrator may grant an Accessory Dwelling Unit ~~may receive~~ a complete or partial
23 waiver of the density limits and parking, rear yard, exposure, or open space standards of this
24 Code. ~~from the Zoning Administrator; provided, h~~However, ~~that~~ if the existing building or any
25 existing ~~d~~Dwelling ~~#~~Unit within the building is subject to the provisions of the San Francisco

1 Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative
2 Code), the property owner shall submit *the following* to the Department:

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

9 ~~(BB)~~ b. if the Planning Director determines necessary, an
10 Affidavit containing information about the direct financial contribution or other form of
11 assistance provided to the property owner. The property owner and the Planning Director (or
12 his designee), on behalf of the City, will execute the Agreement, which shall be reviewed and
13 approved by the City Attorney's Office. The Agreement shall be approved prior to the City's
14 issuance of the First Construction Document *for the project*, as defined in Section 107A.13.1 of
15 the San Francisco Building Code.

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 for Accessory Dwelling Units Constructed Pursuant to Section 207.4(c) of this Code in**

~~the Castro Street Neighborhood Commercial District and within 1,750 feet of the District boundaries, excluding any lot within 500 feet of Block 2623, Lots 116 through 154.~~

The Zoning Administrator may allow complete or partial relief from the density limits and from the parking, rear yard, exposure, or open space requirements of this Code when modification of the requirement would facilitate the construction of an Accessory Dwelling Unit, as defined in Section 102 and meeting the requirements of Section 207(c)(4) 715.1 of this Code. The exposure requirements of Section 140 apply, except that subsection (a)(2) may be satisfied through windows facing an open area that is at least 15 feet in every horizontal direction that is not required to expand on subsequent floors. In considering any request for complete or partial relief from these Code requirements, the Zoning Administrator shall facilitate the construction of such Accessory Dwelling Units to the extent feasible and shall consider any criteria elsewhere in this Section 307 that he or she determines to be applicable.

Section 4. The Planning Code is hereby amended by revising the Zoning Control Tables in Sections 209.1, 209.2, and 209.4, to read as follows:

**Table 209.1
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,	§ 207	One unit per lot	P up to one unit per lot.	P up to two units per lot	P up to two units per lot.	P up to three units per

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Dwelling Units (7)			C up to one unit per 3,000 square feet of lot area with no more than three 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 three units per lot	C up to one unit per 1,500 square feet of lot area.	lot. 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).

**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					

1 2 3 4	Residential Density, Dwelling Units <u>(8)</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.
5 6	***	*****	*****	*****	*****	*****

* 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) C required if Group Housing is affiliated with and operated by a Hospital or Institutional Educational Use as defined in Section 102.

(8) 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).

**Table 209.4
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.
****	****	****	****

* Not listed below.

(1) 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

1 diameter in excess of three meters or a composite diameter of antennae in excess of
2 six meters. See definition in 102 for more information.(2) Not required to be in an
enclosed building.

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

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

4 (4)

5 Section 5. The Planning Code is hereby amended by revising Sections 710, 712, 713,
6 715, 721, 726, 728, 731, 733 and 738, to read as follows:

7 **SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

8 NC-1 Districts are intended to serve as local neighborhood shopping districts, providing
9 convenience retail goods and services for the immediately surrounding neighborhoods
10 primarily during daytime hours.

11 These NC-1 Districts are characterized by their location in residential neighborhoods,
12 often in outlying areas of the City. The commercial intensity of these districts varies. Many of
13 these districts have the lowest intensity of commercial development in the City, generally
14 consisting of small clusters with three or more commercial establishments, commonly grouped
15 around a corner; and in some cases short linear commercial strips with low-scale,
16 interspersed mixed-use (residential-commercial) development.

17 Building controls for the NC-1 District promote low-intensity development which is
18 compatible with the existing scale and character of these neighborhood areas. Commercial
19 development is limited to one story. Rear yard requirements at all levels preserve existing
20 backyard space.

21 NC-1 commercial use provisions encourage the full range of neighborhood-serving
22 convenience retail sales and services at the first story provided that the use size generally is
23 limited to 3,000 square feet. However, commercial uses and features which could impact
24 residential livability are prohibited, such as auto uses, financial services, general advertising
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signs, drive-up facilities, hotels, and late-night activity; eating and drinking establishments are restricted, depending upon the intensity of such uses in nearby commercial districts.

Housing development in new buildings is encouraged above the ground story in most districts. Existing residential units are protected by prohibitions of conversions above the ground story and limitations on demolitions. 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 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1 ZONING CONTROL TABLE

****	****	****	****		
No.	Zoning Category	§ References	NC-1		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
710.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 800 sq. ft. lot area # § 207(c)		
****	****	****	****		

SPECIFIC PROVISIONS FOR NC-1 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>§§ 710, 710.91</p>	<p>§ 207(c)(4)</p>	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</u></p> <p><u>Controls: An “Accessory Dwelling Unit,” as defined in Section 102 and</u> <u>meeting the requirements of Section 207(c)(4), is permitted to be</u> <u>constructed within an existing building zoned for residential use or</u> <u>within an existing and authorized auxiliary structure on the same lot.</u></p>
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8 **SEC. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

9 NC-3 Districts are intended in most cases to offer a wide variety of comparison and
10 specialty goods and services to a population greater than the immediate neighborhood,
11 additionally providing convenience goods and services to the surrounding neighborhoods.
12 NC-3 Districts are linear districts located along heavily trafficked thoroughfares which also
13 serve as major transit routes.

14 NC-3 Districts include some of the longest linear commercial streets in the City, some
15 of which have continuous retail development for many blocks. Large-scale lots and buildings
16 and wide streets distinguish the districts from smaller-scaled commercial streets, although the
17 districts may include small as well as moderately scaled lots. Buildings typically range in
18 height from two to four stories with occasional taller structures.

19 NC-3 building standards permit moderately large commercial uses and buildings. Rear
20 yards are protected at residential levels.

21 A diversified commercial environment is encouraged for the NC-3 District, and a wide
22 variety of uses are permitted with special emphasis on neighborhood-serving businesses.
23 Eating and drinking, entertainment, financial service and certain auto uses generally are
24 permitted with certain limitations at the first and second stories. Other retail businesses,
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1 personal services and offices are permitted at all stories of new buildings. Limited storage and
 2 administrative service activities are permitted with some restrictions.

3 Housing development in new buildings is encouraged above the second story. Existing
 4 residential units are protected by limitations on demolitions and upper-story conversions.

5 Dwelling Units are permitted on lots within the boundaries of Board of Supervisors District 8 pursuant
 6 to Subsection 207(c)(4) of this Code.

7 **Table 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**
 8 **ZONING CONTROL TABLE**

9	****	****	****	****		
10	No.	Zoning Category	§ References	NC-3		
11				Controls by Story		
12			§ 790.118	1st	2nd	3rd+
13	****	****	****	****	****	****
14	RESIDENTIAL STANDARDS AND USES					
15	****	****	****	****	****	****
16	712.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq. ft. lot area # § 207(c)		
17	****	****	****	****	****	****
18	****	****	****	****	****	****
19	****	****	****	****	****	****
20	****	****	****	****	****	****
21	****	****	****	****	****	****

22 **SPECIFIC PROVISIONS FOR NC-3 DISTRICTS**

23	Article 7 Code Section	Other Code Section	Zoning Controls
24	****	****	****
25	****	****	****

<p>1</p> <p>2</p> <p>3 <u>§§ 712,</u></p> <p>4 <u>712.91</u></p>	<p>5</p> <p>6</p> <p>7</p> <p><u>§ 207(c)(4)</u></p>	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</u></p> <p><u>Controls: An “Accessory Dwelling Unit,” as defined in Section 102</u></p> <p><u>and meeting the requirements of Section 207(c)(4), is permitted to be</u></p> <p><u>constructed within an existing building zoned for residential use or</u></p> <p><u>within an existing and authorized auxiliary structure on the same lot.</u></p>
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8 **SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.**

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

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

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

****	****	****	****		
No.	Zoning Category	§ References	NC-S Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
713.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 800 sq. ft. lot area # § 207(c)		
****	****	****	****		

SPECIFIC PROVISIONS FOR NC-S DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 713, 713.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</u>

		<p><i>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.</i></p>
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SEC. 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

Table 715. CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

Article 7 Code Section	Other Code Section	Zoning Controls
§ 715 § 715.12 § 715.91 § 715.93 § 715.94	§ 207(c)(4)	<p>ACCESSORY DWELLING UNITS</p> <p>Boundaries: <i>Board of Supervisors District 8 extant on July 1, 2015. 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.</i></p> <p>Controls: An "Accessory Dwelling Unit," as defined in <u>Section 102</u> 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.</p>
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1 **SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 The Upper Market Street Neighborhood Commercial District, on Market Street at
3 Castro, is situated at the border of the Eureka Valley, Buena Vista, and Duboce Triangle
4 neighborhoods. Upper Market Street is a multi-purpose commercial district that provides
5 limited convenience goods to adjacent neighborhoods, but also serves as a shopping street
6 for a broader trade area. A large number of offices are located on Market Street within easy
7 transit access to downtown. The width of Market Street and its use as a major arterial diminish
8 the perception of the Upper Market Street District as a single commercial district. The street
9 appears as a collection of dispersed centers of commercial activity, concentrated at the
10 intersections of Market Street with secondary streets.

11 This district is well served by transit and is anchored by the Castro Street Station of the
12 Market Street subway and the F-Market historic streetcar line. The F, K, L, and M streetcar
13 lines traverse the district, and the Castro Station serves as a transfer point between light rail
14 and crosstown and neighborhood bus lines. Additionally, Market Street is a primary bicycle
15 corridor. Residential parking is not required and generally limited. Commercial establishments
16 are discouraged or prohibited from building accessory off-street parking in order to preserve
17 the pedestrian-oriented character of the district and prevent attracting auto traffic. There are
18 prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on
19 Market Street to preserve and enhance the pedestrian-oriented character and transit function.

20 The Upper Market Street district controls are designed to promote moderate-scale
21 development which contributes to the definition of Market Street's design and character. They
22 are also intended to preserve the existing mix of commercial uses and maintain the livability of
23 the district and its surrounding residential areas. Large-lot and use development is reviewed
24 for consistency with existing development patterns. Rear yards are protected at residential
25 levels. To promote mixed-use buildings, most commercial uses are permitted with some

1 limitations above the second story. In order to maintain continuous retail frontage and
 2 preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are
 3 encouraged, and eating and drinking, entertainment, and financial service uses are limited.
 4 Continuous frontage is promoted by prohibitions of most automobile and drive-up uses.

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

9 **Table 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT**
 10 **ZONING CONTROL TABLE**

11	****	****	****	****		
12	No.	Zoning Category	§ References	Upper Market Street		
13				Controls by Story		
14			§ 790.118	1st	2nd	3rd+
15	****	****	****	****	****	****
16	RESIDENTIAL STANDARDS AND USES					
17	****	****	****	****	****	****
18	721.91	Dwelling Unit Density	§§ 207	Generally, up to 1 unit per 400 sq.		
19				ft. lot area #		
20				§ 207(c)		
21						
22	****	****	****	****		
23						
24						
25						

**SPECIFIC PROVISIONS FOR UPPER MARKET STREET
NEIGHBORHOOD COMMERCIAL DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§§ 721, 721.91	§ 207(c)(4)	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><i>Boundaries:</i> <u>Board of Supervisors District 8 extant on July 1, 2015.</u></p> <p><i>Controls:</i> <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.</u></p>

SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Valencia Street Commercial Transit District is located near the center of San Francisco in the Mission District. It lies along Valencia Street between 14th and Cesar Chavez (Army) Street, and includes a portion of 16th Street extending west toward Dolores Street. The commercial area provides a limited selection of convenience goods for the residents of sections of the Mission and Dolores Heights. Valencia Street also serves a wider trade area with its retail and wholesale home furnishings and appliance outlets. The commercial district also has several automobile-related businesses. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours. A number of upper-story professional and business offices are located in the district, some in converted residential units.

The Valencia Street District has a pattern of large lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-

1 scale buildings and uses, protecting rear yards above the ground story and at residential
 2 levels. New neighborhood-serving commercial development is encouraged mainly at the
 3 ground story. While offices and general retail sales uses may locate at the second story of
 4 new buildings under certain circumstances, most commercial uses are prohibited above the
 5 second story. In order to protect the balance and variety of retail uses and the livability of
 6 adjacent uses and areas, most eating and drinking and entertainment uses at the ground
 7 story are limited. Continuous retail frontage is promoted by prohibiting drive-up facilities, some
 8 automobile uses, and new nonretail commercial uses. Parking is not required, and any new
 9 parking is required to be set back or below ground. Active, pedestrian-oriented ground floor
 10 uses are required.

11 Housing development in new buildings is encouraged above the ground story. Housing
 12 density is not controlled by the size of the lot but by requirements to supply a high percentage
 13 of larger units and by physical envelope controls. Existing residential units are protected by
 14 prohibitions on upper-story conversions and limitations on demolitions, mergers, and
 15 subdivisions. Given the area's central location and accessibility to the City's transit network,
 16 accessory parking for residential uses is not required. Accessory Dwelling Units are permitted
 17 within the district pursuant to Subsection 207(c)(4) of this Code.

18 **Table 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 19 **ZONING CONTROL TABLE**

20	****	****	****	****		
21	No.	Zoning Category	§ References	Valencia Street Transit		
22				Controls by Story		
23			§ 790.118	1st	2nd	3rd+
24	****	****	****	****	****	****
25						

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
726.91	Dwelling Unit Density	§§ 207	No density limit # § 207(c)		
****	****	****	****	****	****

**SPECIFIC PROVISIONS FOR THE VALENCIA STREET
NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 726, 726.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Board of Supervisors District 8 as extant on July 1, 2015.</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. 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

1 uses on the second story, and residential use almost exclusively on the third and upper
 2 stories.

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

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

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

20	****	****				
21	No.	Zoning Category	§ References	24th Street – Noe Valley		
22				Controls by Story		
23			§ 790.118	1st	2nd	3rd+
24	****	****	****	****	****	****

25

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
728.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq. ft. lot area # § 207(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	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries:</u> <u>Board of Supervisors District 8 as extant on July 1, 2015.</u> <u>Controls:</u> <u>An “Accessory Dwelling Unit,” as defined in 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. 731. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

NCT-3 Districts are transit-oriented moderate- to high-density mixed-use neighborhoods of varying scale concentrated near transit services. The NCT-3 Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The district's form

1 can be either linear along transit-priority corridors, concentric around transit stations, or
2 broader areas where transit services criss-cross the neighborhood. Housing density is limited
3 not by lot area, but by the regulations on the built envelope of buildings, including height, bulk,
4 setbacks, and lot coverage, and standards for residential uses, including open space and
5 exposure, and urban design guidelines. Residential parking is not required and generally
6 limited. Commercial establishments are discouraged or prohibited from building accessory off-
7 street parking in order to preserve the pedestrian-oriented character of the district and prevent
8 attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-
9 street parking and loading on critical stretches of NC and transit streets to preserve and
10 enhance the pedestrian-oriented character and transit function.

11 NCT-3 Districts are intended in most cases to offer a wide variety of comparison and
12 specialty goods and services to a population greater than the immediate neighborhood,
13 additionally providing convenience goods and services to the surrounding neighborhoods.
14 NCT-3 Districts include some of the longest linear commercial streets in the City, some of
15 which have continuous retail development for many blocks. Large-scale lots and buildings and
16 wide streets distinguish the districts from smaller-scaled commercial streets, although the
17 districts may include small as well as moderately scaled lots. Buildings may range in height,
18 with height limits varying from four to eight stories.

19 NCT-3 building standards permit moderately large commercial uses and buildings.
20 Rear yards are protected at residential levels.

21 A diversified commercial environment is encouraged for the NCT-3 District, and a wide
22 variety of uses are permitted with special emphasis on neighborhood-serving businesses.
23 Eating and drinking, entertainment, and financial service uses generally are permitted with
24 certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted.
25 Other retail businesses, personal services and offices are permitted at all stories of new

1 buildings. Limited storage and administrative service activities are permitted with some
 2 restrictions.

3 Housing development in new buildings is encouraged above the second story. Existing
 4 residential units are protected by limitations on demolitions and upper-story conversions.

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

7 **Table 731. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 8 **ZONING CONTROL TABLE**

9	****	****	****	****		
10	No.	Zoning Category	§ References	NCT-3		
11				Controls by Story		
12			§ 790.118	1st	2nd	3rd+
13	****	****	****	****	****	****
14	RESIDENTIAL STANDARDS AND USES					
15	****	****	****	****	****	****
16				No residential 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. §§ 207(c), 207.6 #		
17	731.91	Dwelling Unit Density	§ 207			
18						
19						
20						
21						
22						
23						
24	****	****	****	****		
25						

SPECIFIC PROVISIONS FOR NCT-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
<p>§§ 731, 731.91</p>	<p>§ 207(c)(4)</p>	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><i>Boundaries:</i> <u>Board of Supervisors District 8 extant on July 1, 2015.</u></p> <p><i>Controls:</i> <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.</u></p>

SEC. 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Upper Market Street Neighborhood Commercial Transit District is located on Market Street from Church to Noe Streets, and on side streets off Market. Upper Market Street is a multi-purpose commercial district that provides limited convenience goods to adjacent neighborhoods, but also serves as a shopping street for a broader trade area. A large number of offices are located on Market Street within easy transit access to downtown. The width of Market Street and its use as a major arterial diminish the perception of the Upper Market Street Transit District as a single commercial district. The street appears as a collection of dispersed centers of commercial activity, concentrated at the intersections of Market Street with secondary streets.

This district is well served by transit and is anchored by the Market Street subway (with stations at Church Street and Castro Street) and the F-Market historic streetcar line. All light-rail lines in the City traverse the district, including the F, J, K, L, M, and N, and additional key

1 cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally,
2 Market Street is a primary bicycle corridor. Housing density is limited not by lot area, but by
3 the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot
4 coverage, and standards for residential uses, including open space and exposure, and urban
5 design guidelines. Residential parking is not required and generally limited. Commercial
6 establishments are discouraged or prohibited from building accessory off-street parking in
7 order to preserve the pedestrian-oriented character of the district and prevent attracting auto
8 traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking
9 and loading on Market and Church Streets to preserve and enhance the pedestrian-oriented
10 character and transit function.

11 The Upper Market Street district controls are designed to promote moderate-scale
12 development which contributes to the definition of Market Street's design and character. They
13 are also intended to preserve the existing mix of commercial uses and maintain the livability of
14 the district and its surrounding residential areas. Large-lot and use development is reviewed
15 for consistency with existing development patterns. Rear yards are protected at all levels. To
16 promote mixed-use buildings, most commercial uses are permitted with some limitations
17 above the second story. In order to maintain continuous retail frontage and preserve a
18 balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged,
19 and eating and drinking, entertainment, and financial service uses are limited. Ground floor-
20 commercial space is required along Market and Church Streets. Most automobile and drive-
21 up uses are prohibited or conditional.

22 Housing development in new buildings is encouraged above the second story. Existing
23 upper-story residential units are protected by limitations on demolitions and upper-story
24 conversions. Accessory Dwelling Units are permitted within the district pursuant to Subsection
25 207(c)(4) of this Code.

Table 733. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

****	****	****	****		
No.	Zoning Category	§ References	Upper Market Street Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
733.91	Dwelling Unit Density	§§ 207	No residential 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. # §§ 207(c), 207.6		
****	****	****	****		

SPECIFIC PROVISIONS FOR THE UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>§§ 733, 733.91</p>	<p>§ 207(c)(4)</p>	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</u></p> <p><u>Controls: An “Accessory Dwelling Unit,” as defined in Section 102 and</u></p> <p><u>meeting the requirements of Section 207(c)(4), is permitted to be</u></p> <p><u>constructed within an existing building zoned for residential use or</u></p> <p><u>within an existing and authorized auxiliary structure on the same lot.</u></p>
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8 **SEC. 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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

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

22 Commercial uses are encouraged at the ground story. Retail frontages and pedestrian-
23 oriented streets are protected by limiting curb cuts (i.e. driveways, garage entries) as well as
24 requiring ground floor commercial uses on portions of Diamond and Chenery Streets. Housing
25 development is encouraged above the ground story. Housing density is not controlled by the

size of the lot but by dwelling unit standards, physical envelope controls and unit mix requirements. Given the area's location and accessibility to the transit network, accessory parking for residential and commercial uses is not required. Any new parking is required to be set back to support a pedestrian friendly streetscape. Accessory Dwelling Units are permitted within the district pursuant to Subsection 207(c)(4) of this Code.

Table 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE

****	****	****	****		
No.	Zoning Category	§ References	Glen Park Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
738.91	Dwelling Unit Density	§§ 207	No residential 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. # §§ 207(c), 207.6		
****	****	****	****		

SPECIFIC PROVISIONS FOR THE GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
* * * *	* * * *	* * * *
§§ 738, 738.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</u> <u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and</u> <u>meeting the requirements of Section 207(c)(4), is permitted to be</u> <u>constructed within an existing building zoned for residential use or</u> <u>within an existing and authorized auxiliary structure on the same lot.</u>

Section 6. The Administrative Code is hereby amended by revising Section 37.2, to read as follows:

CHAPTER 37: RESIDENTIAL RENT STABILIZATION AND ARBITRATION ORDINANCE
SEC. 37.2. DEFINITIONS.

* * * *

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

Garage facilities, parking facilities, driveways, storage spaces, laundry rooms, decks, patios, or gardens on the same lot, or kitchen facilities or lobbies in single room occupancy (SRO) hotels, supplied in connection with the use or occupancy of a unit, may not be severed from the tenancy by the landlord without just cause as required by Section 37.9(a). Any severance, reduction or removal permitted under this Section 37.2(r) shall be offset by a

1 corresponding reduction in rent. Either a landlord or a tenant may file a petition with the Rent
2 Board to determine the amount of the rent reduction.

3 The term "rental units" shall not include:

4 * * * *

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

13 * * * *

14 (D) The term "rental units" shall include ~~In-Law~~ Accessory Dwelling Units
15 constructed pursuant to Section 207(c)(4) ~~715.1~~ of the Planning Code ~~and the Section 715 Zoning~~
16 ~~Control Table~~ and that have received a complete or partial waiver of the density limits and/or
17 the parking, rear yard, exposure, and or open space standards from the Zoning Administrator
18 pursuant to Planning Code Section 307(l), provided that the building containing the ~~In-Law~~
19 Accessory Dwelling Unit(s) or any unit within the building is already subject to this Chapter.

20 * * * *

21
22 Section 7. Effective Date. This ordinance shall become effective 30 days after
23 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
24 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
25 of Supervisors overrides the Mayor's veto of the ordinance.

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

Section 9. Severability. If any section, subsection, sentence, clause, phrase, or word of this Section is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Section. The Board of Supervisors hereby declares that it would have passed this Section and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of this Section would be subsequently declared invalid or unconstitutional.

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

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

By: _____
JUDITH A. BOYAJIAN
Deputy City Attorney

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