

File No. 150980

Committee Item No. _____

Board Item No. 48

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: _____

Date: _____

Board of Supervisors Meeting

Date: October 6, 2015

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Resolution
<input type="checkbox"/>	<input type="checkbox"/>	Ordinance
<input type="checkbox"/>	<input type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Introduction Form
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
<input type="checkbox"/>	<input type="checkbox"/>	Subcontract Budget
<input type="checkbox"/>	<input type="checkbox"/>	Contract/Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
<input type="checkbox"/>	<input type="checkbox"/>	Application
<input type="checkbox"/>	<input type="checkbox"/>	Public Correspondence

OTHER (Use back side if additional space is needed)

<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Ordinance in Board File No. 150810</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Leg Digest in Board File No. 150810</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Ordinance in Board File No. 150811</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Leg Digest in Board File No. 150811</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Ordinance in Board File No. 150585</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Leg Digest in Board File No. 150585</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Ordinance in Board File No. 150365</u>
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<u>Leg Digest in Board File No. 150365</u>

Completed by: John Carroll

Date: October 1, 2015

Completed by: _____

Date: _____

1 [Approval of a 90-Day Extension for Planning Commission Review of Four Ordinances
2 Restricting Accessory Dwelling Units (File Nos. 150810, 150811, 150585, and 150365)]

3 **Resolution extending by 90 days the prescribed time within which the Planning**
4 **Commission may render its decision on Ordinances (File Nos. 150810 and 150811)**
5 **amending the Planning Code to prohibit Accessory Dwelling Units (ADU) from being**
6 **used as a Short Term Rental and from being approved for construction in buildings**
7 **where a tenant has been evicted under the Ellis Act within ten years prior to filing the**
8 **application; and on Ordinances (File Nos. 150585 and 150365) that would prohibit a**
9 **subdivision allowing an ADU to be separately sold or financed; amending the**
10 **Administrative Code to correct section references; affirming the Planning Department's**
11 **determination under the California Environmental Quality Act; making findings of**
12 **consistency with the General Plan, and the eight priority policies of Planning Code**
13 **Section 101.1; and directing the Clerk of the Board of Supervisors to send a copy of the**
14 **ordinances to the California Department of Housing and Community Development after**
15 **adoption.**

16
17 WHEREAS, On July 20 2015, The Land Use and Economic Development Committee
18 of the Board of Supervisors duplicated and amended pending legislation to allow for the
19 construction of Accessory Dwelling Units (ADU) to prohibit ADUs from being used as Short
20 Term Rentals; from being authorized for construction in buildings where a tenant had been
21 evicted under the Ellis Act within 10 years prior to filing the application for the construction of
22 the ADU; from bring subdivided in order to be separately sold or financed; and amending the
23 Administrative Code to correct section references; affirming the Planning Department's
24 determination under the California Environmental Quality Act; making findings of consistency
25 with the General Plan and the eight priority policies of Planning Code Section 101.1; and

1 directing the Clerk of the Board of Supervisors to send a copy of the ordinances to the
2 California Department of Housing and Community Development after adoption; and on July
3 27, 2015, the Land Use Committee duplicated the files a second time. Copies of the four
4 duplicated ordinances are on file with the Clerk of the Board of Supervisors in Files No.
5 150810, 150811, 150585, and 150365; and

6 WHEREAS, The amendments proposed in the four duplicated files would apply to all
7 ADUs authorized in San Francisco, including those authorized under other provisions of the
8 Planning Code, extending the original intent of the legislation to apply only to Districts 3 and 8;
9 and

10 WHEREAS, On or about August 4, 2015, the Clerk of the Board of Supervisors referred
11 the proposed ordinances to the Planning Commission, which currently is reviewing the
12 proposed ordinances; and

13 WHEREAS, The Board, in accordance with Planning Code, Section 306.4(d) may, by
14 Resolution, extend the prescribed time within which the Planning Commission is to render its
15 decision on proposed amendments to the Planning Code that the Board of Supervisors
16 initiates; and

17 WHEREAS, The Board deems it appropriate in this instance to grant to the Planning
18 Commission additional time to review the proposed Ordinances and render its decision; now,
19 therefore, be it

20 RESOLVED, That by this Resolution, the Board hereby extends the prescribed time
21 within which the Planning Commission may render its decision on the proposed Ordinances
22 for approximately 90 additional days, until January 4, 2016.

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

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

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

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

Section 1. General and Environmental Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 150810 and is incorporated herein by reference. The Board affirms that determination.

1 (b) On July 16, 2015, the Planning Commission, in Resolution No.19418, 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.150810, 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. 19418 and the Board incorporates such reasons
9 herein by reference. A copy of Planning Commission Resolution No. 19418 is on file with the
10 Clerk of the Board of Supervisors in File No. 150810.

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 102, 207 and
5 307, to read as follows:

6 **SEC. 102. DEFINITIONS.**

7 * * * *

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

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

13 * * * *

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

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

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

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

* * * *

(4) Accessory Dwelling Units.

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

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

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

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

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

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

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

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

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

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

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

22 (iv) The Department shall not approve an application for
23 construction of an Accessory Dwelling Unit in any building where a tenant has been evicted
24 pursuant to Section 37.9(a)(10) of the Administrative Code within ten years prior to filing the
25 application for construction of an Accessory Dwelling Unit.

1 ~~(ii)~~ (v) ~~Castro Street NCD and Surrounding Area.~~ Board of Supervisors

2 District 8. For Accessory Dwelling Units on lots covered by Subsection 207(c)(4)(B)(i):

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

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

8 c. For buildings that have no more than 10 existing
9 ~~d~~Dwelling ~~u~~Units, one Accessory Dwelling Unit is permitted; for buildings that have more than
10 10 existing ~~d~~Dwelling ~~u~~Units, two Accessory Dwelling Units are permitted.

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

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

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

19 1) exempt from the notification requirements of Sections
20 311 and 312 of this Code; and

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

1 ~~(iv)~~ (vii) Pursuant to the provisions of Section 307(l) of this Code,
2 the Zoning Administrator may grant an Accessory Dwelling Unit ~~may receive a~~ complete or partial
3 waiver of the density limits and parking, rear yard, exposure, or open space standards of this
4 Code. ~~from the Zoning Administrator; provided, h~~ However, that if the existing building or any
5 existing ~~d~~ Dwelling ~~u~~ Unit within the building is subject to the provisions of the San Francisco
6 Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative
7 Code), the property owner shall submit the following to the Department:

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

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

21 * * * *

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

23 In addition to those specified in Sections 302 through 306, and Sections 316 through
24 316.6 of this Code, the Zoning Administrator shall have the following powers and duties in
25 administration and enforcement of this Code. The duties described in this Section shall be

performed under the general supervision of the Director of Planning, who shall be kept informed of the actions of the Zoning Administrator.

* * * *

(l) **Exceptions from Certain Specific Code Standards through Administrative 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,
Dwelling Units
(7)

§ 207

One unit
per lot

P up to
one unit
per lot.
C up to
one unit
per
3,000
square
feet of
lot area
with no
more
than
three
units per
lot

P up to
two units
per lot
area, if
the
second
unit is
600 sq.
ft. or less.
C up to
one unit
per 3,000
square
feet of lot
area, with
no more
than
three
units per
lot

P up to
two units
per lot.
C up to
one unit
per 1,500
square
feet of
lot area.

P up to
three
units per
lot. C up
to one
unit per
1,000
square
feet of
lot area.
for every
275
square
feet of
lot area.

* Not listed below.

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

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

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

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

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

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

**Table 209.2
ZONING CONTROL TABLE FOR RM DISTRICTS**

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

Residential Uses					
Residential Density, Dwelling Units <u>(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.
*****	*****	*****	*****	*****	*****

* 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 (7)	§ 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 diameter in excess of three meters or a composite diameter of antennae in excess of 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.

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

(4)

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

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

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

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

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

NC-1 commercial use provisions encourage the full range of neighborhood-serving convenience retail sales and services at the first story provided that the use size generally is limited to 3,000 square feet. However, commercial uses and features which could impact residential livability are prohibited, such as auto uses, financial services, general advertising 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
****	****	****
§§ 710. 710.91	§ 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>

SEC. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.

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

NC-3 Districts include some of the longest linear commercial streets in the City, some of which have continuous retail development for many blocks. Large-scale lots and buildings and wide streets distinguish the districts from smaller-scaled commercial streets, although the

districts may include small as well as moderately scaled lots. Buildings typically range in height from two to four stories with occasional taller structures.

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

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

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

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

****	****	****	****		
No.	Zoning Category	§ References	NC-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****

712.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq. ft. lot area # § 207(c)
****	****	****	****

SPECIFIC PROVISIONS FOR NC-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 712. 712.91	§ 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</u> <u>and 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>

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

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

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

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

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	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015. The</u> <u>Castro Street NCD and on a lot within 1,750 feet of the District boundaries,</u> <u>excluding any lot within 500 feet of Block 2623, Lots 116 through 154.</u>

§ 715.93		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.
§ 715.94		
* * * *	* * * *	* * * *

SEC. 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

The Upper Market Street Neighborhood Commercial District, on Market Street at Castro, is situated at the border of the Eureka Valley, Buena Vista, and Duboce Triangle neighborhoods. 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 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 Castro Street Station of the Market Street subway and the F-Market historic streetcar line. The F, K, L, and M streetcar lines traverse the district, and the Castro Station serves as a transfer point between light rail and crosstown and neighborhood bus lines. Additionally, Market Street is a primary bicycle corridor. Residential parking is not required and generally limited. Commercial establishments are discouraged or prohibited from building accessory off-street parking in order to preserve the pedestrian-oriented character of the district and prevent attracting auto traffic. There are

prohibitions on access (i.e. driveways, garage entries) to off-street parking and loading on Market Street to preserve and enhance the pedestrian-oriented character and transit function.

The Upper Market Street district controls are designed to promote moderate-scale development which contributes to the definition of Market Street's design and character. They are also intended to preserve the existing mix of commercial uses and maintain the livability of the district and its surrounding residential areas. Large-lot and use development is reviewed for consistency with existing development patterns. Rear yards are protected at residential levels. To promote mixed-use buildings, most commercial uses are permitted with some limitations above the second story. In order to maintain continuous retail frontage and preserve a balanced mix of commercial uses, ground-story neighborhood-serving uses are encouraged, and eating and drinking, entertainment, and financial service uses are limited. Continuous frontage is promoted by prohibitions of most automobile and drive-up uses.

Housing development in new buildings is encouraged above the second story. Existing upper-story residential units are protected by limitations on demolitions and 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 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

****	****	****	****		
No.	Zoning Category	§ References	Upper Market Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					

****	****	****	****	****	****
721.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 400 sq. ft. lot area # § 207(c)		
****	****	****	****		

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

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 721, 721.91	§ 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>

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

1 also has several automobile-related businesses. Eating and drinking establishments
2 contribute to the street's mixed-use character and activity in the evening hours. A number of
3 upper-story professional and business offices are located in the district, some in converted
4 residential units.

5 The Valencia Street District has a pattern of large lots and businesses, as well as a
6 sizable number of upper-story residential units. Controls are designed to permit moderate-
7 scale buildings and uses, protecting rear yards above the ground story and at residential
8 levels. New neighborhood-serving commercial development is encouraged mainly at the
9 ground story. While offices and general retail sales uses may locate at the second story of
10 new buildings under certain circumstances, most commercial uses are prohibited above the
11 second story. In order to protect the balance and variety of retail uses and the livability of
12 adjacent uses and areas, most eating and drinking and entertainment uses at the ground
13 story are limited. Continuous retail frontage is promoted by prohibiting drive-up facilities, some
14 automobile uses, and new nonretail commercial uses. Parking is not required, and any new
15 parking is required to be set back or below ground. Active, pedestrian-oriented ground floor
16 uses are required.

17 Housing development in new buildings is encouraged above the ground story. Housing
18 density is not controlled by the size of the lot but by requirements to supply a high percentage
19 of larger units and by physical envelope controls. Existing residential units are protected by
20 prohibitions on upper-story conversions and limitations on demolitions, mergers, and
21 subdivisions. Given the area's central location and accessibility to the City's transit network,
22 accessory parking for residential uses is not required. Accessory Dwelling Units are permitted
23 within the district pursuant to Subsection 207(c)(4) of this Code.
24
25

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

****	****	****	****		
No.	Zoning Category	§ References	Valencia Street Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
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</u> <u>meeting the requirements of Section 207(c)(4), is permitted to be</u>

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

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

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

****	****	****			
No.	Zoning Category	§ References	24th Street – Noe Valley		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
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: Board of Supervisors District 8 as extant on July 1, 2015.</u> <u>Controls: 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>

1 **SEC. 731. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT**
2 **DISTRICT.**

3 NCT-3 Districts are transit-oriented moderate- to high-density mixed-use
4 neighborhoods of varying scale concentrated near transit services. The NCT-3 Districts are
5 mixed use districts that support neighborhood-serving commercial uses on lower floors and
6 housing above. These districts are well-served by public transit and aim to maximize
7 residential and commercial opportunities on or near major transit services. The district's form
8 can be either linear along transit-priority corridors, concentric around transit stations, or
9 broader areas where transit services criss-cross the neighborhood. Housing density is limited
10 not by lot area, but by the regulations on the built envelope of buildings, including height, bulk,
11 setbacks, and lot coverage, and standards for residential uses, including open space and
12 exposure, and urban design guidelines. Residential parking is not required and generally
13 limited. Commercial establishments are discouraged or prohibited from building accessory off-
14 street parking in order to preserve the pedestrian-oriented character of the district and prevent
15 attracting auto traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-
16 street parking and loading on critical stretches of NC and transit streets to preserve and
17 enhance the pedestrian-oriented character and transit function.

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

NCT-3 building standards permit moderately large commercial uses and buildings.

Rear yards are protected at residential levels.

A diversified commercial environment is encouraged for the NCT-3 District, and a wide variety of uses are permitted with special emphasis on neighborhood-serving businesses.

Eating and drinking, entertainment, and financial service uses generally are permitted with certain limitations at the first and second stories. Auto-oriented uses are somewhat restricted.

Other retail businesses, personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

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

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

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

****	****	****	****
No.	Zoning Category	§ References	NCT-3
			Controls by Story
		§ 790.118	1st 2nd 3rd+
****	****	****	**** **** ****
RESIDENTIAL STANDARDS AND USES			
****	****	****	**** **** ****
731.91	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 NCT-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
*****	*****	*****
§§ 731, 731.91	§ 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 within</u> <u>an existing and authorized auxiliary structure on the same lot.</u>

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

1 Market Street Transit District as a single commercial district. The street appears as a
2 collection of dispersed centers of commercial activity, concentrated at the intersections of
3 Market Street with secondary streets.

4 This district is well served by transit and is anchored by the Market Street subway (with
5 stations at Church Street and Castro Street) and the F-Market historic streetcar line. All light-
6 rail lines in the City traverse the district, including the F, J, K, L, M, and N, and additional key
7 cross-town transit service crosses Market Street at Fillmore and Castro Streets. Additionally,
8 Market Street is a primary bicycle corridor. Housing density is limited not by lot area, but by
9 the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot
10 coverage, and standards for residential uses, including open space and exposure, and urban
11 design guidelines. Residential parking is not required and generally limited. Commercial
12 establishments are discouraged or prohibited from building accessory off-street parking in
13 order to preserve the pedestrian-oriented character of the district and prevent attracting auto
14 traffic. There are prohibitions on access (i.e. driveways, garage entries) to off-street parking
15 and loading on Market and Church Streets to preserve and enhance the pedestrian-oriented
16 character and transit function.

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

commercial space is required along Market and Church Streets. Most automobile and drive-up uses are prohibited or conditional.

Housing development in new buildings is encouraged above the second story. Existing upper-story residential units are protected by limitations on demolitions and upper-story conversions. Accessory Dwelling Units are permitted within the district pursuant to Subsection 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
****	****	****
§§ 733. 733.91	§ 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>

SEC. 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

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

The Glen Park NCT is designed to protect and enhance the neighborhood's intimate scale, walkability and "village" atmosphere. Human-scaled buildings with neighborhood-serving uses such as specialty retail stores, restaurants, and local offices are encouraged. Buildings may range in height, with height limits allowing up to three and four stories

depending on location. Rear yard corridors above the ground story and at residential levels are generally preserved.

Commercial uses are encouraged at the ground story. Retail frontages and pedestrian-oriented streets are protected by limiting curb cuts (i.e. driveways, garage entries) as well as requiring ground floor commercial uses on portions of Diamond and Chenery Streets. Housing 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 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>

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,

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

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

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

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

Existing Law

Planning Code Section 102 has definitions for various uses. 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 within the built envelope of an existing building zoned for residential use or an authorized auxiliary structure on the same lot within the Castro Street Neighborhood Commercial District and surrounding area, and in a building undergoing mandatory seismic retrofitting under the Building Code. An ADU cannot be constructed using space from an existing Dwelling Unit.

Section 307 authorizes the Zoning Administrator to grant complete or partial waivers from the Planning Code's density, parking, rear yard, exposure or open space requirements to facilitate construction of an ADU and the Planning Department is required to establish a system for monitoring their affordability. If the ADU was constructed with a waiver of Planning Code requirements, it will be subject to the Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) if the building containing the ADU or any unit within the building is already subject to the Rent Ordinance.

Amendments to Current Law

Planning Code Section 102 is amended to add a definition for Accessory Dwelling Unit. Section 207(c)(4) is amended to allow ADUs to be constructed anywhere within the boundaries of Board of Supervisors District 8. For buildings undergoing mandatory seismic retrofitting, a noncomplying structure may be expanded without needing a variance and, if permitted by the Building Code, the building may be raised up to three feet to create heights suitable for residential use on lower floors. An ADU cannot be used for short-term rental under Chapter 41A of the Administrative Code, and the Department shall not approve an application for construction of an ADU in any building where there has been an Ellis Act eviction within

ten years prior to filing the application. The increase in height for buildings undergoing mandatory seismic retrofitting is exempt from the notification requirements of Planning Code Sections 311 and 312. The Zoning Control Tables for zoning districts within the boundaries of District 8 are amended to refer to ADUs, and conforming technical amendments are made to Planning Code Section 307 and the Rent Ordinance.

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

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

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

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

Section 1. General Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 150811 and is incorporated herein by reference. The Board affirms this determination

1 (b) On July 16, 2015, the Planning Commission, in Resolution No. 19419, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. 150811, and is incorporated herein by reference.

6 (c) Pursuant to Planning Code Section 302, this Board finds that this Planning Code
7 amendment will serve the public necessity, convenience, and welfare for the reasons set forth
8 in Planning Commission Resolution No. 19419 and the Board incorporates such reasons
9 herein by reference. A copy of Planning Commission Resolution No. 19419 is on file with the
10 Clerk of the Board of Supervisors in File No. 150811.

11
12 Section 2. Specific Findings.

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

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

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

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

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

6 **SEC. 102. DEFINITIONS.**

7 * * * *

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

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

13 * * * *

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

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

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

* * * *

(4) Accessory Dwelling Units.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 * * * *

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

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

15 * * * *

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

20 The Zoning Administrator may allow complete or partial relief from the density limits
21 and from the parking, rear yard, exposure, or open space requirements of this Code when
22 modification of the requirement would facilitate the construction of an Accessory Dwelling
23 Unit, as defined in Section 102 and meeting the requirements of Section 207(c)(4) 715.1 of this
24 Code. The exposure requirements of Section 140 apply, except that subsection (a)(2) may be
25 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 of Sections 209.1, 209.2, 209.3, 209.4, 210.1 and 210.2, 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, Dwelling Units (7)	§ 207	One unit per lot	P up to one unit per lot. C up to one unit per 3,000 square feet of lot area with no more than three units per lot	P up to two units per lot area, if the second unit is 600 sq. ft. or less. C up to one unit per 3,000 square feet of lot area, with no more than	P up to two units per lot. C up to one unit per 1,500 square feet of lot area.	P up to three units per lot. C up to one unit per 1,000 square feet of lot area. for every 275 square feet of lot area.

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

* Not listed below.

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

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

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

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

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

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

Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS

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

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

* Not listed below.

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

(2) C required for 15 or more children.

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

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

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

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

* Not listed below.

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

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 (7)	§ 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) 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 210.1

ZONING CONTROL TABLE FOR C-2 DISTRICTS

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

RESIDENTIAL STANDARDS AND USES			
* * * *			
Residential Uses			
Residential Density, Dwelling Units <u>(5)</u>	§ 207	P at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio shall in no case be less than one unit for each 800 square feet of lot area. NP above.	
* * * *	* * * *	* * * *	* * * *

* Not listed below.

(1) C required if not recessed 3 feet.

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

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

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

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

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

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

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

* Not listed below.

(1) C is required if at or below the ground floor.

(2) P if located on the ground floor and offers on-site services to the general public. NP on the ground floor if it does not provide onsite services to the general public. C is

required if the use is larger than 5,000 gross square feet in size or located above the ground floor. In the C-3-R District, in addition to the criteria set forth in Section 303, approval shall be given upon a determination that the use will not detract from the District's primary function as an area for comparison shopper retailing and direct consumer services.

(3) C Required if operated on an open lot.

(4) Required to be in an enclosed building, NP if operated on open lot.

(5) C required if taller than 25 feet above roof, grade or height limit depending on site or if within 1000 feet of an R District and includes a parabolic antenna with a diameter in excess of 3 meters or a composite diameter of antennae in excess of 6 meters. See definition in Section 102 for more information.

(6) C required for Formula Retail on properties in the C-3-G District with frontage on Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street.

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

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

SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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

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

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

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

****	****	****	****		
No.	Zoning Category	§ References	Broadway		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+

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

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

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 714, 714.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the Broadway NCD.</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 within</u> <u>an existing and authorized auxiliary structure on the same lot.</u>

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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

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

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

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

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

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

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

24	Article 7 Code Section	Other Code Section	Zoning Controls
25			

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

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

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

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

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

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

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

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

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

Article 7 Code Section	Other Code Section.	Zoning Controls
* * * *	* * * *	* * * *
§§ 723, 723.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u>
		<u>Boundaries: Within the boundaries of the Polk Street NCD.</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 within</u> <u>an existing and authorized auxiliary structure on the same lot.</u>

SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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

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

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

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

****	****	****	****		
No.	Zoning Category	§ References	Pacific Avenue		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					

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

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

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 732, 732.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the Pacific Avenue NCD.</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 within</u> <u>an existing and authorized auxiliary structure on the same lot.</u>

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

SEC. 810. ~~1~~ CHINATOWN COMMUNITY BUSINESS DISTRICT.

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

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

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

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

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

Table 810
CHINATOWN COMMUNITY BUSINESS DISTRICT
ZONING CONTROL TABLE

****	****	****	****
			Chinatown Community Business <i>District</i>
			Controls by Story

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

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

Article 8 Code Section	Other Code Section	Zoning Controls
*****	*****	*****
§§ 810-1 91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries:</u> <i>Within the boundaries of the Chinatown Community Business District.</i> <u>Controls:</u> <i>An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</i>

SEC. 811.1. CHINATOWN VISITOR RETAIL DISTRICT.

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

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

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

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

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

**Table 811
CHINATOWN VISITOR RETAIL DISTRICT
ZONING CONTROL TABLE**

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

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

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

Article 8 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 811-1 91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the Chinatown Visitor Retail District.</u> <u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and meeting the requirements of Section 207(c)(4) is permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot.</u>

SEC. 812.1. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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

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

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

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

****	****	****	Chinatown Residential Neighborhood Commercial District Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
****	****	****	****	****	****

RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
91	Residential Density Dwelling Units <u>Density</u>	§§ 207	Generally, up to 1 unit per 200 sq. ft. lot area # § 207-5 (c)		
****	****	****	****		

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

Article 8 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 812-1 91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the Chinatown Residential</u> <u>Neighborhood Commercial District.</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 within</u> <u>an existing and authorized auxiliary structure on the same lot.</u>

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

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

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

12 The term "rental units" shall not include:

13 * * * *

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

22 * * * *

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

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

4 * * * *

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

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

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

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

1 court of competent jurisdiction, such decision shall not affect the validity of the remaining
2 portions of the Section. The Board of Supervisors hereby declares that it would have passed
3 this Section and each and every section, subsection, sentence, clause, phrase, and word not
4 declared invalid or unconstitutional without regard to whether any other portion of this Section
5 would be subsequently declared invalid or unconstitutional.
6

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

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

14 By:

15 JUDITH A. BOYAJIAN
16 Deputy City Attorney

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24
25

REVISED LEGISLATIVE DIGEST

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

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

Existing Law

Planning Code Section 102 has definitions for various uses. 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 within the built envelope of an existing building zoned for residential use or an authorized auxiliary structure on the same lot within the Castro Neighborhood Commercial District and surrounding area, and in a building undergoing mandatory seismic retrofitting under the Building Code. An ADU cannot be constructed using space from an existing Dwelling Unit.

Section 307 authorizes the Zoning Administrator to grant complete or partial waivers from the Planning Code's density, parking, rear yard, exposure or open space requirements to facilitate the construction of an ADU and the Planning Department is required to establish a system for monitoring their affordability. If the ADU was constructed with a waiver of Planning Code requirements, it will be subject to the Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) if the building or any existing Dwelling Unit in the building is already subject to the Rent Ordinance.

Amendments to Current Law

Planning Code Section 102 is amended to add a definition for Accessory Dwelling Unit. Section 207(c)(4) is amended to allow ADUs to be constructed anywhere within the boundaries of Board of Supervisor District 3. An ADU cannot be used for short-term rental under Chapter 41A of the Administrative Code, and the Department shall not approve an application for construction of an ADU in any building where there has been an Ellis Act eviction within ten years prior to filing the application. For buildings undergoing mandatory

seismic retrofitting, a noncomplying structure may be expanded without needing a variance and, if permitted by the Building Code, the building may be raised up to three feet to create heights suitable for residential use on lower floors. The increase in height for buildings undergoing mandatory seismic retrofitting is exempt from the notification requirements of Planning Code Sections 311 and 312. The Zoning Control Tables for zoning districts within the boundaries of District 3 are amended to refer to ADUs, and conforming amendments are made to Section 307 and the Rent Ordinance.

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

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

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

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

Section 1. General Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 150585 and is incorporated herein by reference. The Board affirms this determination

(b) On July 16, 2015, the Planning Commission, in Resolution No. 19419, adopted findings that the actions contemplated in this ordinance are consistent, on balance, with the

1 City's General Plan and 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. 150585, 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. 19419 and the Board incorporates such reasons
7 herein by reference. A copy of Planning Commission Resolution No. 19419 is on file with the
8 Clerk of the Board of Supervisors in File No. 150585.

9
10 Section 2. Specific Findings.

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

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

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

SEC. 102. DEFINITIONS.

* * * *

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

SEC. 207. DWELLING UNIT DENSITY LIMITS.

* * * *

(c) Exceptions to Dwelling Unit Density Limits.

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

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

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

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

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

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

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

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

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

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

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

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

9 (v) Board of Supervisors District 3. For Accessory Dwelling Units on
10 lots covered by Subsection 207(c)(4)(B)(ii):

11 a. An Accessory Dwelling Unit shall not be permitted in any RH-
12 1(D) zoning district.

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

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

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

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

23 b. If ~~allowed~~ permitted by the Building Code, a building in
24 which an Accessory Dwelling Unit is constructed may be raised up to three ~~additional~~ feet in
25

height to create ~~ground-floor ceiling~~ heights suitable for residential use on lower floors. Such a raise in height shall be:

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

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

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

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

b. (BB) if the Planning Director determines necessary, an Affidavit containing information about the direct financial contribution or other form of assistance provided to the property owner. The property owner and the Planning Director (or his designee), on behalf of the City, will execute the Agreement, which shall be reviewed and

1 approved by the City Attorney's Office. The Agreement shall be approved prior to the City's
2 issuance of the First Construction Document, as defined in Section 107A.13.1 of the San
3 Francisco Building Code.

4 * * * *

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

6 In addition to those specified in Sections 302 through 306, and Sections 316 through
7 316.6 of this Code, the Zoning Administrator shall have the following powers and duties in
8 administration and enforcement of this Code. The duties described in this Section shall be
9 performed under the general supervision of the Director of Planning, who shall be kept
10 informed of the actions of the Zoning Administrator.

11 * * * *

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

16 The Zoning Administrator may allow complete or partial relief from the density limits
17 and from the parking, rear yard, exposure, or open space requirements of this Code when
18 modification of the requirement would facilitate the construction of an Accessory Dwelling
19 Unit, as defined in Section 102 and meeting the requirements of Section 207(c)(4) 715.1 of this
20 Code. The exposure requirements of Section 140 apply, except that subsection (a)(2) may be
21 satisfied through windows facing an open area that is at least 15 feet in every horizontal
22 direction that is not required to expand on subsequent floors. In considering any request for
23 complete or partial relief from these Code requirements, the Zoning Administrator shall
24 facilitate the construction of such Accessory Dwelling Units to the extent feasible and shall
25 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 of Sections 209.1, 209.2, 209.3, 209.4, 210.1 and 210.2, 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, Dwelling Units (Z)	§ 207	One unit per lot	P up to one unit per lot. C up to one unit per 3,000 square feet of lot area with no more than three units per lot	P up to two units per lot area, if the second unit is 600 sq. ft. or less. C up to one unit per 3,000 square feet of lot area, with no more than three units per lot	P up to two units per lot. C up to one unit per 1,500 square feet of lot area.	P up to three units per lot. C up to one unit per 1,000 square feet of lot area. for every 275 square feet of lot area.
*****	*****	*****	*****	*****	*****	*****

* Not listed below.

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

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

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

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

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

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

Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS

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

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

* Not listed below.

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

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

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

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

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

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

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

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

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

* Not listed below.

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

(2) C required for 15 or more children.

(3) C required for 7 or more persons.

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

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

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

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

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) 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 210.1

ZONING CONTROL TABLE FOR C-2 DISTRICTS

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

RESIDENTIAL STANDARDS AND USES			
* * * *			
Residential Uses			
Residential Density, Dwelling Units <u>(5)</u>	§ 207	P at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density; provided, that the maximum density ratio shall in no case be less than one unit for each 800 square feet of lot area. NP above.	
* * * *	* * * *	* * * *	* * * *

* Not listed below.

(1) C required if not recessed 3 feet.

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

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

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

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

Table 210.2

ZONING CONTROL TABLE FOR C-3 DISTRICTS

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

1	****	****	****	****
2				

3 * Not listed below.

4 (1) C is required if at or below the ground floor.

5 (2) P if located on the ground floor and offers on-site services to the general public.
NP on the ground floor if it does not provide onsite services to the general public. C is

6 required if the use is larger than 5,000 gross square feet in size or located above the
ground floor. In the C-3-R District, in addition to the criteria set forth in Section 303,
7 approval shall be given upon a determination that the use will not detract from the
District's primary function as an area for comparison shopper retailing and direct
consumer services.

8 (3) C Required if operated on an open lot.

9 (4) Required to be in an enclosed building, NP if operated on open lot.

10 (5) C required if taller than 25 feet above roof, grade or height limit depending on site
or if within 1000 feet of an R District and includes a parabolic antenna with a diameter
in excess of 3 meters or a composite diameter of antennae in excess of 6 meters. See
definition in Section 102 for more information.

11 (6) C required for Formula Retail on properties in the C-3-G District with frontage on
Market Street, between 6th Street and the intersection of Market Street, 12th Street
and Franklin Street.

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

13
14 Section 5. The Planning Code is hereby amended by revising Sections 714, 722, 723,
15 732 and the corresponding Zoning Control Tables, to read as follows:

16 **SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

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

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

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

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

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

****	****	****	****		
No.	Zoning Category	§ References	Broadway		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****

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

SPECIFIC PROVISIONS FOR THE BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 714, 714.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the Broadway NCD.</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. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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

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

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

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

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

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

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

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

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>§§ 722. 722.91</p>	<p>§</p> <p>207(c)(4)</p>	<p><u>ACCESSORY DWELLING UNITS</u></p> <p><u>Boundaries: Within the boundaries of the North Beach NCD.</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>
---------------------------------------------------------------------------------	---------------------------	-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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

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

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

congestion, noise and other nuisances or displace other types of local-serving convenience goods and services. They also prohibit new adult entertainment uses. Restrictions on drive-up and most automobile uses protect the district's continuous retail frontage and prevent further traffic congestion.

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

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

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

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

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 723, 723.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the Polk Street NCD.</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 within</u> <u>an existing and authorized auxiliary structure on the same lot.</u>

SEC. 732. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

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

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

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

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

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

****	****	****	****		
No.	Zoning Category	§ References	Pacific Avenue		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****

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

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

Article 7 Code Section	Other Code Section	Zoning Controls
*****	*****	*****
§§ 732, 732.91	§ 207(c)(4)	<u>ACCESSORY DWELLING UNITS</u> <u>Boundaries: Within the boundaries of the Pacific Avenue NCD.</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>

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

SEC. 810.~~1~~ CHINATOWN COMMUNITY BUSINESS DISTRICT.

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

and portions of Grant Avenue between Bush and California Streets. It is part of the larger core area of Chinatown.

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

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

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

**Table 810
CHINATOWN COMMUNITY BUSINESS DISTRICT
ZONING CONTROL TABLE**

****	****	****	****		
			Chinatown Community Business District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+

1	*****	*****	*****	*****	*****
2	RESIDENTIAL STANDARDS AND USES				
3	*****	*****	*****	*****	*****
4	.91	Residential Density , Dwelling Units <u>Density</u>	§§ 207, 207.1, 890.88(a)	<u>Generally, up to 1 unit per 200 sq. ft.</u> lot area # § 207.5 (c)	
8	*****	*****	*****	*****	*****

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

11	Article 8 Code Section	Other Code Section	Zoning Controls
13	*****	*****	*****
14	§§ 810-1	§	<u>ACCESSORY DWELLING UNITS</u>
15	.91	207(c)(4)	<u>Boundaries: Within the boundaries of the Chinatown Community Business District.</u>
17			<u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and</u>
18			<u>meeting the requirements of Section 207(c)(4) is permitted to be</u>
19			<u>constructed within an existing building zoned for residential use or within</u>
20			<u>an existing and authorized auxiliary structure on the same lot.</u>

SEC. 811.F. CHINATOWN VISITOR RETAIL DISTRICT.

The Chinatown Visitor Retail Neighborhood Commercial District extends along Grant Avenue between California and Jackson Streets. This district contains a concentration of shopping bazaars, art goods stores and restaurants which attract visitors and shoppers and contribute to the City's visual and economic diversity. Grant Avenue provides an important link

1 between Downtown retail shopping and the Broadway, North Beach and Fisherman's Wharf
2 areas.

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

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

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

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

19	****	****	****			
20				Chinatown Visitor Retail <i>District</i>		
21				Controls by Story		
22	No.	Zoning Category	§ References	1st	2nd	3rd+
23	****	****	****	****	****	****
24	RESIDENTIAL STANDARDS AND USES					
25	****	****	****	****	****	****

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

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

8	Article 8 Code Section	Other Code Section	Zoning Controls
9	* * * *	* * * *	* * * *
10			<u>ACCESSORY DWELLING UNITS</u>
11			<u>Boundaries: Within the boundaries of the Chinatown Visitor Retail</u>
12			<u>District.</u>
13	§§ 811.1	§	<u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and</u>
14	.91	207(c)(4)	<u>meeting the requirements of Section 207(c)(4) is permitted to be</u>
15			<u>constructed within an existing building zoned for residential use or within</u>
16			<u>an existing and authorized auxiliary structure on the same lot.</u>
17			

SEC. 812.I. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

The Chinatown Residential Neighborhood Commercial District extends along Stockton Street between Sacramento and Broadway and along Powell Street between Washington Street and Broadway. It is generally west and uphill from Grant Avenue and is close to the relatively intensely developed residential areas of lower Nob and Russian Hills. Stockton Street is a major transit corridor which serves as "Main Street" for the Chinatown neighborhood. Both Stockton and Powell Streets contain a significant amount of housing as well as major community institutions supportive to Chinatown and the larger Chinese

community. This daytime-oriented district provides local and regional specialty food shopping for fresh vegetables, poultry, fish and meat. Weekends are this area's busiest shopping days.

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

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

Table 812
CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE

****	****	****			
			Chinatown Residential Neighborhood Commercial District		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****

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

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

8	Article 8 Code Section	Other Code Section	Zoning Controls
9	****	****	****
10			<u>ACCESSORY DWELLING UNITS</u>
11			<u>Boundaries: Within the boundaries of the Chinatown Residential</u>
12			<u>Neighborhood Commercial District.</u>
13	<u>§§ 812.1</u>	§	<u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and</u>
14	<u>91</u>	<u>207(c)(4)</u>	<u>meeting the requirements of Section 207(c)(4) is permitted to be</u>
15			<u>constructed within an existing building zoned for residential use or within</u>
16			<u>an existing and authorized auxiliary structure on the same lot.</u>

Section 7. 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, furnishings and facilities supplied in connection with the use or occupancy thereof, including garage and parking facilities.

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

8 The term "rental units" shall not include:

9 * * * *

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

18 * * * *

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

25 * * * *

1
2 Section 8. Effective Date. This ordinance shall become effective 30 days after
3 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
4 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
5 of Supervisors overrides the Mayor's veto of the ordinance.
6

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

13 Specifically, the Board of Supervisors recognizes that a pending ordinance in Board of
14 Supervisors File No. 1500365 that authorizes the construction of Accessory Dwelling Units
15 within the boundaries of Board of Supervisors District 8 amends some of the same sections of
16 the Planning Code. The Board intends that, if adopted, the additions and deletions shown in
17 both ordinances be given effect so that the substance of each ordinance be given full force
18 and effect. To this end, the Board directs the City Attorney's Office and the publisher to
19 harmonize the provisions of each ordinance.
20

21 Section 10. Severability. If any section, subsection, sentence, clause, phrase, or word
22 of this Section is for any reason held to be invalid or unconstitutional by a decision of any
23 court of competent jurisdiction, such decision shall not affect the validity of the remaining
24 portions of the Section. The Board of Supervisors hereby declares that it would have passed
25 this Section and each and every section, subsection, sentence, clause, phrase, and word not

1 declared invalid or unconstitutional without regard to whether any other portion of this Section
2 would be subsequently declared invalid or unconstitutional.

3
4 Section 11. Directions to Clerk. The Clerk of the Board of Supervisors is hereby
5 directed to submit a copy of this ordinance to the California Department of Housing and
6 Community Development within 60 days following adoption pursuant to Section 65852.2(h) of
7 the California Government Code.

8
9 APPROVED AS TO FORM:
10 DENNIS J. HERRERA, City Attorney

11 By: _____
12 JUDITH A. BOYAJIAN
Deputy City Attorney

13 n:\egana\as2015\1500786\01033208.docx

LEGISLATIVE DIGEST
(07/20/15 - AMENDED IN COMMITTEE)

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

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

Existing Law

Planning Code Section 102 has definitions for various uses. 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 within the built envelope of an existing building zoned for residential use or an authorized auxiliary structure on the same lot within the Castro Neighborhood Commercial District and surrounding area, and in a building undergoing mandatory seismic retrofitting under the Building Code. An ADU cannot be constructed using space from an existing Dwelling Unit.

Section 307 authorizes the Zoning Administrator to grant complete or partial waivers from the Planning Code's density, parking, rear yard, exposure or open space requirements to facilitate the construction of an ADU and the Planning Department is required to establish a system for monitoring their affordability. If the ADU was constructed with a waiver of Planning Code requirements, it will be subject to the Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) if the building or any existing Dwelling Unit in the building is already subject to the Rent Ordinance.

Amendments to Current Law

Planning Code Section 102 is amended to add a definition for Accessory Dwelling Unit. Section 207(c)(4) is amended to allow ADUs to be constructed anywhere within the boundaries of Board of Supervisor District 3. An ADU may not be subdivided in a manner that would allow the ADU to be sold or separately financed pursuant to any condominium plan, housing cooperative, or similar form of separate ownership. For buildings undergoing mandatory seismic retrofitting, a noncomplying structure may be expanded without needing a variance and, if permitted by the Building Code, the building may be raised up to three feet to create heights suitable for residential use on lower floors. The increase in height for buildings

undergoing mandatory seismic retrofitting is exempt from the notification requirements of Planning Code Sections 311 and 312. The Zoning Control Tables for zoning districts within the boundaries of District 3 are amended to refer to ADUs, and conforming amendments are made to Section 307 and the Rent Ordinance.

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

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

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

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

Section 1. General and Environmental Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 150365 and is incorporated herein by reference. The Board affirms 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.

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

SEC. 102. DEFINITIONS.

* * * *

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

SEC. 207. DWELLING UNIT DENSITY LIMITS.

* * * *

(c) Exceptions to Dwelling Unit Density Limits.

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

For projects that are not located in any RH-1 or RH-2 zoning district, or are not seeking and receiving a density bonus under the provisions of California Government Code Section 65915, where 20 percent or more of the Dwelling Units on-site are "Affordable Units," the on-site Affordable Units shall not count towards the calculation of dwelling unit density. This Planning Code Section does not provide exceptions to any other Planning Code requirements such as height or bulk. For purposes of this Section 207, "Affordable Units" shall be defined as meeting ~~(1)~~ (A) the criteria of Section 406(b); ~~(2)~~ (B) the requirements of Section 415 et seq. for on-site units; or ~~(3)~~ (C) restricted units in a project using California Debt Limit Allocation Committee (CDLAC) tax-exempt bond financing and 4 percent tax credits under the Tax Credit Allocation Committee (TCAC). If a project sponsor proposes to provide "Affordable Units" that are not restricted by any other program, in order to receive the benefit of the additional density permitted under this Subsection (c)(1) or Subsection (c)(2), the project 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(l) 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 ~~a~~Dwelling ~~u~~Units, one Accessory Dwelling Unit is permitted; for buildings that have more than
6 10 existing ~~a~~Dwelling ~~u~~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(l) 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 ~~a~~Dwelling ~~u~~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**

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

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

13
14 Section 4. The Planning Code is hereby amended by revising the Zoning Control
15 Tables in Sections 209.1, 209.2, and 209.4, to read as follows:

16 **Table 209.1**
17 **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

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					

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.
****	****	****	****	****	****

* 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
25

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>
----------------------------------------------------------------	----------------------------------------------	----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

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,
25

personal services and offices are permitted at all stories of new buildings. Limited storage and administrative service activities are permitted with some restrictions.

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

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

****	****	****	****		
No.	Zoning Category	§ References	NC-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****
RESIDENTIAL STANDARDS AND USES					
****	****	****	****	****	****
712.91	Dwelling Unit Density	§ 207	Generally, up to 1 unit per 600 sq. ft. lot area # § 207(c)		
****	****	****	****	****	****

SPECIFIC PROVISIONS FOR NC-3 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>§§ 712, 712.91</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</u> <u>and 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. 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>

		<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>
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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>
*****	*****	*****

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

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

Housing development in new buildings is encouraged above the second story. Existing upper-story residential units are protected by limitations on demolitions and 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 721. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

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

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

Article 7 Code Section	Other Code Section	Zoning Controls
****	****	****
§§ 721, 721.91	§ 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>

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-

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

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

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

****	****	****	****		
No.	Zoning Category	§ References	Valencia Street Transit		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
****	****	****	****	****	****

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

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

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

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

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: Board of Supervisors District 8 as extant on July 1, 2015.</u> <u>Controls: 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

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

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

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

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

*****	*****	*****	*****		
No.	Zoning Category	§ References	NCT-3		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
*****	*****	*****	*****	*****	*****
RESIDENTIAL STANDARDS AND USES					
*****	*****	*****	*****	*****	*****
731.91	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 NCT-3 DISTRICTS

Article 7 Code Section	Other Code Section	Zoning Controls
***	***	***
§§ 731, 731.91	§ 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 within</u> <u>an existing and authorized auxiliary structure on the same lot.</u>

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
****	****	****

		<u>ACCESSORY DWELLING UNITS</u>
		<u>Boundaries: Board of Supervisors District 8 extant on July 1, 2015.</u>
<u>§§ 733,</u>		<u>Controls: An "Accessory Dwelling Unit," as defined in Section 102 and</u>
<u>733.91</u>	<u>§ 207(c)(4)</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>

SEC. 738. GLEN PARK NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

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

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

Commercial uses are encouraged at the ground story. Retail frontages and pedestrian-oriented streets are protected by limiting curb cuts (i.e. driveways, garage entries) as well as requiring ground floor commercial uses on portions of Diamond and Chenery Streets. Housing 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(I), 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.

1
2 Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
3 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
4 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
5 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
6 additions, and Board amendment deletions in accordance with the "Note" that appears under
7 the official title of the ordinance.
8

9 Section 9. Severability. If any section, subsection, sentence, clause, phrase, or word of
10 this Section is for any reason held to be invalid or unconstitutional by a decision of any court
11 of competent jurisdiction, such decision shall not affect the validity of the remaining portions of
12 the Section. The Board of Supervisors hereby declares that it would have passed this Section
13 and each and every section, subsection, sentence, clause, phrase, and word not declared
14 invalid or unconstitutional without regard to whether any other portion of this Section would be
15 subsequently declared invalid or unconstitutional.
16

17 Section 10. Directions to Clerk. The Clerk of the Board of Supervisors is hereby
18 directed to submit a copy of this ordinance to the California Department of Housing and
19 Community Development within 60 days following adoption pursuant to Section 65852.2(h) of
20 the California Government Code.
21

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

24 By: _____
25 JUDITH A. BOYAJIAN
Deputy City Attorney

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LEGISLATIVE DIGEST
(07/20/15 - AMENDED IN COMMITTEE)

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

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

Existing Law

Planning Code Section 102 has definitions for various uses. 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 within the built envelope of an existing building zoned for residential use or an authorized auxiliary structure on the same lot within the Castro Street Neighborhood Commercial District and surrounding area, and in a building undergoing mandatory seismic retrofitting under the Building Code. An ADU cannot be constructed using space from an existing Dwelling Unit.

Section 307 authorizes the Zoning Administrator to grant complete or partial waivers from the Planning Code's density, parking, rear yard, exposure or open space requirements to facilitate construction of an ADU and the Planning Department is required to establish a system for monitoring their affordability. If the ADU was constructed with a waiver of Planning Code requirements, it will be subject to the Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) if the building containing the ADU or any unit within the building is already subject to the Rent Ordinance.

Amendments to Current Law

Planning Code Section 102 is amended to add a definition for Accessory Dwelling Unit. Section 207(c)(4) is amended to allow ADUs to be constructed anywhere within the boundaries of Board of Supervisors District 8. An ADU may not be subdivided in a manner that would allow the ADU to be sold or separately financed pursuant to any condominium plan, housing cooperative, or similar form of separate ownership. For buildings undergoing mandatory seismic retrofitting, a noncomplying structure may be expanded without needing a variance and, if permitted by the Building Code, the building may be raised up to three feet to create heights suitable for residential use on lower floors. The increase in height for buildings undergoing mandatory seismic retrofitting is exempt from the notification requirements of

Planning Code Sections 311 and 312. The Zoning Control Tables for zoning districts within the boundaries of District 8 are amended to refer to ADUs, and conforming technical amendments are made to Planning Code Section 307 and the Rent Ordinance.

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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Introduction Form

By a Member of the Board of Supervisors or the Mayor

Time stamp
or meeting date

I hereby submit the following item for introduction (select only one):

- ☐ 1. For reference to Committee.
An ordinance, resolution, motion, or charter amendment.
- ☒ 2. Request for next printed agenda without reference to Committee.
- ☐ 3. Request for hearing on a subject matter at Committee.
- ☐ 4. Request for letter beginning "Supervisor" inquires"
- ☐ 5. City Attorney request.
- ☐ 6. Call File No. from Committee.
- ☐ 7. Budget Analyst request (attach written motion).
- ☐ 8. Substitute Legislation File No.
- ☐ 9. Request for Closed Session (attach written motion).
- ☐ 10. Board to Sit as A Committee of the Whole.
- ☐ 11. Question(s) submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- ☐ Small Business Commission
- ☐ Youth Commission
- ☐ Ethics Commission
- ☐ Planning Commission
- ☐ Building Inspection Commission

Note: For the Imperative Agenda (a resolution not on the printed agenda), use a Imperative

Sponsor(s):

Supervisors Wiener; Christensen

Subject:

Approval of a 90-Day Extension for Planning Commission Review of Four Ordinances Restricting Accessory Dwelling Units (Files No. 150810, 150811, 150585, and 150365)]

The text is listed below or attached:

Resolution extending by 90 days the prescribed time within which the Planning Commission may render its decision on Ordinances (Files No. 150810 and 150811) amending the Planning Code to prohibit Accessory Dwelling Units (ADU) from being used as a Short Term Rental (STR) and from being approved for construction in buildings where a tenant has been evicted under the Ellis Act within ten years prior to filing the application; and on Ordinances (Files No. 150585 and 150365) that would prohibit a subdivision allowing an ADU to be separately sold or financed; amending the Administrative Code to correct section references; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1; and directing the Clerk of the Board of Supervisors to send a copy of the ordinances to the California Department of Housing and Community Development after adoption.

Signature of Sponsoring Supervisor:

Scott Wiener

For Clerk's Use Only:

