File No. 120472

Committee Item No. _____
Board Item No. 19

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee _____ Date _____

Board of Supervisors Meeting Date 7/31/12

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| ☐ | ☐ | Motion |
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OTHER (Use back side if additional space is needed)

| | | |
|---|---|---|
| ☐ | ☒ | Amended in Board 7/24/12 |
| ☐ | ☐ | |
| ☐ | ☐ | |
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| ☐ | ☐ | |

Completed by: Arthur Khoo Date 7/26/12
Completed by: _____ Date _____

An asterisked item represents the cover sheet to a document that exceeds 20 pages. The complete document is in the file.

[Planning Code – Clerical Modifications and Repeal of Obsolete Sections]

**Ordinance amending the San Francisco Planning Code by 1) repealing obsolete Sections 187, 249.15, 263.2, and 263.3; 2) amending Sections 102.5, 121.3, 201, 204.2, 209.9, 249.49, 309.1, 799 and 899 to make various clerical modifications; and 3) adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.**

NOTE: Additions are *single-underline italics Times New Roman*; deletions are ~~*strike-through italics Times New Roman*~~. Board amendment additions are double-underlined; Board amendment deletions are ~~strikethrough normal~~.

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

Section 1. 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 Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 110548 and is incorporated herein by reference.

(b) Pursuant to Planning Code Section 302, this Board finds that these Planning Code amendments will serve the public necessity, convenience, and welfare for the reasons set forth in Planning Commission Resolution No. 18553 and the Board incorporates such reasons herein by reference. A copy of Planning Commission Resolution No. 18553 is on file with the Clerk of the Board of Supervisors in File No. 110548.

(c) This Board finds that these Planning Code amendments are consistent with the General Plan and with the Priority Policies of Planning Code Section 101.1 for the reasons set forth in Planning Commission Resolution No. 18553, and the Board hereby incorporates such reasons herein by reference.

Section 2.The San Francisco Planning Code is hereby amended by repealing Sections 187, 249.15, 263.2, and 263.3, as follows:

~~***SEC. 187. GARMENT SHOPS AND GARMET FACTORIES AS NONCOFORMING USES.***~~

~~*(a) A garment shop or a garment factory (as defined in the Building Code), existing on January 1, 1960, and located either in a commercial district or in a building having legal nonconforming commercial status under provisions of the City Planning Code in force on that date, shall be regarded as a legal nonconforming use under provisions of the City Planning Code becoming effective on May 2, 1960, if such shop or factory was brought into compliance with all applicable codes and ordinances prior to January 1, 1961. Permits of Occupancy must have been obtained prior to January 1961, by such shop or factory, and any shop or factory which failed to comply with all applicable codes and ordinances prior to that date shall have closed and discontinued all operations.*~~

~~*(b) Garment shops and garment factories located in an R District, except those having legal nonconforming status, shall have closed and ceased all operations by January 1, 1961.*~~

~~*(c) Garment shops and garment factories having legal nonconforming status in R, NC, and C Districts shall be subject to the provisions of Sections 180 through 185 of this Code as nonconforming uses. No such use shall be intensified by installation of additional machines.*~~

~~***SEC. 249.15. RESTRICTED LIGHT INDUSTRIAL SPECIAL USE DISTRICT.***~~

~~*(a) **Purpose.** There shall be a special use district known as the Restricted Light Industrial Special Use District, consisting of certain portions of the City and County of San Francisco zoned M-1 or P which border residential or recreational areas. The purpose of this district will be to restrict the more intensive light industrial activities in order to reduce conflict between uses adjacent or in close proximity to one another. These uses include: industrial areas, residential areas, recreation areas (both existing and proposed), large sports facilities or other large parking generators.*~~

~~*(b) **Controls.***~~

~~(1) In the Restricted Light Industrial Special Use District, the following uses (otherwise permitted or conditionally permitted in M-1 districts) shall not be permitted:~~

~~- Yard for storage or sale of livestock feed or coal;~~

~~- Stone or monument yard;~~

~~- Storage or transfer of junk, waste, garbage, refuse, secondhand, discarded, or salvaged materials;~~

~~- Automobile wrecking operation;~~

~~- Rendering or reduction of animal materials;~~

~~- Automobile assembling;~~

~~- Bottling plant, brewery, dairy products, plant, malt manufacturing or processing;~~

~~- Ice manufacturing;~~

~~- Concrete products mixing or manufacturing;~~

~~- Foundry;~~

~~- Metalworking or blacksmith shop;~~

~~- Enameling, lacquering, wholesale paint mixing;~~

~~- Woodworking mill or manufacturing of wood fibre, sawdust, or excelsior products.~~

~~(2) In the Restricted Light Industrial Special Use District, the following uses shall require conditional use approval pursuant to Section 303(c) and (d) of the Planning Code:~~

~~- Parcel delivery services (as set forth in Planning Code Section 223(g) and (r));~~

~~- Ambulance services (as set forth in Planning Code Section 223(s));~~

~~- Storage for commercial vehicles (as set forth in Planning Code 223(t) and (u));~~

~~- Cold storage plant (as set forth in Planning Code Section 225(g));~~

~~In addition to the criteria for conditional use review already stated in Section 303, conditional use review for any new development in this special use district shall also consider the following issues:~~

~~(A) The impact on human health imposed by soil toxicity;~~

~~*(B) Mitigation of adverse environmental impacts of industry on housing or open space (including but not limited to: noise, trash, dust);*~~

~~*(C) Conflict between industrial vehicular traffic and residential uses;*~~

~~*(D) Impacts of spillover parking from adjacent uses that generate high parking demands;*~~

~~*(E) Compatibility of appearance and landscaping with residential or parks;*~~

~~*(F) Any other related problems or issues resulting from the conflict of different land use activities in this area.*~~

~~*(3)* **Enforcement.** *All requirements of Article 1.7 of the City Planning Code with regard to enforcement and compliance with these restrictions shall be monitored by the Zoning Administrator in cooperation with the Department of Building Inspection and the Department of Public Health. Specifically, termination of legal nonconforming uses and abatement of illegal uses will be pursued to the extent permitted by the Municipal Code.*~~

**SEC. 263.2.** *Reserved.* ~~***SPECIAL EXCEPTIONS: NORTH OF FERRY BUILDING.***~~

~~*(a) In the 84-X-1 Height and Bulk District as designated on Sectional Map No. 1H of the Zoning Map, height exceptions may be approved by the Planning Commission in appropriate cases as provided herein. The purpose of providing for such exceptions is to encourage greater flexibility in project design and a gradual stepping down of the height of buildings from The Embarcadero toward the Bay. As used in this Section, a "project area" shall be defined as the area between the north or east curbline of The Embarcadero (generally 60 feet inland from the water front line) and the Pier Head Line, with boundaries as set by the Port Commission in any agreement entered into with a developer.*~~

~~*(b) Such height exceptions may be permitted, provided that:*~~

~~*(1) The height of the building or structure so approved by the Planning Commission shall not exceed 125 feet; and*~~

~~*(2) Within this 125-foot maximum, there shall be a limitation on permitted building volume located above the basic height limit of 84 feet, calculated as the product of 41 feet (the difference*~~

~~*between 125 feet and 84 feet) and 15 percent of the project area. For purposes of the foregoing calculation only, the project area may include part or all of the adjacent 65-D-1 Height and Bulk District as well as part or all of the 84-X-1 Height and Bulk District.*~~

~~*(c) In acting upon any application under this Section, the Planning Commission shall consider the following criteria in addition to those stated in Section 303(c):*~~

~~*(1) The development criteria for the Waterfront Special Use District No. 1, as set forth in Section 240.1; and*~~

~~*(2) The siting of buildings or structures so that higher elements are located nearest The Embarcadero and lower elements outward from the Embarcadero toward the Bay, with a gradual stepping down in height.*~~

~~*(d) No exception from the height limit shall be permitted in the 65-D-1 Height and Bulk District*~~

**SEC. 263.3.** *Reserved.* ~~***SPECIAL EXCEPTIONS: SOUTH OF FERRY BUILDING.***~~

~~*(a) In the 84-X-2 Height and Bulk District as designated on Sectional Map No. 1H of the Zoning Map, height exceptions may be approved by the Planning Commission in appropriate cases as provided herein. The purpose of providing for such exceptions is to encourage greater flexibility in project design. As used in this Section, a "project area" shall be defined as the area between the north or east curbline of The Embarcadero (generally 60 feet inland from the waterfront line) and the Pier Head Line with boundaries as set by the Port Commission in any agreement entered into with a developer.*~~

~~*(b) Such height exceptions may be permitted, provided that:*~~

~~*(1) The height of the building or structure so approved by the Planning Commission shall not exceed 175 feet; and*~~

~~*(2) Within this 175-foot maximum, there shall be a limitation on permitted building volume located above the basic height limit of 84 feet, calculated as the product of 91 feet (the difference between 175 feet and 84 feet) and 10 percent of the project area.*~~

~~*(c) In acting upon any application under this Section, the Planning Commission shall consider the following criteria in addition to those stated in Section 303(c):*~~

~~*(1) The development criteria for the Waterfront Special Use District No. 1 as set forth in Section 240.1; and*~~

~~*(2) The siting of buildings or structures so that higher elements are located nearest The Embarcadero and lower elements outward from The Embarcadero toward the Bay, with a gradual stepping down in height.*~~

Section 3. The San Francisco Planning Code is hereby amended by amending Sections 102.5, 121.3, 201, 204.2, 209.9, 249.49, 309.1, 799 and 899, to read as follows:

**SEC. 102.5. DISTRICT.**

A portion of the territory of the City, as shown on the Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Code. The term "district" shall include any use, special use, height and bulk, or special sign district. The *classes of use districts are described in Section 201 of this Code.* ~~*term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, RC-4 or RED District. The term "C District" shall mean any C-1, C-2, C-3, or C-M District. The term "RTO District" shall be that subset of R Districts which are the RTO and RTO-M District. The term "M District" shall mean any M-1 or M-2 District. The term "PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-G, or PDR-2 District. The term "RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District. The term "RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District. The term "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and Article 11 of this Code, the term "C-3 District" shall also include the Extended Preservation District designated on Section Map 3SU of the Zoning Map. The term "NC District" shall*~~

~~*mean any NC-1, NC-2, NC-3, NC-T, NC-S, and any Neighborhood Commercial District and Neighborhood Commercial Transit District identified by street or area name in Section 702.1. The term "NCT" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-2, NCT-3 and any Neighborhood Commercial Transit District identified by street or area name. The term "Mixed Use" District shall mean all Chinatown Mixed Use, South of Market Mixed Use, Eastern Neighborhoods Mixed Use, and Downtown Residential Districts. The term "Chinatown Mixed Use District" shall mean any Chinatown CB, Chinatown VR, or Chinatown R/NC District named in Section 802.1. The term "South of Market Mixed Use Districts" shall refer to all RED, RSD, SLR, SLI, or SSO Districts named in Section 802.1. The term "Eastern Neighborhoods Mixed Use Districts" shall refer to all SPD, MUG, MUO, MUR, and UMU named in Section 802.1. The term "DTR District" or "Downtown Residential District" shall refer to any Downtown Residential District identified by street or area name in Section 825, 827, 828, and 829 The term "PM District" or "Parkmerced District" shall refer to any PM-R, PM-MU1, PM-MU2, PM-S, PM-CF, or PM-OS District named in Section 249.64. The terms "TI District" and "YBI District" shall refer to any TI-R, TI-MU, TI-OS, TI-PCI, YBI-R, YBI-MU, YBI-OS, YBI-PCI, as set forth in Section 249.52.*~~

**SEC. 121.3. DEVELOPMENT *OF* ~~*ON*~~ LARGE LOTS, *CHINATOWN* MIXED USE DISTRICTS.**

In order to promote, protect, and maintain a scale of development which is appropriate to each Mixed Use District and complementary to adjacent buildings, new construction or enlargement of existing buildings on lots larger than the square footage stated in the table below shall be permitted as conditional uses subject to the provisions set forth in Section 303.

| **District** | **Lot Size Limits** |
|---|---|
| ~~*Chinatown*~~ | 5,000 sq. ft. |
| *Chinatown* Community Business | |

| | |
|---|---|
| *Chinatown* Residential/Neighborhood Commercial | |
| *Chinatown* Visitor Retail | |

In addition to the criteria of Section 303(c), the ~~City~~ Planning Commission shall consider the following criteria:

(1) The mass and facade of the proposed structure are compatible with the existing scale of the district.

(2) The facade of the proposed structure is consistent with design features of adjacent facades that contribute to the positive visual quality of the district.

**SEC. 201. CLASSES OF USE DISTRICTS.**

In order to carry out the purposes and provisions of this Code, the City is hereby divided into the following classes of use districts:

| | |
|---|---|
| **Public Use Districts (P)** | |
| **Residential Districts** | |
| RH-1(D) | Residential, House Districts, One-Family (Detached Dwellings) |
| RH-1 | Residential, House Districts, One-Family |
| RH-1(S) | Residential, House Districts, One-Family with Minor Second Unit |
| RH-2 | Residential, House Districts, Two-Family |
| RH-3 | Residential, House Districts, Three-Family |
| RM-1 | Residential, Mixed Districts, Low Density |
| RM-2 | Residential, Mixed Districts, Moderate Density |
| RM-3 | Residential, Mixed Districts, Medium Density |
| RM-4 | Residential, Mixed Districts, High Density |
| *RTO* | *Residential, Transit-Oriented Neighborhood Districts* |
| *RTO-M* | *Residential, Transit-Oriented – Mission Neighborhood Districts* |
| **Residential-Commercial Districts *(RC)*** | |
| ~~*RC-1*~~ | ~~*Residential-Commercial Combined Districts, Low Density*~~ |
| ~~*RC-2*~~ | ~~*Residential-Commercial Combined Districts, Moderate Density*~~ |
| RC-3 | Residential-Commercial ~~*Combined*~~ Districts, Medium Density |

| | |
|---|---|
| RC-4 | Residential-Commercial ~~*Combined*~~ Districts, High Density |
| ~~***Residential Transit-Oriented Neighborhood Districts***~~ | |
| ~~*RTO*~~ | ~~*Residential, Transit-Oriented Neighborhood Districts*~~ |
| ~~*RTO-M*~~ | ~~*Residential Transit-Oriented – Mission Neighborhood Districts*~~ |
| | |
| **Neighborhood Commercial Districts** *(NC)*<br>**(Also see Article 7)**<br>General Area Districts | |
| NC-1 | Neighborhood Commercial Cluster District |
| NC-2 | Small-Scale Neighborhood Commercial District |
| NC-3 | Moderate-Scale Neighborhood Commercial District |
| NC-S | Neighborhood Commercial Shopping Center District |
| | |
| **Individual Area Districts** | |
| Broadway Neighborhood Commercial District | |
| Castro Street Neighborhood Commercial District | |
| Inner Clement Street Neighborhood Commercial District | |
| Outer Clement Street Neighborhood Commercial District | |
| Upper Fillmore Street Neighborhood Commercial District | |
| Haight Street Neighborhood Commercial District | |
| Inner Sunset Neighborhood Commercial District | |
| Upper Market Street Neighborhood Commercial District | |
| North Beach Neighborhood Commercial District | |
| Pacific Avenue Neighborhood Commercial District | |
| Polk Street Neighborhood Commercial District | |
| Sacramento Street Neighborhood Commercial District | |
| Union Street Neighborhood Commercial District | |
| 24th Street-Noe Valley Neighborhood Commercial District | |
| West Portal Avenue Neighborhood Commercial District | |
| | |
| **Neighborhood Commercial Transit Districts (NCT)** | |
| NCT-1 | Neighborhood Commercial Transit Cluster District |
| NCT-2 | Small-Scale Neighborhood Commercial Transit District |
| NCT-3 | Moderate Scale Neighborhood Commercial Transit District |
| | |
| **Individual Area Neighborhood Commercial Transit (NCT) Districts** | |

| | |
|---|---|
| Hayes-Gough NCT | |
| Upper Market Street NCT | |
| Valencia Street NCT | |
| 24th Street — Mission NCT | |
| Mission Street NCT | |
| SoMa NCT | |
| Ocean Avenue NCT | |
| Glen Park NCT | |
| | |
| **Neighborhood Commercial Special Use Districts** | |
| Lakeshore Plaza Special Use District | |
| Bayshore-Hester Special Use District | |
| *Mission-Harrington Special Use District* | |
| North Beach Special Use District | |
| *1800 Market Community Center Project Special Use District* | |
| | |
| ***Neighborhood Commercial Restricted Use Districts*** | |
| Taraval Street Restaurant ~~*& Fast Food*~~ Subdistrict | |
| Irving Street Restaurant ~~*& Fast Food*~~ Subdistrict | |
| Geary Boulevard *Formula Retail Pet Supply Store and Formula Retail Easting and Drinking* ~~*Fast Food*~~ Subdistrict | |
| Mission Street *Formula Retail Restaurant* ~~*Fast Food*~~ Subdistrict | |
| North Beach Financial Service, Limited Financial Service, and Business or Professional Service Subdistrict | |
| Chestnut Street Financial Subdistrict | |
| ~~***Neighborhood Commercial Restricted Use Districts***~~ | |
| Third Street Alcohol Restricted Use District | |
| Divisadero Street Alcohol Restricted Use District | |
| Lower Haight Street Alcohol Restricted Use District | |
| Excelsior Alcohol Restricted Use District | |
| Lower Haight Street Tobacco Paraphernalia Restricted Use District | |
| Fringe Financial Restricted Use District | |
| | |
| **Commercial Districts** *(C)* | |
| ~~*C-1*~~ | ~~*Neighborhood Shopping Districts*~~ |
| C-2 | Community Business Districts |

| | |
|---|---|
| C-M | Heavy Commercial Districts |
| C-3-O | Downtown Office District |
| C-3-R | Downtown Retail District |
| C-3-G | Downtown General Commercial District |
| C-3-S | Downtown Support District |
| | |
| **Industrial Districts** | |
| M-1 | Light Industrial Districts |
| M-2 | Heavy Industrial Districts |
| PDR-1-B | Production Distribution and Repair — Light Industrial Buffer |
| PDR-1-D | Production Distribution and Repair — Design |
| PDR-1-G | Production Distribution and Repair - General |
| PDR-2 | Core Production Distribution and Repair — Bayview |
| | |
| **Chinatown Mixed Use Districts (Also see Article 8)** | |
| CCB | Chinatown Community Business District |
| CR/NC | Chinatown Residential/Neighborhood Commercial District |
| CVR | Chinatown Visitor Retail District |
| | |

| | |
|---|---|
| **South of Market Use Mixed Use Districts (Also see Article 8)** | |
| RED | Residential Enclave Districts |
| RSD | Residential Service District |
| SLR | Service/Light Industrial/Residential District |
| SLI | Service/Light Industrial District |
| SSO | Service/Secondary Office District |
| | |
| **Eastern Neighborhoods Mixed Use Districts (Also see Article 8)** | |
| SPD | South Park District |
| MUG | Mixed Use — General |
| MUO | Mixed Use — Office |

| | |
|---|---|
| MUR | Mixed Use — Residential |
| UMU | Urban Mixed Use |
| | |
| **Downtown Residential Districts *(DTR)* (Also see Article 8)** | |
| RH-DTR | Rincon Hill Downtown Residential |
| SB-DTR | South Beach Downtown Residential |
| TB-DTR | Transbay Downtown Residential |
| **Mission Bay Districts *(MB)* (Also see Article 9)** | |
| MB-R-1 | Mission Bay Lower Density Residential District |
| MB-R-2 | Mission Bay Moderate Density Residential District |
| MB-R-3 | Mission Bay High Density Residential District |
| MB-NC-2 | Mission Bay Small Scale Neighborhood Commercial District |
| MB-NC-3 | Mission Bay Moderate Scale Neighborhood Commercial District |
| MB-NC-S | Mission Bay Neighborhood Commercial Shopping Center District |
| MB-O | Mission Bay Office District |
| MB-CI | Mission Bay Commercial-Industrial District |
| MB-H | Mission Bay Hotel District |
| MB-CF | Mission Bay Community Facilities District |
| MB-OS | Mission Bay Open Space District |
| **Parkmerced Districts (Also see Section 249.64)** | |
| PM-R | Parkmerced Residential District |
| PM-MU1 | Parkmerced Mixed Use – Social Heart District |
| PM-MU2 | Parkmerced Mixed Use – Neighborhood Commons |
| PM-S | Parkmerced School District |
| PM-CF | Parkmerced Community Fitness District |
| PM-OS | Parkmerced Open Space District |
| **Treasure Island and Yerba Buena Island Districts (Also see Section 249.52)** | |
| TI-R | Treasure Island - Residential |
| TI-MU | Treasure Island – Mixed Use |
| TI-OS | Treasure Island – Open Space |
| TI-PCI | Treasure Island - Public/Civic/Institutional |
| YBI-R | Yerba Buena Island - Residential |

| | |
|---|---|
| YBI-MU | Yerba Buena Island – Mixed Use |
| YBI-OS | Yerba Buena Island – Open Space |
| YBI-PCI | Yerba Buena Island - Public/Civic/Institutional |
| | |

*In addition to the classes of use districts in the above table, the following terms shall apply:*

*"R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-1, RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, RC-4, or RED District;*

*"M District" shall mean any M-1 or M-2 District;*

*"PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-G or PDR-2 District;*

*"RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District;*

*"RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District;*

*"RTO District" shall mean any RTO or RTO-M District;*

*"C-3 District" shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and Article 11 of this Code, the term "C-3- District" shall also include the South of Market Extended Preservation District designated on Section Map SU03 of the Zoning Map;*

*"NCT District" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-2, NCT-3, and any Neighborhood Commercial Transit District identified by street or area name; and*

*"Mixed Use District" shall mean all Chinatown Mixed use, South of Market Mixed Use, Eastern Neighborhood Mixed use, and Downtown Residential Districts.*

**SEC 204.2. ACCESSORY USES FOR USES OTHER THAN DWELLINGS IN R*ESIDENTIAL* DISTRICTS.**

No use shall be permitted as an accessory use to a use other than a dwelling in any R*esidential* District which involves or requires any of the following:

(a) The use of more than ~~¼~~ *one-fourth* of the total floor area occupied by such use and the principal or conditional use to which it is accessory, except in the case of accessory off-street parking and loading;

(b) The use of show windows or window displays or advertising to attract customers or clients, except for an identifying sign and regulated in Article 6 of this Code; or

(c) The conduct of any activity of a profit-making or commercial nature, except as an integral part of the permitted principal or conditional use where such activity is expressly permitted by Sections 209.1 through 209.9 of this Code.

**SEC. 209.9. OTHER USES.**

| **RH-1 (D)** | **RH-1** | **RH-1 (S)** | **RH-2** | **RH-3** | **RM-1** | **RM-2** | **RM-3** | **RM-4** | **RTO** | **RTO-M** | ~~**RC-1**~~ | ~~**RC-2**~~ | **RC-3** | **RC-4** | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | **SEC. 209.9. OTHER USES.** |
| P | P | P | P | P | P | P | P | P | P | P | ~~P~~ | ~~P~~ | P | P | (a) Sale or lease sign, as defined and regulated by Article 6 of this Code. |
| C | C | C | C | C | C | C | C | C | C | C | ~~C~~ | ~~C~~ | C | C | (b) Planned Unit Development, as defined and regulated by Section 304 and other applicable |

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | provisions of this Code. |
| SEE SECTIONS 205 THROUGH 205.2 | | | | | | | | | | | | | | | (c) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code. |
| | | | | | | | | | | | ~~P~~ | ~~P~~ | P | P | (d) Any use as specified in, and regulated by, Sections 209.3(d), (f), (g), (h), (j); 209.4(a), (b); or 209.5(c) of this Code, when located in or below the ground story of a building and not above the ground story. |
| C | C | C | C | C | C | C | C | C | C | C | | | | | (e) Any use listed as a |

principal or conditional use permitted *on the ground floor* in an ~~*RC-1*~~ *NC-1* District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, provided that~~:~~ *no Conditional Use shall be authorized under this provision unless (1) such authorization conforms to the applicable provisions of Section 303 of this Code and (2 the specific use so*

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | *authorized is essential to the feasibility of retaining and preserving the landmark.* |
| | | | | | | | | | | | | | | | ~~*(1) No application for a conditional use under this provision shall be accepted for filing until a period of 180 days shall have elapsed after the date of designation of the landmark; and*~~ |
| | | | | | | | | | | | | | | | ~~*(2) No conditional use shall be authorized under this provision unless*~~ |

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | ~~such authorization conforms to the applicable provisions of Section 303 of this Code and, in addition, unless the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.~~ |
| ~~(~~ | ~~(~~ | ~~(~~ | ~~(~~ | ~~(~~ | ~~(~~ | ~~(~~ | ~~(~~ | ~~(~~ | ~~(~~ | ~~(~~ | | | | | ~~(f) Subject to Section 233(a), live/work units in existing structures, including additions and expansions thereof, provided that one or more arts activities as defined in Section~~ |

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | ~~102.2 of this Code are the primary nonresidential use within the live/work unit, that other nonresidential activities are limited to those otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use, and further subject to Section 303(c)(6)(B) where that Section applies.~~ |
| | | | | | | | | | | | ~~P~~ | ~~P~~ | ~~P~~ | ~~P~~ | ~~(g) Subject to Section 233(a),~~ |

| | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | ~~live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary non-residential use within the live/work unit, and that other nonresidential activities are limited to activities otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use.~~ |
| ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~C~~ | ~~P~~ | ~~P~~ | ~~P~~ | ~~P~~ | ~~(h) Subject to Section 233(a),~~ |

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| | | | | | | | | | | | | | | | ~~*live/work units, whether or not included above, which satisfy the conditions of Section 233(b) of this Code.*~~ |
| | | | | | | | | | | | ~~P~~ | ~~P~~ | P | P | ~~(i)~~ *(g)* Arts activities except those uses subject to Sections 209.3(d) or (h). |
| C | C | C | C | C | C | C | C | C | C | C | ~~C~~ | ~~C~~ | C | C | ~~(j)~~ *(h)* Mortuary and columbarium uses located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a |

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|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | columbarium use has lawfully and continuously operated since the time of designation. "Columbarium use" shall be defined as a use which provides for the storage of cremated remains in niches. |

**SEC. 249.49. TELEGRAPH HILL – NORTH BEACH RESIDENTIAL SPECIAL USE DISTRICT.**

(a) **Purposes.**

~~(1)~~ To regulate off-street parking and the installation of garages in existing residential structures in order to ensure that they do not significantly increase the level of automobile traffic, increase pollution, or impair pedestrian use on narrow public rights-of-way in the District; and to prevent the ability to add parking from providing an incentive to convert existing residential buildings from rental buildings to tenancies-in-common.

*(b)* ***Applicability.*** *The provisions of this Special Use District shall apply to the RH and RM zoned parcels within the area bounded by Bay Street on the north, The Embarcadero and Sansome*

*Street on the east, Broadway on the South, and Columbus Avenue on the west, as shown on Sectional Map SU01 of the Zoning Map.*

*(c)* ~~(b)~~ **Controls.**

(1) **Number of Off-Street Residential Parking Spaces.** Up to three cars for each four dwelling units is a Permitted use; up to one car for each dwelling unit requires a Conditional use, subject to the criteria and procedures of Section 151.1(f); above one car for each dwelling unit is Not Permitted.

(2) **Installation of a Parking Garage.** Installation of a garage in an existing residential building of four or more units requires a mandatory discretionary review hearing by the Planning Commission; Section 311 notice is required for a building of less than four units. In approving installation of the garage, the Commission shall find that: (1) the proposed garage opening/addition of off-street parking will not cause the "removal" or "conversion of residential unit," as those terms are defined in Section 317 of this Code; (2) the proposed garage opening/addition of off-street parking will not substantially decrease the livability of a dwelling unit without increasing the floor area in a commensurate amount; (3) the building has not had two or more "no-fault" evictions, as defined in 37.9(a)(7)—(13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years, (4) the garage would not front on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking installation is consistent with the Priority Policies of Section 101.1 of this Code.

Prior to the Planning Commission hearing, or prior to issuance of notification under Section 311(c)(2) of this Code, the Planning Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify. The Department shall also have made a determination that the project complies with (4) and (5) above.

**SEC. 309.1 PERMIT REVIEW IN DOWNTOWN RESIDENTIAL DISTRICTS.**

The provisions and procedures set forth in this Section shall govern the review of project authorization and building and site permit applications for the construction or substantial alteration of structures in Downtown Residential districts, the granting of exceptions to requirements of this Code, and the imposition of modifications necessary to ~~achieve the objectives and policies of the General Plan and the purposes of this Code as~~ provided for in Section ~~*827*~~ *825* and elsewhere. When any action authorized by this Section is taken, any determination with respect to the proposed project required or authorized pursuant to CEQA may also be considered.

(a) **Design Review.**

(1) In addition to the standard permit review process, the design of projects greater than 50,000 gross square feet or 85 feet in height shall be subject to design review and approval by Department staff. A detailed design review will be initiated by Department staff working with the project sponsor, at the time an application for 309.1 review or building permit is filed, and may take place in advance of filing a building permit application. This comprehensive review shall resolve issues related to the project's design, including the following:

(A) Overall building massing and scale;

(B) Architectural treatments, facade design and building materials;

(C) The design of lower floors, including building setback areas, townhouses, entries and parking and loading access;

(D) On sloping sites, parking provided above ground pursuant to Section ~~*827(7)(A)*~~ *825(b)* (5)~~(7)~~*(A)*;

(E) The provision of required open space, both on- and off-site;

(F) Streetscape and other public improvements, including tree planting, street furniture, and lighting;

(G) Circulation, including streets, alleys and mid-block pedestrian pathways

(H) Other changes necessary to bring a project into conformance with the ~~*Rincon Hill Plan and other*~~ *applicable* elements and area plans of the General Plan.

(2) If the project sponsor opposes project modifications and conditions recommended by the Director of Planning pursuant to the design review, the Director shall prepare a report of recommended modifications which shall be presented to the Planning Commission for a hearing pursuant to Subsection (e) and which shall be available to the public upon mail notification of said hearing.

(b) **Exceptions.**

(1) Exceptions to the following provisions of this Code may be granted as provided for below:

(A) Exceptions to the tower separation requirements of Section 270(e), pursuant to the criteria described in Section 270(e)(3) and 270(e)(4).

(B) Provision for exceeding an accessory residential parking ratio *principally permitted and up to the maximum permitted by Table 151.1* ~~*of 0.5 off-street car parking spaces per dwelling unit, up to a maximum of one car parking space per dwelling unit, pursuant to the criteria described in Section 151.1*~~.

(C) Exceptions to the lot coverage requirements of Section ~~*827(d)(2)*~~ *825(b)(2)* for conversions of existing non-residential structures to residential use.

(D) Reductions in the dwelling unit exposure requirements of Section 140.

(E) Allowing parking access from Folsom Street, pursuant to ~~*827(d)(7)*~~ *827(a)(8)(A)(ii)* and 155(r).

(F) Reduction of required on-site residential open space of 36 square feet per unit described in Section ~~827(e)(2)(A)~~ *827(a)(9)* to create additional off-site publicly-accessible open space and superior building design.

(G) Design, location, and size of publicly-accessible open space as allowed by ~~*Section 827(e)*~~ *827(a)(9)* and equivalence of proposed publicly-accessible open space in size and quality with required on-site open space.

(H) Modifications to the required upper story setback above a height of 45 feet on the north side of mid-block pedestrian pathways as allowed in Section ~~*827(d)(4)(C)(i)*~~ *827(a)(5)(C)(i)*.

(I) On development lots larger than ½-acre, minor deviations from the provisions for measurement of height in Sections 260 of the Code as otherwise provided in Section 304(d)(6), in cases where the Planning Commission finds that such minor measurement modification is necessary for a project of outstanding overall design, complementary to the design of the surrounding area, and necessary to meet the intent and policies of the relevant area plan of the General Plan.

(c) **Hearing and Determination on Design Modifications and Applications for Exceptions.**

(1) **Hearing.** The Planning Commission shall hold a public hearing for all projects greater than 50,000 gross square feet, for all projects 85 feet in height or greater, and for applications that require exceptions as provided in Subsection (b).

(2) **Notice of Hearing.** Notice of such hearing shall be mailed not less than 10 days prior to the date of the hearing to the project applicant, to property owners within 300 feet of the project that is the subject of the application, using for this purpose the names and addresses as shown on the citywide Assessment Roll in the Assessor's Office, and to any person who has requested such notice. Such notice shall also be published at least once in

an official newspaper of general circulation at least 10 days prior to the date of the hearing. The notice shall state that the written recommendation of the Director of Planning regarding design modifications to the project and regarding any requests for exceptions is available for public review at the office of the Planning Department.

(3) **Director's Recommendations on Modifications and Exceptions.** At the hearing, the Director of Planning shall review for the Commission key urban design issues related to the project based on the design review pursuant to Subsection (a) and recommend to the Commission modifications to the project and conditions for approval as necessary. The Director shall also make recommendations to the Commission on any proposed exceptions pursuant to Subsection (b).

(4) **Decision and Imposition of Conditions.** The Commission may, after public hearing and, after making appropriate findings, approve, disapprove or approve subject to conditions, the project and any applications for exception. In addition to the requirements set forth in this Code, additional requirements, modifications, and limitations may be imposed on a proposed project, through the imposition of conditions, in order to achieve the objectives and policies of the General Plan or the purposes of this Code, including any modifications recommended by the Planning Director arising from design review. If pursuant to the provisions of this Section, the Planning Commission determines that conditions should be imposed on the approval of a building or site permit application or an application for exceptions to conform the building to the standards and intent of the Rincon Hill Plan and other elements of the General Plan and the applicant agrees to comply, the Commission may approve the application subject to those conditions.

(5) **Appeal.** The decision of the Planning Commission on the granting of any exceptions pursuant to Subsection (b) may be appealed to the Board of Appeals by any person aggrieved within 15 days after the date of the decision by filing a written notice of

appeal with that body, setting forth wherein it is alleged that there was an error in the interpretation of the provisions of this Code or abuse of discretion on the part of the Planning Commission.

(6) **Decision on Appeal.** Upon the hearing of an appeal, the Board of Appeals may, subject to the same limitations as are placed on the Planning Commission by Charter or by this Code, approve, disapprove or modify the decision appealed from the Planning Commission. If the determination of the Board differs from that of the Commission it shall, in a written decision, specify the error in interpretation or abuse of discretion on the part of the Commission and shall specify in the findings, as part of the written decision, the facts relied upon in arriving at its determination.

(7) **Discretionary Review.** No requests for discretionary review, other than through the procedures set forth in this Subsection, shall be accepted by the Planning Department or heard by the Planning Commission for permits in a DTR district.

(d) **Change of Conditions.** Authorization of a change in any condition previously imposed pursuant to this Section shall require an application for a change in conditions, which application shall be subject to the procedures set forth in this Section.

(e) **Unbuilt Tower Projects; Progress Requirement and Approval Revocation.**

(1) Construction of any development in an "R" bulk district containing a building taller than 110 feet (herein referred to as a "tower project") shall commence within 24 months of the date the tower project is first approved by the Planning Commission or Board of Appeals pursuant to the provisions of this Section. For tower projects that contain more than one tower structure, each tower structure shall be considered as a separate phase of development, with a requirement for commencement of construction for each subsequent tower phase of 18 months beginning after the Certificate of Final Completion and Occupancy is issued on the previous tower phase. Failure to begin construction work within that period, or thereafter to

carry the development diligently to completion, shall be grounds for the Planning Commission to revoke approval of the tower project or phase. Neither the Department of Public Works nor the Board of ~~Permit~~ Appeals shall grant any extension of time inconsistent with the requirements of this Subsection (e)(1). For the purposes of this Subsection, "carry the development diligently to completion" shall mean continuous construction work without significant stoppage toward the completion of a tower structure beyond any site clearance, grading, excavation, or demolition of existing buildings on the project site.

(2) The Department of Building Inspection shall notify the Planning Department in writing of its approval for issuance and issuance of a site or building permit for any tower protect and of the revocation, cancellation, or expiration of any such permit.

(3) At the first regularly scheduled Planning Commission meeting after the time period described in Subsection (e)(1) or this Subsection (e)(3) has elapsed for any tower project or tower phase, the Planning Commission shall hold a hearing requiring the tower project sponsor to report on the construction progress of the subject tower project or phase. If the Commission finds that the tower project or phase does not meet the progress requirement of Subsection (e)(1), the Commission may revoke or extend, up to a maximum of 12 months for each extension, the approvals for the tower project or phase.

(4) Appeals of Planning Commission decisions pursuant to this Subsection (e) shall be conducted pursuant to the procedures of Subsections (c)(5) and (c)(6).

**SEC. 799. OTHER APPLICABLE SECTIONS OF THE ~~CITY~~ PLANNING CODE.**

Reference should be made to other sections which also apply to Neighborhood Commercial Districts. These sections and their titles are listed below.

| **General Provisions** | |
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| Section 101 | Purposes |

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| *Section 101.1* | *General Plan Consistency and Implementation* |
| Section 109 | Severability |
| **Definitions** | |
| Sections 102—102.25 | Definitions |
| **Zoning Map** | |
| Section 105 | Zoning Map |
| Section 106 | Zoning Map Incorporated Herein |
| **Building Standards** | |
| Section 121 | Minimum Lot Width |
| Section 121.1 | Development on Large Lots, Neighborhood Commercial Districts |
| Section 121.2 | Use Size Limits (Nonresidential), Neighborhood Commercial Districts |
| Section 124 | Basic Floor Area Ratio |
| ~~*Section 125*~~ | ~~*Floor Area Premiums, Districts Other than NC and C-3*~~ |
| Section 130 | Yard and Setback Requirements |
| Section 131 | Legislated Setback Line |
| Section 134 | Rear Yards, R, NC, C, and M Districts |
| Section 135 | Usable Open Space, R, NC, C, and M Districts |
| Section 136 | Obstructions Over Streets and Alleys and in Required Setbacks, Yards, and Usable Open Space |
| Section 136.1 | Awnings, Canopies, and Marquees ~~*in NC Districts*~~ |

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| *Section 138.1* | *Streetscape and Pedestrian Improvements* |
| Section 140 | All Dwelling Units *in All Use Districts* to Face on Open Area~~, R, NC, and M Districts~~ |
| Section 141 | Screening of Rooftop Features R, NC, C, and M Districts |
| Section 142 | Screening *and Greening* of Parking *and Vehicle Use* Areas~~, R and NC Districts~~ |
| ~~*Section 143*~~ | ~~*Street Trees, R, NC, C-3 Districts*~~ |
| Section 145.1 | Street Frontages~~,~~ *in* Neighborhood Commercial, *Residential-Commercial, Commercial, and Mixed Use* Districts |
| Section 145.2 | Outdoor Activity Areas and Walk-up Facilities in NC Districts |
| *Section 145.4* | *Required Ground Floor Commercial Uses* |
| **Parking** | |
| Section 150 | Off-Street Parking and Loading Requirements |
| Section 151 | Schedule of Required Off-Street Parking Spaces |
| *Section 151.1* | *Schedule of Permitted Off-Street Parking Spaces in Specified Districts* |
| Section 152 | Schedule of Required Off-Street Freight Loading Spaces in District Other than C-3 |
| Section 153 | Rules for Calculation of Required Spaces |
| Section 154 | Minimum Dimensions for Required Off-Street Parking, Freight Loading and Service Vehicle Spaces |
| Section 155 | General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading, and Service Vehicle Facilities |

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| *Sections 155.1 to 155.5* | *Bicycle Parking Requirements* |
| Section 156 | Parking Lots |
| Section 157 | Conditional Use Applications for Parking Exceeding Accessory Amounts: Additional Criteria |
| Section 159 | Required Off-Street Parking Not on the Same Lot as the Structure or Use Served |
| Section 160 | Collective Provision and Joint Use of Required Off-Street Parking |
| Section 161 | Exemptions From Off-Street Parking, Freight Loading and Service Vehicle Requirements |
| **Compliance** | |
| Section 170 | Applicability of Requirements |
| Section 171 | Compliance of Uses Required |
| Section 172 | Compliance of Structures, Open Spaces, and Off-Street Parking and Loading |
| Section 173 | Compliance of Lots Required |
| Section 174 | Compliance With Conditions, Stipulations, and Special Restrictions Required |
| Section 175 | Approval of Permits |
| Section 176 | Enforcement Against Violations |
| Section 178 | Conditional Uses |
| Section 179 | Uses Located in Neighborhood Commercial Districts |
| Section 180 | Nonconforming Uses, Noncomplying Structures, and Substandard Lots of |

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| | Record: General |
| Section 181 | Nonconforming Uses: Enlargements, Alterations, or Reconstruction |
| Section 182 | Nonconforming Uses: Changes of Use |
| Section 183 | Nonconforming Uses: Discontinuance and Abandonment |
| Section 184 | Short-term Continuance of Certain Nonconforming Uses |
| Section 185 | Continuance of Other Nonconforming Uses |
| ~~*Section 186*~~ | ~~*Exemption of Limited Commercial Nonconforming Uses*~~ |
| Section 186.1 | Exemption of Nonconforming Uses in Neighborhood Commercial Districts |
| ~~*Section 187*~~ | ~~*Garment Shops and Garment Factories as Nonconforming Uses*~~ |
| Section 188 | Noncomplying Structures: Enlargements, Alterations and Reconstruction |
| Section 189 | Substandard Lots of Record: Construction and Other Actions |
| **Uses** | |
| Section 201 | Classes of Use Districts |
| Section 202 | Uses Permitted by This Code |
| Section 203 | Effect on Certain Public Services |
| Section 204 | Accessory Uses, General |
| Section 204.1 | Accessory Uses for Dwellings in R and NC Districts |
| Section 204.4 | Dwelling Units Accessory to Other Uses |
| Section 204.5 | Parking and Loading as Accessory Uses |
| Section 205 | Temporary Uses, General |

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| Section 205.1 | Temporary Uses, Sixty-day Limit |
| Section 205.2 | Temporary Uses, Two-year Limit |
| Section 207.1 | Rules for Calculation of Dwelling Unit Densities |
| Section 207.4 | Density of Dwelling Units in Neighborhood Commercial Districts |
| ~~Section 208~~ | ~~Density Limitations for Group Housing *in R and NC Districts*~~ |
| ~~*Section 209.1*~~ | ~~*Dwellings*~~ |
| ~~*Section 210*~~ | ~~*Description and Purpose of Commercial and Industrial Districts*~~ |
| Section 234 | P Districts |
| Section 234.1 | Principal Uses Permitted, P Districts |
| Section 234.2 | Conditional Uses, P Districts |
| Section 235 | Special Use Districts |
| ~~*Section 236*~~ | ~~*Garment Shop Special Use District*~~ |
| **Height and Bulk** | |
| Section 122 | Height and Bulk |
| Section 250 | Height and Bulk Districts Established |
| Section 251 | Height and Bulk Districts: Purposes |
| Section 252 | Classes of Height and Bulk Districts |
| Section 253.1 | Review of Proposed Buildings and Structures in North Beach and Broadway Neighborhood Commercial Districts |
| Section 260 | Height Limits: Measurement |

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| *Section 261.1* | *Additional Height Limits for Narrow Streets and Alleys in RTO, NC, NCT, Eastern Neighborhoods Mixed Use, and South of Market Mixed Use Districts* |
| Section 262 | Additional Height Limits Applicable to Signs |
| Section 270 | Bulk Limits: Measurement |
| Section 271 | Bulk Limits: Special Exceptions, In Districts Other than C-3 |
| Section 295 | Height Restrictions on Structures Shadowing Property Under the Jurisdiction of the Recreation and Park Commission |
| **Procedures** | |
| Section 301 | General Description of Zoning Procedures |
| Section 302 | Amendments |
| Section 303 | Conditional Uses |
| Section 304 | Planned Unit Developments |
| Section 304.5 | Institutional Master Plans |
| Section 305 | Variances |
| Section 306 | Applications and Hearings |
| Section 306.1 | Applications and Filing Fees |
| Section 306.2 | Scheduling of Hearings |
| Section 306.3 | Notice of Hearings |
| Section 306.4 | Conduct of Hearings |
| Section 306.5 | Reconsideration |
| Section 306.6 | Initiation of Amendments |

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| Section 306.7 | Interim Zoning Controls |
| Section 306.8 | Posting of Signs Required |
| Section 307 | Other Powers and Duties of the Zoning Administrator |
| Section 308 | Appeals |
| ~~Section 308.1~~ | ~~Appeals: Amendments and Conditional Uses~~ |
| Section 308.2 | Appeals: Variances and Administrative Actions |
| Section 313 | Housing Requirements for Office Development Projects |
| Section 314 | Child Care Requirements for Office Development Projects (Outside C-3 Districts) |
| Section ~~315~~ *316 et seq.* | Procedures for Conditional Use Authorization in Neighborhood Commercial *Eastern Neighborhoods Mixed Use* Districts*, and South of Market Mixed Use Districts and for Live/Work Units in RH and RM Districts.* |
| ~~*Section 315.1*~~ | ~~*Applications and Filing Fees*~~ |
| ~~*Section 315.2*~~ | ~~*Zoning Administrator Review, Scheduling of Hearing, and Recommendation*~~ |
| ~~*Section 315.3*~~ | ~~*Notice of Recommendation and Determination*~~ |
| ~~*Section 315.4*~~ | ~~*Request for Reconsideration of Consent Calendar Items at a Public Hearing*~~ |
| ~~*Section 315.5*~~ | ~~*Conduct of Consent Calendar and Determination*~~ |
| ~~*Section 315.6*~~ | ~~*Conduct of Public Hearings and Determination*~~ |
| ~~*Section 315.7*~~ | ~~*Reconsideration*~~ |
| ~~*Section 315.8*~~ | ~~*Appeal*~~ |
| Sections | Permit Review in the San Francisco Coastal Zone Area |

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| 330—330.18 | |
| **Fees** | |
| Section 350 | Fees, General |
| Section 351 | Fees for Applications to Establish, Abolish or Modify a Setback Line, to Reclassify Property, to Authorize a Conditional Use, to Consider a Variance, or to Review a Coastal Zone Permit |
| Section 352 | Fee for Review of Building Permit Applications |
| Section 353 | Fee for Review of Permit Applications Issued by the Fire Department, the Police Department, and the Department of Public Health |
| Section 355 | Fees for Reviewing Notices and Special Restrictions |
| Section 356 | Fee for Reviewing Proposals Which Cast a Shadow on Recreation and Park Commission Property |
| *Article 4* | *Development Impact Fees and Project Requirements that Authorize the Payment of In-Lieu Fees* |
| **Signs** | |
| Section 601 | Special Purposes |
| Sections 602 *et seq.* — ~~602.21~~ | Special Definitions |
| Section 603 | Exempted Signs |
| Section 604 | Permits and Conformity Required |
| ~~Section 607~~ | ~~Commercial and Industrial Districts~~ |

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| Section 607.1 | Neighborhood Commercial Districts |
| Sections 608 *et seq.* — ~~608.11~~ | Special Sign Districts |
| Sections 609 *et seq.* — ~~609.13~~ | Amortization Periods |
| **Landmarks** | |
| Article 10 | Preservation of Historical, Architectural and Aesthetic Landmarks (Inclusive) |

**SEC. 899. OTHER APPLICABLE SECTIONS OF THE ~~CITY~~ PLANNING CODE.**

Certain sections of the ~~City~~ Planning Code in Articles other than this Article also apply to Mixed Use Districts. Such sections and their titles are listed below. The following listing is set forth for convenience; in the event of any omission of a provision, that provision shall nevertheless still apply.

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| **General Provisions** | |
| Section 101 | Purposes |
| Section 101.1 | ~~Master~~ *General* Plan Consistency and Implementation |
| Section 109 | Severability |
| **Definitions** | |
| Sections 102—102.28 | Definitions |
| **Zoning Map** | |

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| Section 105 | Zoning Map |
| Section 106 | Zoning Map Incorporated Herein |
| **Building Standards** | |
| *Section 121* | *Minimum Lot Width* |
| Section 122 | Height and Bulk |
| Section 124 | Basic Floor Area Ratio |
| Section 128 | Transfer of Development Rights in C-3 Districts |
| *Section 130* | *Yard and Setback Requirements* |
| *Section 131* | *Legislated Setback Line* |
| *Section 134* | *Rear Yard Requirements* |
| *Sections 135 – 135.3* | *Usable Open Space* |
| *Section 136* | *Obstructions Over Streets and Alleys and in Required Setbacks, Yards, and Usable Open Spaces* |
| *Section 136.1* | *Awnings, Canopies and Marquees* |
| *Section 138.1* | *Streetscape and Pedestrian Improvements* |
| *Section 140* | *All Dwelling Units in All Zoning Districts to Face on an Open Space* |
| *Section 141* | *Screening of Rooftop Features* |
| *Section 142* | *Screening* and Greening *of Parking* and Vehicle Use *Areas* |
| ~~Section 143~~ | ~~Street Trees~~ |
| *Section 145.1* | *Street Frontages in Neighborhood Commercial, Residential-Commercial,* |

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| | *Commercial, and Mixed-Use Districts* |
| *Section 147* | *Reduction of Shadows on Certain Public Open Spaces* |
| Section 250 | Height and Bulk Districts Established |
| Section 251 | Height and Bulk Districts—Purpose |
| Section 252 | Classes of Height and Bulk Districts |
| Section 253 | Review of Buildings Exceeding 40 Feet in R Districts |
| Section 260 | Height Limits—Method of Measurement |
| Section 262 | Additional Height Limits—Applicable to Signs |
| Section 263 | Height Limits: Special Exceptions |
| Section 270 | Bulk Limits—Measurement |
| Section 271 | Bulk Limits-Special Exceptions |
| Section 295 | Height Restrictions on Structures Shadowing Property Under the Jurisdiction of the Recreation and Park Commission |
| ~~*Section 121*~~ | ~~*Minimum Lot Width*~~ |
| ~~*Section 130*~~ | ~~*Yard and Setback Requirements*~~ |
| ~~*Section 131*~~ | ~~*Legislated Setback Line*~~ |
| ~~*Section 134*~~ | ~~*Rear Yard Requirements*~~ |
| ~~*Sections 135—135.3*~~ | ~~*Usable Open Space*~~ |
| ~~*Section 136*~~ | ~~*Obstructions Over Streets and Alleys*~~ |
| ~~*Section 136.1*~~ | ~~*Awnings, Canopies and Marquees*~~ |

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| ~~*Section 136.1*~~ | ~~*Awnings, Canopies and Marquees*~~ |
| ~~*Section 141*~~ | ~~*Screening of Rooftop Features*~~ |
| ~~*Section 142*~~ | ~~*Screening of Parking Areas*~~ |
| ~~*Section 143*~~ | ~~*Street Trees*~~ |
| ~~*Section 147*~~ | ~~*Reduction of Shadows on Certain Public Open Spaces*~~ |
| **Parking** | |
| Section 150 | Off-Street Parking and Loading Requirements |
| Section 151 | Schedule of Required Off-Street Parking Spaces |
| Section 152 | Schedule of Required Off-Street Freight Loading Spaces |
| Section 153 | Rules for Calculation of Required Spaces |
| Section 154 | Minimum Dimensions for Required Off-Street Parking and Loading Spaces |
| Section 155 | General Standards as to Location and Arrangement of Off-Street Parking and Loading Spaces |
| *Sections 155.1 to 155.5* | *Bicycle Parking Requirements* |
| Section 156 | Parking Lots |
| Section 157 | Conditional Use Applications for Parking Exceeding Accessory Amounts |
| Section 159 | Required Off-Street Parking Not on the Same Lot as Structure or Use Served |
| Section 160 | Collective Provision and Joint Use of Required Off-Street Parking |
| Section 161 | Exemptions from Off-Street Parking, Freight Loading |
| Section 163 | Transportation Management Programs |

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| **Signs** | |
| Sections 602 *et seq.* ~~—602.21~~ | Definitions |
| Section 603 | Exemptions |
| Section 604 | Permits and Conformity |
| Section 606 | Residential Districts |
| Section 607.2 | Mixed Use Districts |
| Sections 608 *et seq.* ~~—608.1~~ | Special Sign Districts |
| Section 609 *et seq.* | Amortization Period |
| ~~*Section 821*~~ | ~~*South of Market Special General Advertising Sign Districts*~~ |
| ***Uses*** | |
| Section 201 | Classes of Use Districts |
| Section 202 | Uses Permitted By This Code |
| Section 203 | Effect on Certain Public Services |
| Section 204 | Accessory Uses, General |
| ~~*Section 204.1*~~ | ~~*Accessory Uses for Dwellings in R Districts*~~ |
| Section 204.4 | Dwelling Units Accessory to Other Uses |
| Section 204.5 | Parking and Loading as Accessory Uses |
| Sections 205— | Temporary Uses |

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| 205.3 | |
| ~~*Section 207*~~ | ~~*Density of Dwelling Units in R Districts*~~ |
| Section 207.1 | Rules for Calculation of Dwelling Unit Densities |
| Section ~~*207.1*~~ *207.5* | Density of Dwelling Units in Mixed Use Districts |
| Section 208 | Density Limitations for Group Housing |
| ~~*Section 210*~~ | ~~*Description and Purpose of Commercial and Industrial Districts*~~ |
| Section 233 | ~~*Additional Provisions For*~~ Live/Work Units |
| Section 234.2 | Conditional Uses, P Districts |
| Section 235 | Special Use Districts |
| ~~*Section 236*~~ | ~~*Garment Shop Special Use District*~~ |
| Article 10 | Preservation of Historical, Architectural and Aesthetic Landmarks (Inclusive) |
| Section 1106 | Article 11 Change of Designation, Designation of Additional Buildings |
| **Procedures** | |
| Section 301 | General Description |
| Section 302 | Amendments |
| Section 303 | Conditional Uses |
| Section 304.5 | Institutional Master Plans |
| Section 305 | Variances |
| Sections 306—306.8 | Applications and Hearings |

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| Section 307 | Other Powers and Duties of the Zoning Administrator |
| Sections 308—308.2 | Appeals |
| *Section 309.1* | *Permit Review in Downtown Residential Districts* |
| *Section 316 et seq.* | *Procedures for Conditional Use Authorization in Neighborhood Commercial Eastern Neighborhoods Mixed Use Districts, and South of Market Mixed Use Districts and for Live/Work Units in RH and RM Districts.* |
| *Section 329* | *Large Project Authorization in Eastern Neighborhoods Mixed Use Districts* |
| **Fees** | |
| Article 3.5 | Fees *for Services* ~~*(Inclusive)*~~ |
| *Article 4* | *Development Impact and In-Lieu Fees* |
| **Compliance** | |
| Section 170 | Applicability of Requirements |
| Section 171 | Compliance of Uses Required |
| Section 172 | Compliance of Structures, Open Spaces, and Off-Street Parking and Loading |
| Section 173 | Compliance of Lots Required |
| Section 174 | Compliance with Conditions, Stipulations, and Special Restrictions |
| Section 175 | Approval of Permits |
| Section 176 | Enforcement Against Violations |
| Section 178 | Conditional Uses |
| Section 180 | Nonconforming Uses, Noncomplying Structures, and Substandard Lots |

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| Section 181 | Nonconforming Uses: Enlargements, Alterations, or Reconstruction |
| Section 182 | Nonconforming Uses: Changes of Use |
| Section 183 | Nonconforming Uses: Discontinuance and Abandonment |
| Section 184 | Short-term Continuance of Certain Nonconforming Uses |
| Section 185 | Continuance of Other Nonconforming Uses |
| Section 186 | Exemption of Limited Commercial Nonconforming Uses |
| ~~*Section 187*~~ | ~~*Garment Shops and Garment Factories as Nonconforming Uses*~~ |
| Section 188 | Noncomplying Structures: Enlargements, Alterations and Reconstruction |

Section 4. Effective Date. This Ordinance shall become effective 30 days from the date of passage.

Section 5. This section is uncodified. In enacting this Ordinance, the Board intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation, charts, diagrams, or any other constituent part of the Planning Code that are explicitly shown in this legislation as additions, deletions, Board amendment additions, and Board amendment deletions in accordance with the "Note" that appears under the official title of the legislation.

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

By: Judith A. Boyajian
JUDITH A. BOYAJIAN
Deputy City Attorney

FILE NO. 120472

## LEGISLATIVE DIGEST

[Planning Code - Clerical Modifications and Repeal of Obsolete Sections]

**Ordinance amending the San Francisco Planning Code by: 1) repealing obsolete Sections 187, 249.15, 263.2, and 263.3; and 2) amending Sections 102.5, 121.3, 201, 204.2, 209.9, 249.49, 309.1, 799, and 899 to make various clerical modifications; and adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.**

### Existing Law

The Planning Code currently contains a number of sections that are obsolete, contain errors, or require clarification. Clerical modifications include, but are not limited to: correcting spelling errors, correcting incorrect references, removing redundant language, revising Department names, adding titles or headings to sections, correcting tenses, updating references or sections that were missed in previous Code changes, updating outdated language, and similar changes. Minor modifications are changes that make more extensive text changes but do not substantially change the Planning Code or entitlements. These include consolidating all awning and canopy controls into one section, consolidating Vintage Sign controls and Historic Marquee controls into one section, consolidating auto uses in Articles 2 and 8, simplifying definitions, and changing outdated references.

### Amendments to Current Law

Staff of the Planning Department estimates that there are about 120 clerical and minor modifications in the proposed ordinance which seek to fix errors in the Code, delete obsolete references, and provide clarification to certain Code sections. These changes are minor and help to make the Code a more usable and effective document.

BOARD of SUPERVISORS

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# MEMORANDUM

TO: John Rahaim, Director, Planning Department
Linda Avery, Secretary, Planning Commission

FROM: Alisa Miller, Clerk, Land Use and Economic Development Committee
Board of Supervisors

DATE: May 17, 2012

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Economic Development Committee has received the following proposed legislation introduced by Supervisor Chiu on May 8, 2012.

This matter is being referred to your department and commission for informational purposes only since the Planning Commission held a public hearing on March 1, 2012 (BOS File Nos. 110547 and 110548) and recommended approval by Planning Resolution No. 18553.

**File No. 120472**

Ordinance amending the San Francisco Planning Code by: 1) repealing obsolete Sections 187, 249.15, 263.2, and 263.3; and 2) amending Sections 102.5, 121.3, 201, 204.2, 209.9, 249.49, 309.1, 799, and 899 to make various clerical modifications; and adopting environmental findings, Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

If you wish to submit any comments or reports, please forward those to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

SAN FRANCISCO DEPARTMENT OF CITY PLANNING
EXEMPT FROM ENVIRONMENTAL REVIEW

Non-physical exemption per CEQA Guidelines Section 15060 (c)(2).
J. Navarrete
May 22, 2012

c: Bill Wycko, Chief, Major Environmental Analysis
Scott Sanchez, Zoning Administrator
AnMarie Rodgers, Manager, Legislative Affairs
Monica Pereira, Environmental Planning
Joy Navarrete, Environmental Planning