

BOARD of SUPERVISORS



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MEMORANDUM

Date: November 13, 2024
To: Planning Department/Planning Commission
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee
Subject: Board of Supervisors Legislation Referral - File No. 241055
Building, Planning Codes - Code Corrections and Updates

- California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - Ordinance / Resolution
 - Ballot Measure

- Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - General Plan Planning Code, Section 101.1 Planning Code, Section 302

- Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)

- General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)

- Historic Preservation Commission
 - Landmark (*Planning Code, Section 1004.3*)
 - Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - Mills Act Contract (*Government Code, Section 50280*)
 - Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at john.carroll@sfgov.org.

1 [Building, Planning Codes - Code Corrections and Updates]

2

3 **Ordinance amending the Building and Planning Codes to correct typographical errors,**
 4 **update outdated cross-references, make non-substantive revisions to clarify or**
 5 **simplify Code language, and make other minor, substantive updates to various Code**
 6 **provisions; directing the Clerk of the Board of Supervisors to forward this Ordinance to**
 7 **the California Department of Housing and Community Development upon final**
 8 **passage; affirming the Planning Department's determination under the California**
 9 **Environmental Quality Act; making findings of consistency with the General Plan, and**
 10 **the eight priority policies of Planning Code, Section 101.1; and adopting findings of**
 11 **public necessity, convenience, and general welfare under Planning Code, Section 302.**

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

16

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

18 Section 1. Environmental and Land Use Findings.

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

24 (b) On September 19, 2024, the Planning Commission, in Resolution No. 21614,
 25 adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
3 the Board of Supervisors in File No. 241055, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the 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. 21614, and the Board incorporates such reasons
7 herein by reference. A copy of said resolution is on file with the Clerk of the Board of
8 Supervisors in File No. 241055.

9 (d) On August 21, 2024, at a duly noticed public hearing, the Building Inspection
10 Commission considered this ordinance in accordance with Charter Section 4.121 and Building
11 Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building Inspection
12 Commission regarding the Commission’s recommendation is on file with the Clerk of the
13 Board of Supervisors in File No. 241055.

14 (e) No local findings are required under California Health and Safety Code Section
15 17958.7 because the amendments to the Building Code contained in this ordinance do not
16 regulate materials or manner of construction or repair, and instead relate in their entirety to
17 administrative procedures for implementing the code, which are expressly excluded from the
18 definition of a “building standard” by California Health and Safety Code Section 18909(c).

19
20 Section 2. Articles 1, 1.2, 2, 3, and 7 of the Planning Code are hereby amended by
21 revising Sections 102, 132, 134, 136, 206.6, 207.1, 207.2, 209.1, 249.5, 303, 303.1, 311, 317,
22 and 723, to read as follows:

23 **SEC. 102. DEFINITIONS.**

24 * * * *

1 **Dwelling Unit, Junior Accessory, or JADU.** A Dwelling Unit that meets all the
2 requirements of ~~Sub~~section 207.2, and that:

3 (a) is accessory to at least one other Dwelling Unit on the same lot;

4 * * * *

5 (g) includes an efficiency kitchen that meets the requirements of California
6 Government Code Section ~~65852.22(a)(6)~~66333(f), including a cooking facility with appliances,
7 and a food preparation counter and storage cabinets that are of reasonable size in relation to
8 the size of the Junior Accessory Dwelling Unit.

9 * * * *

10 **Historic Building.** A Historic Building is a building or structure that meets at least one
11 of the following criteria:

- 12 • It is individually designated as a landmark under Article 10;
- 13 • It is listed as a contributor to an historic district listed in Article 10, or if the historic
14 district does not list contributors, is determined to be a contributor through historic resource review;
- 15 • It is a Significant or Contributory Building under Article 11, with a Category I, II, III
16 or IV rating;
- 17 • It has been listed or has been determined eligible for listing in the California
18 Register of Historical Resources; or,
- 19 • It has been listed or has been determined eligible for listing in the National
20 Register of Historic Places.

21 * * * *

22
23 **SEC. 132. FRONT SETBACK AREAS IN RTO, RH, AND RM DISTRICTS AND FOR**
24 **REQUIRED SETBACKS FOR PLANNED UNIT DEVELOPMENTS.**

25 * * * *

1 (a) **Basic Requirement.** Where one or both buildings adjacent to the subject property
2 have front setbacks along a Street or Alley, any building or addition constructed,
3 reconstructed, or relocated on the subject property shall be set back to no less than the depth
4 of the adjacent building with the shortest front setback, except as provided in subsection (c).
5 In any case in which the lot constituting the subject property is separated from the lot
6 containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less
7 parallel to the Street or Alley, such nearest building shall be deemed to be an “adjacent
8 building,” but a building on a lot so separated for a greater distance shall not be deemed to be
9 an “adjacent building.” *However, aside from the scenarios described in subsection (c) below, a lot*
10 *that only has one adjacent building shall provide a front setback equal to one half the front setback of*
11 *such adjacent building.*

12 * * * *

13 (c) **Applicability to Special Lot Situations.**

14 (1) **Corner Lots and Lots at Alley Intersections.** On a Corner Lot as defined
15 in Section 102 of this Code, or a lot at the intersection of a Street and an Alley or two Alleys, a
16 front setback area shall be required only along the Street or Alley elected by the owner as the
17 front of the property. Along such Street or Alley, the required setback for the subject lot shall
18 be equal to one-half the front setback of the adjacent building.

19 (2) **Lots Abutting Properties That Front on Another Street or Alley.** In the
20 case of any lot that abuts along its side lot line upon a lot that fronts on another Street or
21 Alley, the lot on which it so abuts shall be disregarded, and the required setback for the
22 subject lot shall be equal to the front setback of the adjacent building on its opposite side.

23 [diagrams omitted for convenience; not deleted]

24 (3) **Lots Abutting RC, C, M, and P Districts.** In the case of any lot that abuts
25 property in an RC, C, M, or P District, any property in such district shall be disregarded, and

1 the required setback for the subject lot shall be equal to the front setback of the adjacent
2 building in the RH, RTO, or RM District.

3
4 **SEC. 134. REAR YARDS IN R, RC, NC, M, CMUO, MUG, MUO, MUR, RED, RED-MX, SPD,**
5 **UMU ~~and~~AND WMUG DISTRICTS; AND LOT COVERAGE REQUIREMENTS IN C**
6 **DISTRICTS.**

7 * * * *

8 (b) **Applicability.** The rear yard requirements established by this Section 134 shall
9 apply to every building in the districts listed below, except NC-S Districts, where no rear yard is
10 required. To the extent that these provisions are inconsistent with any Special Use District or
11 Residential Character District, the provisions of the Special Use District or Residential
12 Character District shall apply.

13 * * * *

14 **(k) Modification of Requirements in NC Districts.** The rear yard requirement in NC Districts
15 may be modified or waived by the Zoning Administrator pursuant to the procedures which are
16 applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2, if all the following
17 criteria are met:

18 (1) Residential Uses are included in the new or expanding development and a
19 comparable amount of usable open space is provided elsewhere on the lot or within the development
20 where it is more accessible to the residents of the development; and

21 (2) The proposed new or expanding structure will not adversely affect the interior block
22 open space formed by the rear yards of adjacent properties.

23
24 **SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED**
25 **SETBACKS, YARDS, AND USABLE OPEN SPACE.**

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Streets and Alleys	Set- backs	Yards	Usable Open Space
		X	<p>* * * *</p> <p>(c) The permitted obstructions shall be as follows:</p> <p>* * * *</p> <p>(24) Decks, whether attached to a building or not, at or below the adjacent first floor of occupancy, if developed as usable open space and meeting the following requirements:</p> <p>* * * *</p>
			<p>(C) Slope of more than 70% percent.</p> <p>Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the light, air, view, and privacy of adjacent lots are is not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:</p> <p>(i) The deck shall be designed to provide the minimum obstruction to light, air, view and privacy.</p>

(ii) The deck shall be at least two feet inside all side lot lines;
(iii) On downhill slopes, a horizontal angle of 30 degrees drawn inward from each side lot line at each corner of the rear building line shall be maintained clear, and the deck shall be kept at least 10 feet inside the rear lot line;

* * * *

SEC. 206.6. STATE DENSITY BONUS PROGRAM: INDIVIDUALLY REQUESTED.

* * * *

(e) **Review Procedures.** Except as provided in Section 317 or where a Conditional Use Authorization is required to permit a non-residential use, an application for any Individually Requested Density Bonus project shall not be subject to any other underlying entitlement approvals related to the proposed housing, such as a Conditional Use Authorization, *Mandatory Discretionary Review*, or a Large Project Authorization. *Further, any entitled project that was previously approved under the Individually Requested Density Bonus program that seeks an amendment to their approved application, including those projects outlined in Planning Code Section 415A.5, shall also not require an underlying entitlement approval related to the proposed housing.* If an entitlement is otherwise required, an application for a Density Bonus, Incentive, Concession, or waiver shall be acted upon concurrently with the application for the required entitlement.

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SEC. 207.1. LOCAL ACCESSORY DWELLING UNIT PROGRAM.

(a) **Exception to Dwelling Unit Density Limits for Certain Accessory Dwelling Units Under City’s Local Program.** An exception to the calculations under Section 207 of this Code shall be made for Accessory Dwelling Units (“ADUs”), as defined in Section 102 of this Code, meeting the requirements of this Section 207.1.

* * * *

(e) **Restrictions on Subdivisions.** Notwithstanding the provisions of Article 9 of the Subdivision Code, a lot with an ADU authorized under this Section 207.1 shall not be subdivided in a manner that would allow for the ADU to be sold or separately financed pursuant to any condominium plan, housing cooperative, or similar form of separate ownership. This prohibition on separate sale or finance of the ADU shall not apply to an ADU in a building that consisted entirely of condominium units as of July 11, 2013, and has had no evictions pursuant to Sections 37.9(a) through 37.9(a)(12) and 37.9(a)(14) of the Administrative Code since July 11, 1996. This prohibition on separate sale or finance of the ADU shall not apply to an ADU that meets the requirements of California Government Code Section ~~65852.2666341~~.

* * * *

SEC. 207.2. STATE MANDATED ACCESSORY DWELLING UNIT PROGRAM.

(a) **Exception to Dwelling Unit Density Limits for Certain Accessory Dwelling Units Under the State-Mandated Program.** An exception to the calculations under Section 207 of this Code shall be made for Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”), as defined in Section 102 of this Code, meeting the requirements of this Section 207.2. The purpose of this Section 207.2 is to implement California Government

1 Code Sections ~~65852.2266314~~ and ~~65852.2266333~~, which require ministerial consideration of
2 ADUs and JADUs that meet certain standards.

3 * * * *

4 (d) **Specific Controls for Hybrid ADUs.** The purpose of this subsection 207.2(d)
5 is to implement California Government Code Sections ~~65852.2(e)66323~~ and ~~65852.2266333~~,
6 which require ministerial consideration of ADUs and JADUs that meet certain standards
7 (“Hybrid ADUs”). California Government Code Section ~~65852.2(e)(6)66323~~ authorizes the City
8 to impose objective standards, including, but not limited to, design, development, and historic
9 standards, on ADUs approved under this subsection 207.2(d). ADUs and JADUs shall strictly
10 meet the requirements set forth in this subsection 207.2(d), and all other applicable Planning
11 Code standards, including open space, exposure, buildable area, and other standards,
12 without requiring a waiver of Code requirements pursuant to subsection 207.1(g); provided,
13 however, that adding an ADU or JADU in compliance with this subsection 207.2(d) does not
14 exceed the allowable density for the lot. The City shall approve ADUs and JADUs meeting the
15 following requirements, in addition to the requirements of subsection 207.2(b) and any other
16 applicable standards:

17 (1) **ADUs and JADUs within proposed space of a proposed single-**
18 **family dwelling or within existing space of a single-family dwelling or accessory**
19 **structure meeting the following conditions:**

20 * * * *

21 (F) If a JADU is proposed, it meets the requirements of Planning Code
22 Section 102 and California Government Code Section ~~65852.2266333~~.

23 * * * *

24 (e) **Specific Controls for State ADUs.** The purpose of this subsection 207.2(e) is
25 to implement California Government Code Sections ~~65852.2(a) through (d)66314~~, which require

1 streamlined, ministerial approval of ADUs meeting certain standards (“State ADUs”). An ADU
2 located on a lot that is zoned for single-family or multifamily use and contains an existing or
3 proposed dwelling, and that is constructed pursuant to this subsection 207.2(e), shall meet all
4 of the following requirements, in addition to the requirements of subsection 207.2(b) and any
5 other applicable standards; ~~provided~~, however, that the City shall not impose any
6 requirement for a zoning clearance or separate zoning review, any minimum or maximum size
7 for an ADU, any size based upon a percentage of the proposed or existing primary dwelling,
8 or any limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot
9 size, for either attached or detached dwellings, that does not permit construction of an ADU
10 meeting all other requirements that is 800 square feet or less in Gross Floor Area, 16 feet or
11 less in height, and with four foot side and rear yard setbacks. ADUs under this subsection
12 207.2(e) shall meet the following conditions:

13 * * * *

14 (7) **Setbacks.** No setback is required for an ADU located within an existing
15 living area or an existing accessory structure, or an ADU that replaces an existing structure
16 and is located in the same location and constructed to the same dimensions as the structure
17 being replaced. A setback of no more than four feet from the side and rear lot lines shall be
18 required for an ADU that is not converted from either an existing structure or a new structure
19 constructed in the same location and to the same dimensions as an existing structure;
20 provided, however, that for an ADU that is part of new construction, such setback shall be required
21 only for the portions of the ADU outside of the buildable area of the lot.

22 * * * *

23 (f) **Permit Application Review and Approval.** No requests for discretionary
24 review shall be accepted by the Planning Department for ~~permit applications~~ an ADU or JADU
25 meeting the requirements of this Section 207.2. The Planning Commission shall not hold a

1 public hearing for discretionary review of ~~permit applications~~an ADU or JADU meeting the
2 requirements of this Section 207.2. ~~Permit applications~~An ADU or JADU meeting the
3 requirements of this Section 207.2 shall not be subject to the notification or review
4 requirements of Section 311 of this Code.

5 * * * *

6 (h) **Prohibition of Short-Term Rentals.** An ADU or JADU authorized under this
7 Section 207.2 shall not be used for Short-Term Residential Rentals under Chapter 41A of the
8 Administrative Code. ~~This restriction shall be recorded as a Notice of Special Restriction on the~~
9 ~~subject lot.~~

10 (i) **Rental; Restrictions on Subdivisions.** An ADU or JADU constructed
11 pursuant to this Section 207.2 may be rented and is subject to all applicable provisions of the
12 Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative
13 Code). Notwithstanding the provisions of Article 9 of the Subdivision Code, a lot with an ADU
14 or JADU authorized under this Section 207.2 shall not be subdivided in a manner that would
15 allow for the ADU or JADU to be sold or separately financed pursuant to any condominium
16 plan, housing cooperative, or similar form of separate ownership, except that this prohibition
17 on separate sale or finance of the ADU shall not apply to an ADU that meets the requirements
18 of California Government Code Section ~~65852.2666333~~(f).

19 (j) **Recordation for Junior ADUs.** The following restrictions shall be recorded as
20 a Notice of Special Restriction, as required by California Government Code Section 66333(c), on
21 the subject lot on which a JADU is constructed under this Section 207.2 and shall be binding
22 on all future owners and successors in interest:

23 (1) Notwithstanding the provisions of Article 9 of the Subdivision Code, a lot
24 with a JADU authorized under this Section 207.2 shall not be subdivided in a manner that
25 would allow for the JADU to be sold or separately financed pursuant to any condominium

1 plan, housing cooperative, or similar form of separate ownership, except that this prohibition
 2 on separate sale or finance of the JADU shall not apply to a JADU that meets the
 3 requirements of California Government Code Section ~~65852.2666333~~(f).

4 (2) The size and attributes of a JADU constructed pursuant to this Section
 5 207.2 shall comply with the requirements of this Section 207.2 and California Government
 6 Code Section 65852.2266333.

7 (~~jk~~) **Department Report.** In addition to the information required by subsection
 8 207.1(i)(3), the annual Housing Inventory shall include a description and evaluation of the
 9 number and types of units being developed pursuant to this Section 207.2, their affordability
 10 rates, and such other information as the Director or the Board of Supervisors determines
 11 would inform decision_makers and the public.

12 (~~kl~~) **Fees.** No impact fees shall be imposed on ADUs or JADUs authorized under
 13 this Section 207.2, where the ADU or JADU is smaller than 750 square feet of Gross Floor
 14 Area, or for ADUs that are proposed in lots with three existing units or fewer. Impact fees for
 15 all other ADUs shall be imposed proportionately in relation to the Gross Floor Area of the
 16 primary dwelling unit.

17
 18 **SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.**

19 * * * *

20 Table 209.1

21 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						

1	* * * *					
2	Residential Uses					
3	* * * *					
4	Homeless	§§ 102,	P P	P P	P P	P
5	Shelter	208				P

6 * * * *

7 **SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.**

8 (a) **General.** A special use district entitled the "North of Market Residential Special
 9 Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on
 10 Sectional Map No. SU01, and SU02 of the Zoning Map of the City and County of San
 11 Francisco, is hereby established for the purposes set forth below.

12 * * * *

13 **SEC. 303. CONDITIONAL USES.**

14 * * * *

15 (i) **Large-Scale Retail Uses.** With respect to applications for the establishment of
 16 large-scale retail uses under Section 121.6, in addition to the criteria set forth in §Subsections
 17 (c) and (d) above, the Commission shall consider the following:

- 18 (1) The extent to which the retail use's parking is planned in a manner that
 19 creates or maintains active street frontage patterns;
- 20 (2) The extent to which the retail use is a component of a mixed-use project or
 21 is designed in a manner that encourages mixed-use building opportunities;
- 22 (3) The shift in traffic patterns that may result from drawing traffic to the
 23 location of the proposed use;
- 24 (4) The impact that the employees at the proposed use will have on the
 25 demand in the City for housing, public transit, childcare, and other social services; and

1 (5) An economic impact study. The Planning Department shall prepare an
2 economic impact study using qualified City staff or shall select a consultant from a pool of pre-
3 qualified consultants to prepare the economic impact study required by this ~~sub~~Subsection *(i)(5)*.
4 The analysis, in the form of a study, shall be considered by the Planning Commission in its
5 review of the application. The applicant shall bear the cost of paying the consultant for *the*
6 *consultant's* ~~his or her~~ work preparing the economic impact study, and any necessary
7 documents prepared as part of that study. ~~The applicant shall also pay an administrative fee to~~
8 ~~compensate Planning Department and City staff for its time reviewing the study, as set forth in Section~~
9 ~~359 of this Code.~~ The study shall evaluate the potential economic impact of the applicant's
10 proposed project, including:

11 * * * *

12
13 **SEC. 303.1. FORMULA RETAIL USES.**

14 * * * *

15 (e) **Conditional Use Authorization Required.** A Conditional Use Authorization shall
16 be required for a Formula Retail use in the following zoning districts unless explicitly
17 exempted:

18 * * * *

19 (9) Third Street Formula Retail Restricted Use District, as defined in Section
20 786; and

21 (10) ~~C-3-G District with frontage on Market Street, between 6th Street and the~~
22 ~~intersection of Market Street, 12th Street and Franklin Street; and~~

23 ~~(H)~~ Central SoMa Special Use District as defined in Section 848, except for
24 those uses not permitted pursuant to subsection (f) below.

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SEC. 311. PERMIT REVIEW PROCEDURES.

* * * *

(b) Applicability.

(1) Within the Priority Equity Geographies SUD, all planning entitlement applications in Residential, NC, NCT, Chinatown Mixed Use Districts, and Eastern Neighborhoods Mixed Use Districts for demolition, new construction, or alteration of buildings shall be subject to the notification and review procedures required by this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, planning entitlement applications to construct an Accessory Dwelling Unit pursuant to Section 207.2 shall not be subject to the notification or review requirements of this Section 311.——

—————~~(B)~~ A change of use to a principally permitted use in the Western SoMa Plan Area, Central SoMa Plan Area, or East SoMa Plan Area shall not be subject to the provisions of this Section 311.

* * * *

(d) Notification. Upon determination that an application is in compliance with the development standards of the Planning Code, the Planning Department shall cause a notice to be posted on the site pursuant to rules established by the Zoning Administrator and shall cause a written notice describing the proposed project to be sent in the manner described below. This notice shall be in addition to any notices required by the Building Code and shall have a format and content determined by the Zoning Administrator. ~~It shall include a description of the proposal compared to any existing improvements on the site with dimensions of the basic features, elevations and site plan of the proposed project including the position of any adjacent buildings, exterior dimensions and finishes, and a graphic reference scale, existing and proposed uses or commercial or institutional business name, if known.~~ The notice shall describe the project

1 review process and shall set forth the mailing date of the notice and the expiration date of the
2 notification period.

3 * * * *

4 (7) **Notification Package.** The notification package for a project subject to
5 notice under this Section 311 shall include a written notice and reduced-size drawings of the
6 project. Distributed plans and drawings may be limited to comply with applicable state laws.

7 * * * *

8
9 **SEC. 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH**
10 **DEMOLITION, MERGER, AND CONVERSION.**

11 * * * *

12 (c) **Applicability; Exemptions.**

13 (1) Within the Priority Equity Geographies Special Use District, any application
14 for a permit that would result in the Removal of one or more Residential Units or Unauthorized
15 Units is required to obtain Conditional Use authorization.

16 (2) Outside the Priority Equity Geographies Special Use District, any
17 application for a permit that would result in the Removal of one or more Residential Units or
18 Unauthorized Units is required to obtain Conditional Use authorization unless it meets all the
19 following criteria:

20 * * * *

21 (D) The proposed project is adding at least one more ~~unit~~ Residential Unit
22 than would be demolished;

23 * * * *

24 _____(4) For Unauthorized Units, this Conditional Use authorization will not be
25 required for Removal if the Zoning Administrator has determined in writing that the unit cannot

1 be legalized under any applicable provision of this Code. The application for a replacement
2 building or alteration permit shall also be subject to Conditional Use requirements.

3 * * * *

4 (7) **Exemptions for Unauthorized Dwelling Units.** The Removal of an
5 Unauthorized Unit does not require a Conditional Use authorization pursuant to subsections
6 (c)(1) or (c)(2) if:

7 (A) the Unauthorized Unit requires a waiver of open space or dwelling
8 unit exposure requirements, and the Unauthorized Unit is ineligible for a waiver or exemption
9 from those standards pursuant to Section 307, Section 207~~(e)(4)~~.1 (Accessory Dwelling Units -
10 Local Program), Section 207~~(e)(6)~~.2 (Accessory Dwelling Units - State Mandated Program), or
11 Section 207.3 (Dwelling Unit Legalization Program); or

12 (B) the Unauthorized Unit has no contiguous area that meets both the
13 required minimum superficial floor area in Housing Code Section 503(b) and the minimum
14 legal floor-to-ceiling height requirement in Housing Code Section 503(a).

15 * * * *

16
17 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 * * * *

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

21 * * * *

		Polk Street NCD
Zoning Category	§ References	Controls
BUILDING STANDARDS		
* * * *		

Street Frontage and Public Realm		
* * * *		
Ground Floor Commercial	§ 145.4	<i>Not Required Required on any street frontage that is in the Polk Street Neighborhood Commercial District.</i>
* * * *		

Section 3. Article 8 of the Planning Code is hereby amended by revising Sections 810, 811, 812, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, and 840, to read as follows:

SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.

* * * *

Table 810

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

* * * *

		Chinatown Community Business District
Zoning Category	§ References	Controls
RESIDENTIAL STANDARDS AND USES		
* * * *		
Use Characteristics		
<i>Intermediate Length Occupancy</i>	<i>§§102, 202.10</i>	<i>NP</i>
Single Room Occupancy	§102	P

* * * *		
NON-RESIDENTIAL STANDARDS		
Development Standards		
* * * *		
Use Size	§ 121.4	P up to 5,000 <u>2,500</u> sq. ft.; C <u>5,000 sq. ft. & above</u> <u>2,501 to</u> <u>5,000 sq. ft.</u>
* * * *		

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SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

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

* * * *

Zoning Category	§ References	Controls
RESIDENTIAL STANDARDS AND USES		
* * * *		
Use Characteristics		
<i>Intermediate Length Occupancy</i>	<u>§§102, 202.10</u>	<u>NP</u>
Single Room Occupancy	§102	P
* * * *		

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1 **SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 * * * *

3 **Table 812**

4 **CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**
 5 **ZONING CONTROL TABLE**

6 * * * *

Zoning Category	§ References	Controls
RESIDENTIAL STANDARDS AND USES		
* * * *		
Use Characteristics		
<i>Intermediate Length Occupancy</i>	<u>§§102, 202.10</u>	<u>NP</u>
Single Room Occupancy	§102	P
* * * *		

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17 **SEC. 830. CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT.**

18 * * * *

19 **Table 830**

20 **CMUO – CENTRAL SOMA MIXED USE – OFFICE DISTRICT ZONING CONTROL TABLE**

Zoning Category	§ References	Controls
RESIDENTIAL STANDARDS AND USES		
* * * *		
Use Characteristics		

1	<i>Intermediate Length Occupancy</i>	<u>§§102, 202.10</u>	<u>NP</u>
2	Single Room Occupancy	§102	P
3	* * * *		

4 * * * *

5
6 **SEC. 831. MUG – MIXED USE-GENERAL DISTRICT.**

7 * * * *

8 **Table 831**

9 **MUG – MIXED USE – GENERAL DISTRICT ZONING CONTROL TABLE**

10 Zoning Category	§ References	Mixed Use-General District Controls
11 RESIDENTIAL STANDARDS AND USES		
12 * * * *		
13 Use Characteristics		
14 Intermediate Length 15 Occupancy	§§102, 202.10	<u>NP</u> P(2)
16 * * * *		

17 * * * *

18 (2) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or*
19 *more Dwelling Units.*

20 * * * *

21
22 **SEC. 832. MUO – MIXED USE-OFFICE DISTRICT.**

23 * * * *

24 **Table 832**

MUO – MIXED USE – OFFICE DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Mixed Use-Office District Controls
RESIDENTIAL STANDARDS AND USES		
* * * *		
Use Characteristics		
Intermediate Length	§§102, 202.10	<u>NP P(3)</u>
Occupancy		
* * * *		

* * * *

(3) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.*

* * * *

SEC. 833. MUR – MIXED USE-RESIDENTIAL DISTRICT.

* * * *

Table 833

MUR – MIXED USE RESIDENTIAL – DISTRICT ZONING CONTROL TABLE

Zoning Category	§ References	Mixed Use-Residential District Controls
RESIDENTIAL STANDARDS AND USES		
* * * *		
Use Characteristics		
Intermediate Length	§§102, 202.10	<u>NP P(4)</u>
Occupancy		

1 * * * *

2 * * * *

3 (4) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or*
4 *more Dwelling Units.*

5 * * * *

7 **SEC. 834. RED – RESIDENTIAL ENCLAVE DISTRICT.**

8 * * * *

9 **Table 834**

10 **RED – RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE**

Zoning Category	§ References	Residential Enclave District Controls
RESIDENTIAL STANDARDS AND USES		
* * * *		
Use Characteristics		
Intermediate Length	§§102, 202.10	<i>NP P(5)</i>
Occupancy		
* * * *		

18 * * * *

19 (5) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or*
20 *more Dwelling Units.*

21 * * * *

23 **SEC. 835. RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT.**

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Table 835

RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Residential Enclave-Mixed District Controls
RESIDENTIAL STANDARDS AND USES		
* * * *		
Use Characteristics		
Intermediate Length	§§102, 202.10	<i>NP P(2)</i>
Occupancy		
* * * *		

* * * *

(2) [Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.

* * * *

SEC. 836. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.

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Table 836

SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Service/Arts/Light Industrial District Controls
RESIDENTIAL STANDARDS AND USES		
* * * *		
Use Characteristics		
Intermediate Length	§§102, 202.10	<u>NP P(2)</u>
Occupancy		
* * * *		

*Not listed below

* * * *

(2) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.*

* * * *

(10) Nighttime Entertainment subject to buffer in Section 249.39(c)(7)249.6(e)(9).

SEC. 837. SPD – SOUTH PARK DISTRICT.

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Table 837

SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE

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Zoning Category	§ References	South Park District Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		

* * * *		
Use Characteristics		
Intermediate Length Occupancy	§§102, 202.10	NP P(4)
* * * *		

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(4) ~~[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units~~

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SEC. 838. UMU – URBAN MIXED USE DISTRICT.

The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. Within the UMU, office uses are generally prohibited in the Mission Area Plan and elsewhere are restricted to the upper floors of multiple story buildings. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section 843~~8~~ and in the General Plan. Accessory Dwelling Units are permitted within the district pursuant to Sections 207.1 and ~~(e)(6)~~207.2 of this Code.

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Table 838

UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Urban Mixed Use District Controls
RESIDENTIAL STANDARDS AND USES		
* * * *		
Use Characteristics		
Intermediate Length	§§102, 202.10	<u>NP P(1)</u>
Occupancy		
* * * *		

* * * *

(1) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.*

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SEC. 839. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.

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Table 839

WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE

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Zoning Category	§ References	Western SoMa Mixed Use-General District Controls
RESIDENTIAL STANDARDS AND USES		
* * * *		

Use Characteristics		
Intermediate Length	§§102, 202.10	<u>NP P(3)</u>
Occupancy		
* * * *		

* * * *

(3) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.*

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SEC. 840. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.

* * * *

Table 840

WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE

* * * *

Zoning Category	§ References	Western SoMa Mixed Use-General District Controls
RESIDENTIAL STANDARDS AND USES		
* * * *		
Use Characteristics		
Intermediate Length	§§102, 202.10	<u>NP P(3)</u>
Occupancy		
* * * *		

(3) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.*

* * * *

LEGISLATIVE DIGEST

[Building, Planning Codes - Code Corrections and Updates]

Ordinance amending the Building and Planning Codes to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions; directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Department of Housing and Community Development upon final passage; 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 adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

Existing Law

This ordinance amends multiple sections of the Planning Code.

Amendments to Current Law

The ordinance would make non-substantive amendments to multiple sections of the existing Code in order to (1) correct errors in spelling, grammar, punctuation, or format, (2) correct outdated cross-references, and (3) make the Code language consistent or clarify existing text.

In addition, this ordinance would make several minor, substantive clarifications to the code, including:

- amending the definition of Historic Resource to include resources that are determined to be a contributor through historic resource review.
- clarifying that the rear yard requirement does not apply in NC-S Districts.
- adding back language that allows the ZA to modify or waive the required rear yard in NC Zoning Districts administratively. This was inadvertently removed in a prior ordinance.
- adding back front setback requirements in Section 132, which were inadvertently removed a provision for properties that only have one adjacent building, such as buildings on corner lots. This was inadvertently removed in a prior ordinance.
- clarifying that Mandatory Discretionary Review is included in the types of entitlements that are not required for projects seeking approval pursuant to Section 206.6.
- modifying the specific materials that must be included in mailed notice.
- reinstating controls for Intermediate Length Occupancy, which were inadvertently removed.
- clarifying that Ground Floor Commercial uses are required in the Polk Street NCD.

Background Information

The Planning Code is amended frequently. Although the Planning Department and the City Attorney's Office review individual ordinances, errors in grammar and syntax, mistakes in cross-references, and accidental additions and deletions of text occur due to the sheer number of legislative actions and the complexity of the Code. The Department and the City Attorney's Office collect the Code errors and the Publisher also notes many of them in Codification Notes at the end of the section to which they apply. While many of these errors can be – and are – corrected in subsequent legislation, those errors that have not been corrected or code text clarified through subsequent legislation are recommended to the Board by the Planning Commission in an annual Code Corrections Ordinance.

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