

1 [Planning and Subdivision Codes, Zoning Map - Housing Production]

2

3 **Ordinance amending the Planning Code to encourage housing production by (1)**  
4 **exempting, under certain conditions, specified housing projects from the notice and**  
5 **review procedures of Section 311 and the Conditional Use requirement of Section 317,**  
6 **in areas outside of Priority Equity Geographies, which are identified in the Housing**  
7 **Element as areas or neighborhoods with a high density of vulnerable populations, and**  
8 **areas outside RH (Residential House) Districts within the Family Housing Opportunity**  
9 **Special Use District; (2) removing the Conditional Use requirement for several types of**  
10 **housing projects, including housing developments on large lots in areas outside the**  
11 **Priority Equity Geographies Special Use District, projects to build to the allowable**  
12 **height limit, projects that build additional units in lower density zoning districts, and**  
13 **senior housing projects that seek to obtain double density, subject to certain**  
14 **exceptions in RH Districts in the Family Housing Opportunity Special Use District; (3)**  
15 **amending rear yard, front setback, lot frontage, minimum lot size, and residential open**  
16 **space requirements in specified districts, subject to certain exceptions in RH Districts**  
17 **in the Family Housing Opportunity Special Use District; (4) allowing additional uses on**  
18 **the ground floor in residential buildings, homeless shelters, and group housing in**  
19 **residential districts, and administrative review of reasonable accommodations; (5)**  
20 **expanding the eligibility for the Housing Opportunities Mean Equity – San Francisco**  
21 **(HOME – SF) program and restoring the ownership eligibility requirement for density**  
22 **exceptions in residential districts, for lots that have two existing dwelling units or**  
23 **more; (6) exempting certain affordable housing projects from certain development**  
24 **fees; (7) authorizing the Planning Director to approve State Density Bonus projects,**

1 ~~subject to delegation from the Planning Commission; (83) sunsetting the Conditional~~  
2 ~~Use requirements established by the Corona Heights Large Residence and the Central~~  
3 ~~Neighborhoods Large Residence Special Use Districts at the end of 2024, and~~  
4 ~~thereafter limiting the size of any Dwelling Units resulting from residential development~~  
5 ~~in those Special Use Districts to 3,000 square feet of Gross Floor Area; and (8) (9)~~  
6 ~~making conforming amendments to other sections of the Planning Code; amending the~~  
7 ~~Zoning Map to create the Priority Equity Geographies Special Use District; amending~~  
8 ~~the Subdivision Code to update the condominium conversion requirements for projects~~  
9 ~~utilizing residential density exceptions in RH Districts; affirming the Planning~~  
10 ~~Department’s determination under the California Environmental Quality Act; and~~  
11 ~~making public necessity, convenience, and welfare findings under Planning Code,~~  
12 ~~Section 302, and findings of consistency with the General Plan and the eight priority~~  
13 ~~policies of Planning Code, Section 101.1.~~

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

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

22 Section 1. Environmental and Land Use Findings.

23 (a) The Planning Department has determined that the actions contemplated in this  
24 ordinance comply with the California Environmental Quality Act (California Public Resources  
25 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. 231142 and is incorporated herein by reference. The Board affirms  
2 this determination.

3 (b) On November 30, 2023, the Planning Commission, in Resolution No. 21454,  
4 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
5 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The  
6 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
7 the Board of Supervisors in File No. 231142, and is incorporated herein by reference.

8 (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
9 amendments will serve the public necessity, convenience, and welfare for the reasons set  
10 forth in Planning Commission Resolution No. 21454, and the Board adopts such reasons as  
11 its own. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File  
12 No. 231142 and is incorporated herein by reference.

13

14 ~~Section 2. General Background and Findings.~~

15 ~~(a) California faces a severe crisis of housing affordability and availability, prompting~~  
16 ~~the Legislature to declare, in Section 65589.5 of the Government Code, that the state has "a~~  
17 ~~housing supply and affordability crisis of historic proportions. The consequences of failing to~~  
18 ~~effectively and aggressively confront this crisis are hurting millions of Californians, robbing~~  
19 ~~future generations of a chance to call California home, stifling economic opportunities for~~  
20 ~~workers and businesses, worsening poverty and homelessness, and undermining the state's~~  
21 ~~environmental and climate objectives."~~

22 ~~(b) This crisis of housing affordability and availability is particularly severe in San~~  
23 ~~Francisco. It is characterized by dramatic increases in rent and home sale prices over recent~~  
24 ~~years.~~

25

1 (c) According to the Planning Department's 2020 Housing Inventory, the cost of  
2 housing in San Francisco has increased dramatically since the Great Recession of 2008-  
3 2009, with the median sale price for a two-bedroom house more than tripling from 2011 to  
4 2021, from \$493,000 to \$1,580,000. This includes a 9% increase from 2019 to 2020 alone,  
5 even in the face of the COVID-19 pandemic. The median rental price for a two-bedroom  
6 apartment saw similar although slightly smaller increases, nearly doubling from \$2,570 to  
7 \$4,500 per month, from 2011 to 2019, before declining in 2020 due to the pandemic.

8 (d) These housing cost trends come after decades of underproduction of housing in  
9 the Bay Area, according to the Planning Department's 2019 Housing Affordability Strategies  
10 Report. The City's Chief Economist has estimated that approximately 5,000 new market-rate  
11 housing units per year would be required to keep housing prices in San Francisco constant  
12 with the general rate of inflation.

13 (e) Moreover, San Francisco will be challenged to meet increased Regional Housing  
14 Needs Allocation ("RHNA") goals in this 2023-2031 Housing Element cycle, which total 82,069  
15 units over eight years, (46,598 of which must be affordable to extremely low, very low, low-,  
16 and moderate-income households), more than 2.5 times the goal of the previous eight-year  
17 cycle. The importance of meeting these goals to address housing needs is self-evident. In  
18 addition, under relatively new State laws like Senate Bill 35 (2017), failure to meet the 2023-  
19 2031 RHNA housing production goals would result in limitations on San Francisco's control  
20 and discretion over certain projects.

21 (f) On January 31, 2023, the City adopted the 2022 Update of the Housing Element of  
22 the General Plan ("2022 Housing Element"), as required by state law. The 2022 Housing  
23 Element is San Francisco's first housing plan that is centered on racial and social equity. It  
24 articulates San Francisco's commitment to recognizing housing as a right, increasing housing  
25 affordability for low-income households and communities of color, opening small and mid-rise

1 multifamily buildings across all neighborhoods, and connecting housing to neighborhood  
2 services like transportation, education, and economic opportunity.

3 (g) The 2022 Housing Element includes goals, objectives, policies and implementing  
4 programs that seek to guide development patterns and the allocation of resources to San  
5 Francisco neighborhoods. Generally, it intends to shift an increased share of the San  
6 Francisco's projected future housing growth to transit corridors and low-density residential  
7 districts within "Well-Resourced Neighborhoods" (which are areas identified by the state as  
8 neighborhoods that provide strong economic, health, and educational outcomes for its  
9 residents), while aiming to prevent the potential displacement and adverse racial and social  
10 equity impacts of zoning changes, planning processes, or public and private investments for  
11 populations and in areas that may be vulnerable to displacement, such as "Priority Equity  
12 Geographies" (identified in the Department of Public Health's Community Health Needs  
13 Assessment as Areas of Vulnerability).

14 (h) Among other policies, the 2022 Housing Element commits the City to remove  
15 governmental constraints on housing development, maintenance and improvement,  
16 specifically in Well-Resourced Neighborhoods and in areas outside of Priority Equity  
17 Geographies, as well as to reduce costs and administrative processes for affordable housing  
18 projects, small and multifamily housing, and to simplify and standardize processes and permit  
19 procedures. Among many other obligations, the 2022 Housing Element requires that the City  
20 remove Conditional Use Authorization requirements for code-compliant projects, eliminate  
21 hearing requirements, and modify standards and definitions to permit more types of housing  
22 across the City, in Well-Resourced Neighborhoods and outside of Priority Equity  
23 Geographies. This ordinance advances these goals.

1           Section 23. The Planning Code is hereby amended by deleting Sections ~~121.1, 121.3,~~  
2 ~~132.2, 253, 253.1, 253.2, and 253.3,~~ revising Sections 102, 121, 121.7, 132, 134, 135, 140,  
3 ~~145.1, 202.2, 204.1, 206.3, 206.6, 207, 209.1, 209.2, 209.3, 209.4, 210.3, 249.77, 249.92,~~  
4 ~~253, 305.1, 311, 317, 406, 710, 711, 713, 714, 722, 723, 750, 754, 810, 811, and 812,~~ and  
5 adding new Sections 121.1 and 121.3, and Section 249.97, to read as follows:  
6

7           SEC. 102. DEFINITIONS.

8           \* \* \* \*

9           ~~Dwelling Unit. A Residential Use defined as a room or suite of two or more rooms that is de-~~  
10 ~~signed for, or is occupied by, one family doing its own cooking therein and having only one~~  
11 ~~kitchen. A Dwelling Unit shall also include “employee housing” when providing~~  
12 ~~accommodations for six or fewer employees, as provided in State Health and Safety Code~~  
13 ~~§17021.5. A housekeeping room as defined in the Housing Code shall be a Dwelling Unit for~~  
14 ~~purposes of this Code. For the purposes of this Code, a Live/Work Unit, as defined in this~~  
15 ~~Section, shall not be considered a Dwelling Unit.~~

16           \* \* \* \*

17           ~~Height (of a building or structure). The vertical distance by which a building or structure rises~~  
18 ~~above a certain point of measurement. See Section 260 of this Code for how height is~~  
19 ~~measured.~~

20  
21           ~~Historic Building. A Historic Building is a building or structure that meets at least one of the~~  
22 ~~following criteria:~~

- 23           ● ~~It is individually designated as a landmark under Article 10;~~
- 24           ● ~~It is listed as a contributor to an historic district listed in Article 10;~~

25

- 1       ● ~~It is a Significant or Contributory Building under Article 11, with a Category I, II, III or IV~~
- 2           ~~rating;~~
- 3       ● ~~It has been listed or has been determined eligible for listing in the California Register of~~
- 4           ~~Historical Resources; or,~~
- 5       ● ~~It has been listed or has been determined eligible for listing in the National Register of~~
- 6           ~~Historic Places.~~

7       \* \* \* \*

8

9       ~~SEC. 121. MINIMUM LOT WIDTH AND AREA.~~

10      \* \* \* \*

11           ~~(b) Subdivisions and Lot Splits. Subdivisions and lot splits shall be governed by the~~

12       ~~Subdivision Code of the City and County of San Francisco and by the Subdivision Map Act of~~

13       ~~California. In all such cases the procedures and requirements of said Code and said Act shall~~

14       ~~be followed, including the requirement for consistency with the General Plan of the City and~~

15       ~~County of San Francisco. Where the predominant pattern of residential development in the~~

16       ~~immediate vicinity exceeds the minimum standard for lot width or area, or the minimum~~

17       ~~standards for both lot width and area, set forth below in this Section, any new lot created by a~~

18       ~~subdivision or lot split under the Subdivision Code shall conform to the greater established~~

19       ~~standards, provided that in no case shall the required lot width be more than 33 feet or the~~

20       ~~required lot area be more than 4,000 square feet. In RH districts in the Family Housing~~

21       ~~Opportunity Special Use District, where the predominant pattern of residential development in~~

22       ~~the immediate vicinity exceeds the minimum standard for lot width or area, or exceeds the~~

23       ~~minimum standards for both lot width and area, set forth below in this Section 121, any new~~

24       ~~lot created by a subdivision or lot split under the Subdivision Code shall conform to the greater~~

1 established standard(s), provided that in no case shall the required lot width be more than 33  
2 feet or the required lot area be more than 4,000 square feet.

3 \* \* \* \*

4 (d) ~~Minimum Lot Width. The minimum lot width shall be 20 feet.as follows: as follows:~~

5 ~~—— (1) In RH-1(D) Districts: 33 feet;~~

6 ~~—— (2) In all other zoning use districts: 25 feet.~~

7 ~~—— 1) In RH-1(D) Districts in the Family Housing Opportunity Special Use District  
8 (Section 249.94): 33 feet;~~

9 ~~—— (2) In all other RH Districts in the Family Housing Opportunity Special Use  
10 District: 25 feet;~~

11 ~~—— (3) In all other zoning use districts: 20 feet.~~

12 (e) ~~Minimum Lot Area. The minimum lot area shall be 1,200 sq. ft. as follows: as  
13 follows:~~

14 ~~—— (1) In RH-1(D) Districts: 4,000 square feet;~~

15 ~~—— (2) In all other zoning use districts: 2,500 square feet; except that the minimum  
16 lot area for any lot having its street frontage entirely within 125 feet of the intersection of two  
17 streets that intersect at an angle of not more than 135 degrees shall be 1,750 square feet.~~

18 ~~—— (1) In RH-1(D) Districts in the Family Housing Opportunity Special Use District  
19 (Section 249.94): 4,000 square feet;~~

20 ~~—— (2) In all other RH Districts in the Family Housing Opportunity Special Use  
21 District: 2,500 square feet; except that the minimum lot area for any lot having its street  
22 frontage entirely within 125 feet of the intersection of two streets that intersect at an angle of  
23 not more than 135 degrees shall be 1,750 square feet.~~

24 ~~—— (3) In all other zoning use districts: 1,200 square feet.~~



1           ~~(f) Conditional Uses. Notwithstanding the foregoing requirements of this Section 121~~  
2 ~~as to lot width, lot area and width of lot frontage, in any zoning use district other than an RH-~~  
3 ~~1(D) District the City Planning Commission may permit one or more lots of lesser width to be~~  
4 ~~created, with each lot containing only a one-family dwelling and having a lot area of not less~~  
5 ~~than 1,500 square feet, according to the procedures and criteria for conditional use approval~~  
6 ~~in Section 303 of this Code.~~

7           ~~(f) Conditional Uses. Notwithstanding the foregoing requirements of this Section 121~~  
8 ~~as to lot width, lot area, and width of lot frontage, in any RH District in the Family Housing~~  
9 ~~Opportunity Special Use District, other than an RH-1(D) District, the Planning Commission~~  
10 ~~may permit one or more lots of lesser width to be created, with each lot containing only a one-~~  
11 ~~family dwelling and having a lot area of not less than 1,500 square feet, according to the~~  
12 ~~procedures and criteria for conditional use approval in Section 303 of this Code.~~

13  
14           ~~SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL~~  
15 ~~DISTRICTS.~~

16           ~~(a) Purpose. In order to promote, protect, and maintain a scale of development that is~~  
17 ~~appropriate to each district and compatible with adjacent buildings, new construction or~~  
18 ~~significant enlargement of existing buildings on lots of the same size or larger than the square~~  
19 ~~footage stated in the table below shall be permitted only as Conditional Uses.~~

District	Lot Size Limits
North Beach	2,500 sq. ft.
Pacific Avenue	
Polk Street	
NC-1, NCT-1	5,000 sq. ft.

1	24th Street-Mission	
2	24th Street-Noe Valley	
3	Broadway	
4	Castro Street	
5	Cole Valley	
6	Glen Park	
7	Haight Street	
8	Inner Clement Street	
9	Inner Sunset	
10	Irving Street	
11	Judah Street	
12	Lakeside Village	
13	Noriega Street	
14	Outer Clement Street	
15	Sacramento Street	
16	Taraval Street	
17	Union Street	
18	Upper Fillmore Street	
19	West Portal Avenue	
20	NC-2, NCT-2	10,000 sq. ft.
21	NC-3, NCT-3	

1	Bayview	
2	Cortland Avenue	
3	Divisadero Street	
4	Excelsior Outer Mission Street	
5	Fillmore Street	
6	Folsom Street	
7	Geary Boulevard	
8	Hayes-Gough	
9	Inner Balboa Street	
10	Inner Taraval Street	
11	Japantown	
12	Lower Haight Street	
13	Lower Polk Street	
14	Mission Bernal	
15	Mission Street	
16	Ocean Avenue	
17	Outer Balboa Street	
18	Regional Commercial District	
19	San Bruno Avenue	
20	SoMa	
21	Upper Market Street	
22		
23		
24		
25		

1	Valencia Street	
2	NC-S	Not Applicable

3 ~~(b) Design Review Criteria. In addition to the criteria of Section 303(c) of this Code,~~  
 4 ~~the City Planning Commission shall consider the extent to which the following criteria are met:~~

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

7 ~~—— (2) The facade of the proposed structure is compatible with design features of~~  
 8 ~~adjacent facades that contribute to the positive visual quality of the district.~~

9 ~~—— (3) Where 5,000 or more gross square feet of Non-Residential space is~~  
 10 ~~proposed, that the project provides commercial spaces in a range of sizes, including one or~~  
 11 ~~more spaces of 1,000 gross square feet or smaller, to accommodate a diversity of~~  
 12 ~~neighborhood business types and business sizes.~~

14 ~~SEC. 121.1. DEVELOPMENT OF LARGE LOTS IN NEIGHBORHOOD COMMERCIAL~~  
 15 ~~DISTRICTS LOCATED IN THE PRIORITY EQUITY GEOGRAPHIES SPECIAL USE~~  
 16 ~~DISTRICT.~~

17 ~~(a) Purpose. In order to promote, protect, and maintain a scale of development that is~~  
 18 ~~appropriate to each district and compatible with adjacent buildings, new construction or~~  
 19 ~~significant enlargement of existing buildings on lots of the same size or larger than the square~~  
 20 ~~footage stated in the Neighborhood Commercial Districts located in the Priority Equity~~  
 21 ~~Geographies Special Use District established under Section 249.97 shown in the table below~~  
 22 ~~shall be permitted only as Conditional Uses.~~

24	District	Lot Size Limits
25		

1	North Beach (*)	2,500 sq. ft.
2	Polk Street (*)	
3	NC-1, NCT-1 (*)	5,000 sq. ft.
4	24th Street-Mission	
5	NC-2, NCT-2 (*)	10,000 sq. ft.
6	NC-3, NCT-3 (*)	
7	Bayview	
8	Divisadero Street (*)	
9	Excelsior Outer Mission Street	
10	Fillmore Street (*)	
11	Folsom Street	
12	Hayes-Gough	
13	Lower Polk Street	
14	Mission Street	
15	San Bruno Avenue	
16	SoMa	
17	Upper Market Street	
18	Valencia Street (*)	

22 (\*) These districts are located at least partially in the Priority Equity Geographies  
23 Special Use District established under Section 249.97. The controls in this Section 121.1  
24 shall apply to those areas of these districts that are within the Priority Equity Geographies  
25

1 SUD. The controls in this Section 121.1 shall not apply to portions of any Neighborhood  
2 Commercial District that are outside the Priority Equity Geographies SUD.

3 (b) Design Review Criteria. In addition to the criteria of Section 303(c) of this Code,  
4 the Planning Commission shall consider the extent to which the following criteria are met:

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

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

9 (3) Where 5,000 or more gross square feet of Non-Residential space is  
10 proposed, the project provides commercial spaces in a range of sizes, including one or more  
11 spaces of 1,000 gross square feet or smaller, to accommodate a diversity of neighborhood  
12 business types and business sizes.

13 SEC. 121.3. DEVELOPMENT OF LARGE LOTS, CHINATOWN MIXED USE  
14 DISTRICTS.

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

19 -

District	Lot Size Limits
Chinatown Community Business	5,000 sq. ft.
Chinatown Residential/Neighborhood Commercial	
Chinatown Visitor Retail	

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

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

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

7  
8           ~~SEC. 121.3. DEVELOPMENT OF LARGE LOTS, CHINATOWN MIXED USE~~  
9 ~~DISTRICTS.~~

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

15           -

District	Lot Size Limits
Chinatown Community Business	5,000 sq. ft.
Chinatown Residential/Neighborhood Commercial	
Chinatown Visitor Retail	

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

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

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

3  
4           ~~———SEC. 121.7. RESTRICTION OF LOT MERGERS IN CERTAIN DISTRICTS AND ON~~  
5 ~~PEDESTRIAN-ORIENTED STREETS.~~

6           ~~\* \* \* \*~~

7           ~~(b) Controls. Merger of lots is regulated as follows:~~

8           ~~———(1) RTO Districts. In RTO Districts, merger of lots creating a lot greater than~~  
9 ~~5,000 square feet shall not be permitted except according to the procedures and criteria in~~  
10 ~~subsection (d) below.~~

11           ~~———(1) RTO Districts. In RTO Districts within the Priority Equity Geographies~~  
12 ~~Special Use District established under Section 249.97, merger of lots creating a lot greater~~  
13 ~~than 5,000 square feet shall not be permitted except according to the procedures and criteria~~  
14 ~~in subsection (d) below.~~

15           ~~———(212) NCT, NC, and Mixed Use Districts. In those NCT, NC, and Mixed Use~~  
16 ~~Districts listed below, merger of lots resulting in a lot with a single street frontage greater than~~  
17 ~~that stated in the table below on the specified streets or in the specified Districts is prohibited~~  
18 ~~except according to the procedures and criteria in subsections (c) and (d) below.~~

19           ~~———(323) WMUO District. Merger of lots in the WMUO zoning district resulting in a~~  
20 ~~lot with a street frontage between 100 and 200 feet along Townsend Street is permitted so~~  
21 ~~long as a publicly-accessible through-block pedestrian alley at least 20 feet in width and~~  
22 ~~generally conforming to the design standards of Section 270.2(e)(5)-(12) of this Code is~~  
23 ~~provided as a result of such merger.~~

24           ~~———(434) Mission Street NCT District. In the Mission Street NCT District, projects~~  
25 ~~that propose lot mergers resulting in street frontages on Mission Street greater than 50 feet~~



1 shall provide at least one non-residential space of no more than 2,500 square feet on the  
2 ground floor fronting Mission Street.

3 ~~———— (545) Ocean Avenue NCT District. In the Ocean Avenue NCT District, projects~~  
4 ~~that propose lot mergers resulting in street frontages greater than 50 feet are permitted to~~  
5 ~~create corner lots only, and shall require a conditional use authorization.~~

6 ~~\* \* \* \*~~

7  
8 ~~———— SEC. 132. FRONT SETBACK AREAS IN RTO, RH, AND RM DISTRICTS AND FOR~~  
9 ~~REQUIRED SETBACKS FOR PLANNED UNIT DEVELOPMENTS.~~

10 The following requirements for minimum front setback areas shall apply to every  
11 building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the  
12 existing front setbacks of adjacent buildings. Buildings in RTO Districts which have more than  
13 75 feet of street frontage are additionally subject to the Ground Floor Residential Design  
14 Guidelines, as adopted and periodically amended by the Planning Commission. Planned Unit  
15 Developments or PUDs, as defined in Section 304, shall also provide landscaping in required  
16 setbacks in accord with Section 132(g).

17 (a) ~~Basic Requirement. Where one or both of the buildings adjacent to the subject~~  
18 ~~property have front setbacks along a Street or Alley, any building or addition constructed,~~  
19 ~~reconstructed, or relocated on the subject property shall be set back as follows:~~

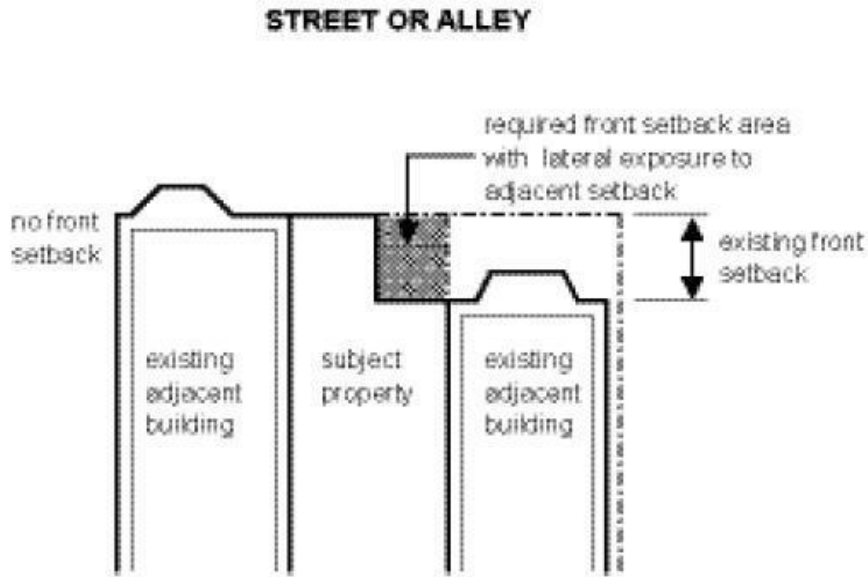
20 ~~———— (1) In RH Districts in the Family Housing Opportunity Special Use District~~  
21 ~~(Section 249.94): the average of the two adjacent front setbacks, except as provided in~~  
22 ~~subsection (d) below. If only one of the adjacent buildings has a front setback, or if there is~~  
23 ~~only one adjacent building, then the required setback for the subject property shall be equal to~~  
24 ~~one-half the front setback of such adjacent building;~~

1           ~~—— (2) In all other zoning use districts: no less than the depth of the adjacent~~  
2 ~~building with the shortest front setback, except as provided in subsection (c). the average of~~  
3 ~~the two adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if~~  
4 ~~there is only one adjacent building, then the required setback for the subject property shall be~~  
5 ~~equal to one-half the front setback of such adjacent building.~~

6           ~~—— (3) In any case in which the lot constituting the subject property is separated~~  
7 ~~from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50~~  
8 ~~feet or less parallel to the Street or Alley, such nearest building shall be deemed to be an~~  
9 ~~“adjacent building,” but a building on a lot so separated for a greater distance shall not be~~  
10 ~~deemed to be an “adjacent building.” [Note to publisher: Delete diagram that follows this text].~~

11           ~~(b) Alternative Method of Averaging. If, under the rules stated in subsection (a)~~  
12 ~~above, an averaging is required between two adjacent front setbacks, or between one~~  
13 ~~adjacent setback and another adjacent building with no setback, the required setback on the~~  
14 ~~subject property may alternatively be averaged in an irregular manner within the depth~~  
15 ~~between the setbacks of the two adjacent buildings, provided that the area of the resulting~~  
16 ~~setback shall be at least equal to the product of the width of the subject property along the~~  
17 ~~Street or Alley times the setback depth required by subsections (a) and (c) of this Section 132;~~  
18 ~~and provided further, that all portions of the resulting setback area on the subject property~~  
19 ~~shall be directly exposed laterally to the setback area of the adjacent building having the~~  
20 ~~greater setback. In any case in which this alternative method of averaging has been used for~~  
21 ~~the subject property, the extent of the front setback on the subject property for purposes of~~  
22 ~~subsection (c) below relating to subsequent development on an adjacent site shall be~~  
23 ~~considered to be as required by subsection (a) above, in the form of a single line parallel to~~  
24 ~~the Street or Alley [Note to publisher: Delete diagram that follows this text].~~

1 (b) ~~Alternative Method of Averaging. If, under the rules stated in subsection (a) above,~~  
2 ~~an averaging is required between two adjacent front setbacks, or between one adjacent~~



13 ~~setback and another adjacent building with no setback, the required setback on the subject~~  
14 ~~property may alternatively be averaged in an irregular manner within the depth between the~~  
15 ~~setbacks of the two adjacent buildings, provided that the area of the resulting setback shall be~~  
16 ~~at least equal to the product of the width of the subject property along the Street or Alley times~~  
17 ~~the setback depth required by subsections (a) and (c) of this Section 132; and provided~~  
18 ~~further, that all portions of the resulting setback area on the subject property shall be directly~~  
19 ~~exposed laterally to the setback area of the adjacent building having the greater setback. In~~  
20 ~~any case in which this alternative method of averaging has been used for the subject property,~~  
21 ~~the extent of the front setback on the subject property for purposes of subsection (c) below~~  
22 ~~relating to subsequent development on an adjacent site shall be considered to be as required~~  
23 ~~by subsection (a) above, in the form of a single line parallel to the Street or Alley. [Note to~~  
24 ~~publisher: The diagram that follows is a reproduction of the diagram that appears below~~  
25 ~~Section 132(b) in the current version of the Planning Code.]~~

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~~(bc) Method of Measurement. The extent of the front setback of each adjacent building shall be taken as the horizontal distance from the property line along the Street or Alley to the building wall closest to such property line, excluding all projections from such wall, all decks and garage structures and extensions, and all other obstructions.~~

~~(cd) Applicability to Special Lot Situations.~~

~~\* \* \* \*~~

~~(de) Maximum Requirements. The maximum required front setback in any of the cases described in this Section 132 shall be as follows:~~

~~(1) In RH Districts in the Family Housing Opportunity Special Use District (Section 249.94): 15 feet from the property line along the Street or Alley, or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement. Where a lot faces on a Street or Alley less than or equal to 40 feet in width, the maximum required setback shall be 10 feet from the property line or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement.~~

~~(2) In all other zoning use districts, except as otherwise provided in this Code: 15-10 feet from the property line along the Street or Alley, except in cases where more than 75% of the properties on the subject block face have a setback of 15 feet or greater, and both parcels adjacent to the parcel property have a front setback of 15 feet or greater, in which case the maximum front setback shall be 15 feet., or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement. Where a lot faces on a Street or Alley less than or equal to 40 feet in width, the maximum required setback shall be ten feet from the property line or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement.~~

1 ~~\_\_\_\_\_ (3) The required setback for lots located within the Bernal Heights Special Use~~  
2 ~~District is set forth in Section 242 of this Code.~~

3 ~~\* \* \* \*~~

4  
5 ~~\_\_\_\_\_ SEC. 132.2. SETBACKS IN THE NORTH OF MARKET RESIDENTIAL SPECIAL USE~~  
6 ~~DISTRICT.~~

7 ~~(a) General. In order to maintain the continuity of a predominant street wall along the~~  
8 ~~street, setbacks of the upper portion of a building which abuts a public sidewalk may be~~  
9 ~~required of buildings located within the boundaries of the North of Market Residential Special~~  
10 ~~Use District, as shown on Sectional Map 1SUB of the Zoning Map, as a condition of approval~~  
11 ~~of conditional use authorization otherwise required by Section 253 of this Code for building in~~  
12 ~~RC Districts which exceed 50 feet in height.~~

13 ~~(b) Procedures. A setback requirement may be imposed in accordance with the~~  
14 ~~provisions set forth below pursuant to the procedures for conditional use authorization set~~  
15 ~~forth in Section 303 of this Code.~~

16 ~~\_\_\_\_\_ (c) Setback Requirement. In order to maintain the continuity of the prevailing~~  
17 ~~streetwall along a street or alley, a setback requirement may be imposed as a condition of~~  
18 ~~approval of an application for conditional use authorization for a building in excess of 50 feet~~  
19 ~~in height, as required by Section 253 of this Code. If the applicant can demonstrate that the~~  
20 ~~prevailing streetwall height on the block on which the proposed project is located, as~~  
21 ~~established by existing cornice lines, is in excess of 50 feet, then the Commission may~~  
22 ~~impose a maximum setback of up to 20 feet applicable to the portion of the building which~~  
23 ~~exceeds the established prevailing streetwall height; provided, however, that if the applicant~~  
24 ~~demonstrates that the prevailing streetwall height is in excess of 68 feet, the maximum~~  
25 ~~setback requirement which may be imposed is 16 feet. If the applicant can demonstrate that a~~

1 building without a setback would not disrupt the continuity of the prevailing streetwall along  
2 the street, then the Planning Commission may grant approval of the conditional use  
3 authorization without imposing a setback requirement as a condition thereof.

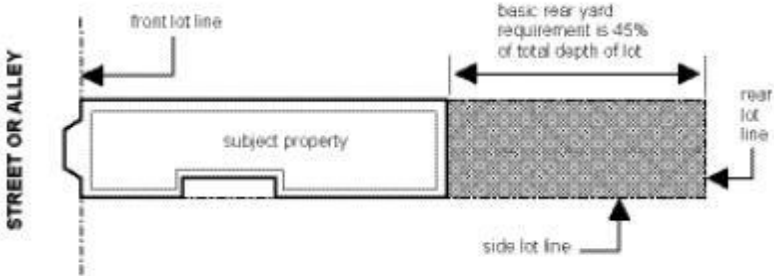
4  
5 ~~SEC. 134. REAR YARDS IN R, RC, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU,~~  
6 ~~RED, AND RED-MX DISTRICTS.~~

7 \* \* \* \*

8 (c) ~~Basic Requirements.~~ The basic rear yard requirements shall be as follows for the  
9 districts indicated:

10 (1) In RH, RM-1, RM-2, RTO, RTO-M Zoning Districts, the basic rear yard shall  
11 be equal to 30% of the total depth of the lot on which the building is situated, but in no case  
12 less than 15 feet., unless otherwise provided in subsection (c)(2).

13 (2) In RH-2 and RH-3 Districts in the Family Housing Opportunity Special Use  
14 District (Section 249.94), the minimum rear yard depth shall be equal to 45% of the total depth  
15 of the lot on which the building is situated, unless a reduction in this requirement is permitted  
16 by subsection (k) below or otherwise provided in Section 249.94(d). [Note to publisher: The  
17 diagram that follows is a reproduction of the diagram that appears below Section 134(c)(3) in  
18 the current Planning Code.]



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~~(23) In all other Zoning Districts not listed in subsection (c)(1), the rear yard shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet.~~

~~(d) Rear Yard Location Requirements.~~

~~———— (1) RH-1(D), RH-1, and RH-1(S) Districts. For buildings that submit a development application on or after January 15, 2019, the minimum rear yard depth shall be equal to 30% of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Exceptions are permitted on Corner Lots and through lots abutting properties with buildings fronting both streets, as described in subsection (f) below. For buildings that submitted a development application prior to January 15, 2019, the minimum rear yard depth shall be determined based on the applicable law on the date of submission.~~

~~———— (2) RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD Districts. Except as specified in this subsection (c), the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15 feet.~~

~~———— (A) For buildings containing only SRO Units in the Eastern Neighborhoods Mixed Use Districts, the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced in specific situations as described in subsection (e) below.~~

~~———— (B) To the extent the lot coverage requirements of Section 249.78 apply to a project, those requirements shall control, rather than the requirements of this Section 134.~~

~~———— (C1) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RTO, NC-1, NCT-1, Inner Sunset, Outer Clement Street, Cole Valley, Haight Street, Lakeside Village, Sacramento Street, 24th~~

1 Street Noe Valley, Pacific Avenue, and West Portal Avenue Districts. Rear yards shall be  
2 provided at grade level and at each succeeding level or story of the building.

3 ~~———— (D2) NC-2, NCT-2, Ocean Avenue, Inner Balboa Street, Outer Balboa Street,  
4 Castro Street, Cortland Avenue, Divisadero Street NCT, Excelsior Outer Mission Street, Inner  
5 Clement Street, Upper Fillmore Street, Lower Haight Street, Judah Street, Noriega Street,  
6 North Beach, San Bruno Avenue, Taraval Street, Inner Taraval Street, Union Street, Valencia  
7 Street, 24th Street Mission, Glen Park, Regional Commercial District and Folsom Street  
8 Districts. Rear yards shall be provided at the second story, and at each succeeding story of  
9 the building, and at the First Story if it contains a Dwelling Unit.~~

10 ~~\* \* \* \*~~

11 ~~———— (E3) RC-3, RC-4, NC-3, NCT-3, Bayview, Broadway, Fillmore Street, Geary  
12 Boulevard, Hayes Gough, Japantown, SoMa NCT, Mission Bernal, Mission Street, Polk  
13 Street, Lower Polk Street, Pacific Avenue, C, M, SPD, MUR, MUG, MUO, and UMU Districts.  
14 Rear yards shall be provided at the lowest story containing a Dwelling Unit, and at each  
15 succeeding level or story of the building. In the Hayes Gough NCT, lots fronting the east side  
16 of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M, N,  
17 R, S, T, U, and V) are not required to provide rear yards at any level of the building, provided  
18 that the project fully meets the usable open space requirement for Dwelling Units pursuant to  
19 Section 135 of this Code, the exposure requirements of Section 140, and gives adequate  
20 architectural consideration to the light and air needs of adjacent buildings given the  
21 constraints of the project site.~~

22 ~~———— (F4) Upper Market Street NCT. Rear yards shall be provided at the grade level,  
23 and at each succeeding story of the building. For buildings in the Upper Market Street NCT  
24 that do not contain Residential Uses and that do not abut adjacent lots with an existing pattern~~



1 of rear yards or mid-block open space, the Zoning Administrator may waive or reduce this rear  
2 yard requirement pursuant to the procedures of subsection (h).

3 ~~———— (G5) RED, RED-MX and WMUG Districts. Rear yards shall be provided at the~~  
4 ~~ground level for any building containing a Dwelling Unit, and at each succeeding level or story~~  
5 ~~of the building.~~

6 ~~(3) RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts, and the Pacific Avenue NG~~  
7 ~~District. The minimum rear yard depth shall be equal to 45% of the total depth of the lot on~~  
8 ~~which the building is situated, except to the extent that a reduction in this requirement is~~  
9 ~~permitted by subsection (e) below. Rear yards shall be provided at grade level and at each~~  
10 ~~succeeding level or story of the building. In RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2~~  
11 ~~Districts, exceptions are permitted on Corner Lots and through lots abutting a property with~~  
12 ~~buildings fronting on both streets, as described in subsection (f) below. [Note to publisher:~~  
13 ~~delete diagram that follows this text]~~

14 ~~(de) Permitted Obstructions. Only those obstructions specified in Section 136 of this~~  
15 ~~Code shall be permitted in a required rear yard, and no other obstruction shall be constructed,~~  
16 ~~placed, or maintained within any such yard. No motor vehicle, trailer, boat, or other vehicle~~  
17 ~~shall be parked or stored within any such yard, except as specified in Section 136.~~

18 ~~(e) Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1,,2 and RM-2~~  
19 ~~Districts. The rear yard requirement stated in subsection subsection2 (c)(3) above and as~~  
20 ~~stated in subsection subsection2 (c)(2)(A) above for SRO buildings located in the Eastern~~  
21 ~~Neighborhoods Mixed Use Districts not exceeding a height of 65 feet, shall be reduced in~~  
22 ~~specific situations as described in this subsection (e), based upon conditions on adjacent lots.~~  
23 ~~Except for those SRO buildings referenced above in this subsection (e) whose rear yard can~~  
24 ~~be reduced in the circumstances described in subsection (e) to a 15-foot minimum, under no~~  
25 ~~circumstances shall the minimum rear yard be thus reduced to less than a depth equal to 25%~~

1 of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever  
2 is greater.

3       ——— (1) General Rule. In such districts, the forward edge of the required rear yard  
4 shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an  
5 average between the depths of the rear building walls of the two adjacent buildings. Except for  
6 SRO buildings, in any case in which a rear yard requirement is thus reduced, the last 10 feet  
7 of building depth thus permitted on the subject lot shall be limited to a height of 30 feet,  
8 measured as prescribed by Section 260 of this Code, or to such lesser height as may be  
9 established by Section 261 of this Code.

10       ——— (2) Alternative Method of Averaging. If, under the rule stated in subsection  
11 (e)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively  
12 be averaged in an irregular manner; provided that the area of the resulting reduction shall be  
13 no more than the product of the width of the subject lot along the line established by  
14 subsection (e)(1) above times the reduction in depth of rear yard permitted by subsection  
15 (e)(1); and provided further that all portions of the open area on the part of the lot to which the  
16 rear yard reduction applies shall be directly exposed laterally to the open area behind the  
17 adjacent building having the lesser depth of its rear building wall.

18       ——— (3) Method of Measurement. For purposes of this subsection (e), an “adjacent  
19 building” shall mean a building on a lot adjoining the subject lot along a side lot line. In all  
20 cases the location of the rear building wall of an adjacent building shall be taken as the line of  
21 greatest depth of any portion of the adjacent building which occupies at least one-half the  
22 width between the side lot lines of the lot on which such adjacent building is located, and  
23 which has a height of at least 20 feet above grade, or two Stories, whichever is less, excluding  
24 all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot  
25 adjoining the subject lot is vacant, or contains no Dwelling or Group Housing structure, or is

1 located in an RH 1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, RED-MX, MUG, WMUG,  
2 MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC, C, M, or P District, such adjoining lot shall, for  
3 purposes of the calculations in this subsection (e), be considered to have an adjacent building  
4 upon it whose rear building wall is at a depth equal to 75% of the total depth of the subject lot.

5 ~~—————(4) Applicability to Special Lot Situations. In the following special lot situations,~~  
6 ~~the general rule stated in subsection (e)(1) above shall be applied as provided in this~~  
7 ~~subsection (e)(4), and the required rear yard shall be reduced if conditions on the adjacent lot~~  
8 ~~or lots so indicate and if all other requirements of this Section 134 are met. [Note to publisher:~~  
9 ~~delete the three diagrams that follow this text]~~

10 ~~—————(A) Corner Lots and Lots at Alley Intersections. On a Corner Lot as~~  
11 ~~defined in Section 102 of this Code, or a lot at the intersection of a Street and an Alley or two~~  
12 ~~Alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot~~  
13 ~~which is at the depth of the rear building wall of the one adjacent building.~~

14 ~~—————(B) Lots Abutting Properties with Buildings that Front on Another Street~~  
15 ~~or Alley. In the case of any lot that abuts along one of its side lot lines upon a lot with a~~  
16 ~~building that fronts on another Street or Alley, the lot on which it so abuts shall be~~  
17 ~~disregarded, and the forward edge of the required rear yard shall be reduced to a line on the~~  
18 ~~subject lot which is at the depth of the rear building wall of the one adjacent building fronting~~  
19 ~~on the same Street or Alley. In the case of any lot that abuts along both its side lot lines upon~~  
20 ~~lots with buildings that front on another Street or Alley, both lots on which it so abuts shall be~~  
21 ~~disregarded, and the minimum rear yard depth for the subject lot shall be equal to 25% of the~~  
22 ~~total depth of the subject lot, or 15 feet, whichever is greater. [Note to publisher: delete the~~  
23 ~~two diagrams that follow this text]~~

24 ~~(f) Second Building on Corner Lots and Through Lots Abutting Properties with~~  
25 ~~Buildings Fronting on Both Streets in RH, RTO, RTO-M, RM-1, and RM-2 Districts. Where a~~

1 lot is a Corner Lot, or is a through lot having both its front and its rear lot line along Streets,  
2 Alleys, or a Street and an Alley, and where an adjoining lot contains a residential or other  
3 lawful structure that fronts at the opposite end of the lot, the subject through lot may also have  
4 two buildings according to such established pattern, each fronting at one end of the lot,  
5 provided that all the other requirements of this Code are met. In such cases, the rear yard  
6 required by this Section 134 for the subject lot shall be located in the central portion of the lot,  
7 between the two buildings on such lot., and the depth of the rear wall of each building from the  
8 Street or Alley on which it fronts shall be established by the average of the depths of the rear  
9 building walls of the adjacent buildings fronting on that Street or Alley, or where there is only  
10 one adjacent building, by the depth of that building. In no case shall the total minimum rear  
11 yard for the subject lot be thus reduced to less than a depth equal to 30% of the total depth of  
12 the subject lot or to less than 15 feet, whichever is greater; provided, however, that the Zoning  
13 Administrator may reduce the total depth to 20% pursuant to Section 307(l) of this Code if the  
14 reduction is for the sole purpose of constructing an Accessory Dwelling Unit under Section  
15 207(c)(4), and provided further that the reduction/waiver is in consideration of the property  
16 owner entering into a Regulatory Agreement pursuant to Section 207(c)(4)(H) subjecting the  
17 ADU to the San Francisco Rent Stabilization and Arbitration Ordinance. For buildings fronting  
18 on a Narrow Street as defined in Section 261.1 of this Code, the additional height limits of  
19 Section 261.1 shall apply. Furthermore, in all cases in which this subsection (f) is applied, the  
20 requirements of Section 132 of this Code for front setback areas shall be applicable along  
21 both Street or Alley frontages of the subject through lot.

22 —(g)— Reduction of Requirements in C-3 Districts. In C-3 Districts, an exception to the  
23 rear yard requirements of this Section 134 may be allowed, in accordance with the provisions  
24 of Section 309, provided that the building location and configuration assure adequate light and  
25 air to windows within the residential units and to the usable open space provided.

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2           (h) ~~Corner Lots and Lots at Alley Intersections. On a Corner Lot as defined in Section~~  
3 ~~402 of this Code, or on a lot at the intersection of a Street and an Alley of at least 25 feet in~~  
4 ~~width, the required rear yard may be substituted with an open area equal to the basic rear~~  
5 ~~yard requirement outlined in subsection (c) above at the same levels as the required rear yard~~  
6 ~~in an interior corner of the lot, an open area between two or more buildings on the lot, or an~~  
7 ~~inner court, as defined by this Code, provided that the Zoning Administrator determines that~~  
8 ~~all of the criteria described below in this Section 134 are met.~~

9           ~~—— (1) Each horizontal dimension of the open area shall be a minimum of 15 feet.~~

10          ~~—— (2) The open area shall be wholly or partially contiguous to the existing~~  
11 ~~midblock open space formed by the rear yards of adjacent properties.~~

12          ~~—— (3) The open area will provide for the access to light and air to and views from~~  
13 ~~adjacent properties.~~

14          ~~—— (4) The proposed new or expanding structure will provide for access to light~~  
15 ~~and air from any existing or new residential uses on the subject property.~~

16          ~~The provisions of this subsection (h) shall not restrict the discretion of the Zoning~~  
17 ~~Administrator from imposing such additional conditions as the Zoning Administrator deems~~  
18 ~~necessary to further the purposes of this Section 134.~~

19          ~~(h) Modification of Requirements in NC Districts. The rear yard requirements in NC~~  
20 ~~Districts may be modified or waived in specific situations as described in this subsection (h).~~

21          ~~—— (1) General. The rear yard requirement in NC Districts may be modified or~~  
22 ~~waived by the Zoning Administrator pursuant to the procedures which are applicable to~~  
23 ~~variances, as set forth in Sections 306.1 through 306.5 and 308.2, if all of the following criteria~~  
24 ~~are met:~~

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

4           ~~(B) The proposed new or expanding structure will not significantly~~  
5 ~~impede the access of light and air to and views from adjacent properties; and~~

6           ~~(C) The proposed new or expanding structure will not adversely affect~~  
7 ~~the interior block open space formed by the rear yards of adjacent properties.~~

8           ~~(2) Corner Lots and Lots at Alley Intersections. On a Corner Lot as defined in~~  
9 ~~Section 102 of this Code, or on a lot at the intersection of a Street and an Alley of at least 25~~  
10 ~~feet in width, the required rear yard may be substituted with an open area equal to 25% of the~~  
11 ~~lot area which is located at the same levels as the required rear yard in an interior corner of~~  
12 ~~the lot, an open area between two or more buildings on the lot, or an inner court, as defined~~  
13 ~~by this Code, provided that the Zoning Administrator determines that all of the criteria~~  
14 ~~described below in this subsection (h)(2) are met.~~

15           ~~(A) Each horizontal dimension of the open area shall be a minimum of~~  
16 ~~15 feet.~~

17           ~~(B) The open area shall be wholly or partially contiguous to the existing~~  
18 ~~midblock open space formed by the rear yards of adjacent properties.~~

19           ~~(C) The open area will provide for the access to light and air to and~~  
20 ~~views from adjacent properties.~~

21           ~~(D) The proposed new or expanding structure will provide for access to~~  
22 ~~light and air from any existing or new residential uses on the subject property.~~

23           ~~The provisions of this subsection (h)(2) shall not preclude such additional conditions as~~  
24 ~~are deemed necessary by the Zoning Administrator to further the purposes of this Section~~  
25 ~~134.~~

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2           (k) ~~Reduction of Requirements in RH-2 and RH-3 Districts in the Family Housing~~  
3 ~~Opportunity Special Use District. The rear yard requirement stated in subsection (c)(2) above~~  
4 ~~shall be reduced in specific situations as described in this subsection (k), based upon~~  
5 ~~conditions on adjacent lots. Under no circumstances shall the minimum rear yard be thus~~  
6 ~~reduced to less than a depth equal to 25% of the total depth of the lot on which the building is~~  
7 ~~situated, or to less than 15 feet, whichever is greater.~~

8           ~~—— (1) General Rule. In RH-2 and RH-3 Districts in the Family Housing~~  
9 ~~Opportunity Special Use District, the forward edge of the required rear yard shall be reduced~~  
10 ~~to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between~~  
11 ~~the depths of the rear building walls of the two adjacent buildings. The last 10 feet of building~~  
12 ~~depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as~~  
13 ~~prescribed by Section 260 of this Code, or to such lesser height as may be established by~~  
14 ~~Section 261 of this Code.~~

15           ~~—— (2) Alternative Method of Averaging. If, under the rule stated in subsection~~  
16 ~~(k)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively~~  
17 ~~be averaged in an irregular manner; provided that the area of the resulting reduction shall be~~  
18 ~~no more than the product of the width of the subject lot along the line established by~~  
19 ~~subsection (k)(1) above times the reduction in depth of rear yard permitted by subsection~~  
20 ~~(k)(1); and provided further that all portions of the open area on the part of the lot to which the~~  
21 ~~rear yard reduction applies shall be directly exposed laterally to the open area behind the~~  
22 ~~adjacent building having the lesser depth of its rear building wall.~~

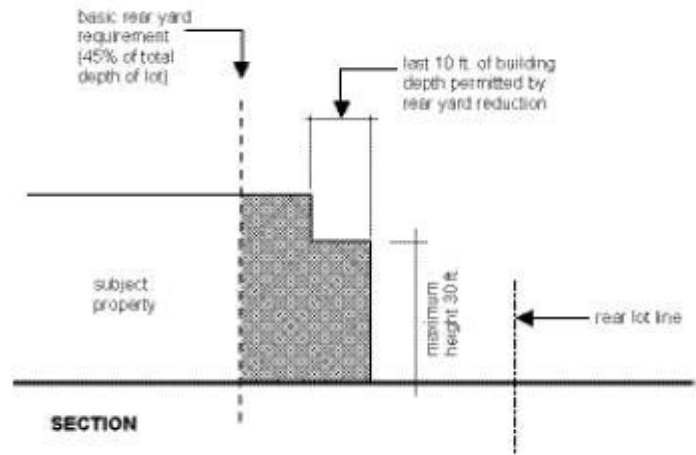
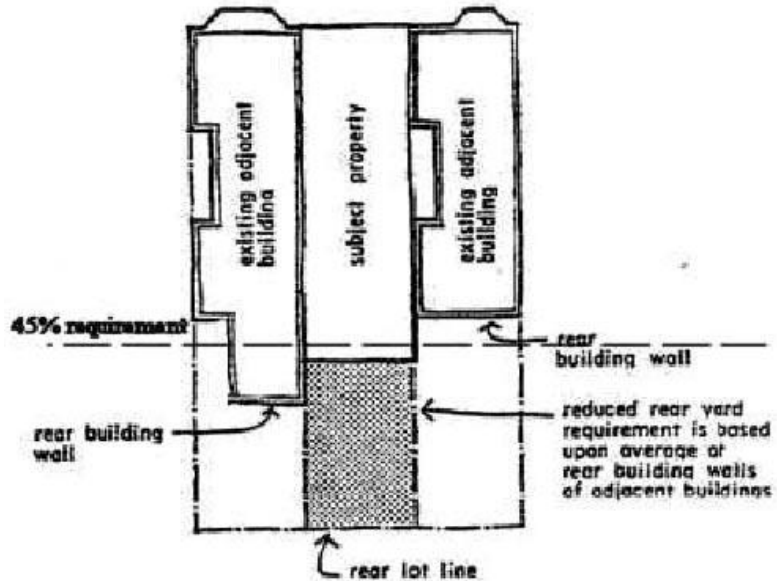
23           ~~—— (3) Method of Measurement. For purposes of this subsection (k), an “adjacent~~  
24 ~~building” shall mean a building on a lot adjoining the subject lot along a side lot line. In all~~  
25 ~~cases, the location of the rear building wall of an adjacent building shall be taken as the line of~~

1 greatest depth of any portion of the adjacent building which occupies at least one-half the  
2 width between the side lot lines of the lot on which such adjacent building is located, and  
3 which has a height of at least 20 feet above grade, or two Stories, whichever is less, excluding  
4 all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot  
5 adjoining the subject lot is vacant, or contains no Dwelling or Group Housing structure, or is  
6 located in an RH 1(D), RH 1, RH 1(S), RM 3, RM 4, RC, RED, RED-MX, MUG, WMUG,  
7 MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC, C, M, or P District, such adjoining lot shall, for  
8 purposes of the calculations in this subsection (k), be considered to have an adjacent building  
9 upon it whose rear building wall is at a depth equal to 75% of the total depth of the subject lot.

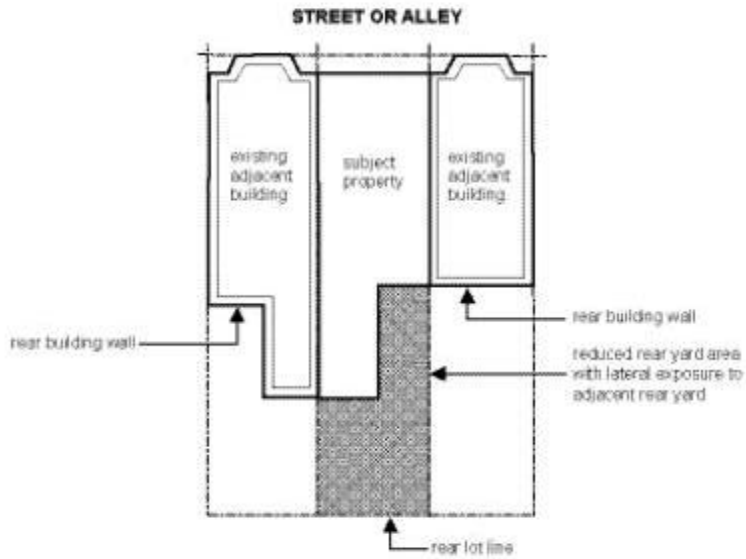
10       (4) Applicability to Special Lot Situations. In the following special lot situations,  
11 the general rule stated in subsection (k)(1) above shall be applied as provided in this  
12 subsection (k)(4), and the required rear yard shall be reduced if conditions on the adjacent lot  
13 or lots so indicate and if all other requirements of this Section 134 are met. [Note to publisher:  
14 The three diagrams that follow are reproductions of the three diagrams that appear below  
15 subsection 134(e)(4) of the current Planning Code.]



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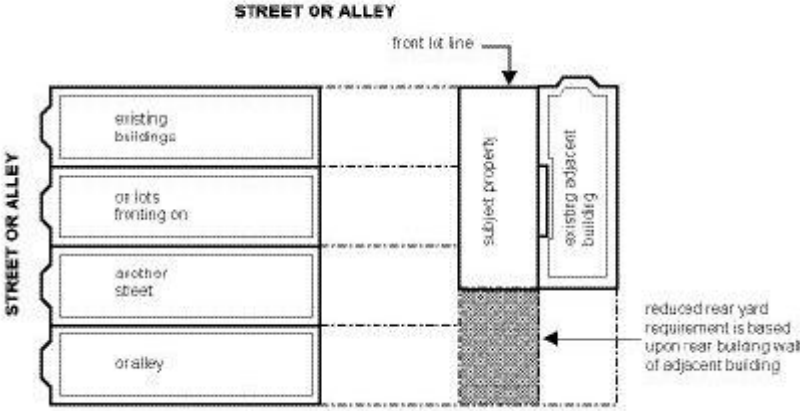
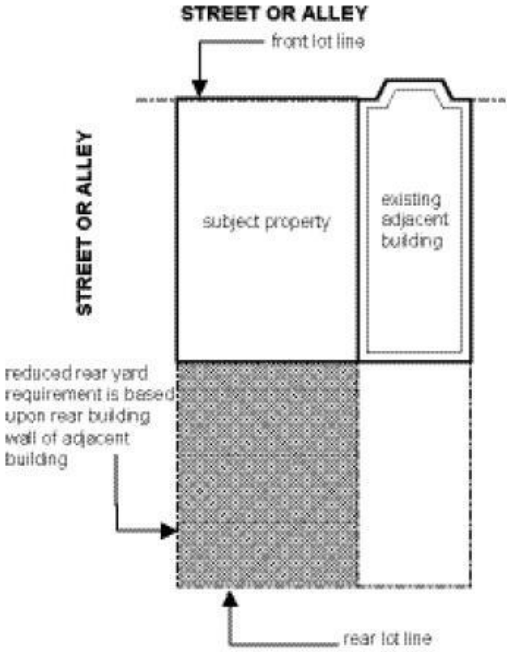
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~~(A) Corner Lots and Lots at Alley Intersections. On a Corner Lot as defined in Section 102 of this Code, or a lot at the intersection of a Street and an Alley or two Alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.~~

~~(B) Lots Abutting Properties with Buildings that Front on Another Street or Alley. In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another Street or Alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same Street or Alley. In the case of any lot that abuts along both its side lot lines upon lots with buildings that front on another Street or Alley, both lots on which it so abuts shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to 25% of the~~

1 total depth of the subject lot, or 15 feet, whichever is greater. [Note to publisher: The two  
2 diagrams that follow are reproductions of the two diagrams that appear below subsection  
3 134(e)(4)(B) of the current Planning Code.]



~~SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING,  
R, NC, MIXED USE, C, AND M DISTRICTS.~~

~~\* \* \* \*~~

~~(f) Private Usable Open Space: Additional Standards.~~

~~(1) Minimum Dimensions and Minimum Area. Any space credited as private  
usable open space shall have a minimum horizontal dimension of as follows:~~

~~(A) In RH Districts in the Family Housing Opportunity Special Use  
District (Section 249.94): six feet and a minimum area of 36 feet if located on a deck,  
balcony, porch, or roof, and a minimum horizontal dimension of 10 feet and a minimum area  
of 100 square feet if located on open ground, a terrace, or the surface of an inner or outer  
court, except as otherwise provided in Section 249.94(d).~~

~~(B) In all other zoning use districts: three six feet and a minimum area of  
36 27 square feet if located on a deck, balcony, porch or roof, and shall have a minimum  
horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open  
ground, a terrace or the surface of an inner or outer court.~~

~~(2) Exposure. In order tTo be credited as private usable open space, an area  
must be kept open in the following manner:~~

~~(A) For decks, balconies, porches and roofs, at least 30 percent of the  
perimeter must be unobstructed except for necessary railings.~~

~~(B) In addition, the area credited on a deck, balcony, porch or roof must  
either face a street, face or be within a rear yard, or face or be within some other space which  
at the level of the private usable open space meets the minimum dimension and area  
requirements for common usable open space as specified in Paragraph 135(g)(1) below.~~

~~\* \* \* \*~~

1                   ~~————— (C) Areas within inner and outer courts, as defined by this Code, must~~  
2 ~~either conform to the standards of Subparagraph sSubsection (f)(2)(B) above or sSubsection~~  
3 ~~(g)(2). be so arranged that the height of the walls and projections above the court on at least~~  
4 ~~three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any~~  
5 ~~such wall or projection is higher than one foot for each foot that such point is horizontally~~  
6 ~~distant from the opposite side of the clear space in the court, regardless of the permitted~~  
7 ~~obstruction referred to in Subsection 135(c) above.~~

8                   ~~\* \* \* \*~~

9                   ~~(g) Common Usable Open Space: Additional Standards.~~

10                  ~~————— (1) Minimum Dimensions and Minimum Area. Any space credited as common~~  
11 ~~usable open space shall be at least 15 feet in every horizontal dimension and shall have a~~  
12 ~~minimum area of 300 square feet.~~

13                  ~~————— (2) Use of Inner Courts. The area of an inner court, as defined by this Code,~~  
14 ~~may be credited as common usable open space, if the enclosed space is not less than 20 feet~~  
15 ~~in every horizontal dimension and 400 square feet in area; and if (regardless of the permitted~~  
16 ~~obstructions referred to in Subsection 135(c) above) the height of the walls and projections~~  
17 ~~above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is~~  
18 ~~such that no point on any such wall or projection is higher than one foot for each foot that~~  
19 ~~such point is horizontally distant from the opposite side of the clear space in the court.~~  
20 ~~Exceptions from these requirements for certain qualifying historic buildings may be permitted,~~  
21 ~~subject to the requirements and procedures of Section 307(h) of this Code.~~

22                  ~~\* \* \* \*~~

23  
24                  ~~————— SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE ON AN OPEN~~  
25 ~~AREA.~~

1       ~~—— (a) Requirements for Dwelling Units. In each Dwelling Unit in any use district, the~~  
2       ~~required windows (as defined by Section 504 of the San Francisco Housing Code) of at least~~  
3       ~~one room that meets the 120-square-foot minimum superficial floor area requirement of~~  
4       ~~Section 503 of the Housing Code shall face directly onto an open area of one of the following~~  
5       ~~types:~~

6               ~~—— (1) A public street, public alley at least 20 feet in width, side yard at least 25~~  
7       ~~feet in width, or rear yard meeting the requirements of this Code; provided, that if such~~  
8       ~~windows are on an outer court whose width is less than 25 feet, the depth of such court shall~~  
9       ~~be no greater than its width; or~~

10              ~~—— (2) An open area (whether an inner court or a space between separate~~  
11       ~~buildings on the same lot) which is unobstructed (except for fire escapes not projecting more~~  
12       ~~than necessary for safety and in no case more than four feet six inches, chimneys, and those~~  
13       ~~obstructions permitted in Ssubsections 136(c)(14), (15), (16), (19), (20) and (29) of this Code)~~  
14       ~~and is no less than 25 feet in every horizontal dimension for the floor at which the Dwelling~~  
15       ~~Unit in question is located. In RH Districts in the Family Housing Special Use District (Section~~  
16       ~~249.94), such horizontal dimension shall increase by five feet at each subsequent floor,~~  
17       ~~except as otherwise provided in Section 249.94(d). and the floor immediately above it, with~~  
18       ~~an increase of five feet in every horizontal dimension at each subsequent floor, except for~~  
19       ~~SRO buildings in the Eastern Neighborhoods Mixed Use Districts, which are not required to~~  
20       ~~increase five feet in every horizontal dimension until the fifth floor of the building.—~~

21       ~~\* \* \* \*~~

22  
23       ~~—— SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL,~~  
24       ~~RESIDENTIAL COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.~~

25       ~~\* \* \* \*~~

1           (b) ~~Definitions.~~

2           \* \* \* \*

3           ~~(2) Active Use. An "active use" shall mean any principal, conditional, or~~  
4           ~~accessory use that by its nature does not require non-transparent walls facing a public street~~  
5           ~~or involves the storage of goods or vehicles.~~

6           ~~(A) Residential uses are considered active uses above the ground floor;~~  
7           ~~on the ground floor, residential uses are considered active uses only if more than 50 percent~~  
8           ~~of the linear residential street frontage at the ground level features walk-up dwelling units that~~  
9           ~~provide direct, individual pedestrian access to a public sidewalk, and are consistent with the~~  
10          ~~Ground Floor Residential Design Guidelines, as adopted and periodically amended by the~~  
11          ~~Planning Commission.~~

12          ~~(B) Spaces accessory to residential uses, such as fitness rooms, or~~  
13          ~~community rooms, laundry rooms, lobbies, mail rooms, or bike rooms, are considered active~~  
14          ~~uses only if they meet the intent of this section and have access directly face to the public~~  
15          ~~sidewalk or street.~~

16          ~~(C) Building lobbies are considered active uses, so long as they do not~~  
17          ~~exceed 40 feet or 25 percent of building frontage, whichever is larger.~~

18          ~~(D) Public Uses defined in Section 102 are considered active uses~~  
19          ~~except utility installations.~~

20          \* \* \* \*

21  
22          ~~SEC. 202.2. LOCATION AND OPERATING CONDITIONS.~~

23          \* \* \* \*

24          ~~(f) Residential Uses. The Residential Uses listed below shall be subject to the~~  
25          ~~corresponding conditions:~~

~~\_\_\_\_\_ (1) Senior Housing. In order to To qualify as Senior Housing, as defined in Section 102 of this Code, the following definitions shall apply and shall have the same meaning as the definitions in California Civil Code Sections 51.2, 51.3, and 51.4, as amended from time to time. These definitions shall apply as shall all of the other provisions of Civil Code Sections 51.2, 51.3, and 51.4. Any Senior Housing must also be consistent with the Fair Housing Act, 42 U.S.C. §§ 3601-3631 and the Fair Employment and Housing Act, California Government Code Sections 12900-12996.~~

~~\* \* \* \*~~

~~\_\_\_\_\_ (D) Requirements. In order to To qualify as Senior Housing, the proposed project must meet all of the following conditions:~~

~~\* \* \* \*~~

~~\_\_\_\_\_ (iv) Location. The proposed project must be within a ¼ of a mile from a NC-2 (Small Scale Neighborhood Commercial District) zoned area or higher, including named Neighborhood Commercial districts, and must be located in an area with adequate access to services, including but not limited to transit, shopping, and medical facilities;~~

~~\_\_\_\_\_ (iv) Recording. The project sponsor must record a Notice of Special Restriction with the Assessor-Recorder that states all of the above restrictions and any other conditions that the Planning Commission or Department places on the property; and~~

~~\_\_\_\_\_ (vi) Covenants, Conditions, and Restrictions. If the property will be condominiumized, the project sponsor must provide the Planning Department with a copy of the Covenants, Conditions, and Restrictions ("CC&R") that will be filed with the State.~~

~~\* \* \* \*~~

~~\_\_\_\_\_~~

~~\_\_\_\_\_ SEC. 204.1. ACCESSORY USES FOR DWELLINGS IN ALL DISTRICTS.~~



1           —No use shall be permitted as an accessory use to a dwelling unit in any District that  
2 involves or requires any of the following:

3           —(a) Any construction features or alterations not residential in character;

4           —(b) The use of more than one-third of the total floor area of the dwelling unit, except  
5 in the case of accessory off-street parking and loading or Neighborhood Agriculture as defined  
6 by Section 102;

7           —(c) The employment of more than two people who do any person not resident in the  
8 dwelling unit, excluding other than a domestic worker servant, gardener, or janitor, or other  
9 person concerned in the operation or maintenance of the dwelling unit except in the case of a  
10 Cottage Food Operation, which allows the employment of one employee, not including a  
11 family member or household members of the Cottage Food Operation;

12 \* \* \* \*

13 \_\_\_\_\_

14 \_\_\_\_\_ ~~SEC. 206.3. HOUSING OPPORTUNITIES MEAN EQUITY – SAN FRANCISCO~~  
15 ~~PROGRAM.~~

16 \* \* \* \*

17           (c) ~~HOME-SF Project Eligibility Requirements.~~ To receive the development bonuses  
18 granted under this Section 206.3, a HOME-SF Project must meet all of the following  
19 requirements:

20           —(1) ~~Except as limited in application by subsection (f): Provide 30% of units in~~  
21 ~~the HOME-SF Project as HOME-SF Units, as defined herein. The HOME-SF Units shall be~~  
22 ~~restricted for the Life of the Project and shall comply with all of the requirements of the~~  
23 ~~Procedures Manual authorized in Section 415 except as otherwise provided herein. Twelve~~  
24 ~~percent of HOME-SF Units that are Owned Units shall have an average affordable purchase~~  
25 ~~price set at 80% of Area Median Income; 9% shall have an average affordable purchase price~~

1 set at 105% of Area Median Income; and 9% shall have an average affordable purchase price  
2 set at 130% of Area Median Income. Twelve percent of HOME-SF Units that are rental units  
3 shall have an average affordable rent set at 55% of Area Median Income; 9% shall have an  
4 average affordable rent set at 80% of Area Median Income; and 9% shall have an average  
5 affordable rent set at 110% of Area Median Income. All HOME-SF Units must be marketed at  
6 a price that is at least 20% less than the current market rate for that unit size and  
7 neighborhood, and MOHCD shall reduce the Area Median Income levels set forth herein in  
8 order to maintain such pricing. As provided for in subsection (e), the Planning Department and  
9 MOHCD shall amend the Procedures Manual to provide policies and procedures for the  
10 implementation, including monitoring and enforcement, of the HOME-SF Units;

11        ~~——— (2) Demonstrate to the satisfaction of the Environmental Review Officer that~~  
12 ~~the HOME-SF Project does not:~~

13        ~~——— (A) cause a substantial adverse change in the significance of an historic~~  
14 ~~resource as defined by California Code of Regulations, Title 14, Section 15064.5;~~

15        ~~——— (B) create new shadow in a manner that substantially affects outdoor~~  
16 ~~recreation facilities or other public areas; and~~

17        ~~——— (C) alter wind in a manner that substantially affects public areas;~~

18        ~~——— (32) All HOME-SF units shall be no smaller than the minimum unit sizes set~~  
19 ~~forth by the California Tax Credit Allocation Committee as of May 16, 2017. In addition,~~  
20 ~~notwithstanding any other provision of this Code, HOME-SF projects shall provide a minimum~~  
21 ~~dwelling unit mix of (A) at least 40% two and three bedroom units, including at least 10% three~~  
22 ~~bedroom units, or (B) any unit mix which includes some three bedroom or larger units such~~  
23 ~~that 50% of all bedrooms within the HOME-SF Project are provided in units with more than~~  
24 ~~one bedroom. Larger units should be distributed on all floors, and prioritized in spaces~~  
25 ~~adjacent to open spaces or play yards. Units with two or three bedrooms are encouraged to~~

1 incorporate family friendly amenities. Family friendly amenities shall include, but are not  
2 limited to, bathtubs, dedicated cargo bicycle parking, dedicated stroller storage, open space  
3 and yards designed for use by children. HOME-SF Projects are not eligible to modify this  
4 requirement under Planning Code Section 328 or any other provision of this Code;

5 ~~\_\_\_\_\_ (43) Does not demolish, remove or convert any more than one residential units;~~  
6 and

7 ~~\_\_\_\_\_ (54) Includes at the ground floor level active uses, as defined in Section 145.1,~~  
8 ~~at the same square footages as any neighborhood commercial uses demolished or removed,~~  
9 ~~unless the Planning Commission has granted an exception under Section 328.~~

10 ~~\* \* \* \*~~

11 ~~\_\_\_\_\_~~

12 ~~\_\_\_\_\_ SEC. 206.6. STATE DENSITY BONUS PROGRAM: INDIVIDUALLY REQUESTED.~~

13 ~~\* \* \* \*~~

14 ~~(c) Development Bonuses. Any Individually Requested Density Bonus Project shall, at~~  
15 ~~the project sponsor's request, receive any or all of the following:~~

16 ~~\* \* \* \*~~

17 ~~\_\_\_\_\_ (3) Request for Concessions and Incentives. In submitting a request for~~  
18 ~~Concessions or Incentives that are not specified in Ssubsection 206.5(c)(4), an applicant for~~  
19 ~~an Individually Requested Density Bonus Project must provide documentation described in~~  
20 ~~subsection (d) below in its application. Provided that the Planning Commission delegates~~  
21 ~~authority to review and approve applications for Individually Requested Density Bonus~~  
22 ~~projects, tThe Planning Director Commission shall hold a hearing and shall approve the~~  
23 ~~Concession or Incentive requested unless it the Director makes written findings, based on~~  
24 ~~substantial evidence that:~~

25 ~~\* \* \* \*~~

1           ~~(e) Review Procedures. Except as provided in Section 317 or where a Conditional~~  
2 ~~Use Authorization is required to permit a non-residential use, an application for any~~  
3 ~~Individually Requested Density Bonus project shall not be subject to any other underlying~~  
4 ~~entitlement approvals related to the proposed housing, such as a Conditional Use~~  
5 ~~Authorization or a Large Project Authorization. If an entitlement is otherwise required, An~~  
6 ~~application for a Density Bonus, Incentive, Concession, or waiver shall be acted upon~~  
7 ~~concurrently with the application for the required entitlement other permits related to the~~  
8 ~~Housing Project.~~

9           ~~—— (1) Before approving an application for a Density Bonus, Incentive,~~  
10 ~~Concession, or waiver, for any Individually Requested Density Bonus Project, the Planning~~  
11 ~~Commission or Director shall make the following findings as applicable.~~

12           ~~\* \* \* \*~~

13           ~~—— (2) If the findings required by subsection (ae)(1) of this Section cannot be~~  
14 ~~made, the Planning Commission or Director may deny an application for a Concession,~~  
15 ~~Incentive, waiver or modification only if it the Director makes one of the following written~~  
16 ~~findings, supported by substantial evidence:~~

17           ~~\* \* \* \*~~

18  
19           **SEC. 207. DWELLING UNIT DENSITY LIMITS.**

20           ~~\* \* \* \*~~

21           **(c) Exceptions to Dwelling Unit Density Limits.** An exception to the calculations  
22 under this Section 207 shall be made in the following circumstances:

23           ~~\* \* \* \*~~  
24  
25

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

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

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

11 \* \* \* \*

12                   ~~(8) Residential Density Exception in RH Districts.~~

13                   ~~(A) Density Exception. Projects located in RH Districts that are not~~  
14 ~~seeking or receiving a density bonus under the provisions of Planning Code~~  
15 ~~Sections 206.5 or 206.6 shall receive an exception from residential density limits in the~~  
16 ~~following amounts for up to four dwelling units per lot, excluding Corner Lots, or up to six~~  
17 ~~dwelling units per lot in Corner Lots, not inclusive of any Accessory Dwelling Units as~~  
18 ~~permitted under this Section 207, provided that the project dwelling units meets the~~  
19 ~~requirements set forth in this subsection (c)(8):~~

20                   ~~(i) Up to four units per lot, excluding Corner Lots.~~

21                   ~~(ii) Up to six units for Corner Lots~~

22                   ~~(iii) Up to one Group Housing Room per 415 sq. ft. of lot area in~~  
23 ~~RH-1, RH-1(D), and RH-1(S) zoning districts.~~

24                   ~~(B) Eligibility of Historic Resources. To receive the density exception~~  
25 ~~authorized under this subsection (c)(8), a project must demonstrate to the satisfaction of the~~

1 Environmental Review Officer that it does not cause a substantial adverse change in the  
2 significance of an historic resource as defined by California Code of Regulations, Title 14,  
3 Section 15064.5, as may be amended from time to time. Permit fees for pre-application  
4 Historic Resource Assessments shall be waived for property owners who apply to obtain a  
5 density exception under this subsection (c)(8), if they sign an affidavit stating their intent to  
6 reside on the property for a period of three years after the issuance of the Certificate of Final  
7 Completion and Occupancy for the new dwelling units. Permit fees for Historic Resource  
8 Determinations shall not be waived.

9 \_\_\_\_\_ (C) Applicable Standards. Projects utilizing the density exception of this  
10 subsection (c)(8) and that provide at least four dwelling units shall be subject to a minimum  
11 Rear Yard requirement of the greater of 30% of lot depth or 15 feet. All other building  
12 standards shall apply in accordance with the applicable zoning district as set forth in Section  
13 209.1.

14 \_\_\_\_\_ (D) Unit Replacement Requirements. Projects utilizing the density  
15 exception of this subsection (c)(8) shall comply with the requirements of Section 66300(d) of  
16 the California Government Code, as may be amended from time to time, including but not  
17 limited to requirements to produce at least as many dwelling units as the projects would  
18 demolish; to replace all protected units; and to offer existing occupants of any protected units  
19 that are lower income households relocation benefits and a right of first refusal for a  
20 comparable unit, as those terms are defined therein. In the case of Group Housing, projects  
21 utilizing this density exception shall provide at least as many bedrooms as the project would  
22 demolish.

23 \_\_\_\_\_ (E) Applicability of Rent Ordinance; Regulatory Agreements. Project  
24 sponsors of projects utilizing the density exception of this subsection (c)(8) shall enter into a  
25 regulatory agreement with the City, subjecting the new units or Group Housing rooms created

1 pursuant to the exception to the San Francisco Residential Rent Stabilization and Arbitration  
2 Ordinance (Chapter 37 of the Administrative Code), as a condition of approval of the density  
3 exception (“Regulatory Agreement”). At a minimum, the Regulatory Agreement shall contain  
4 the following: (i) a statement that the new units created pursuant to the density exception are  
5 not subject to the Costa-Hawkins Rental Housing Act (California Civil Code Sections  
6 1954.50 et seq.) because, under Section 1954.52(b), the property owner has entered into and  
7 agreed to the terms of this agreement with the City in consideration of an exception from  
8 residential density limits of up to four dwelling units per lot, or up to six units per lot in Corner  
9 Lots, or other direct financial contribution or other form of assistance specified in California  
10 Government Code Sections 65915 et seq.; (ii) a description of the exception of residential  
11 density or other direct financial contribution or form of assistance provided to the property  
12 owner; and (iii) a description of the remedies for breach of the agreement and other provisions  
13 to ensure implementation and compliance with the agreement. The property owner and the  
14 Planning Director (or the Director’s designee), on behalf of the City, will execute the  
15 Regulatory Agreement, which shall be reviewed and approved by the City Attorney’s Office.  
16 The Regulatory Agreement shall be executed prior to the City’s issuance of the First  
17 Construction Document for the project, as defined in Section 107A.13.1 of the San Francisco  
18 Building Code. Following execution of the Regulatory Agreement by all parties and approval  
19 by the City Attorney, the Regulatory Agreement or a memorandum thereof shall be recorded  
20 to the title records in the Office of the Assessor-Recorder against the property and shall be  
21 binding on all future owners and successors in interest.

22                   \_\_\_\_\_ (F) Unit Sizes. At least one of the dwelling units resulting from the  
23 density exception shall have two or more bedrooms or shall have a square footage equal to  
24 no less than 1/3 of the floor area of the largest unit on the lot. This provision does not apply to  
25 projects where all of the units qualify as Group Housing.

1                   ~~(G) Eligibility. To receive the density exception authorized under this~~  
2 ~~subsection (c)(8), property owners must demonstrate that they have owned the lot for which~~  
3 ~~they are seeking the density exception for a minimum of one year prior to the time of the~~  
4 ~~submittal of their application. For the purposes of establishing eligibility to receive a density~~  
5 ~~exception according to subsection (c)(8)(B), a property owner who has inherited the subject~~  
6 ~~lot, including any inheritance in or through a trust, from a blood, adoptive, or step family~~  
7 ~~relationship, specifically from either (i) a grandparent, parent, sibling, child, or grandchild, or~~  
8 ~~(ii) the spouse or registered domestic partner of such relations, or (iii) the property owner's~~  
9 ~~spouse or registered domestic partner (each an "Eligible Predecessor"), may add an Eligible~~  
10 ~~Predecessor's duration of ownership of the subject lot to the property owner's duration of~~  
11 ~~ownership of the same lot.~~

12                   **(G) Eligibility.** To receive the density exception authorized under this  
13 subsection (c)(8), property owners must demonstrate that they have owned the lot for which  
14 they are seeking the density exception for a minimum of one year prior to the time of the  
15 submittal of their application. For the purposes of establishing eligibility to receive a density  
16 exception according to subsection (c)(8)(B), a property owner who has inherited the subject  
17 lot, including any inheritance in or through a trust, from a blood, adoptive, or step family  
18 relationship, specifically from either (i) a grandparent, parent, sibling, child, or grandchild, or  
19 (ii) the spouse or registered domestic partner of such relations, or (iii) the property owner's  
20 spouse or registered domestic partner (each an "Eligible Predecessor"), may add an Eligible  
21 Predecessor's duration of ownership of the subject lot to the property owner's duration of  
22 ownership of the same lot. This subsection 207(c)(8)(G) shall only apply if at the time of  
23 submittal of the application the subject lot contains two dwelling units or more.

24                   **(HGH) Annual Report on Housing Affordability, Racial Equity, and**  
25 **Language Access Goals.** To help the City evaluate whether the implementation of this



1 Section 207(c)(8) comports with the City’s housing affordability, racial equity, and language  
 2 access goals, each year the Planning Department, in consultation with other City departments  
 3 including the Department of Building Inspection, the Rent Board, and the Office of the  
 4 Assessor-Recorder, shall prepare a report addressing the characteristics and demographics  
 5 of the applicants to and participants in the program established in said section; the number of  
 6 units permitted and constructed through this program; the geographic distribution,  
 7 affordability, and construction costs of those units; and the number of tenants that vacated or  
 8 were evicted from properties as a result of the permitting or construction of units through this  
 9 program (“Affordability and Equity Report”). The Affordability and Equity Report shall be  
 10 included and identified in the annual Housing Inventory Report. The Planning Department  
 11 shall prepare the report utilizing applicant data that has been provided by program applicants  
 12 voluntarily and anonymously, and separate from the submittal of an application for a density  
 13 exception. An applicant’s decision to provide or decline to provide the information requested  
 14 by the Planning Department in order to prepare the report shall have no bearing on the  
 15 applicant’s receipt of a density exception.

16 \* \* \* \*

17 ~~SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.~~

18 \* \* \* \*

19 ~~Table 209.1~~

20 ~~ZONING CONTROL TABLE FOR RH DISTRICTS~~

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
--------------------	--------------	---------	------	---------	------	------

<del>BUILDING STANDARDS</del>
-------------------------------

1	Massing and Setbacks			
2	<u>* * * *</u>			
3	Front Setback	§§ 130, 131, 132	Required. Based on average of adjacent properties or if	
4	in the Family		subject property has a Legislated Setback. When front	
5	Housing		setback is based on adjacent properties, in no case shall	
6	Opportunity		the required setback be greater than 15 feet.	
6	Special Use			
6	District			
7	Front Setback	§§ 130, 131, 132	Required. Based on average of adjacent properties or if	
8	in all other		subject property has a Legislated Setback. When front	
8	Zoning Use		setback is based on adjacent properties, in no case shall	
9	Districts		the required setback be greater than 15 10 feet.	
9	Rear Yard (10)	§§ 130, 134	30% of lot depth, but in no	45% of lot depth or average
10			case less than 15 feet.	of adjacent neighbors. If
11				averaged, no less than 25%
12				or 15 feet, whichever is
12				greater.
13	Rear Yard in	§§ 130, 134, 249	30% of lot depth, but in no	45% of lot depth or average
14	the Family	.94	case less than 15 feet.	of adjacent neighbors. If
15	Housing			averaged, no less than 25%
16	Opportunity			or 15 feet, whichever is
17	Special Use			greater.
18	District (12)			
16	Rear Yard in all	§§ 130, 134	30% of lot depth, but in no case less than 15 feet.	
17	other Zoning			
18	Use Districts			
18	<u>* * * *</u>			
19	Miscellaneous			
20	Large Project	§ 253	C required for projects over 40 feet in height.	
21	Review			
22	Large Project	§ 253	C required for projects over 40 feet in height in RH Districts	
23	Review		in the Family Housing Opportunity Special Use District	
24			(Section 249.94), except as otherwise provided in Section	
25			249.94(f).	
24	<u>* * * *</u>			
25	RESIDENTIAL STANDARDS AND USES			

\* \* \* \*

Residential Uses

Residential Density, Dwelling Units in the Family Housing Opportunity Special Use District (12)	§§ 102, 207, 249 .94	P up to one unit per lot.	P up to one unit per lot, C up to one unit per 3,000 square feet of lot area, with no more than three units per lot;	P up to two units per lot, if the second unit is 600 sq. ft. or less, C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.	P up to two units per lot, C up to one unit per 1,500 square feet of lot area.	P up to three units per lot, C up to one unit per 1,000 square feet of lot area.
Residential Density, Dwelling Units in all other Zoning Use Districts (6) (11)	§§ 102, 207	P up to one unit per lot., or one unit per 3,000 square feet of lot area, with no more than three units per lot.	P up to one unit per lot., or C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.	P up to two units per lot, if the second unit is 600 sq. ft. or less., or C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.	P up to two units per lot., or C up to one unit per 1,500 square feet of lot area.	P up to three units per lot., or C up to one unit per 1,000 square feet of lot area.

\* \* \* \*

1 2 3 4 5	Residential Density, Group Housing in the Family Housing Opportunity Special Use District (12)	§ 208, 249.94	NP	NP	NP	C, up to one bedroom for every 415 square feet of lot area.	C, up to one bedroom for every 275 square feet of lot area.
6 7 8 9	Residential Density, Group Housing in all other Zoning Use Districts	§ 208	NP(10)	NP(10)	NP(10)	CP, up to one bedroom for every 415 square feet of lot area.	CP, up to one bedroom for every 275 square feet of lot area.
10 11	Homeless Shelter	§§ 102, 208	NP	NP	NP	CP	CP
12	<u>* * * *</u>						

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~~(10) Projects utilizing the density exception of Section 207(c)(8) and that provide at least four dwelling units shall be subject to a minimum Rear Yard requirement of 30% of lot depth, but in no case less than 15 feet. Group Housing permitted at one room per 415 sq. ft. of lot area according to the provisions in Planning Code Section 207(c)(8).~~

\* \* \* \*

~~(12) Except as otherwise provided in Section 249.94(d).~~

~~SEC. 209.2. RM (RESIDENTIAL, MIXED) DISTRICTS.~~

\* \* \* \*

Table 209.2  
ZONING CONTROL TABLE FOR RM DISTRICTS

1	Zoning	§	RM-1	RM-2	RM-3	RM-4
2	Category	Reference				
3		s				
4	<b>BUILDING STANDARDS</b>					
5	<b>Massing and Setbacks</b>					
6	<u>* * * *</u>					
7						
8	Front	§§ 130, 131,	Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 10 feet.			
9	Setback	132				
10						
11						
12	Rear Yard	§§ 130, 134	4530% of lot depth but in no case less than 15 feet or average of adjacent neighbors. If averaged, no less than 25% of lot depth or 15 feet, whichever is greater.	25% of lot depth, but in no case less than 15 feet.		
13						
14						
15						
16						
17						
18	<u>* * * *</u>					
19	<b>Miscellaneous</b>					
20						
21	Large	§ 253	C required for buildings over 50 feet in height.			
22	Project					
23	Review					
24	<u>* * * *</u>					
25						

~~SEC. 209.3. RC (RESIDENTIAL COMMERCIAL) DISTRICTS.~~

~~\* \* \* \*~~

Table 209.3

~~ZONING CONTROL TABLE FOR RESIDENTIAL COMMERCIAL DISTRICTS~~

Zoning Category	§ References	RC-3	RC-4
<b>BUILDING STANDARDS</b>			
Massing and Setbacks			
<del>* * * *</del>			
Upper Floor Setbacks	§§ 132.2, 253.2	Upper floor setbacks may be required in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2).	
<del>* * * *</del>			
Miscellaneous			
Large Project Review Buildings Over 50 Feet in Height	§ 253	C	C Additional conditions apply in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2)
<del>* * * *</del>			

~~SEC. 209.4. RTO (RESIDENTIAL TRANSIT ORIENTED) DISTRICTS.~~

~~\* \* \* \*~~

Table 209.4

ZONING CONTROL TABLE FOR RTO DISTRICTS

Zoning Category	§ References	RTO	RTO-M
<b>BUILDING STANDARDS</b>			
Massing and Setbacks			
<u>* * * *</u>			
Rear Yard	§§ 130, 134	45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% 30% of lot depth but in no case less than 15 feet or 15 feet, whichever is greater.	
<u>* * * *</u>			
Miscellaneous			
<u>* * * *</u>			
Restriction of Lot Mergers	§ 121.7	Merger of lots creating a lot greater than 5,000 square feet requires Conditional Use authorization.	
<u>* * * *</u>			

~~SEC. 210.3. PDR DISTRICTS.~~

~~\* \* \* \*~~

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

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Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
<u>* * * *</u>					
<b>RESIDENTIAL STANDARDS AND USES</b>					
<u>* * * *</u>					
<b>Residential Uses</b>					
<u>* * * *</u>					
Homeless Shelter	§§ 102, 208	C (19)P	C (19)P	C (19)P	C (19)P
<u>* * * *</u>					

~~(19) During a declared shelter crisis, Homeless Shelters that satisfy the provisions of California Government Code Section 8698.4(a)(1) shall be P, principally permitted and may be permanent. Otherwise, Homeless Shelter uses are permitted only with Conditional Use authorization and only if each such use (a) would operate for no more than four years, and (b) would be owned or leased by, operated by, and/or under the management or day-to-day control of the City and County of San Francisco. If such a use is to be located within a building or structure, the building or structure must be either (a) preexisting, having been completed and previously occupied by a use other than a Homeless Shelter, or (b) temporary. Other than qualifying Homeless Shelters constructed during a declared shelter crisis, construction of a permanent structure or building to be used as a Homeless Shelter is not permitted.~~



1           **SEC. 249.77. CORONA HEIGHTS LARGE RESIDENCE SPECIAL USE DISTRICT.**

2           \* \* \* \*

3           (g) The Conditional Use requirement established by subsections (d)-(f) of this Section  
4 249.77 shall sunset on December 31, 2024. After that date, no residential development or  
5 expansion of an existing Residential Building shall be permitted in the Corona Heights Large  
6 Residence Special Use District that would result in any Dwelling Unit exceeding 3,000 square  
7 feet of Gross Floor Area, except where the total increase of gross floor area of any existing  
8 Dwelling Unit is less than 15%.

9  
10           **SEC. 249.92. CENTRAL NEIGHBORHOODS LARGE RESIDENCE SPECIAL USE**  
11 **DISTRICT.**

12           (a) General. A special use district entitled the “Central Neighborhoods Large  
13 Residence Special Use District,” consisting of the area within a perimeter established by  
14 Waller Street, Steiner Street, Duboce Avenue, Sanchez Street, 16th Street, Guerrero Street,  
15 20th Street, Valencia Street, Tiffany Avenue, 29th Street, San Jose Avenue, Mission Street,  
16 Alemany Boulevard, Tingley Street, Monterey Boulevard, Joost Avenue, Congo Street,  
17 Bosworth Street, O’Shaughnessy Boulevard, Portola Drive, Twin Peaks Boulevard, Clayton  
18 Street, Ashbury Street, Frederick Street, Buena Vista Avenue West, Haight Street, and Buena  
19 Vista Avenue East, is hereby established for the purposes set forth in subsection (b), below.  
20 The boundaries of the Central Neighborhoods Large Residence Special Use District are  
21 designated on Sectional Map Nos. ZN06, ZN07, ZN11, and ZN12 of the Zoning Map of the  
22 City and County of San Francisco.

23           (b) Purpose. To protect and enhance existing neighborhood context, encourage new  
24 infill housing at compatible densities and scale, and provide for thorough assessment of  
25 proposed large single-family residences that could adversely impact neighborhood character

1 and affordable housing opportunities, the following controls, set forth in subsections (c)-(g),  
2 below, are imposed in the Central Neighborhoods Large Residence Special Use District.

3 **(c) Applicability.**

4 (1) Except as provided in this subsection (c), the provisions of this Section  
5 249.92 apply to all lots in Residential, House (RH) zoning districts located within the Central  
6 Neighborhoods Large Residence Special Use District, in those instances where a complete  
7 Development Application was submitted on or after January 1, 2022.

8 (2) All applicable provisions of the Planning Code shall continue to apply to  
9 Residential Buildings, except as otherwise stated in this Section 249.92.

10 (3) The provisions of this Section 249.92 shall not apply to any lot within the  
11 Corona Heights Large Residence Special Use District.

12 **(d) Maximum Size of Dwelling Units.** For all lots zoned RH within the Central  
13 Neighborhoods Large Residence Special Use District, no residential development or  
14 expansion of an existing Residential Building shall be permitted that would result in any  
15 Dwelling Unit exceeding 4,000 square feet of Gross Floor Area, except where the total  
16 increase of Gross Floor Area of any existing Dwelling Unit is less than 15%.

17 **(e) Conditional Use Authorizations.** For all lots zoned RH within the Central  
18 Neighborhoods Large Residence Special Use District, a Conditional Use authorization shall  
19 be required for any residential development or expansion of a Residential Building that would  
20 result in any Dwelling Unit with a Gross Floor Area exceeding the equivalent of a 1:1.2 Floor  
21 Area Ratio, or would result in any Dwelling Unit exceeding 3,000 square feet of Gross Floor  
22 Area, except where the total increase of gross floor area of any existing Dwelling Unit is less  
23 than 15%.

24 **(f) Conditional Use Findings.** In addition to the criteria outlined in Planning Code  
25 Section 303(c)(1), in acting upon an application for Conditional Use authorization within the

1 Central Neighborhoods Large Residence Special Use District the Planning Commission shall  
2 also consider whether facts are presented to establish, based on the record before the  
3 Commission, that the following criteria are met:

4 (1) the proposed project is contextual with the neighborhood, meets applicable  
5 Residential Design Guidelines, and seeks to retain any existing design elements;

6 (2) the proposed project does not remove Rental Units subject to the  
7 Residential Rent Stabilization and Arbitration Ordinance;

8 (3) the proposed project increases the number of Dwelling Units on the lot;

9 (4) no Dwelling Unit is less than one-third the gross floor area of the largest  
10 Dwelling Unit in a Residential Building;

11 (5) the proposed project does not negatively impact the historic integrity of the  
12 property or any existing structure on a lot that is listed in or formally eligible for listing in the  
13 California Register of Historic Resources, or has been determined to appear eligible for listing  
14 in the California Register of Historic Resources or to qualify as a “historical resource” under  
15 CEQA; and

16 (6) the project does not negatively impact the historic integrity of any existing  
17 structure on a lot that has been adopted as a local landmark or a contributor to a local historic  
18 district under Articles 10 or 11 of this Code, or would render the property ineligible for historic  
19 designation as an individual or contributing resource.

20 (g) **Calculation of Gross Floor Area.** For the purposes of this Section 249.92, the  
21 following shall apply in the calculation of total Gross Floor Area:

22 (1) Gross Floor Area shall have the meaning set forth in Planning Code Section  
23 102, except that floor space dedicated to accessory parking shall be included; and

24 (2) Any increase in Gross Floor Area shall include (A) all expansions of the  
25 Residential Building for which a building permit was issued within the previous 10 years,

1 except that expansions for which building permits were issued prior to January 1, 2022 shall  
2 not be considered, and (B) any Gross Floor Area resulting from construction performed  
3 without a validly issued permit regardless of the date of construction.

4 (h) The Conditional Use requirement established by subsections (e)-(f) of this Section  
5 249.92 shall sunset on December 31, 2024. After that date, for all lots zoned RH within the  
6 Central Neighborhoods Large Residence Special Use District, no residential development or  
7 expansion of an existing Residential Building shall be permitted that would result in any  
8 Dwelling Unit exceeding 3,000 square feet of Gross Floor Area, except where the total  
9 increase of gross floor area of any existing Dwelling Unit is less than 15%.

10  
11 ~~SEC. 249.97. PRIORITY EQUITY GEOGRAPHIES SPECIAL USE DISTRICT.~~

12 ~~(a) General. A Special Use District entitled the Priority Equity Geographies Special~~  
13 ~~Use District (SUD) is hereby established, the boundaries of which are designated on Sectional~~  
14 ~~Maps SU01, SU02, SU07, SU08, SU09, SU10, SU11, SU12, and SU13, of the Zoning Maps~~  
15 ~~of the City and County of San Francisco.~~

16 ~~(b) Purpose. The Priority Equity Geographies SUD is comprised of areas or~~  
17 ~~neighborhoods with a higher density of vulnerable populations. The 2022 Update of the~~  
18 ~~Housing Element of the General Plan (2022 Housing Element) identifies several~~  
19 ~~neighborhoods in the City that qualify as Priority Equity Geographies, based on the~~  
20 ~~Department of Public Health's Community Health Needs Assessment. The 2022 Housing~~  
21 ~~Element encourages targeted direct investment in these areas, and identifies them as~~  
22 ~~requiring improved access to well-paid jobs and business ownership; where the City needs to~~  
23 ~~expand permanently affordable housing investment; where zoning changes must be tailored~~  
24 ~~to serve the specific needs of the communities that live there; and where programs that~~  
25 ~~stabilize communities and meet community needs need to be prioritized. The purpose of the~~

1 Priority Equity Geographies SUD is to help implement the goals and policies outlined in the  
2 2022 Housing Element.

3 ——— (c) Controls. In addition to all other applicable provisions of the Planning Code, the  
4 specific controls applicable in the Priority Equity Geographies SUD are set forth in Sections  
5 311 and 317.

6  
7 **~~SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A~~**  
8 **~~HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC~~**  
9 **~~DISTRICTS.~~**

10 (a) ~~Notwithstanding any other provision of this Code to the contrary, in any RH, RM, or RC~~  
11 ~~District, established by the use district provisions of Article 2 of this Code, wherever a height limit of~~  
12 ~~more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, is prescribed by the~~  
13 ~~height and bulk district in which the property is located, any building or structure exceeding 40 feet in~~  
14 ~~height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon~~  
15 ~~approval by the Planning Commission according to the procedures for conditional use approval in~~  
16 ~~Section 303 of this Code; provided, however, that a building over 40 feet in height in a RM or RC~~  
17 ~~District with more than 50 feet of street frontage on the front façade is subject to the conditional use~~  
18 ~~requirement.~~

19 (b) ~~Commission Review of Proposals.~~

20 (1) ~~In reviewing any such proposal for a building or structure exceeding 40 feet in~~  
21 ~~height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District~~  
22 ~~where the street frontage of the building is more than 50 feet the Planning Commission shall consider~~  
23 ~~the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk~~  
24 ~~districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in~~  
25 ~~Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may~~

1 *permit a height of such building or structure up to but not exceeding the height limit prescribed by the*  
2 *height and bulk district in which the property is located.*

3 *(2) In reviewing a proposal for a building exceeding 50 feet in RM and RC districts, the*  
4 *Planning Commission may require that the permitted bulk and required setbacks of a building be*  
5 *arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40*  
6 *feet in width or narrower) and alleys.*

7  
8 ~~SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING~~  
9 ~~A HEIGHT OF 40 FEET IN RH DISTRICTS IN THE FAMILY HOUSING OPPORTUNITY~~  
10 ~~SPECIAL USE DISTRICT.~~

11 ~~(a) Notwithstanding any other provision of this Code to the contrary, in any RH District~~  
12 ~~in the Family Housing Opportunity Special Use District (Section 249.94), established by the~~  
13 ~~use district provisions of Article 2 of this Code, wherever a height limit of more than 40 feet is~~  
14 ~~prescribed by the height and bulk district in which the property is located, any building or~~  
15 ~~structure exceeding 40 feet in height shall be permitted only upon approval by the Planning~~  
16 ~~Commission according to the procedures for conditional use approval in Section 303 of this~~  
17 ~~Code.~~

18 ~~(b) Commission Review of Proposals. In reviewing any such proposal for a building~~  
19 ~~or structure exceeding 40 feet in height in a RH District in the Family Housing Opportunity~~  
20 ~~Special Use District, the Planning Commission shall consider the expressed purposes of this~~  
21 ~~Code, of the RH Districts, and of the height and bulk districts, set forth in Sections 101, 209.1,~~  
22 ~~209.2, 209.3, and 251 hereof, as well as the criteria stated in Section 303(c) of this Code and~~  
23 ~~the objectives, policies, and principles of the General Plan, and may permit a height of such~~  
24 ~~building or structure up to but not exceeding the height limit prescribed by the height and bulk~~  
25 ~~district in which the property is located.~~

1  
2           ~~SEC. 253.1. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE~~  
3 ~~BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.~~

4           ~~—— (a) In the 65-A-1 Height and Bulk District, as designated on Sectional Map HT-01 of~~  
5 ~~the Zoning Map, any new or expanding building or structure exceeding 40 feet in height shall~~  
6 ~~be permitted as a Conditional Use only upon approval by the Planning Commission. The~~  
7 ~~height of the building or structure so approved by the Planning Commission shall not exceed~~  
8 ~~65 feet.~~

9           ~~(b) In authorizing any such proposal for a building or structure exceeding 40 feet in~~  
10 ~~height, the City Planning Commission shall find, in addition to the criteria of Section 303(c),~~  
11 ~~that the proposal is consistent with the expressed purposes of this Code, of the Broadway~~  
12 ~~Neighborhood Commercial District, and of the height and bulk districts, set forth in Sections~~  
13 ~~401, 714, and 251 of this Code, and that the following criteria are met:~~

14           ~~—— (1) The height of the new or expanding development will be compatible with the~~  
15 ~~individual neighborhood character and the height and scale of the adjacent buildings.~~

16           ~~—— (2) The height and bulk of the new or expanding development will be designed~~  
17 ~~to allow maximum sun access to nearby parks, plazas, and major pedestrian corridors.~~

18           ~~—— (3) The architectural and cultural character and features of existing buildings~~  
19 ~~shall be preserved and enhanced. The Historic Preservation Commission or its staff shall~~  
20 ~~review any proposed alteration of historic resources and must determine that such alterations~~  
21 ~~comply with the Secretary of Interior's Standards for the Treatment of Historic Properties~~  
22 ~~before the City approves any permits to alter such buildings. For purposes of this section,~~  
23 ~~"historic resources" shall include Article 10 Landmarks and buildings located within Article 10~~  
24 ~~Historic Districts, buildings and districts identified in surveys adopted by the City, buildings~~  
25 ~~listed or potentially eligible for individual listing on the National or California Registers, and~~

1 buildings located within listed or potentially eligible National Register or California Register  
2 historic districts. The Planning Department shall also consult materials available through the  
3 California Historical Resources Information System (CHRIS) and Inventory to determine  
4 eligibility.

5  
6 ~~SEC. 253.2. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE VAN~~  
7 ~~NESS SPECIAL USE DISTRICT.~~

8 (a) ~~Setbacks. In the Van Ness Special Use District, as designated on Sectional Map~~  
9 ~~2SU of the Zoning Map, any new construction exceeding 50 feet in height or any alteration~~  
10 ~~that would cause a structure to exceed 50 feet in height shall be permitted only as a~~  
11 ~~conditional use upon approval by the Planning Commission according to Section 303 of this~~  
12 ~~Code. When acting on any conditional use application pursuant to this Section, the City~~  
13 ~~Planning Commission may impose the following requirements in addition to any others~~  
14 ~~deemed appropriate:~~

15 ~~(1) On Van Ness Avenue. The Planning Commission may require a setback of~~  
16 ~~up to 20 feet at a height of 50 feet or above for all or portions of a building if it determines that~~  
17 ~~this requirement is necessary in order to maintain the continuity of the prevailing street wall~~  
18 ~~height established by the existing buildings along Van Ness Avenue within two blocks of the~~  
19 ~~proposed building.~~

20 ~~(2) On Pine, Sacramento, Clay, Washington and California Streets. The~~  
21 ~~Planning Commission may require a setback of up to 15 feet for all or a portion of a building~~  
22 ~~on any lot abutting Pine, Sacramento, Clay, California and Washington Streets which lot is~~  
23 ~~located within the Van Ness Special Use District in order to preserve the existing view~~  
24 ~~corridors.~~



1           ~~—— (3) On Narrow Streets and Alleys. The Planning Commission may require that~~  
2 ~~the permitted bulk and required setbacks of a building be arranged to maintain appropriate~~  
3 ~~scale on and maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower)~~  
4 ~~and alleys.~~

5  
6           ~~—— SEC. 253.3. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES ABOVE 26~~  
7 ~~FEET NOT EXCEEDING 40 FEET IN THE NC-S/LAKESHORE PLAZA SPECIAL USE~~  
8 ~~DISTRICT.~~

9           ~~(a) In the 26-40-X Height and Bulk District, as designated on Sectional Map HT13 of~~  
10 ~~the Zoning Map, any new or expanding building or structure exceeding 26 feet in height shall~~  
11 ~~be permitted as a Conditional Use only upon approval by the Planning Commission. The~~  
12 ~~height of any building or structure so approved by the Planning Commission shall not exceed~~  
13 ~~40 feet.~~

14           ~~(b) In authorizing any such proposal for a building or structure exceeding 26 feet in~~  
15 ~~height, the Planning Commission shall find that, in addition to the criteria of Section 303(c),~~  
16 ~~the proposal is consistent with the expressed purposes of this Code, the NC-S District, the~~  
17 ~~Lakeshore Plaza Special Use District, and the height and bulk districts as set forth~~  
18 ~~respectively in Sections 101, 713, 780 and 251 of this Code.~~

19  
20           ~~SEC. 305.1. REQUESTS FOR REASONABLE MODIFICATION — RESIDENTIAL~~  
21 ~~USES.~~

22           ~~\* \* \* \*~~

23           ~~—— (d) Request for Administrative Review Reasonable Modification — No Hearing. In an~~  
24 ~~effort to To expedite the processing and resolution of reasonable modification requests, any~~  
25 ~~request under Section 305.1 that is consistent with the criteria in this section may receive~~

1 administrative review and approval and . Requests for modifications that meet the  
2 requirements for administrative review does not require public notice under Section 306 of this  
3 Code.

4       ———(1) ~~Parking, Where No Physical Structure Is Proposed.~~ One parking space may  
5 be considered for an administrative reasonable modification provided that the parking space is  
6 necessary to achieve the accommodation and that property does not already include a  
7 parking space. Exceptions may be considered from rear yard and the front setback  
8 requirements if necessary to accommodate the parking space. In reviewing an administrative  
9 reasonable modification request for parking, the Zoning Administrator is authorized to allow  
10 the parking space for up to five years, at the end of which period the applicant may renew the  
11 temporary use for additional five-year periods.

12       ———(2) ~~Access Ramps.~~ One or more access ramps, defined in Building Code  
13 Section 1114A may be considered for an administrative reasonable modification provided that  
14 the access ramp is designed and constructed to meet the accessibility provisions in either the  
15 California Building Code or the California Historical Building Code and is easily removable  
16 when the ramp(s) are no longer needed for the requested modification.

17       ———(3) ~~Elevators.~~ One elevator, with dimensions defined in Building Code Section  
18 1124A, may be considered for an administrative reasonable modification provided that the  
19 elevator structure is not visible from the public right of way and is set back a minimum of 10  
20 feet from the property line, and that the elevator is necessary to access residential uses of the  
21 building and to achieve the accommodation requested.

22       ———(4) ~~Additional Habitable Space.~~ Additional habitable space may be considered  
23 for an administrative reasonable modification provided that the additional habitable space  
24 does not result in the addition of a new dwelling unit or require expansion beyond the  
25 permitted building envelope.

1           ~~(e) All Other Requests for Reasonable Modification—Zoning Administrator Review~~  
2 ~~and Approval.~~

3           ~~—— (1) Standard Variance Procedure—With Hearing. Requests for reasonable~~  
4 ~~modifications that do not fall within subsection (d) shall be considered by the Zoning~~  
5 ~~Administrator, who will make the final decision through the existing variance process~~  
6 ~~described in Section 305.~~

7           ~~—— (2) Public Notice of a Request for Reasonable Modification. Notice for~~  
8 ~~reasonable modifications that fall with subsection (e)(1) are subject to the notice requirements~~  
9 ~~of Section 333 of this Code. If the request for reasonable modification is part of a larger~~  
10 ~~application, then the noticing can be combined.~~

11           ~~(fe) Determination.~~

12           ~~—— (1) Zoning Administrator Authority. The Zoning Administrator is authorized to~~  
13 ~~consider and act on requests for reasonable modification, whether under Subsection (d) or~~  
14 ~~Subsection (e). The Zoning Administrator may conditionally approve or deny a request. In~~  
15 ~~considering requests for reasonable modification under this Section 305.1, the Zoning~~  
16 ~~Administrator shall consider the factors in Ssubsection (fe)(2).~~

17           ~~—— (2) Criteria for Modification. When reviewing a request for reasonable~~  
18 ~~modification, the Zoning Administrator shall consider whether:~~

19           ~~—— (A) the requested modification is requested by or on the behalf of one or~~  
20 ~~more individuals with a disability protected under federal and state fair housing laws;~~

21           ~~—— (B) the requested modification will directly enable the individual to~~  
22 ~~access the individual's residence;~~

23           ~~—— (C) the requested modification is necessary to provide the individual with~~  
24 ~~a disability an equal opportunity to use and enjoy a dwelling;~~

1           ~~\_\_\_\_\_ (D) there are alternatives to the requested modification that would~~  
2 ~~provide an equivalent level of benefit;~~

3           ~~\_\_\_\_\_ (E) the requested modification will not impose an undue financial or~~  
4 ~~administrative burden on the City as "undue financial or administrative burden" is defined~~  
5 ~~under federal and state fair housing laws.~~

6           ~~\_\_\_\_\_ (F) the requested modification will, under the specific facts of the case,~~  
7 ~~result in a fundamental alteration in the nature of the Planning Code or General Plan, as~~  
8 ~~"fundamental alteration" is defined under federal and state fair housing laws.~~

9           ~~\_\_\_\_\_ (G) the requested modification will, under the specific facts of the case,~~  
10 ~~result in a direct threat to the health or safety of others or cause substantial physical damage~~  
11 ~~to the property of others.~~

12           ~~—(3) Residential Design Guideline Review. If the proposed project is in a zoning~~  
13 ~~district that requires residential design guideline review, the Department shall complete the~~  
14 ~~design review and make appropriate recommendations, while also accommodating the~~  
15 ~~reasonable modification. Approvals are subject to compliance with all other applicable zoning~~  
16 ~~or building regulations.~~

17           ~~—(4) Historic Resource Review. If the proposed project would affect a building that is~~  
18 ~~listed in or eligible for listing in a local, state, or federal historic resource register, then the~~  
19 ~~modifications, either through the administrative reasonable modification process or the~~  
20 ~~standard reasonable modification variance procedure, will be reviewed by the Planning~~  
21 ~~Department's Historic Preservation Technical Specialists to ensure conformance with the~~  
22 ~~Secretary of the Interior Standards for the Rehabilitation of Historic Properties.~~

23           ~~—(5) Written Decision. Upon issuing a written decision either granting or denying the~~  
24 ~~requested modification in whole or in part, the Zoning Administrator shall forthwith transmit a~~  
25 ~~copy thereof to the applicant. The action of the Zoning Administrator shall be final and shall~~

1 become effective 10 days after the date of the written decision except upon the filing of a valid  
2 appeal to the Board of Appeals as provided in Section 308.2.

3       —(g)—Fees. The Department may charge time and materials costs incurred if required  
4 to recover the Department's costs for providing services. The fee for a reasonable  
5 modification request is the fee for a variance set forth in Section 352(b) of this Code. If an  
6 applicant can demonstrate financial hardship, the Department may waive or reduce the fee  
7 pursuant to Section 350(j) 352(e)(2) of this Code.

8  
9       SEC. 311. PERMIT REVIEW PROCEDURES.

10       (a)—Purpose. The purpose of this Section 311 is to establish procedures for reviewing  
11 building permit applications within the Priority Equity Geographies SUD (Section 249.97) and  
12 RH Districts in the Family Housing Opportunity Special Use District (Section 249.94) to  
13 determine compatibility of the proposal with the neighborhood and for providing notice to  
14 property owners and residents on the site and neighboring the site of the proposed project  
15 and to interested neighborhood organizations, so that concerns about a project may be  
16 identified and resolved during the review of the permit.

17       (b)—Applicability. Within the Priority Equity Geographies SUD and RH Districts in the  
18 Family Housing Opportunity Special Use District Except as indicated in this subsection (b), all  
19 building permit applications in Residential, NC, NCT, and Eastern Neighborhoods Mixed Use  
20 Districts for a change of use; establishment of a Micro Wireless Telecommunications Services  
21 Facility; establishment of a Formula Retail Use; demolition, new construction, or alteration of  
22 buildings; and the removal of an authorized or unauthorized residential unit, shall be subject to  
23 the notification and review procedures required by this Section 311. In addition, with the  
24 exception of Grandfathered MCDs converting to Cannabis Retail use pursuant to Section  
25 490(a), all building permit applications that would establish Cannabis Retail or Medical

1 Cannabis Dispensary uses, regardless of zoning district, shall be subject to the notification  
2 and review procedures required by this Section 311. Notwithstanding the foregoing or any  
3 other requirement of this Section 311, a change of use to a Child Care Facility, as defined in  
4 Section 102, shall not be subject to the review requirements of this Section 311.

5 Notwithstanding the foregoing or any other requirement of this Section 311, building permit  
6 applications to construct an Accessory Dwelling Unit pursuant to Section 207(c)(6) shall not  
7 be subject to the notification or review requirements of this Section 311. Notwithstanding the  
8 foregoing or any other requirement of this Section 311, a change of use to a principally  
9 permitted use in an NC or NCT District, or in a limited commercial use or a limited corner  
10 commercial use, as defined in Sections 186 and 231, respectively, shall not be subject to the  
11 review or notice requirements of this Section 311. Notwithstanding the foregoing or any other  
12 requirement of this Section 311, building permit applications to change any existing  
13 Automotive Use to an Electric Vehicle Charging Location shall not be subject to the review or  
14 notification requirements of this Section 311.

15 (1) Change of Use. Subject to the foregoing provisions of subsection (b), for  
16 the purposes of this Section 311, a change of use is defined as follows:

17 (A) Residential, NC, and NCT Districts. For all Residential, NC, and NCT  
18 Districts, a change of use is defined as a change to, or the addition of, any of the following  
19 land uses as defined in Section 102 of this Code: Adult Business, Bar, Cannabis Retail,  
20 General Entertainment, Group Housing, Limited Restaurant, Liquor Store, Massage  
21 Establishment, Medical Cannabis Dispensary, Nighttime Entertainment, Outdoor Activity Area,  
22 Post-Secondary Educational Institution, Private Community Facility, Public Community  
23 Facility, Religious Institution, Residential Care Facility, Restaurant, School, Tobacco  
24 Paraphernalia Establishment, Trade School, and Wireless Telecommunications Facility. A  
25 change of use from a Restaurant to a Limited Restaurant shall not be subject to the provisions

1 of this Section 311. Any accessory massage use in the Ocean Avenue Neighborhood  
2 Commercial Transit District shall be subject to the provisions of this Section 311. A change of  
3 use to a principally permitted use in an NC or NCT District, or in a limited commercial use or a  
4 limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be  
5 subject to the provisions of this Section 311.

6 \_\_\_\_\_ (i) Exception. Notwithstanding subsection 311(b)(1)(A), in the  
7 geographic areas identified in subsection 311(b)(1)(A)(ii), building permit applications for a  
8 change of use to the following uses shall be excepted from the provisions of subsections  
9 311(d) and 311(e): Bar, General Entertainment, Limited Restaurant, Liquor Store, Massage  
10 Establishment, Nighttime Entertainment, Outdoor Activity Area, Private Community Facility,  
11 Public Community Facility, Restaurant, and Tobacco Paraphernalia Establishment.

12 \_\_\_\_\_ (ii) Subsection 311(b)(1)(A)(i) shall apply to Neighborhood  
13 Commercial Districts and Limited Commercial Uses in the following geographic areas:

14 \_\_\_\_\_ Area 1: shall comprise all of that portion of the City and County  
15 commencing at the point of the intersection of the shoreline of the Pacific Ocean and a  
16 straight-line extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th  
17 Avenue, and proceeding southerly along 17th Avenue to Judah Street, and proceeding  
18 westerly along Judah Street to 19th Avenue, and proceeding southerly along 19th Avenue to  
19 Sloat Boulevard, and proceeding westerly along Sloat Boulevard, and following a straight-line  
20 extension of Sloat Boulevard to the shoreline of the Pacific Ocean and proceeding northerly  
21 along said line to the point of commencement.

22 \_\_\_\_\_ Area 2: shall comprise all of that portion of the City and County  
23 commencing at the point of the intersection of Junipero Serra Boulevard and Brotherhood  
24 Way, and proceeding northerly along the eastern edge of Junipero Serra Boulevard to  
25 Garfield Street, and proceeding easterly along Garfield Street to Grafton Avenue, and

1 continuing easterly along Grafton Avenue to Mount Vernon Avenue, and proceeding easterly  
2 along Mount Vernon Avenue to Howth Street, and proceeding northerly along Howth Street to  
3 Geneva Avenue, and proceeding easterly along Geneva Avenue to Interstate 280, and  
4 proceeding northerly along Interstate 280 to the straight-line extension of Tingley Street, and  
5 proceeding southerly along said line to Tingley Street, and proceeding southerly along Tingley  
6 Street to Alemany Boulevard, and proceeding easterly along Alemany Boulevard to Congdon  
7 Street, and proceeding southerly along Congdon Street to Silver Avenue, and proceeding  
8 easterly along Silver Avenue to Madison Street, and proceeding southerly along Madison  
9 Street to Burrows Street, and proceeding westerly along Burrows Street to Prague Street, and  
10 proceeding southerly along Prague Street to Persia Avenue, and proceeding westerly along  
11 Persia Avenue to Athens Street, and proceeding southerly along Athens Street to Geneva  
12 Avenue, and proceeding easterly along Geneva Avenue to the intersection of Geneva Avenue  
13 and Carter Street, and proceeding westerly along the southeastern boundary of Census Tract  
14 0263.02, Block 3005 to the San Francisco/San Mateo county border, and proceeding westerly  
15 along the San Francisco/San Mateo county border to Saint Charles Avenue, and proceeding  
16 northerly along Saint Charles Avenue to Interstate 280, and proceeding northeasterly along  
17 Interstate 280 to a northerly straight-line extension to Orizaba Avenue, and proceeding  
18 northerly along said line to Alemany Boulevard, and proceeding westerly along Alemany  
19 Boulevard to Brotherhood Way, and proceeding westerly along Brotherhood Way to the point  
20 of commencement.

21 \_\_\_\_\_ (iii) Exception for the Ocean Avenue Neighborhood Commercial  
22 Transit District. Notwithstanding subsection 311(b)(1)(A), building permit applications in the  
23 Ocean Avenue Neighborhood Commercial Transit District for a change of use to the following  
24 uses shall be excepted from the provisions of subsections 311(d) and 311(e): General  
25 Entertainment, Limited Restaurant, Nighttime Entertainment, Outdoor Activity Area, Private



1 Community Facility, ~~Public Community Facility, Restaurant, and Tobacco Paraphernalia~~  
2 Establishment.

3 ~~————— (B) Eastern Neighborhood Mixed Use Districts. In all Eastern~~  
4 ~~Neighborhood Mixed Use Districts a change of use shall be defined as a change in, or~~  
5 ~~addition of, a new land use category. A “land use category” shall mean those categories used~~  
6 ~~to organize the individual land uses that appear in the use tables, immediately preceding a~~  
7 ~~group of individual land uses, including but not limited to the following: Residential Use;~~  
8 ~~Institutional Use; Retail Sales and Service Use; Assembly, Recreation, Arts and~~  
9 ~~Entertainment Use; Office Use; Live/Work Units Use; Motor Vehicle Services Use; Vehicle~~  
10 ~~Parking Use; Industrial Use; Home and Business Service Use; or Other Use.~~

11 ~~————— (2) Alterations. For the purposes of this Section 311, an alteration shall be~~  
12 ~~defined as an increase to the exterior dimensions of a building except those features listed in~~  
13 ~~Section 136(c)(1) through Section 136(c)(24) and 136(c)(26), regardless of whether the~~  
14 ~~feature is located in a required setback. In addition, an alteration in RH, RM, and RTO~~  
15 ~~Districts shall also include the removal of more than 75% of a residential building’s existing~~  
16 ~~interior wall framing or the removal of more than 75% of the area of the existing framing.~~

17 ~~————— (3) Micro Wireless Telecommunications Services Facilities. Building permit~~  
18 ~~applications for the establishment of a Micro Wireless Telecommunications Services Facility,~~  
19 ~~other than a Temporary Wireless Telecommunications Services Facility, shall be subject to~~  
20 ~~the review procedures required by this Section. Pursuant to Section 205.2, applications for~~  
21 ~~Temporary Wireless Telecommunications Facilities to be operated for commercial purposes~~  
22 ~~for more than 90 days shall also be subject to the review procedures required by this Section.~~

23 ~~\* \* \* \*~~

1           **SEC. 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH**  
2 **DEMOLITION, MERGER, AND CONVERSION.**

3 \* \* \* \*

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

5           ~~(1) Within the Priority Equity Geographies Special Use District (Section 249.97)~~  
6 ~~and RH Districts in the Family Housing Opportunity Special Use District (Section 249.94),~~  
7 ~~Any application for a permit that would result in the Removal of one or more Residential~~  
8 ~~Units or Unauthorized Units is required to obtain Conditional Use authorization.~~

9           ~~—— (2) Outside the Priority Equity Geographies Special Use District and RH~~  
10 ~~Districts in the Family Housing Opportunity Special Use District, any application for a permit~~  
11 ~~that would result in the Removal of one or more Residential Units or Unauthorized Units is~~  
12 ~~required to obtain Conditional Use authorization unless it meets all the following criteria:~~

13                   ~~(A) The units to be demolished are not tenant occupied and are without a history~~  
14 ~~of evictions under Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) within the last~~  
15 ~~five years, and have not been vacated within the past five years pursuant to a Buyout~~  
16 ~~Agreement, as defined in Administrative Code Section 37.9E, as it may be amended from~~  
17 ~~time to time, regardless of whether the Buyout Agreement was filed with the Rent Board~~  
18 ~~pursuant to Administrative Code Section 37.9(E)(h);~~

19                   ~~(B) No more than two units that are required to be replaced per~~  
20 ~~subsection (E) of this Section 317 would be removed or demolished that are::~~

21                   ~~—— (i) subject to a recorded covenant, ordinance, or law that restricts~~  
22 ~~rents to levels affordable to persons and families of lower or very low income within the past~~  
23 ~~five years; or~~

1 ~~\_\_\_\_\_ (ii) subject to limits on rent increases under the Residential Rent~~  
2 ~~Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) within the past~~  
3 ~~five years; or~~

4 ~~\_\_\_\_\_ (iii) rented by lower- or very low-income households within the~~  
5 ~~past five years;~~

6 ~~\_\_\_\_\_ (C) The building proposed for demolition is not an Historic Building as~~  
7 ~~defined in Section 102. For the purposes of this subsection (c)(2)(C), an "Historic Building"~~  
8 ~~shall also include any building located in an historic district listed in Article 10;~~

9 ~~\_\_\_\_\_ (D) The proposed project is adding at least one more unit than would be~~  
10 ~~demolished; and~~

11 ~~\_\_\_\_\_ (E) The proposed project complies with the requirements of Section~~  
12 ~~66300(d) of the California Government Code, as may be amended from time to time, including~~  
13 ~~but not limited to requirements to replace all protected units, and to offer existing occupants of~~  
14 ~~any protected units that are lower income households relocation benefits and a right of first~~  
15 ~~refusal for a comparable unit, as those terms are defined therein.;~~

16 ~~\_\_\_\_\_ (F) The project sponsor certifies under penalty of perjury that any units to~~  
17 ~~be demolished are not tenant occupied and are without a history of evictions under~~  
18 ~~Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) within last five years, and~~  
19 ~~have not been vacated within the past five years pursuant to a Buyout Agreement, as defined~~  
20 ~~in Administrative Code Section 37.9E, as it may be amended from time to time, regardless of~~  
21 ~~whether the Buyout Agreement was filed with the Rent Board pursuant to Administrative Code~~  
22 ~~Section 37.9E(h);~~

23 (G) The project sponsor has conducted one pre-application meeting prior  
24 to filing a development application. The Planning Department shall not accept a development  
25 application without confirmation that the project sponsor has held at least one pre-application

1 meeting conforming to the requirements of this subsection (c)(2)(G) and any additional  
2 procedures the Planning Department may establish. The project sponsor shall provide mailed  
3 notice of the pre-application meeting to the individuals and neighborhood organizations  
4 specified in Planning Code Section 333(e)(2)(A) and (C), as well as posted notice as set forth  
5 in Planning Code Section 333(e)(1); and

6 (H) If the proposed project is located in a Residential, House (RH) zoning  
7 district, the project's resulting units will meet the unit configuration requirements of Section  
8 249.94(c)(4).

9 ~~—— (31) For Unauthorized Units, this Conditional Use authorization will not be~~  
10 ~~required for Removal if the Zoning Administrator has determined in writing that the unit cannot~~  
11 ~~be legalized under any applicable provision of this Code. The application for a replacement~~  
12 ~~building or alteration permit shall also be subject to Conditional Use requirements.~~

13 ~~—— (42) The Conditional Use requirement of Ssubsubsections (c)(1) and (c)(2)~~  
14 ~~shall apply to (A) any building or site permit issued for Removal of an Unauthorized Unit on or~~  
15 ~~after March 1, 2016, and (B) any permit issued for Removal of an Unauthorized Unit prior to~~  
16 ~~March 1, 2016 that has been suspended by the City or in which the applicant's rights have not~~  
17 ~~vested.~~

18 ~~—— (53) The Removal of a Residential Unit that has received approval from the~~  
19 ~~Planning Department through administrative approval or the Planning Commission through a~~  
20 ~~Discretionary Review or Conditional Use authorization prior to the effective date of the~~  
21 ~~Conditional Use requirement of Ssubsections (c)(1) or (c)(2) is not required to apply for an~~  
22 ~~additional approval under this Section 317. Subsection (c)(1).~~

23 ~~—— (64) Exemptions for Unauthorized Dwelling Units. The Removal of an~~  
24 ~~Unauthorized Unit does not require a Conditional Use authorization pursuant to Ssubsections~~  
25

1 ~~(c)(1) or (c)(2) if the Department of Building Inspection has determined that there is no path~~  
2 ~~for legalization under Section 106A.3.1.3 of the Building Code.~~

3 ~~———— (75) Exemptions for Single-Family Residential Buildings. The Demolition of a~~  
4 ~~Single-Family Residential Building that meets the requirements of Ssubsection (d)(3)~~  
5 ~~below may be approved by the Department without requiring a Conditional Use authorization~~  
6 ~~pursuant to in subsection (c)(1) or (c)(2).~~

7 ~~———— (86) Exception for Certain Permits Filed Before February 11, 2020. An~~  
8 ~~application to demolish a Single-Family Residential Building on a site in a RH-1 or RH-1(D)~~  
9 ~~District that is demonstrably not affordable or financially accessible housing, meaning housing~~  
10 ~~that has a value greater than 80% than the combined land and structure values of single-~~  
11 ~~family homes in San Francisco as determined by a credible appraisal made within six months~~  
12 ~~of the application to demolish, is exempt from the Conditional Use authorization requirement~~  
13 ~~of Ssubsections (c)(1) or (c)(2), provided that a complete Development Application was~~  
14 ~~submitted prior to February 11, 2020.~~

15 ~~—————~~

16 ~~\* \* \* \*~~

17 ~~————~~

18 ~~———— SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT~~  
19 ~~PROJECT REQUIREMENTS.~~

20 ~~\* \* \* \*~~

21 ~~(b) Waiver or Reduction, Based on Housing Affordability.~~

22 ~~———— (1) An affordable housing unit shall receive a waiver from the Rincon Hill~~  
23 ~~Community Infrastructure Impact Fee, the Market and Octavia Community Improvements~~  
24 ~~Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact~~  
25 ~~Fee, the Visitacion Valley Community Facilities and Infrastructure Impact Fee, the~~

1 ~~Transportation Sustainability Fee, the Residential Child Care Impact Fee, the Central South of~~  
2 ~~Market Infrastructure Impact Fee, and the Central South of Market Community Facilities Fee if~~  
3 ~~the affordable housing unit:~~

4 ~~————— (A) the affordable housing unit is affordable to a household earning up to~~  
5 ~~120% at or below 80% of the Area Median Income (as published by HUD), including units that~~  
6 ~~qualify as replacement Section 8 units under the HOPE SF program;~~

7 ~~————— (B) the affordable housing unit will maintain its affordability for a term of~~  
8 ~~no less than 55 years, as evidenced by a restrictive covenant recorded on the property's title;~~

9 ~~————— (C) the Project sponsor demonstrates to the Planning Department staff~~  
10 ~~that a governmental agency will be enforcing the term of affordability and reviewing~~  
11 ~~performance and service plans as necessary, and~~

12 ~~————— (D) all construction workers employed in the construction of the~~  
13 ~~development that includes the affordable housing unit are paid at least the general prevailing~~  
14 ~~rate of per diem wages for the type of work and geographic location of the development, as~~  
15 ~~determined by the Director of Industrial Relations pursuant to Sections 1773 and 1773.9 of the~~  
16 ~~Labor Code, except that apprentices registered in programs approved by the Chief of the~~  
17 ~~Division of Apprenticeship Standards may be paid at least the applicable apprentice prevailing~~  
18 ~~rate under the terms and conditions of Labor Code Section 1777.5.~~

19 ~~————— (B) is subsidized, MOHCD, the San Francisco Housing Authority, the~~  
20 ~~Department of Homelessness and Supportive Housing, and/or the Office of Community~~  
21 ~~Investment and Infrastructure or any future successor agency to those listed herein; and~~

22 ~~————— (C) is subsidized in a manner which maintains its affordability for a term~~  
23 ~~no less than 55 years, whether it is a rental or ownership opportunity. Project sponsors must~~  
24 ~~demonstrate to the Planning Department staff that a governmental agency will be enforcing~~  
25 ~~the term of affordability and reviewing performance and service plans as necessary.~~

1 \* \* \* \*

2 ~~————(5) This waiver clause shall not be applied to units built as part of a developer's~~  
3 ~~efforts to meet the requirements of the Inclusionary Affordable Housing Program,~~  
4 ~~Sections 415 or 419 of this Code or any units that trigger a Density Bonus under California~~  
5 ~~Government Code Sections 65915-65918.~~

6 \* \* \* \*

7 ~~————SEC. 710. NC-1 NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.~~

8 \* \* \* \*

9 ~~Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1~~  
10 ~~ZONING CONTROL TABLE~~

		NC-1
Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
* * * *		
Miscellaneous		
Lot Size (Per	§§ 102, 121.1	P up to 4,999 square feet; C 5,000 square feet
Development)	§§ 102, 121.1	and above
Lot Size (Per		P(2)
Development)		
* * * *		

22 \* \* \* \*

23 ~~(2) [Note deleted.] C for 5,000 square feet and above if located within the Priority Equity~~  
24 ~~Geographies Special Use District established under Section 249.97.~~

\* \* \* \*

~~SEC. 711. NC-2—SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.~~

~~Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2  
ZONING CONTROL TABLE~~

		NC-2
Zoning Category	§ References	Controls
<del>BUILDING STANDARDS</del>		
<del>* * * *</del>		
<del>Miscellaneous</del>		
<del>Lot Size (Per Development)</del>	<del>§§ 102, 121.1</del>	<del>P up to 9,999 square feet; C 10,000 square feet and above</del>
<del>Lot Size (Per Development)</del>	<del>§§ 102, 121.1</del>	<del>P(2)</del>
<del>* * * *</del>		

~~\* \* \* \*~~

~~(2) [Note deleted.] C for 10,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.~~

~~\* \* \* \*~~

~~SEC. 713. NC-S—NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.~~

~~\* \* \* \*~~

~~Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT~~



1 ~~NC-S~~

2 ZONING CONTROL TABLE

Zoning Category	§ References	NC-S Controls
<b>BUILDING STANDARDS</b>		
Massing and Setbacks		
Height and Bulk Limits.	§§ 102, 105, 106, 250-252, 253.3, 260, 261.1, 270, 271. See also Height and Bulk District Maps	Varies, but generally 40-X. Lakeshore Plaza SUD requires C for buildings above 26 feet (1). See Height and Bulk Map Sheets HT02-05, HT07, and HT10-13 for more information. Height sculpting required on Alleys per § 261.1.
* * * *		

18  
19 ~~SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.~~

20 ~~\* \* \* \*~~

21 ~~Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL~~  
22 ~~DISTRICT~~  
23 ~~ZONING CONTROL TABLE~~

		Broadway NCD
Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
Massing and Setbacks		
Height and Bulk Limits.	§§ 102, 105, 106, 250-252, 253.1, 260, 261.1, 270, 271. See also Height and Bulk District Maps	40-X and 65-A. In 65-A Districts, P up to 40 ft., C 40 to 65 feet See Height and Bulk Map Sheet HT01 for more information. Height sculpting required on Alleys per § 261.1.
* * * *		

~~SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.~~

~~\* \* \* \*~~

~~Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE~~

		North Beach NCD
Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
* * * *		

Miscellaneous		
Lot Size (Per Development)	§§ 102, 121.1	P up to 2,499 square feet; C 2,500 square feet and above(16)

\* \* \* \*

~~(15) P where existing use is any Automotive Use.~~

~~(16) C for 2,500 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.~~

~~SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.~~

\* \* \* \*

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

		Polk Street NCD
Zoning Category	§ References	Controls
<del>BUILDING STANDARDS</del>		
<del>* * * *</del>		
<del>Miscellaneous</del>		
<del>Lot Size (Per Development)</del>	<del>§§ 102, 121.1</del>	<del>P up to 2,499 square feet; C 2,500 square feet and above(12)</del>

~~\* \* \* \*~~

~~(11) P where existing use is any Automotive Use.~~

~~(12) C for 2,500 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.~~

1 ~~SEC. 750. NCT-1— NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT.~~

2 ~~\* \* \* \*~~

3 ~~Table 750. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1~~  
4 ~~ZONING CONTROL TABLE~~

		NCT-1
Zoning Category	§ References	Controls
<del>BUILDING STANDARDS</del>		
<del>* * * *</del>		
<del>Miscellaneous</del>		
<del>Lot Size (Per Development)</del>	<del>§§ 102, 121.1</del>	<del>P up to 4,999 square feet; C 5,000 square feet and above (12)</del>

13 ~~\* \* \* \*~~

14 ~~(11) P where existing use is any Automotive Use.~~

15 ~~(12) C for 5,000 square feet and above if located within the Priority Equity Geographies~~  
16 ~~Special Use District established under Section 249.97.~~

17  
18 ~~SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT~~  
19 ~~DISTRICT.~~

20 ~~\* \* \* \*~~

21 ~~Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT~~  
22 ~~DISTRICT~~  
23 ~~ZONING CONTROL TABLE~~

		Mission Street NCT
Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
Massing and Setbacks		
Height and Bulk Limits.	§§ 102, 105, 106, 250–252, 253.4, 260, 261.1, 270, 271. See also Height and Bulk District Maps	Varies. See Height and Bulk Map Sheet HT07 for more information. Buildings above 65 feet require C. Height sculpting required on Alleys per § 261.1.
* * * *		

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

~~\* \* \* \*~~

Table 810

~~CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE~~

		Chinatown Community Business District
Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
* * * *		
Miscellaneous		

1	Lot Size (Per	§ 121.3	P up to 5,000 sq. ft.; C 5,001 sq. ft. & above (1)
2	Development)	§ 121.3	P up to 5,000 sq. ft.; C 5,001 sq. ft. & above (1)
3	Lot Size (Per		
4	Development)		
5	* * * *		

7 ~~SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.~~

8 ~~\* \* \* \*~~

9 Table 811

10 CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

11			Chinatown Visitor Retail District
12	Zoning Category	§ References	Controls
13	<b>BUILDING STANDARDS</b>		
14	* * * *		
15	Miscellaneous		
16	Lot Size (Per Development)	§ 121.3	P up to 5,000 sq. ft.; C 5,001 sq. ft. & above
17	Lot Size (Per Development)	§ 121.3	P up to 5,000 sq. ft.; C 5,001 sq. ft. & above
18	* * * *		

22 ~~SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL~~  
23 ~~DISTRICT.~~

24 ~~\* \* \* \*~~

Table 812

~~CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT~~  
~~ZONING CONTROL TABLE~~

		Chinatown Residential Neighborhood Commercial District
Zoning Category	§ References	Controls
<del>BUILDING STANDARDS</del>		
<del>* * * *</del>		
<del>Miscellaneous</del>		
<del>Lot Size (Per Development)</del>	<del>§ 121.3</del>	<del>P up to 5,000 sq. ft.; C 5,001 sq. ft. &amp; above</del>
<del>Lot Size (Per Development)</del>	<del>§ 121.3</del>	<del>P up to 5,000 sq. ft.; C 5,001 sq. ft. &amp; above</del>
<del>* * * *</del>		

~~Section 4. Amendment to Specific Zoning Control Tables. Zoning Controls Tables 714, 715, 716, 717, 718, 719, 724, 725, 727, 728, 729, 730, 742, and 756 are hereby amended identically to the amendment of Zoning Control Table 710 in Section 3 of this ordinance, to remove the zoning control under Miscellaneous, Lot Size (Per Development) as follows:~~

\* \* \* \*

ZONING CONTROL TABLE

Zoning Category	§ References	Controls
BUILDING STANDARDS		
* * * *		
Miscellaneous		
Lot Size (Per Development)	§§ 102, 121.1	P up to 4,999 square feet; C 5,000 square feet and above
* * * *		

Section 5. Amendment to Specific Zoning Control Tables. Zoning Controls Tables 712, 720, 721, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 743, 744, 745, 751, 752, 753, 754, 755, 757, and 758, 759, 760, 761, 762, and 764 are hereby amended identically to the amendment of Zoning Control Table 711 in Section 3 of this ordinance, to remove the zoning control under Miscellaneous, Lot Size (Per Development), as follows:

\* \* \* \*

ZONING CONTROL TABLE

Zoning Category	§ References	Controls
BUILDING STANDARDS		
* * * *		



Miscellaneous		
Lot Size (Per Development)	§§ 102, 121.1	P up to 9,999 square feet; C 10,000 square feet and above
* * * *		

~~Section 6. Amendment to Specific Zoning Control Tables. Zoning Controls Tables 712, 751, 752, 759, 760, and 762 are hereby amended identically to the amendment of Zoning Control Table 711 in Section 3 of this ordinance, to amend the zoning control under Miscellaneous, Lot Size (Per Development) to identify “P” as the zoning control and include the note (“C for 10,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.”), as shown below, provided that the note shall be numbered as appropriate for each table, as follows:~~

**ZONING CONTROL TABLE**

Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
* * * *		
Miscellaneous		
Lot Size (Per Development)	§§ 102, 121.1	P(1)
* * * *		

~~(1) C for 10,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.~~

1  
2  
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25

Zoning Control Table	Note #
712	14
751	10
752	11
759	11
760	7
762	10

~~Section 76. Pursuant to Sections 106 and 302(c) of the Planning Code, Sheets SU01, SU02, SU07, SU08, SU09, SU10, SU11, SU12SU13 of the Zoning Map of the City and County of San Francisco are hereby amended, as follows:~~

Description of Property	Special Use District Hereby Approved
<del>Area 1 of the SUD is comprised of the following boundaries: Starting at the southwestern corner of the City and County of San Francisco heading north along the Pacific Ocean to Sloat Blvd.; Sloat Blvd. to Skyline Blvd.; Skyline Blvd. to Lake Merced Blvd.; Lake Merced Blvd. to Middlefield DrRd.; Middlefield DrRd. to Eucalyptus Dr.; Eucalyptus Dr. to 19th Ave.; 19th Ave. south until the intersection of Cardenas Ave and Cambon Dr., then flowing Cambon Dr. south</del>	<del>Priority Equity Geographies Special Use District</del>

1 to Felix Ave.; following a straight line from  
2 Felix Ave. to 19th Ave. and then following a  
3 line north to Junipero Serra Blvd.; Junipero  
4 Serra Blvd to Holloway Ave.; Holloway Ave.  
5 to Ashton Ave.; Ashton Ave. to Lake View  
6 Ave.; Lake View Ave. to Capitola Ave.;;  
7 Capitola Ave. to Grafton Ave.; Grafton Ave.  
8 to Mt. Vernon Ave.; Mt. Vernon Ave. to  
9 Howth St.; Howth St. to Ocean Ave.; Ocean  
10 Ave. to Alemany Blvd.; the northern most  
11 portion of Alemany Blvd. until Industrial St.;;  
12 Industrial St. to Oakdale Ave.; Oakdale Ave.  
13 to Phelps St.; Phelps St. to Jerrold Ave.;;  
14 Jerrold Ave. to 3rd St.; 3rd St. to Evans Ave.;;  
15 Evans Ave. to Newhall St.; Newhall St. to  
16 Fairfax Ave.; Fairfax Ave. to Keith St.; Keith  
17 St. to Evans Ave.; Evan Ave. to Jennings  
18 St.; following Jennings St. in a north easterly  
19 direction to its end and then a straight line to  
20 the shoreline; following the shoreline south  
21 until Arelious Walker Dr.; Arelious Walker Dr.  
22 to Gilman Ave.; Gilman Ave. to Bill Walsh  
23 Way; Bill Walsh Way to Ingerson Ave.;;  
24 Ingerson Ave. to Hawes St.; Hawes St. to  
25 Jamestown Ave.; Jamestown Ave. to 3rd.

1 ~~St.; 3rd St. to Bayshore Blvd.; Bayshore~~  
2 ~~Blvd. to southernmost boundary of the City~~  
3 ~~and County of San Francisco. The above~~  
4 ~~area shall exclude the following area:~~  
5 ~~Starting at the intersection of Harvard St.~~  
6 ~~and Burrow St. heading east to Cambridge~~  
7 ~~St.; Cambridge St. to Felton St.; Felton St. to~~  
8 ~~Hamilton St.; Hamilton St. to Woolsey St.;~~  
9 ~~Woolsey St. to Goettingen St.; Goettingen~~  
10 ~~St. to Mansell St.; Mansell St. to Brussels~~  
11 ~~St.; Brussels St. to Ward St.; Ward St. to~~  
12 ~~Ankeny St.; Ankeny St. to Hamilton St.;~~  
13 ~~Hamilton St. to Mansell St.; Mansell St. to~~  
14 ~~University St.; University St. to Wayland St.;~~  
15 ~~Wayland St. to Yale St.; Yale St. to McLaren~~  
16 ~~Park; a straight line from Yale St. to~~  
17 ~~Cambridge St.; Cambridge St. to Wayland~~  
18 ~~St.; Wayland St. to Oxford St.; Oxford St. to~~  
19 ~~Bacon St.; Bacon St. to Harvard St.; Harvard~~  
20 ~~St. to Burrows St.~~

21  
22 ~~Area 2 of the SUD is comprised of the~~  
23 ~~following boundaries: Starting on Cesar~~  
24 ~~Chavez St. at the intersection of Valencia~~  
25 ~~Street, heading eastward to Harrison St.;~~

1 ~~Harrison St. to 23rd St.; 23rd St. to Highway~~  
2 ~~101; following Highway 101 south to Cesar~~  
3 ~~Chaves St.; Cesar Chavez St. to Vermont~~  
4 ~~St.; Vermont St. to 26th St.; 26th St. to~~  
5 ~~Connecticut St.; Connecticut St. to 25th St.;~~  
6 ~~25th St. to Highway 280; following Highway~~  
7 ~~280 north to 20th St.; 20th St. to Arkansas~~  
8 ~~St.; Arkansas St. to 22nd St.; 22nd St to the~~  
9 ~~western side of Highway 101; following the~~  
10 ~~western side of Highway 101 north to 17th~~  
11 ~~St.; 17th St. to Vermont St.; Vermont St. to~~  
12 ~~Division St.; Division St. to Townsend St.;~~  
13 ~~Townsend St. to 6th St.; 6th St. to Brannan~~  
14 ~~St.; Brannan St. to 5th St.; 5th St. to~~  
15 ~~Townsend St.; Townsend St. to 3rd St.; 3rd~~  
16 ~~St. to Howard St.; Howard St. to 4th St.; 4th~~  
17 ~~St. to Market St.; Market St. to Drumm St.;~~  
18 ~~Drumm St. to Sacramento St.; Sacramento~~  
19 ~~St. to Battery St.; Battery St. to Pacific~~  
20 ~~AveSt.; Pacific AveSt. to Sansome St.;~~  
21 ~~Sansome St. to Vallejo St.; Vallejo St. to~~  
22 ~~Kearny St.; Kearny St. to Filbert St.; Filbert~~  
23 ~~St. to Columbus Ave.; Columbus Ave. to~~  
24 ~~Mason St.; Mason St. to Washington St.;~~  
25 ~~Washington St. to Powell St.; Powell St. to~~

1 ~~California St.; California St. to Stockton St.;~~  
 2 ~~Stockton St. to Bush St.; Bush St. to Van~~  
 3 ~~Ness Ave.; Van Ness Ave. to O'Farrell~~  
 4 ~~St./Starr King Way; Starr King Way to Geary~~  
 5 ~~Blvd.; Geary Blvd. to Laguna St.; Laguna St.~~  
 6 ~~to Bush St.; Bush St. to Webster St.;~~  
 7 ~~Webster St. to Post St.; Post St. Filmore St.;~~  
 8 ~~Filmore St. to Geary Blvd.; Geary Blvd. to St~~  
 9 ~~Joseph's Ave.; St. Joseph's Ave. to Turk~~  
 10 ~~Blvd.; Turk Blvd. to Scott St.; Scott St. to~~  
 11 ~~McAllister St.; McAllister St. to Steiner St.;~~  
 12 ~~Steiner St. to Fulton St.; Fulton St. to Gough~~  
 13 ~~St.; Gough St. to McAllister St.; Mc Allister~~  
 14 ~~St. to Van Ness Ave.; Van Ness Ave. to~~  
 15 ~~Market St.; Market St. to Dolores St.;~~  
 16 ~~Dolores St. to 17th St.; 17th St. to Valencia~~  
 17 ~~St.; Valencia St. to Cesar Chavez St.~~  
 18  
 19 Area 3 of the SUD is comprised of the  
 20 following boundaries: Starting on Chestnut  
 21 St. at the intersection of Columbus Ave,  
 22 heading eastward to the Embarcadero; The  
 23 Embarcadero to Taylor St.; Taylor St. to  
 24 Jefferson St.; Jefferson St. to Leavenworth  
 25 St.; Leavenworth St. to North Point St.; North

Point St. to Columbus AveSt.; Columbus AveSt. to Chestnut St.	
---	--

Section 87. ~~Article 9 of the Subdivision Code is hereby amended by amending Section 1396.6, to read as follows:~~

~~SEC. 1396.6. CONDOMINIUM CONVERSION ASSOCIATED WITH PROJECTS THAT UTILIZE THE RESIDENTIAL DENSITY EXCEPTION IN RH DISTRICTS TO CONSTRUCT NEW DWELLING UNITS PURSUANT TO PLANNING CODE SECTION 207(C)(8).~~

~~(a) Findings. The findings of Planning Code Section 415.1 concerning the City's inclusionary affordable housing program are incorporated herein by reference and support the basis for charging the fee set forth herein as it relates to the conversion of dwelling units into condominiums.~~

~~(b) Definition. "Existing Dwelling Unit" shall refer to mean the dwelling unit in existence on a lot at the time of the submittal of an application to construct a new dwelling unit pursuant to Planning Code Section 207(c)(8).~~

~~(c) Notwithstanding Section 1396.4 of this Code and Ordinance No. 117-13, a subdivider of a one-unit building that has obtained a permit to build one or more new dwelling units by utilizing the exception to residential density in RH districts set forth in Planning Code Section 207(c)(8), which results in two or more dwelling units, and that has signed an affidavit stating the subdivider's intent to reside in one of those resulting dwelling units, or in the Existing Dwelling Unit, for a period of three years after the approval of the Certificate of Final Completion and Occupancy for the new dwelling units, shall (1) be exempt from the annual lottery provisions of Section 1396 of this Code with respect to the dwelling units built as part of the Project Units and (2) be eligible to submit a condominium conversion application for the~~

1 Existing Dwelling Unit and/or include the Existing Dwelling Unit in a condominium map  
2 application for the project approved pursuant to Planning Code Section 207(c)(8).

3 Notwithstanding the foregoing sentence, no property or applicant subject to any of the  
4 prohibitions on conversions set forth in Section 1396.2, in particular of this Code, including but  
5 not limited to a property with the eviction(s) set forth in Section 1396.2(b), shall be eligible for  
6 condominium conversion under this Section 1396.6. Eligible buildings as set forth in this  
7 subsection (c) may exercise their option to participate in this program according to the  
8 following requirements:

9        ~~——— (1) The applicant(s) for the subject building seeking to convert dwelling units to~~  
10 ~~condominiums or subdivide dwelling units into condominiums under this subsection shall pay~~  
11 ~~the fee specified in Section 1315 of this Code.~~

12        ~~——— (2) In addition to all other provisions of this Section 1396.6, the applicant(s)~~  
13 ~~shall comply with all of the following:~~

14        ~~——— (A) The requirements of Subdivision Code Article 9, Sections 1381,~~  
15 ~~1382, 1383, 1386, 1387, 1388, 1389, 1390, 1391(a) and (b), 1392, 1393, 1394, and 1395.~~

16        ~~——— (B) The applicant(s) must certify under penalty of perjury that within the~~  
17 ~~60 months preceding the date of the subject application, no tenant resided at the property.~~

18        ~~——— (C) The applicant(s) must certify under penalty of perjury that to the~~  
19 ~~extent any tenant vacated their unit after March 31, 2013, and before recordation of the final~~  
20 ~~parcel or subdivision map, such tenant did so voluntarily or if an eviction or eviction notice~~  
21 ~~occurred it was not pursuant to Administrative Code Sections 37.9(a)(8) (12) and 37.9(a)(14)-~~  
22 ~~(16). If an eviction has taken place under Sections 37.9(a)(11) or 37.9(a)(14), then the~~  
23 ~~applicant(s) shall certify The applicant must also certify under penalty of perjury that to the~~  
24 ~~extent any tenant vacated their unit after March 31, 2013, and before recordation of the final~~  
25 ~~parcel or subdivision map, such tenant did not vacate the unit pursuant to a Buyout~~



1 Agreement, pursuant to the requirements of Administrative Code Section 37.9E, as it may be  
2 amended from time to time, regardless of whether the Buyout Agreement was filed and  
3 registered with the Rent Board pursuant to Administrative Code Section 37.9E(h). If a  
4 temporary eviction occurred under Sections 37.9(a)(11) or 37.9(a)(14), then the applicant(s)  
5 shall certify under penalty of perjury that the original tenant reoccupied the unit after the  
6 temporary eviction.

7       ———(3) If the Department finds that a violation of this Section 1396.6 occurred prior  
8 to recordation of the final map or final parcel map, the Department shall disapprove the  
9 application or subject map. If the Department finds that a violation of this Section occurred  
10 after recordation of the final map or parcel map, the Department shall take such enforcement  
11 actions as are available and within its authority to address the violation.

12       ———(4) This Section 1396.6 shall not prohibit a subdivider who has lawfully  
13 exercised the subdivider's rights under Administrative Code Section 37.9(a)(13) from  
14 submitting a condominium conversion application under this Section 1396.6.

15       (d) Decisions and Hearing on the Application.

16       ———(1) The applicant shall obtain a final and effective tentative map or tentative  
17 parcel map approval for the condominium subdivision or parcel map within one year of paying  
18 the fee specified in subsection (e) of this Section 1396.6. The Director of the Department of  
19 Public Works or the Director's designee is authorized to waive the time limits set forth in this  
20 subsection (d)(1) as it applies to a particular building due to extenuating or unique  
21 circumstances. Such waiver may be granted only after a public hearing and in no case shall  
22 the time limit extend beyond two years after submission of the application.

23       ———(2) No less than 20 days prior to the Department's proposed decision on a  
24 tentative map or tentative parcel map, the Department shall publish the addresses of buildings  
25 being considered for approval and post such information on its website, post notice that such

1 decision is pending at the affected buildings, and provide written notice of such pending  
2 decision to the applicant, all tenants of such buildings, and any member of the public who  
3 interested party who has requested such notice. During this time, any interested party may file  
4 a written objection to an application and submit information to the Department contesting the  
5 eligibility of a building. In addition, the Department may elect to hold a public hearing on said  
6 tentative map or tentative parcel map to consider the information presented by the public,  
7 other City department, or an applicant. If the Department elects to hold such a hearing it shall  
8 post notice of such hearing, including posting notice at the subject building, and provide  
9 written notice to the applicant, all tenants of such building, any member of the public who  
10 submitted information to the Department, and any interested party who has requested such  
11 notice. In the event that an objection to the conversion application is filed in accordance with  
12 this subsection (d)(2), and based upon all the facts available to the Department, the  
13 Department shall approve, conditionally approve, or disapprove an application and state the  
14 reasons in support of that decision.

15       — (3) Any map application subject to a Departmental public hearing on the  
16 subdivision or a subdivision appeal shall receive a six-month extension or have the time limit  
17 set forth in subsection (d)(1) of this Section 1396.6 extended for another six months.

18       (e) Should the subdivision application be denied or be rejected as untimely in  
19 accordance with the dates specified in subsection (d)(1) of this Section 1396.6, or should the  
20 tentative subdivision map or tentative parcel map be disapproved, the City shall refund the  
21 entirety of the application fee.

22       (f) Conversion of buildings pursuant to this Section 1396.6 shall have no effect on the  
23 terms and conditions applicable to such buildings under Section 1341A, 1385A, or 1396 of  
24 this Code.

25

1           Section 987. Effective Date. This ordinance shall become effective 30 days after  
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
4 of Supervisors overrides the Mayor’s veto of the ordinance.

5  
6           Section 1098. Scope of Ordinance. In enacting this ordinance, the Board of  
7 Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections,  
8 articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the  
9 Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board  
10 amendment additions, and Board amendment deletions in accordance with the “Note” that  
11 appears under the official title of the ordinance.

12  
13           ~~Section 1110. Clarification of existing law. The amendments to Planning Code Section~~  
14 ~~305.1(g) in Section 3 of this ordinance do not constitute a change in, but are declaratory of,~~  
15 ~~existing law with regard to the Planning Department’s authorization to collect fees for time and~~  
16 ~~materials spent reviewing application materials.~~

17  
18 APPROVED AS TO FORM:  
19 DAVID CHIU, City Attorney

20 By: /s/ Andrea Ruiz-Esquide  
21       ANDREA RUIZ-ESQUIDE  
22       Deputy City Attorney

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24  
25  
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