

1 [Planning Code amendments for the Eastern Neighborhoods Area Plans.]

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3 **Ordinance amending the San Francisco Planning Code by adding and**
4 **amending various sections to implement the four Eastern Neighborhood**
5 **Area Plans comprised of the East SoMa, the Mission, the Showplace**
6 **Square/Potrero Hill, and the Central Waterfront Area Plans; adopting in-lieu**
7 **fees for on-site open space, trees, and affordable housing; adopting the**
8 **Eastern Neighborhoods impact fee subject to certain restrictions; and**
9 **making various findings, including environmental findings and findings of**
10 **consistency with the General Plan and priority policies of Planning Code**
11 **Section 101.1.**

12

13 Note: Additions are *single-underline italics Times New Roman*;
14 deletions are ~~*strikethrough italics Times New Roman*~~.
15 Board amendment additions are double underlined.
16 Board amendment deletions are ~~strikethrough normal~~.

15

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

17 Section 1. Findings. The Board of Supervisors of the City and County of
18 San Francisco hereby finds and determines that:

19 (a) Under Planning Code Section 302, the Board of Supervisors finds
20 that this ordinance will serve the public necessity, convenience and welfare for
21 the reasons set forth in Planning Commission Resolution No. _____
22 recommending the approval of this Planning Code Amendment and incorporates
23 such reasons by this reference thereto. A copy of said resolution is on file with
24 the Clerk of the Board of Supervisors in File No. _____ and is incorporated
25 here by reference.

1 (b) Under Planning Code Section 101.1, the Board of Supervisors finds
2 that this ordinance is consistent with the Priority Policies of Planning Code
3 Section 101.1(b) of the Planning Code and with the General Plan as proposed to
4 be amended in companion legislation and hereby adopts the findings of the
5 Planning Commission, as set forth in Planning Commission Resolution No.
6 _____. A copy of said Resolution is on file with the Clerk of the Board of
7 Supervisors in File No. _____ and is incorporated herein by reference.

8 (c) In accordance with the actions contemplated herein, this Board
9 adopted Resolution No. _____, concerning findings pursuant to the
10 California Environmental Quality Act (California Public Resources Code sections
11 21000 et seq.). A copy of said Resolution is on file with the Clerk of the Board of
12 Supervisors in File No. _____ and is incorporated by reference herein.

13 (d) Notwithstanding any contrary technical requirements that may exist in
14 the Planning or Administrative Codes, the Board hereby finds that the Planning
15 Department provided adequate notice for all documents and decisions, including
16 environmental documents, related to the Eastern Neighborhoods Area Plans.
17 This finding is based on the extensive mailed, posted, electronic, and published
18 notices that the Planning Department provided. Copies of such notices are
19 available for review through the Custodian of Records at the Planning
20 Department, 1650 Mission Street, San Francisco.

21 Section 2. The San Francisco Planning Code is hereby amended by
22 adding and amending Sections 102.5, 102.9, 102.29, 102.30, 121.1, 121.2,
23 121.5, 121.8, 121.9, 124, 132, 134, 135, 135.3, 136, 136.1, 136.2, 140, 141, 142,
24 143, 144, 145.1, 145.4, 145.5, 145.6, 147, 150, 151.1, 152, 152.1, 153, 154, 155,
25 157.1, 161, 163, 166, 175.6, 175.8, 179.1, 181, 182, 201, 202, 204, 204.4, 205,

1 205.1, 205.3, 206, 206.5, 207.1, 207.4, 207.5, 207.6, 207.8, 208, 209.1, 209.2,
2 209.3, 209.4, 209.5, 209.6, 209.7, 209.8, 209.9, 210, 210.8, 210.9, 201.10,
3 210.11, 215, 216, 217, 218, 218.1, 219, 219.1, 220, 221, 222, 223, 224, 225,
4 226, 227, 230, 233, 234.2, 249.36, 249.37, 249.38, 249.39, 253.4, 260, 261.1,
5 263.19, 263.21, 270, 270.1, 270.2, 271, 304, 305, 306.2, 307, 309.1, ~~309.2~~, 311,
6 312, 313.6, 315.1, 315.3, 315.4, 316, 319, 319.1, 319.2, 319.3, 319.4, 327,
7 327.1, 327.2, 327.3, 327.4, 327.5, 327.6, ~~327.7~~, 328, 329, 352, 603, 607, 607.1,
8 607.2, 608.1, 702.1, 703.2, 726, 726.1, 727, 727.1, 734, 734.1, 735, 735.1, 736,
9 736.1, 801.1, 802.1, 802.3, 802.4, 802.5, 802.6, 803, 803.3, 803.4, 803.5, 803.6,
10 803.8, 803.9, 809, 813, 814, 814.04, 815, 816, 817, 818, 820, 822, 825, 825.1,
11 827, 829, 840, 840.24, 841, 841.24, 842, 843, 890.49, 890.52, 890.53, 890.54,
12 890.70, 890.88, 890.111, Appendix I to Article 10 and Appendix L to Article 10, to
13 read as follows:

14 **SEC. 102.5. DISTRICT.**

15 A portion of the territory of the City, as shown on the Zoning Map, within
16 which certain regulations and requirements or various combinations thereof apply
17 under the provisions of this Code. The term "district" shall include any use,
18 special use, height and bulk, or special sign district. The term "R District" shall
19 mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RM-3, RM-4,
20 RTO, RTO-M, RC-1, RC-2, RC-3, RC-4 or RED District. The term "C District"
21 shall mean any C-1, C-2, C-3, or C-M District. *The term "RTO District" shall be that*
22 *subset of R Districts which are the RTO and RTO-M District.* The term "M District"
23 shall mean any M-1 or M-2 District. *The term "PDR District" shall mean any PDR-1-*
24 *B, PDR-1-D, PDR-1-G, or PDR-2 District.* The term "RH District" shall mean any
25 RH-1(D), RH-1, RH-1(S), RH-2, or RH-3 District. The term "RM District" shall

1 mean any RM-1, RM-2, RM-3, or RM-4 District. The term "RC District" shall
2 mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District" shall mean
3 any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and
4 Article 11 of this Code, the term "C-3 District" shall also include the Extended
5 Preservation District designated on Section Map 3SU of the Zoning Map. The
6 term "NC District" shall mean any NC-1, NC-2, NC-3, NC-T, NC-S, and any
7 Neighborhood Commercial District and Neighborhood Commercial Transit
8 District identified by street or area name in Section 702.1. The term "NCT" shall
9 mean any district listed in Section 702.1(b), including any NCT-2, NCT-3 and any
10 Neighborhood Commercial Transit District identified by street or area name. The
11 term "Mixed Use" District shall mean all Chinatown Mixed Use, South of Market Mixed
12 Use, Eastern Neighborhoods Mixed Use, and Downtown Residential Districts. The term
13 "Chinatown Mixed Use District" shall mean any Chinatown CB, Chinatown VR, or
14 Chinatown R/NC, ~~or South of Market RSD, SPD, SLR, SLI or SSO~~ District named in
15 Section 802.1. The term "South of Market Mixed Use Districts" shall refer to all
16 RED, RSD, ~~SPD~~, SLR, SLI, or SSO Districts ~~contained entirely within the area~~
17 ~~designated as the South of Market Mixed Use Base District named in Section~~
18 ~~802.1 shown on Sectional Maps 3SU of the Zoning Map.~~ The term "Eastern
19 Neighborhoods Mixed Use Districts" shall refer to all SPD, MUG, MUO, MUR, and
20 UMU named in Section 802.1. The term "DTR District" or "Downtown Residential
21 District" shall refer to any Downtown Residential District identified by street or
22 area name in Section 825, 827, 828, and 829.

23 **SEC. 102.9. FLOOR AREA, GROSS.**

24 In districts other than C-3, the sum of the gross areas of the several floors of a
25 building or buildings, measured from the exterior faces of exterior walls or from

1 the centerlines of walls separating two buildings. Where columns are outside and
2 separated from an exterior wall (curtain wall) which encloses the building space
3 or are otherwise so arranged that the curtain wall is clearly separate from the
4 structural members, the exterior face of the curtain wall shall be the line of
5 measurement, and the area of the columns themselves at each floor shall also
6 be counted.

7 In C-3 Districts and the Van Ness Special Use District, the sum of the
8 gross areas of the several floors of a building or buildings, measured along the
9 glass line at windows at a height of four feet above the finished floor and along a
10 projected straight line parallel to the overall building wall plane connecting the
11 ends of individual windows; provided, however, that such line shall not be inward
12 of the interior face of the wall.

13 (a) Except as specifically excluded in this definition, "gross floor area" shall
14 include, although not be limited to, the following:

15 (1) Basement and cellar space, including tenants' storage areas and all other
16 space except that used only for storage or services necessary to the operation or
17 maintenance of the building itself;

18 (2) Elevator shafts, stairwells, exit enclosures and smokeproof enclosures, at
19 each floor;

20 (3) Floor space in penthouses except as specifically excluded in this definition;

21 (4) Attic space (whether or not a floor has been laid) capable of being made into
22 habitable space;

23 (5) Floor space in balconies or mezzanines in the interior of the building;

24 (6) Floor space in open or roofed porches, arcades or exterior balconies, if such
25 porch, arcade or balcony is located above the ground floor or first floor of

1 occupancy above basement or garage and is used as the primary access to the
2 interior space it serves;

3 (7) Floor space in accessory buildings, except for floor spaces used for
4 accessory off-street parking or loading spaces as described in Section 204.5 of
5 this Code, and driveways and maneuvering areas incidental thereto; and

6 (8) Any other floor space not specifically excluded in this definition.

7 (b) "Gross floor area" shall not include the following:

8 (1) Basement and cellar space used only for storage or services necessary to
9 the operation or maintenance of the building itself;

10 (2) Attic space not capable of being made into habitable space;

11 (3) Elevator or stair penthouses, accessory water tanks or cooling towers, and
12 other mechanical equipment, appurtenances and areas necessary to the
13 operation or maintenance of the building itself, if located at the top of the building
14 or separated there from only by other space not included in the gross floor area;

15 (4) Mechanical equipment, appurtenances and areas, necessary to the
16 operation or maintenance of the building itself (i) if located at an intermediate
17 story of the building and forming a complete floor level; or (ii) in C-3 Districts, if
18 located on a number of intermediate stories occupying less than a full floor level,
19 provided that the mechanical equipment, appurtenances and areas are
20 permanently separated from occupied floor areas and in aggregate area do not
21 exceed the area of an average floor as determined by the Zoning Administrator;

22 (5) Outside stairs to the first floor of occupancy at the face of the building which
23 the stairs serve, or fire escapes;

24 (6) Floor space used for accessory off-street parking and loading spaces as
25 described in Section 204.5 of this Code and up to a maximum of one hundred

1 fifty percent (150%) of the off-street accessory parking permitted by right in
2 Section 151.1 of this Code for C-3 Districts, and driveways and maneuvering
3 areas incidental thereto;

4 (7) Arcades, plazas, walkways, porches, breezeways, porticos and similar
5 features (whether roofed or not), at or near street level, accessible to the general
6 public and not substantially enclosed by exterior walls; and accessways to public
7 transit lines, if open for use by the general public; all exclusive of areas devoted
8 to sales, service, display, and other activities other than movement of persons;

9 (8) Balconies, porches, roof decks, terraces, courts and similar features, except
10 those used for primary access as described in Paragraph (a)(6) above, provided
11 that:

12 (A) If more than 70 percent of the perimeter of such an area is enclosed, either
13 by building walls (exclusive of a railing or parapet not more than three feet eight
14 inches high) or by such walls and interior lot lines, and the clear space is less
15 than 15 feet in either dimension, the area shall not be excluded from gross floor
16 area unless it is fully open to the sky (except for roof eaves, cornices or belt
17 courses which project not more than two feet from the face of the building wall).

18 (B) If more than 70 percent of the perimeter of such an area is enclosed, either
19 by building walls (exclusive of a railing or parapet not more than three feet eight
20 inches high), or by such walls and interior lot lines, and the clear space is 15 feet
21 or more in both dimensions, (1) the area shall be excluded from gross floor area
22 if it is fully open to the sky (except for roof eaves, cornices or belt courses which
23 project no more than two feet from the face of the building wall), and (2) the area
24 may have roofed areas along its perimeter which are also excluded from gross
25 floor area if the minimum clear open space between any such roof and the

1 opposite wall or roof (whichever is closer) is maintained at 15 feet (with the
2 above exceptions) and the roofed area does not exceed 10 feet in depth; (3) in
3 addition, when the clear open area exceeds 625 square feet, a canopy, gazebo,
4 or similar roofed structure without walls may cover up to 10 percent of such open
5 space without being counted as gross floor area.

6 (C) If, however, 70 percent or less of the perimeter of such an area is enclosed
7 by building walls (exclusive of a railing or parapet not more than three feet eight
8 inches high) or by such walls and interior lot lines, and the open side or sides
9 face on a yard, street or court whose dimensions satisfy the requirements of this
10 Code and all other applicable codes for instances in which required windows face
11 upon such yard, street or court, the area may be roofed to the extent permitted
12 by such codes in instances in which required windows are involved;

13 (9) On lower, nonresidential floors, elevator shafts and other life-support
14 systems serving exclusively the residential uses on the upper floors of a building;

15 (10) One-third of that portion of a window bay conforming to the requirements of
16 Section 136(d)(2) which extends beyond the plane formed by the face of the
17 facade on either side of the bay but not to exceed seven square feet per bay
18 window as measured at each floor;

19 (11) Ground floor area in the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G
20 Districts devoted to building or pedestrian circulation and building service;

21 (12) In the C-3-0, C-3-O(SD), C-3-S, C-3-S(SU) and C-3-G Districts, space
22 devoted to personal services, restaurants, and retail sales of goods intended to
23 meet the convenience shopping and service needs of downtown workers and
24 residents, not to exceed 5,000 occupied square feet per use and, in total, not to
25 exceed 75 percent of the area of the ground floor of the building plus the ground

1 level, on-site open space. Said uses shall be located on the ground floor, except
2 that, in order to facilitate the creation of more spacious ground floor interior
3 spaces, a portion of the said uses, in an amount to be determined pursuant to the
4 provisions of Section 309, may be located on a mezzanine level;

5 (13) An interior space provided as an open space feature in accordance with
6 the requirements of Section 138;

7 (14) Floor area in C-3, South of Market Mixed Use Districts, and Eastern
8 Neighborhoods Mixed Use ~~RED, RSD, SPD, SLR, SLI, and SSO~~ Districts devoted to
9 child care facilities provided that:

10 (A) Allowable indoor space is ~~no more or~~ no less than 3,000 square feet and no
11 more than 6,000 square feet, and

12 (B) The facilities are made available rent free, and

13 (C) Adequate outdoor space is provided adjacent, or easily accessible, to the
14 facility. Spaces such as atriums, rooftops or public parks may be used if they
15 meet licensing requirements for child care facilities, and

16 (D) The space is used for child care for the life of the building as long as there is
17 a demonstrated need. No change in use shall occur without a finding by the City
18 Planning Commission that there is a lack of need for child care and that the
19 space will be used for a facility described in Subsection 15 below dealing with
20 cultural, educational, recreational, religious, or social service facilities;

21 (15) Floor area in C-3, South of Market Mixed Use Districts, and Eastern
22 Neighborhoods Mixed Use ~~RED, RSD, SPD, SLR, SLI, and SSO~~ Districts permanently
23 devoted to cultural, educational, recreational, religious or social service facilities
24 available to the general public at no cost or at a fee covering actual operating
25 expenses, provided that such facilities are:

- 1 (A) Owned and operated by a nonprofit corporation or institution, or
- 2 (B) Are made available rent free for occupancy only by nonprofit corporations or
- 3 institutions for such functions. Building area subject to this subsection shall be
- 4 counted as occupied floor area, except as provided in Subsections 102.10(a)
- 5 through (f) of this Code, for the purpose of calculating the off-street parking and
- 6 freight loading requirements for the project;
- 7 (16) In C-3 Districts, floor space used for short-term parking and aisles
- 8 incidental thereto when required pursuant to Section 309 in order to replace
- 9 short-term parking spaces displaced by the building or buildings;
- 10 (17) Floor space in mezzanine areas within live/work units where the mezzanine
- 11 satisfies all applicable requirements of the San Francisco Building Code;
- 12 (18) Floor space suitable primarily for and devoted exclusively to exhibitions or
- 13 performances by live/work tenants within the structure or lot, provided that such
- 14 facilities will be available rent-free to live/work tenants within the property for the
- 15 life of the structure; and
- 16 (19) In South of Market Mixed Use ~~RED, RSD, SPD, SLR, SLI and SSO~~ Districts,
- 17 live/work units and any occupied floor area devoted to mechanical equipment or
- 18 appurtenances or other floor area accessory to live/work use provided that:
- 19 (A) The nonresidential use within each live/work unit shall be limited to uses
- 20 which are principal permitted uses in the district or otherwise are conditional uses
- 21 in the district and are approved as a conditional use,
- 22 (B) The density, enforcement, open space, parking and freight loading and
- 23 other standards specified in Sections 124(j), 135.2, 151 and 152.1 shall be
- 24 satisfied, along with all other applicable provisions of this Code, and
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1 (C) For the purpose of calculating the off-street parking and freight loading
2 requirement for the project, building area subject to this subsection shall be
3 counted as occupied floor area, except as provided in Subsections 102.10(a)
4 through (f) of this Code.

5 **SEC. 102.29. BEDROOM.**

6 *A "sleeping room", as defined in the Building Code.*

7 **SEC 102.30. WIDTH, STREET OR ALLEY.**

8 *Unless specified elsewhere in this Code, the width of a street or alley shall be the*
9 *distance measured along a line which is perpendicular to the centerline of that street or*
10 *alley and extends from the mid-point of the front property line of a given parcel to a front*
11 *property line on the opposite side of that street or alley.*

12 **SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD**
13 **COMMERCIAL DISTRICTS.**

14 In order to promote, protect, and maintain a scale of development which is
15 appropriate to each district and compatible with adjacent buildings, new
16 construction or significant enlargement of existing buildings on lots of the same
17 size or larger than the square footage stated in the table below shall be permitted
18 only as conditional uses subject to the provisions set forth in Sections 316
19 through 316.8 of this Code.

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District	Lot Size Limits
NC-1,	5,000 sq. ft.
Broadway,	
Castro Street,	
Inner Clement Street,	

1	Inner Sunset,	
2	Outer Clement Street,	
3	Upper Fillmore Street,	
4	Haight Street,	
5	North Beach,	
6	Sacramento Street,	
7	Union Street,	
8	24th Street-Mission,	
9	24th Street-Noe Valley,	
10	West Portal Avenue	
11	NC-2, <u>NCT-2</u> ,	
12	NC-3, NCT-3, <u>Mission Street</u>	
13	<u>SoMa</u>	
14	Hayes-Gough,	10,000 sq. ft.
15	Upper Market Street,	
16	Polk Street,	
17	Valencia Street	
18	NC-S	Not Applicable

20 In addition to the criteria of Section 303(c) of this Code, the City Planning
 21 Commission shall consider the extent to which the following criteria are met:

- 22 (1) The mass and facade of the proposed structure are compatible with the
 23 existing scale of the district.
- 24 (2) The facade of the proposed structure is compatible with design features of
 25 adjacent facades that contribute to the positive visual quality of the district.

1 **SEC. 121.2. USE SIZE LIMITS (NON-RESIDENTIAL), NEIGHBORHOOD**
2 **COMMERCIAL DISTRICTS.**

3 (a) In order to protect and maintain a scale of development appropriate to each
4 district, nonresidential uses of the same size or larger than the square footage
5 stated in the table below may be permitted only as conditional uses subject to the
6 provisions set forth in Sections 316 through 316.8 of this Code. The use area
7 shall be measured as the gross floor area for each individual nonresidential use.

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1	District	Lot Size Limits
2	North Beach	2,000 sq. ft.
3	Castro Street	
4	Inner Clement Street	2,500 sq. ft.
5	Inner Sunset	
6	Outer Clement Street	
7	Upper Fillmore Street	
8	Haight Street	
9	Sacramento Street	
10	Union Street	
11	24th Street-Mission	
12	24th Street-Noe Valley	3,000 sq. ft.
13	West Portal Avenue	
14	NC-1	
15	Broadway	
16	Hayes-Gough	
17	Upper Market Street	
18	Polk Street	4,000 sq. ft.
19	Valencia Street	
20	NC-2, <i>NCT-2, SoMa</i>	6,000 sq. ft.
21	NC-3, NCT-3, <i>Mission Street</i>	
22	NC-S	

24 In addition to the criteria of Section 303(c) of this Code, the Commission shall
 25 consider the extent to which the following criteria are met:

1 (1) The intensity of activity in the district is not such that allowing the larger use
2 will be likely to foreclose the location of other needed neighborhood-serving uses
3 in the area.

4 (2) The proposed use will se the neighbor-hood, in whole or in significant part,
5 and the nature of the use requires a larger size in order to function.

6 (3) The building in which the use is to be located is designed in discrete
7 elements which respect the scale of development in the district.

8 (b) In order to protect and maintain a scale of development appropriate to each
9 district, nonresidential uses which exceed the square footage stated in the table
10 below shall not be permitted, except that in the North Beach Neighborhood
11 Commercial District this Subsection 121.2(b) shall not apply to a Movie Theater
12 use as defined in Section 790.64 or Other Entertainment use as defined in
13 Section 790.38 in a building existing prior to November 1, 1999, that was
14 originally constructed as a multi-story, single-tenant commercial occupancy. The
15 use area shall be measured as the gross floor area for each individual
16 nonresidential use.

District	Lot Size Limits
West Portal Avenue	4,000 sq. ft.
North Beach	
Castro Street	

22 **SEC. 121.5. DEVELOPMENT OF LARGE LOTS, RESIDENTIAL**
23 **DISTRICTS.**

24 In order to promote, protect, and maintain a scale of development which is
25 appropriate to each district and compatible with adjacent buildings, new

1 construction or significant enlargement of existing buildings on lots of the same
2 size or larger than the square footage stated in the table below shall be permitted
3 only as conditional uses subject to the provisions set forth in Sections 303 of this
4 Code.

District	Lot Size Limit
RTO, <i>RTO-M</i>	10,000

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9 In addition to the criteria of Section 303(c)(1) of this Code, the Planning
10 Commission shall consider the extent to which the following criteria are met:

- 11 (1) The mass and articulation of the proposed structures are compatible
12 with the intended scale of the district.
- 13 (2) For development sites greater than ½-acre, the extension of adjacent
14 alleys or streets onto or through the site, and/or the creation of new
15 publicly-accessible streets or alleys through the site as appropriate, in
16 order to break down the scale of the site, continue the surrounding
17 existing pattern of streets and alleys, and foster beneficial pedestrian and
18 vehicular circulation.
- 19 (3) The site plan, including the introduction of new streets and alleys, the
20 provision of open space and landscaping, and the articulation and
21 massing of buildings, is compatible with the goals and policies of the
22 applicable Area Plan in the General Plan.

23 **SEC. ~~421.5~~121.8. USE SIZE LIMITS (NON-RESIDENTIAL), PDR**
24 **DISTRICTS.**

1 In order to preserve land and building space for light industrial activities, non-
 2 accessory retail and office uses that exceed the square footage stated in the
 3 table below shall not be permitted in PDR Districts. The use area shall be
 4 measured as the occupied floor area of all retail or offices activities on a lot, as
 5 defined in the land use controls for PDR Districts in Section 218 (Retail Sales
 6 and Personal Services) and Section 219 (Offices) of this Code. Additionally, a
 7 cumulative use size maximum applies in PDR Districts, such that the combined
 8 floor area of any and all uses permitted by Sections 218 and 219 may not exceed
 9 the limits stated in the table below for any given lot.

10 These use size maximum limits shall not apply to accessory uses, as
 11 defined in Section 204.3 of this Code.

District	Cumulative Use Size Limit, All Uses per Section 218	Cumulative Use Size Limit, All Uses per Section 219	Total Size Maximum, All Uses per Sections 218 and 219 combined
PDR-1- <u>B</u>	2,500 sq. ft.	5,000 sq. ft.	7,500 sq. ft.
PDR-2	2,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

21 **SEC. ~~121.6121.9~~ 121.9. SUBDIVISION OF LARGE LOTS, PDR DISTRICTS.**

22 In order to promote, protect, and maintain viable space for a wide range of
 23 light industrial uses in PDR Districts, in furtherance of Objective 4 of the
 24 Commerce and Industry Element and Policies 1.5 and 8.1 of the Bayview
 25 Hunters Point Area Plan, any proposal to subdivide, resubdivide, or perform a lot

1 line adjustment to a parcel that is equal to or greater than 10,000 square feet,
2 into one or more smaller parcels, shall be permitted only with conditional use
3 approval.

4 Additionally, all proposals for the subdivision, resubdivision, or lot line
5 adjustments of parcels in PDR Districts shall be evaluated in consideration of the
6 following criteria in order to further Objective 4 of the Commerce and Industry
7 Element and Policies 1.5 and 8.1 of the Bayview Hunters Point Area Plan:

8 (1) The proposed parcelization will support light industrial activities in the district.

9 (2) If the resulting parcelization will require demolition of a structure, the
10 demolition of the
11 structure complies with the replacement requirement per Section 230.

12 (3) The uses proposed for the parcels, if any, comply with the cumulative use
13 size limits per Section 121.58, and other requirements of this Code.

14 **SEC. 124. BASIC FLOOR AREA RATIO.**

15 (a) Except as provided in Subsections (b), (c) and (e) of this Section, the basic
16 floor area ratio limits specified in the following table shall apply to each building
17 or development in the districts indicated.

18 TABLE 124

19 **BASIC FLOOR AREA RATIO LIMITS**

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District	Basic Floor Area Ratio Limit
RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-2, RTO, <u>RTO-M</u>	1.8 to 1

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1	RM-3	3.6 to 1
2	RM-4	4.8 to 1
3	RC-1, RC-2	1.8 to 1
4	RC-3	3.6 to 1
5	RC-4	4.8 to 1
6	RED	1.0 to 1
7	RSD, SPD	1.8 to 1
8	NC-1	1.8 to 1
9	NC-S	
10	Inner Clement	
11	Inner Sunset	
12	Outer Clement	
13	Haight	
14	North Beach	
15	Sacramento	
16	24th Street--Noe Valley	
17	West Portal	
18	NC-2, <i>NCT-2, SoMa</i>	2.5 to 1
19	Broadway	
20	Upper Fillmore	
21	Polk	
22	Valencia	
23	24th Street-Mission	
24	Castro	3.0 to 1
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1	Hayes-Gough	
2	Upper Market	
3	Union	
4	NC-3, NCT-3, <u>Mission Street</u>	3.6 to 1
5	Chinatown R/NC	1.0 to 1
6	Chinatown VR	2.0 to 1
7	Chinatown CB	2.8 to 1
8	C-1, C-2	3.6 to 1
9	C-2-C	4.8 to 1
10	C-3-C	6.0 to 1
11	C-3-O	9.0 to 1
12	C-3-R	6.0 to 1
13	C-3-G	6.0 to 1
14	C-3-S	5.0 to 1
15	C-3-O (SD)	6.0 to 1
16	C-3-S (SU)	7.5 to 1
17	C-M	9.0 to 1
18	M-1, M-2	5.0 to 1
19	SLR, SLI	2.5 to 1
20	SSO and in a 40 or 50 foot height district	3.0 to 1
21	SSO and in a 65 or 80 foot height district	4.0 to 1
22	SSO and in a 130 foot height district	4.5 to 1
23	<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 40, or</u>	<u>3.0 to 1</u>
24	<u>45, or 48 foot height district</u>	
25		

1	<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 50,</u>	<u>4.0 to 1</u>
2	<u>55, or 58 foot height district</u>	
3	<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 65 or</u>	<u>5.0 to 1</u>
4	<u>68 foot height district</u>	
5	<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 85</u>	<u>6.0 to 1</u>
6	<u>foot height district</u>	
7	<u>MUG, MUO, MUR, UMU, PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a</u>	<u>7.5 to 1</u>
8	<u>height district over 85 feet</u>	

(b) In R, NC, and Mixed Use Districts the above floor area ratio limits shall not apply to dwellings or to other residential uses. In NC Districts, the above floor area ratio limits shall also not apply to nonaccessory off-street parking. In Chinatown Mixed Use Districts, the above floor area ratio limits shall not apply to institutions, and mezzanine commercial space shall not be calculated as part of the floor area ratio.

(c) In a C-2 District the basic floor area ratio limit shall be 4.8 to 1 for a lot which is nearer to an RM-4 or RC-4 District than to any other R District, and 10.0 to 1 for a lot which is nearer to a C-3 District than to any R District. The distance to the nearest R District or C-3 District shall be measured from the midpoint of the front line, or from a point directly across the street there from, whichever gives the greatest ratio.

(d) In the Van Ness Special Use District, as described in Section 243 of this Code, the basic floor area ratio limit shall be 7.0 to 1 where the height limit is 130 feet and 4.5 to 1 where the height limit is 80 feet.

1 (e) In the Waterfront Special Use Districts, as described in Sections 240 through
2 240.3 of this Code, the basic floor area ratio limit in any C District shall be 5.0 to
3 1.

4 (f) For buildings in C-3-G and C-3-S Districts other than those designated as
5 Significant or Contributory pursuant to Article 11 of this Code, additional square
6 footage above that permitted by the base floor area ratio limits set forth above
7 may be approved for construction of dwellings on the site of the building
8 affordable for 20 years to households whose incomes are within 150 percent of
9 the median income as defined herein, in accordance with the conditional use
10 procedures and criteria as provided in Section 303 of this Code. For buildings in
11 the C-3-G District designated as Significant or Contributory pursuant to Article 11
12 of this Code, additional square footage above that permitted by the base floor
13 area ratio limits set forth above up to the gross floor area of the existing building
14 may be approved, in accordance with the conditional use procedures and criteria
15 as provided in Section 303 of this Code, where: (i) TDRs (as defined by Section
16 128(a)(5)) were transferred from the lot containing the Significant_or Contributory
17 building prior to the effective date of the amendment to Section 124(f) adding this
18 paragraph when the floor area transferred was occupied by a non-profit
19 corporation or institution meeting the requirements for exclusion from gross floor
20 area calculation under Planning Code Section 102.9(b)(15); (ii) the additional
21 square footage includes only the amount necessary to accommodate dwelling
22 units and/or group housing units that are affordable for not less than 50 years to
23 households whose incomes are within 60 percent of the median income as
24 defined herein together with any social, educational, and health service space
25 accessory to such units; and (iii) the proposed change in use to dwelling units

1 and accessory space and any construction associated therewith, if it requires any
2 alternation to the exterior or other character defining features of the Significant or
3 Contributory Building, is undertaken pursuant to the duly approved Permit to
4 Alter, pursuant to Section 1110; provided, however, that the procedures
5 otherwise required for a Major Alteration as set forth in sections 1111.2-1111.6
6 shall be deemed applicable to any such Permit to Alter.

7 (1) Any dwelling approved for construction under this provision shall be deemed
8 a "designated unit" as defined below. Prior to the issuance by the Director of the
9 Department of Building Inspection ("Director of Building Inspection") of a site or
10 building permit to construct any designated unit subject to this Section, the permit
11 applicant shall notify the Director of Planning and the Director of Property in
12 writing whether the unit will be an owned or rental unit as defined in Section
13 313(a) of this Code.

14 (2) Within 60 days after the issuance by the Director of Building Inspection of a
15 site or building permit for construction of any unit intended to be an owned unit,
16 the Director of Planning shall notify the City Engineer in writing identifying the
17 intended owned unit, and the Director of Property shall appraise the fair market
18 value of such unit as of the date of the appraisal, applying accepted valuation
19 methods, and deliver a written appraisal of the unit to the Director of Planning
20 and the permit applicant. The permit applicant shall supply all information to the
21 Director of Property necessary to appraise the unit, including all plans and
22 specifications.

23 (3) Each designated unit shall be subject to the provisions of Section 313(i) of
24 this Code. For purposes of this Subsection and the application of Section 313(i)
25 of this Code to designated units constructed pursuant to this Subsection, the

1 definitions set forth in Section 313(a) shall apply, with the exception of the
2 following definitions, which shall supersede the definitions of the terms set forth
3 in Section 313(a):

4 (A) "Base price" shall mean 3.25 times the median income for a family of four
5 persons for the County of San Francisco as set forth in California Administrative
6 Code Section 6932 on the date on which a housing unit is sold.

7 (B) "Base rent" shall mean .45 times the median income for the County of San
8 Francisco as set forth in California Administrative Code Section 6932 for a family
9 of a size equivalent to the number of persons residing in a household renting a
10 designated unit.

11 (C) "Designated unit" shall mean a housing unit identified and reported to the
12 Director by the sponsor of an office development project subject to this
13 Subsection as a unit that shall be affordable to households of low or moderate
14 income for 20 years.

15 (D) "Household of low or moderate income" shall mean a household composed
16 of one or more persons with a combined annual net income for all adult members
17 which does not exceed 150 percent of the qualifying limit for a median income
18 family of a size equivalent to the number of persons residing in such household,
19 as set forth for the County of San Francisco in California Administrative Code
20 Section 6932.

21 (E) "Sponsor" shall mean an applicant seeking approval for construction of a
22 project subject to this Subsection and such applicants' successors and assigns.

23 (g) The allowable gross floor area on a lot which is the site of an unlawfully
24 demolished building that is governed by the provisions of Article 11 shall be the
25 gross floor area of the demolished building for the period of time set forth in, and

1 in accordance with the provisions of, Section 1114 of this Code, but not to
2 exceed the basic floor area permitted by this Section.

3 (h) In calculating the permitted floor area of a new structure in a C-3 District, the
4 lot on which an existing structure is located may not be included unless the
5 existing structure and the new structure are made part of a single development
6 complex, the existing structure is or is made architecturally compatible with the
7 new structure, and, if the existing structure is in a Conservation District, the
8 existing structure meets or is made to meet the standards of Section 1109(c),
9 and the existing structure meets or is reinforced to meet the standards for
10 seismic loads and forces of the 1975 Building Code. Determinations under this
11 Paragraph shall be made in accordance with the provisions of Section 309.

12 (i) In calculating allowable gross floor area on a preservation lot from which any
13 TDRs have been transferred pursuant to Section 128, the amount allowed herein
14 shall be decreased by the amount of gross floor area transferred.

15 (j) Within any RSD, SPD, SLR, SLI or SSO District, live/work units constructed
16 above the floor area ratio limit pursuant to Section 102.9(b)(19) of this Code shall
17 be subject to the following conditions and standards:

18 (1) Considering all dwelling units and all live/work units on the lot, existing and
19 to be constructed, there shall be no more than one live/work unit and/or dwelling
20 unit per 200 square feet of lot area, except that, for projects in the RSD District
21 which will exceed 40 feet in height, and therefore are required to obtain
22 conditional use approval, the allowable density for dwelling units and live/work
23 units shall be established as part of the conditional use determination; and

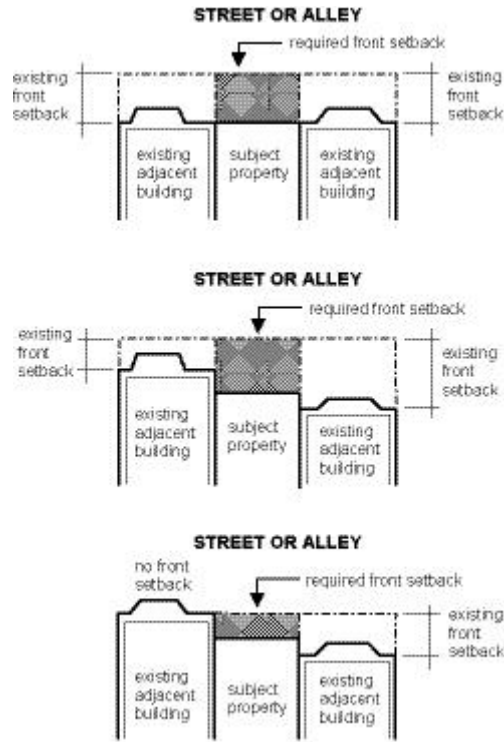
24 (2) The parking requirement for live/work units subject to this subsection shall
25 be equal to that required for dwelling units within the subject district.

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SEC. 132. FRONT SETBACK AREAS, RH, RTO, AND RM DISTRICTS.

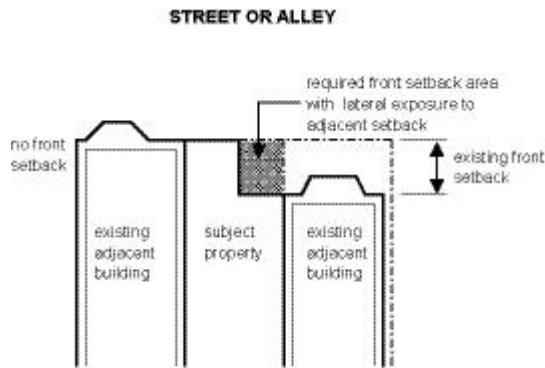
The following requirements for minimum front setback areas shall apply to every building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the existing front setbacks of adjacent buildings. Buildings in RTO Districts which have more than 75 feet of street frontage are additionally subject to the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission.

(a) Basic Requirement. Where one or both of the buildings adjacent to the subject property have front setbacks along a street or alley, any building or addition constructed, reconstructed or relocated on the subject property shall be set back to the average of the two adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building. In any case in which the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less parallel to the street or alley, such nearest building shall be deemed to be an "adjacent building," but a building on a lot so separated for a greater distance shall not be deemed to be an "adjacent building."



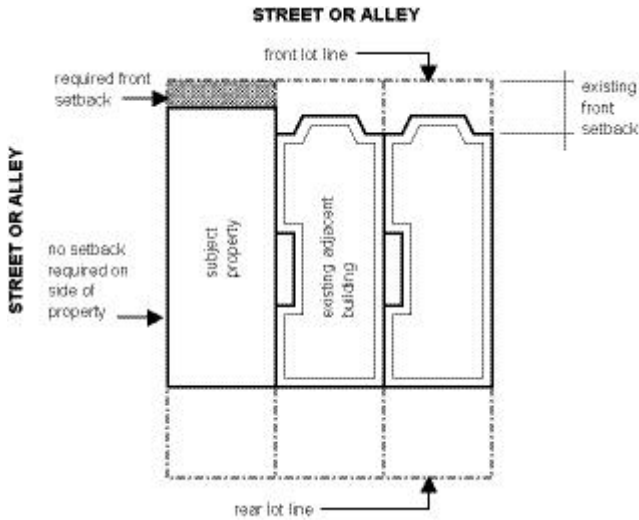
(b) Alternative Method of Averaging. If, under the rules stated in Subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged in an irregular manner within the depth between the setbacks of the two adjacent buildings, provided that the area of the resulting setback shall be at least equal to the product of the width of the subject property along the street or alley times the setback depth required by Subsections (a) and (c) of this Section; and provided further, that all portions of the resulting setback area on the subject property shall be directly exposed laterally to the setback area of the adjacent building having the greater setback. In any case in which this alternative method of averaging has been used for the subject property, the extent of the front setback on the

1 subject property for purposes of Subsection (c) below relating to subsequent
2 development on an adjacent site shall be considered to be as required by
3 Subsection (a) above, in the form of a single line parallel to the street or alley.



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14 (c) Method of Measurement. The extent of the front setback of each adjacent
15 building shall be taken as the horizontal distance from the property line along the
16 street or alley to the building wall closest to such property line, excluding all
17 projections from such wall, all decks and garage structures and extensions, and
18 all other obstructions.

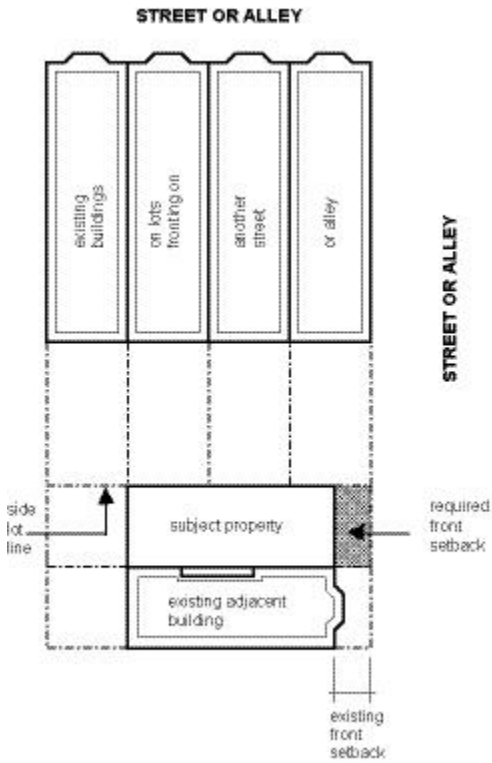
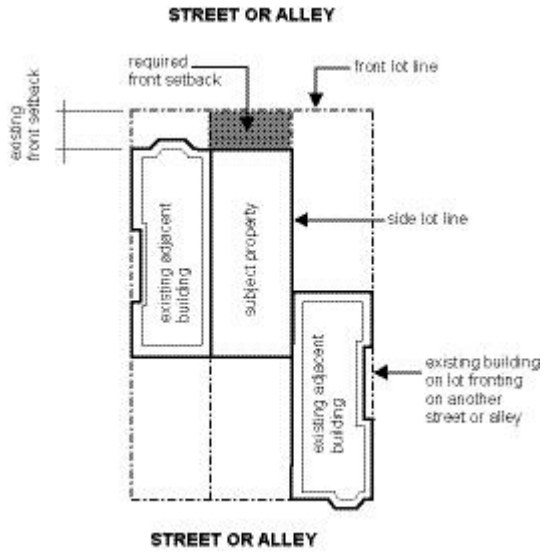
19 (d) Applicability to Special Lot Situations.



(1) Corner Lots and Lots at Alley Intersections. On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, a front setback area shall be required only along the street or alley elected by the owner as the front of the property. Along such street or alley, the required setback for the subject lot shall be equal to 1/2 the front setback of the adjacent building.

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

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(3) Lots Abutting RC, C, M and P Districts. In the case of any lot that abuts property in an RC, C, M or P District, any property in such district shall be disregarded, and the required setback for the subject lot shall be equal to the front setback of the adjacent building in the RH, RTO, or RM District.

(e) Maximum Requirements. The maximum required front setback in any of the cases described in this Section 132 shall be 15 feet from the property line along the street or alley, or 15 percent of the average depth of the lot from such street or alley, whichever results in the lesser requirement. The required setback for lots located within the Bernal Heights Special Use District is set forth in Section 242 of this Code.

(f) Permitted Obstructions. Only those obstructions specified in Section 136 of this Code shall be permitted in a required front setback area, and no other obstruction shall be constructed, placed or maintained within any such area. No motor vehicle, trailer, boat or other vehicle shall be parked or stored within any such area, except as specified in Section 136.

(g) Landscaping. All front setback areas required by this Section 132 shall be appropriately landscaped, and in every case not less than 20 percent of the required setback area shall be and remain unpaved and devoted to plant material, including the use of native/drought resistant plant material.

(h) Relationship to Legislated Setback Lines. In case of any conflict between the requirements of this Section 132 for front setback areas and a legislated setback

1 line as described in Section 131 of this Code, the more restrictive requirements
2 shall prevail.

3 **SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, MUO, MUR, UMU,**
4 **RSD, SLR, SLI AND SSO DISTRICTS.**

5 The rear yard requirements established by this Section 134 shall apply to
6 every building in an R, NC-1, NC-2 District or Individual Neighborhood
7 Commercial District as noted in Subsection (a), except those buildings which
8 contain only single room occupancy (SRO) or live/work units and except in the
9 Bernal Heights Special Use District and Residential Character Districts to the
10 extent these provisions are inconsistent with the requirements set forth in Section
11 242 of this Code. With the exception of dwellings in the South of Market *Mixed*
12 *Use and Eastern Neighborhoods Mixed Use Districts base-area*, containing only SRO
13 units, the rear yard requirements of this Section 134 shall also apply to every
14 dwelling in a(n) *MUG, MUO, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC-2, NCT-*
15 *2, NC-3, NCT-3, Individual Area Neighborhood Commercial Transit District,*
16 *Individual Neighborhood Commercial District as noted in Subsection (a), C or M*
17 *District. Rear yards shall not be required in NC-S Districts. These requirements*
18 *are intended to assure the protection and continuation of established midblock,*
19 *landscaped open spaces, and maintenance of a scale of development*
20 *appropriate to each district, consistent with the location of adjacent buildings.*

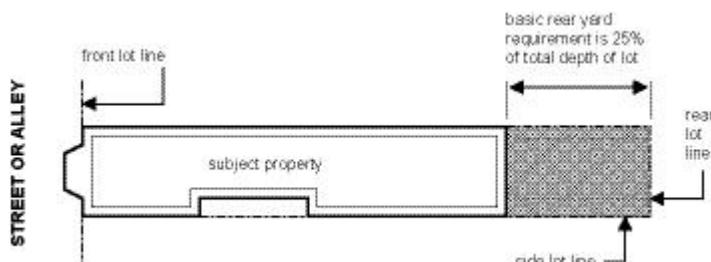
21 (a) Basic Requirements. The basic rear yard requirements shall be as follows
22 for the districts indicated:

23 (1) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC, C, M,
24 *MUG, MUO, MUR, UMU, RED, SPD, RSD, SLR, SLI and SSO Districts.* The
25 minimum rear yard depth shall be equal to 25 percent of the total depth of the lot

1 on which the building is situated, but in no case less than 15 feet. For buildings
2 containing only SRO units in the South of Market Mixed Use and Eastern
3 Neighborhoods Mixed Use Districts base-area, the minimum rear yard depth shall be
4 equal to 25 percent of the total depth of the lot on which the building is situated,
5 but the required rear yard of SRO buildings not exceeding a height of 65 feet
6 shall be reduced in specific situations as described in Subsection (c) below.

7 (A) RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, NC-1, Inner Sunset, Outer
8 Clement Street, Haight Street, Sacramento Street, 24th Street-Noe Valley, and
9 West Portal Avenue Districts. Rear yards shall be provided at grade level and at
10 each succeeding level or story of the building.

11 (B) NC-2, NCT-2, Castro Street, Inner Clement Street, Upper Fillmore Street,
12 North Beach, Union Street, Valencia Street, 24th Street-Mission Districts. Rear
13 yards shall be provided at the second story, and at each succeeding story of the
14 building, and at the first story if it contains a dwelling unit. Properties in NCT-2,
15 Valencia Street, and 24th Street-Mission Districts are also subject to the rear building
16 wall requirements and associated maintenance setbacks of Section 145.6.

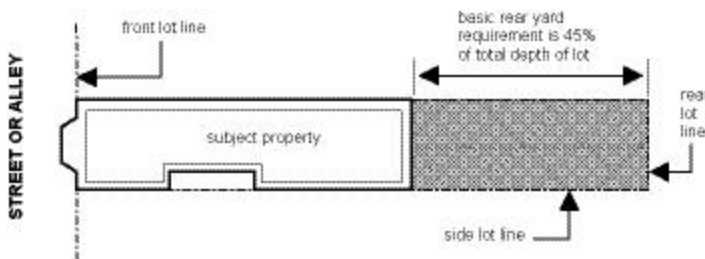


23 (C) RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, Upper Market
24 Street, SoMa, Mission Street, Polk Street, C, M, RED, SPD, RSD, SLR, SLI, ~~and~~
25 SSO, MUR, MUG, MUO, and UMU Districts. Rear yards shall be provided at the

1 lowest story containing a dwelling unit, and at each succeeding level or story of
2 the building. Properties in SoMa and Mission Street NCT Districts are also subject to
3 the rear building wall requirements and associated maintenance setbacks of Section
4 145.6.

5 (D) Upper Market NCT. Rear yards shall be provided at the grade level, and at
6 each succeeding story of the building,. For buildings in the Upper Market NCT
7 that do not contain residential uses and that do not abut adjacent lots with an
8 existing pattern of rear yards or mid-block open space, the Zoning Administrator
9 may waive or reduce this rear yard requirement pursuant to the procedures of
10 subsection (e).

11 (2) RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts. The minimum rear yard
12 depth shall be equal to 45 percent of the total depth of the lot on which the
13 building is situated, except to the extent that a reduction in this requirement is
14 permitted by Subsection (c) below. Rear yards shall be provided at grade level
15 and at each succeeding level or story of the building.



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21 (b) Permitted Obstructions. Only those obstructions specified in Section 136 of
22 this Code shall be permitted in a required rear yard, and no other obstruction
23 shall be constructed, placed or maintained within any such yard. No motor
24 vehicle, trailer, boat or other vehicle shall be parked or stored within any such
25 yard, except as specified in Section 136.

1 (c) Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2
2 Districts. The rear yard requirement stated in Paragraph (a)(2) above, for RH-2,
3 RH-3, RTO, RTO-M, RM-1 and RM-2 Districts, and as stated in Paragraph (a)(1)
4 above, for single room occupancy buildings *located* in *either* the South of Market
5 Mixed Use or Eastern Neighborhoods Mixed Use Districts ~~base area~~ not exceeding a
6 height of 65 feet, shall be reduced in specific situations as described in this
7 Subsection (c), based upon conditions on adjacent lots. Except for those SRO
8 buildings referenced above in this paragraph whose rear yard can be reduced in
9 the circumstances described in Subsection (c) to a 15-foot minimum, under no
10 circumstances, shall the minimum rear yard be thus reduced to less than a depth
11 equal to 25 percent of the total depth of the lot on which the building is situated,
12 or to less than 15 feet, whichever is greater.

13 (1) General Rule. In such districts, the forward edge of the required rear yard
14 shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot,
15 which is an average between the depths of the rear building walls of the two
16 adjacent buildings. Except for single room occupancy buildings in the South of
17 Market Mixed Use Districts ~~base area~~, in any case in which a rear yard requirement
18 is thus reduced, the last 10 feet of building depth thus permitted on the subject lot
19 shall be limited to a height of 30 feet, measured as prescribed by Section 260 of
20 this Code, or to such lesser height as may be established by Section 261 of this
21 Code.

22 (2) Alternative Method of Averaging. If, under the rule stated in Paragraph (c)(1)
23 above, a reduction in the required rear yard is permitted, the reduction may
24 alternatively be averaged in an irregular manner; provided that the area of the
25 resulting reduction shall be no more than the product of the width of the subject

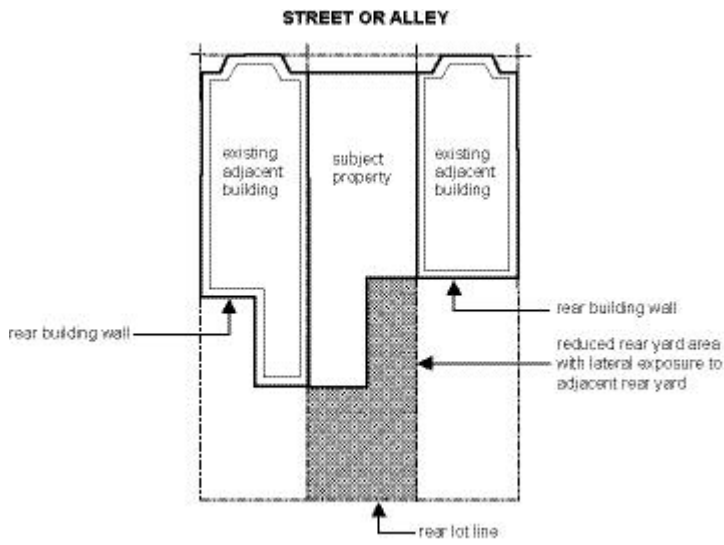
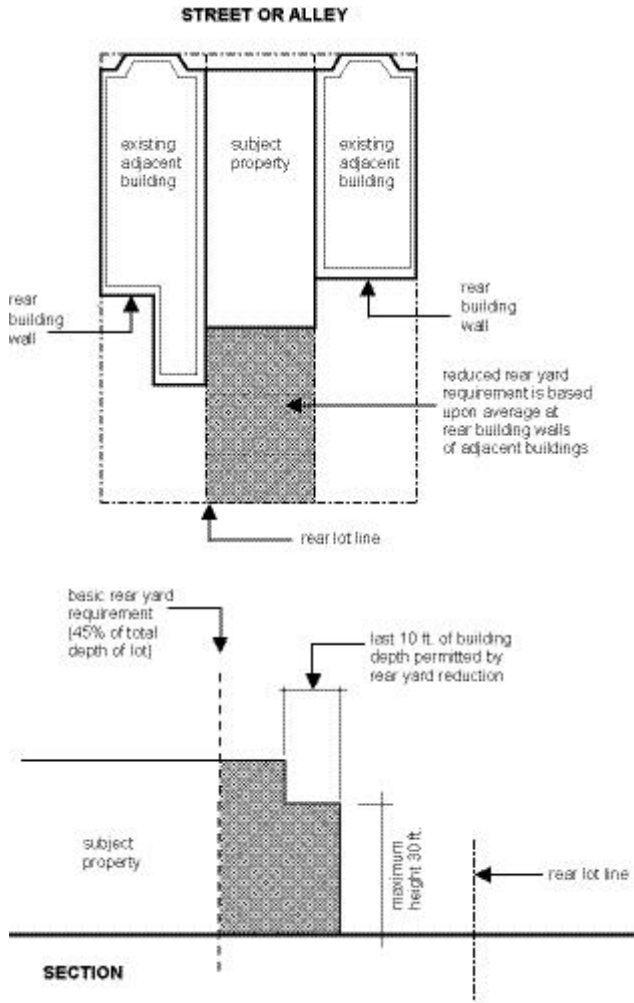
1 lot along the line established by Paragraph (c)(1) above times the reduction in
2 depth of rear yard permitted by Paragraph (c)(1); and provided further that all
3 portions of the open area on the part of the lot to which the rear yard reduction
4 applies shall be directly exposed laterally to the open area behind the adjacent
5 building having the lesser depth of its rear building wall.

6 (3) Method of Measurement. For purposes of this Subsection (c), an "adjacent
7 building" shall mean a building on a lot adjoining the subject lot along a side lot
8 line. In all cases the location of the rear building wall of an adjacent building shall
9 be taken as the line of greatest depth of any portion of the adjacent building
10 which occupies at least 1/2 the width between the side lot lines of the lot on
11 which such adjacent building is located, and which has a height of at least 20 feet
12 above grade, or two stories, whichever is less, excluding all permitted
13 obstructions listed for rear yards in Section 136 of this Code. Where a lot
14 adjoining the subject lot is vacant, or contains no dwelling or group housing
15 structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED,
16 SPD, RSD, SLR, SLI, SSO, NC, C, M or P District, such adjoining lot shall, for
17 purposes of the calculations in this Subsection (c), be considered to have an
18 adjacent building upon it whose rear building wall is at a depth equal to 75
19 percent of the total depth of the subject lot.

20 (4) Applicability to Special Lot Situations. In the following special lot situations,
21 the general rule stated in Paragraph (c)(1) above shall be applied as provided in
22 this Paragraph (c)(4), and the required rear yard shall be reduced if conditions on
23 the adjacent lot or lots so indicate and if all other requirements of this Section
24 134 are met.

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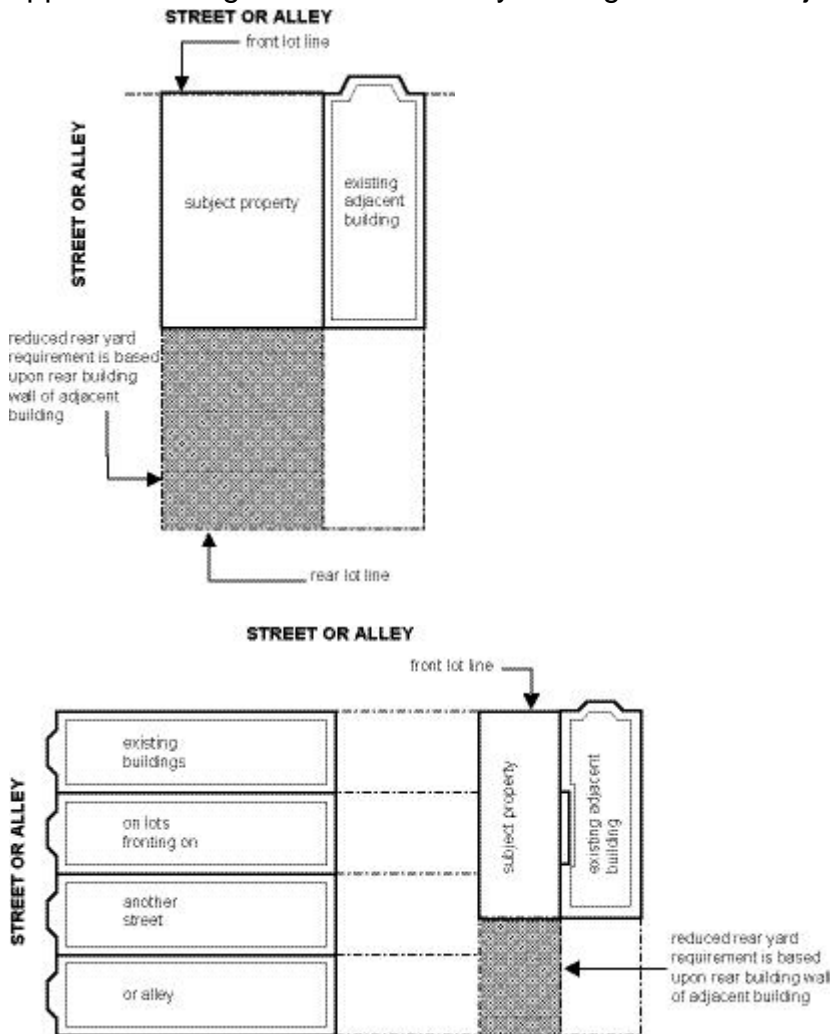


1 (A) Corner Lots and Lots at Alley Inter-sections. On a corner lot as defined by
2 this Code, or a lot at the intersection of a street and an alley or two alleys, the
3 forward edge of the required rear yard shall be reduced to a line on the subject
4 lot which is at the depth of the rear building wall of the one adjacent building.

5 (B) Lots Abutting Properties with Buildings that Front on Another Street or Alley.
6 In the case of any lot that abuts along one of its side lot lines upon a lot with a
7 building that fronts on another street or alley, the lot on which it so abuts shall be
8 disregarded, and the forward edge of the required rear yard shall be reduced to a
9 line on the subject lot which is at the depth of the rear building wall of the one
10 adjacent building fronting on the same street or alley. In the case of any lot that
11 abuts along both its side lot lines upon lots with buildings that front on another
12 street or alley, both lots on which it so abuts shall be disregarded, and the
13 minimum rear yard depth for the subject lot shall be equal to 25 percent of the
14 total depth of the subject lot, or 15 feet, whichever is greater.

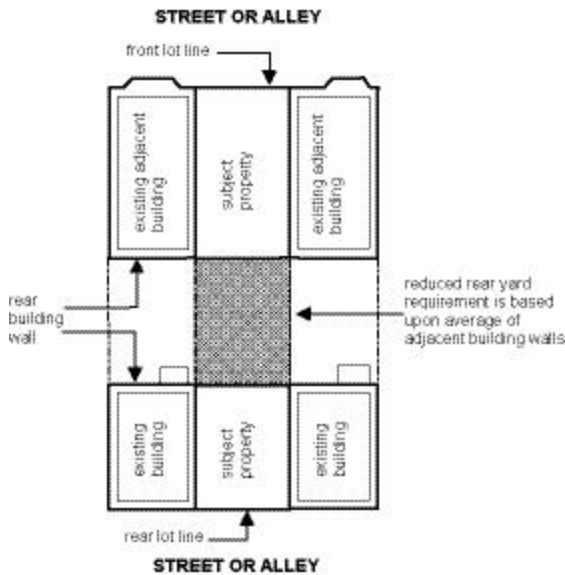
15 (C) Through Lots Abutting Properties that Contain Two Buildings. Where a lot is
16 a through lot having both its front and its rear lot line along streets, alleys, or a
17 street and an alley, and both adjoining lots are also through lots, each containing
18 two dwellings or group housing structures that front at opposite ends of the lot,
19 the subject through lot may also have two buildings according to such
20 established pattern, each fronting at one end of the lot, provided all the other
21 requirements of this Code are met. In such cases the rear yard required by this
22 Section 134 for the subject lot shall be located in the central portion of the lot,
23 between the two buildings on such lot, and the depth of the rear wall of each
24 building from the street or alley on which it fronts shall be established by the
25 average of the depths of the rear building walls of the adjacent buildings fronting

1 on that street or alley. In no case, however, shall the total minimum rear yard for
 2 the subject lot be thus reduced to less than a depth equal to 25 percent of the
 3 total depth of the subject lot, or to less than 15 feet, whichever is greater.
 4 Furthermore, in all cases in which this Subparagraph (c)(4)(C) is applied, the
 5 requirements of Section 132 of this Code for front setback areas shall be
 6 applicable along both street or alley frontages of the subject through lot.



18 (d) Reduction of Requirements in C-3 Districts. In C-3 Districts, an exception to
 19 the rear yard requirements of this Section may be allowed, in accordance with
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1 the provisions of Section 309, provided that the building location and
2 configuration assure adequate light and air to windows within the residential units
3 and to the usable open space provided.



14

15 (e) Modification of Requirements in NC and South of Market Mixed Use Districts.

16 The rear yard requirements in NC and South of Market Mixed Use Districts may

17 be modified or waived in specific situations as described in this Subsection (e).

18 (1) General. The rear yard requirement in NC Districts may be modified or

19 waived by the Zoning Administrator pursuant to the procedures which are

20 applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2,

21 in the case of NC Districts, and in accordance with Section 307(g), in the case of

22 South of Market Mixed Use Districts if all of the following criteria are met for both

23 NC and South of Market Mixed Use Districts:

24 (A) Residential uses are included in the new or expanding development and a

25 comparable amount of usable open space is provided elsewhere on the lot or

1 within the development where it is more accessible to the residents of the
2 development; and

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

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

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

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

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

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

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

22 The provisions of this Paragraph 2 of Subsection (e) shall not preclude
23 such additional conditions as are deemed necessary by the Zoning Administrator
24 to further the purposes of this Section.

25

1 (f) Modification of Requirements in the Eastern Neighborhoods Mixed Use Districts. The
2 rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be modified or
3 waived by the Planning Commission pursuant to Section ~~309.2329~~, and by the Zoning
4 Administrator pursuant to the procedures and criteria set forth in Section 307(h) for
5 other projects, provided that:

6 (1) Residential uses are included in the new or expanding development and a
7 comparable amount of readily accessible usable open space is provided elsewhere on the
8 lot or within the development;

9 (2) The proposed new or expanding structure will not significantly impede the access to
10 light and air from adjacent properties; and

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

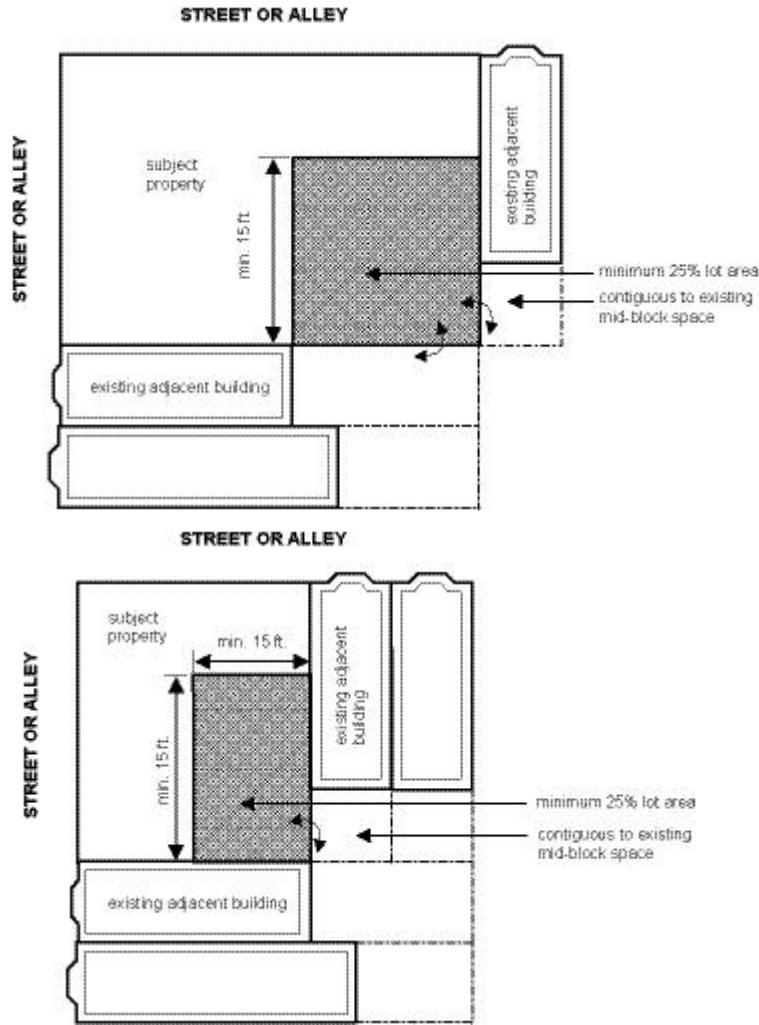
13 (g) Reduction of Requirements in the North of Market Residential Special Use
14 District. The rear yard requirement may be substituted with an equivalent amount
15 of open space situated anywhere on the site, provided that the Zoning
16 Administrator determines that all of the following criteria are met:

17 (1) The substituted open space in the proposed new or expanding structure will
18 improve the access of light and air to and views from existing abutting properties;
19 and

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

22 This provision shall be administered pursuant to the notice and hearing
23 procedures which are applicable to variances as set forth in Sections 306.1
24 through 306.5 and 308.2.

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

Except as provided in Sections 134.1, 172 and 188 of this Code, usable open space shall be provided for each dwelling and each group housing structure in R, NC, C, Mixed Use, and M Districts according to the standards set forth in this Section unless otherwise specified in specific district controls elsewhere in this Code.

1 (a) Character of Space Provided. Usable open space shall be composed of an
2 outdoor area or areas designed for outdoor living, recreation or landscaping,
3 including such areas on the ground and on decks, balconies, porches and roofs,
4 which are safe and suitably surfaced and screened, and which conform to the
5 other requirements of this Section. Such area or areas shall be on the same lot
6 as the dwelling units (or bedrooms in group housing) they serve, and shall be
7 designed and oriented in a manner that will make the best practical use of
8 available sun and other climatic advantages. "Private usable open space" shall
9 mean an area or areas private to and designed for use by only one dwelling unit
10 (or bedroom in group housing). "Common usable open space" shall mean an
11 area or areas designed for use jointly by two or more dwelling units (or bedrooms
12 in group housing).

13 (b) Access. Usable open space shall be as close as is practical to the dwelling
14 unit (or bedroom in group housing) for which it is required, and shall be
15 accessible from such dwelling unit or bedroom as follows:

16 (1) Private usable open space shall be directly and immediately accessible from
17 such dwelling unit or bedroom; and shall be either on the same floor level as
18 such dwelling unit or bedroom, with no more than one story above or below such
19 floor level with convenient private access.

20 (2) Common usable open space shall be easily and independently accessible
21 from such dwelling unit or bedroom, or from another common area of the building
22 or lot.

23 (c) Permitted Obstructions. In the calculation of either private or common usable
24 open space, those obstructions listed in Sections 136 and 136.1 of this Code for
25 usable open space shall be permitted.

1 (d) Amount Required. Usable open space shall be provided for each building in
2 the amounts specified herein and in Table 135 for the district in which the
3 building is located; provided, however, that in the Downtown Residential (DTR)
4 Districts, ~~Rincon Hill Special Use District, Residential Sub-district~~, open space shall
5 be provided in the amounts specified in Section 825-249.1(c)(4).

6 In Neighborhood Commercial Districts, the amount of usable open space
7 to be provided shall be the amount required in the nearest Residential District,
8 but the minimum amount of open space required shall be in no case greater than
9 the amount set forth in Table 135A for the district in which the building is located.
10 The distance to each Residential District shall be measured from the midpoint of
11 the front lot line or from a point directly across the street there from, whichever
12 requires less open space.

13 (1) For dwellings other than SRO dwellings, except as provided in Paragraph
14 (d)(3) below, the minimum amount of usable open space to be provided for use
15 by each dwelling unit shall be as specified in the second column of ~~the~~ Table
16 135A if such usable open space is all private. Where common usable open space
17 is used to satisfy all or part of the requirement for a dwelling unit, such common
18 usable open space shall be provided in an amount equal to 1.33 square feet for
19 each one square foot of private usable open space specified in the second
20 column of ~~the~~ Table 135A. In such cases, the balance of the required usable
21 open space may be provided as private usable open space, with full credit for
22 each square foot of private usable open space so provided.

23 (2) For group housing structures and SRO units, the minimum amount of usable
24 open space provided for use by each bedroom shall be 1/3 the amount required
25 for a dwelling unit as specified in Paragraph (d)(1) above. For purposes of these

1 calculations, the number of bedrooms on a lot shall in no case be considered to
2 be less than one bedroom for each two beds. Where the actual number of beds
3 exceeds an average of two beds for each bedroom, each two beds shall be
4 considered equivalent to one bedroom.

5 (3) For dwellings specifically designed for and occupied by senior citizens or
6 physically handicapped persons, as defined and regulated by Section 209.1(m)
7 of this Code, the minimum amount of usable open space to be provided for use
8 by each dwelling unit shall be 1/2 the amount required for each dwelling unit as
9 specified in Paragraph (d)(1) above.

10 (4) DTR Districts. For all residential uses, 75 square feet of open space is required per
11 dwelling unit. All residential open space must meet the provisions described in this
12 Section unless otherwise established in this subsection or in Section 825 or a Section
13 governing an individual DTR District. Open space requirements may be met with the
14 following types of open space: "private usable open space" as defined in Section 135(a)
15 of this Code, "common usable open space" as defined in Section 135(a) of this Code, and
16 "publicly accessible open space" as defined in subsection (h) below. At least 40 percent
17 of the residential open space is required to be common to all residential units. Common
18 usable open space is not required to be publicly-accessible. Publicly-accessible open
19 space, including off-site open space permitted by subsection (i) below and by Section
20 827(a)(9), meeting the standards of subsection (h) may be considered as common usable
21 open space. For residential units with direct access from the street, building setback
22 areas that meet the standards of Section 145.1 and the Ground Floor Residential Design
23 Guidelines may be counted toward the open space requirement as private non-common
24 open space.

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TABLE 135A MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING <u>OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS</u>		
District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1, RTO, <u>RTO-M</u>	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the dwelling unit density ratio for the C-1 or C-2 District property	

1	NC-1, NC-2, <u>NCT-2</u> , NC-S, Inner Sunset,	100	1.33
2	Sacramento Street, West Portal Avenue		
3	NC-3, Castro Street, Inner Clement Street,		
4	Outer Clement Street, Upper Fillmore		
5	Street, Haight Street, Union Street,	80	1.33
6	Valencia Street, 24th Street-Mission, 24th		
7	Street-Noe Valley, <u>NCT-3</u> , <u>SoMa</u> , <u>Mission</u>		
8	<u>Street</u>		
9	Broadway, Hayes-Gough, Upper Market	60	1.33
10	Street, North Beach, Polk Street		
11	Chinatown Community Business,		
12	Chinatown Residential Neighborhood	48	1.00
13	Commercial,		
14	Chinatown Visitor Retail		
15	<u>Rincon Hill</u> DTR	This table not applicable. 75 square feet	
16		per dwelling. See Sec. 827 <u>135(d)(4)</u> .	

TABLE 135B

MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING
IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS

<u>Square feet of usable open space per dwelling unit, if not publicly accessible</u>	<u>Square feet of usable open space per dwelling unit, if publicly accessible</u>	<u>Percent of open space that may be provided off site</u>
<u>80 square feet</u>	<u>54 square feet</u>	<u>50%</u>

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2 (e) Slope. The slope of any area credited as either private or common usable
3 open space shall not exceed five percent.

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

5 (1) Minimum Dimensions and Minimum Area. Any space credited as private
6 usable open space shall have a minimum horizontal dimension of six feet and a
7 minimum area of 36 square feet if located on a deck, balcony, porch or roof, and
8 shall have a minimum horizontal dimension of 10 feet and a minimum area of
9 100 square feet if located on open ground, a terrace or the surface of an inner or
10 outer court.

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

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

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

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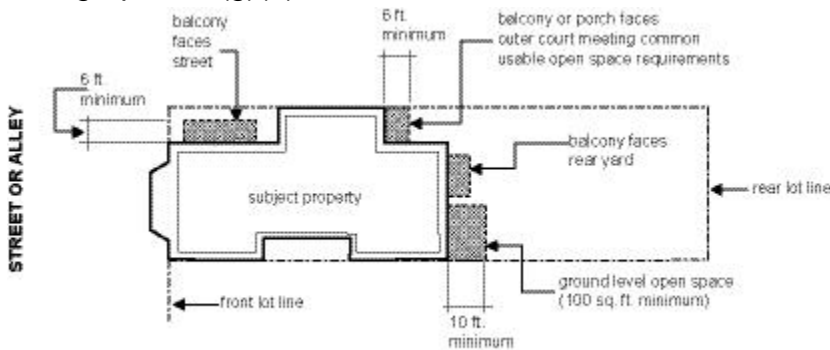
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1 (C) Areas within inner and outer courts, as defined by this Code, must either
2 conform to the standards of Subparagraph (f)(2)(B) above or be so arranged that
3 the height of the walls and projections above the court on at least three sides (or
4 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
6 horizontally distant from the opposite side of the clear space in the court,
7 regardless of the permitted obstruction referred to in Subsection 135(c) above.

8 (3) Fire Escapes as Usable Open Space. Normal fire escape grating shall not
9 be considered suitable surfacing for usable open space. The steps of a fire
10 escape stairway or ladder, and any space less than six feet deep between such
11 steps and a wall of the building, shall not be credited as usable open space. But
12 the mere potential use of a balcony area for an emergency fire exit by occupants
13 of other dwelling units (or bedrooms in group housing) shall not prevent it from
14 being credited as usable open space on grounds of lack of privacy or usability.

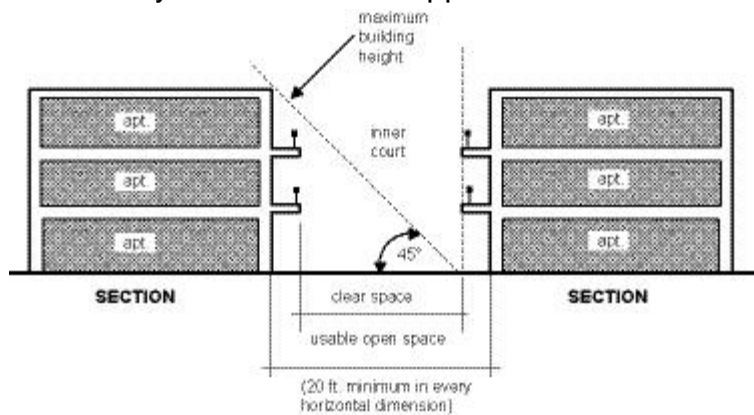
15 (4) Use of Solariums. In C-3 Districts, the area of a totally or partially enclosed
16 solarium shall be credited as private usable open space if (i) such area is open to
17 the outdoors through openings or clear glazing on not less than 50 percent of its
18 perimeter and (ii) not less than 30 percent of its overhead area and 25 percent of
19 its perimeter are open or can be opened to the air.

20 (g) Common Usable Open Space: Additional Standards.

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

24 (2) Use of Inner Courts. The area of an inner court, as defined by this Code,
25 may be credited as common usable open space, if the enclosed space is not less

1 than 20 feet in every horizontal dimension and 400 square feet in area; and if
 2 (regardless of the permitted obstructions referred to in Subsection 135(c) above)
 3 the height of the walls and projections above the court on at least three sides (or
 4 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
 6 horizontally distant from the opposite side of the clear space in the court.



14 (3) Use of Solariums. The area of a totally or partially enclosed solarium may be
 15 credited as common usable open space if the space is not less than 15 feet in
 16 every horizontal dimension and 300 square feet in area; and if such area is
 17 exposed to the sun through openings or clear glazing on not less than 30 percent
 18 of its perimeter and 30 percent of its overhead area.

19 (h) Publicly-Accessible Usable Open Space Standards: In DTR Districts and the Eastern
 20 Neighborhoods Mixed Use Districts, any space credited as publicly-accessible usable
 21 open space, where permitted or required by this Code, shall meet the following
 22 standards:

23 (1) Open space shall be of one or more of the following types:

24 (A) An unenclosed park or garden at street grade or following the natural topography,
 25 including improvements to hillsides or other unimproved public areas;

- 1 (B) An unenclosed plaza at street grade, with seating areas and landscaping and no more
2 than 10 percent of the total floor area devoted to facilities for food or beverage service,
3 exclusive of seating areas as regulated in Subsection (2)(d), below;
- 4 (C) An unenclosed pedestrian pathway which complies with the standards of Section
5 270.2 and which is consistent with applicable design guidelines,
- 6 (D) Streetscape improvements with landscaping and pedestrian amenities that result in
7 additional pedestrian space beyond the pre-existing sidewalk width and conform to any
8 applicable streetscape plan or other related policies such as those associated with
9 sidewalk widenings or building setbacks, other than those intended by design for the use
10 of individual ground floor residential units; and
- 11 (2) Open space shall meet the following standards:
- 12 (A) Be in such locations and provide such ingress and egress as will make the area
13 convenient, safe, secure and easily accessible to the general public;
- 14 (B) Be appropriately landscaped;
- 15 (C) Be protected from uncomfortable winds;
- 16 (D) Incorporate ample seating. Any seating which is provided shall be available for
17 public use and may not be exclusively reserved or dedicated for any food or beverage
18 services located within the open space;
- 19 (E) Be well signed and accessible to the public during daylight hours;
- 20 (F) Be well lit if the area is of the type requiring artificial illumination;
- 21 (G) Be designed to enhance user safety and security;
- 22 (H) Be of sufficient size to be attractive and practical for its intended use; and
- 23 (I) Have access to drinking water and toilets if feasible and appropriate.
- 24 (3) Maintenance: Open spaces shall be maintained at no public expense. The owner of
25 the property on which the open space is located shall maintain it by keeping the area

1 clean and free of litter and keeping in a healthy state any plant material that is provided.
2 Conditions intended to assure continued maintenance of the open space for the actual
3 lifetime of the building giving rise to the open space requirement may be imposed by the
4 Commission or Department pursuant to applicable procedures in this Code.

5 (4) Informational Plaque: Prior to issuance of a permit of occupancy, a plaque shall be
6 placed in a publicly conspicuous location outside the building at street level, or at the site
7 of any publicly-accessible open space. The plaque shall identify said open space feature
8 and its location, stating the right of the public to use the space and the hours of use,
9 describing its principal required features (e.g., number of seats or other defining
10 features) and stating the name, telephone number, and address of the owner or owner's
11 agent responsible for maintenance. The plaque shall be of no less than 24 inches by 36
12 inches in size unless specifically reduced by the Zoning Administrator in cases where the
13 nature, size, or other constraints of the open space would make the proscribed
14 dimensions inappropriate.

15 (5) Property owners providing open space under this section will hold harmless the City
16 and County of San Francisco, its officers, agents and employees, from any damage or
17 injury caused by the design, construction, use, or maintenance of open space. Property
18 owners are solely liable for any damage or loss occasioned by any act or negligence in
19 respect to the design, construction, use, or maintenance of the open space.

20 (i) Off-Site Provision of Required Usable Open Space.

21 (1) Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed
22 Use Districts, the provision of off-site publicly accessible open space may be credited
23 toward the residential usable open space requirement, subject to Section ~~309.2329~~ for
24 projects to which that Section applies and Section 307(h) for other projects. Any such
25 space shall meet the publicly accessible open space standards set forth in Section 135(h)

1 and be provided within 800 feet of the project. No more than 50 percent of a project's
2 required usable open space shall be off-site. The publicly accessible off-site usable open
3 space shall be constructed, completed, and ready for use no later than the project itself,
4 and shall receive its Certificate of Final Completion from the Department of Building
5 Inspection prior to the issuance of any Certificate of Final Completion or Temporary
6 Certificate of Occupancy for the project itself.

7 (2) DTR Districts. In DTR Districts the provision of off-site publicly accessible open
8 space may be counted toward the requirements of residential open space per the
9 procedures of Section 309.1 provided it is within the individual DTR district of the
10 project or within 500 feet of any boundary of the individual DTR district of the project,
11 and meets the standards of subsection (h).

12 (A) At least 36 square feet per residential unit of required open space must be provided
13 on-site. Pursuant to the procedures of Section 309.1, the Planning Commission may
14 reduce the minimum on-site provision of required residential open space to not less than
15 18 square feet per unit in order to both create additional publicly-accessible open space
16 servicing the district and to foster superior architectural design on constrained sites.

17 (B) Open Space Provider. The open space required by this Section may be provided
18 individually by the project sponsor or jointly by the project sponsor and other project
19 sponsors, provided that each square foot of jointly developed open space may count
20 toward only one sponsor's requirement. With the approval of the Planning Commission, a
21 public or private agency may develop and maintain the open space, provided that (i) the
22 project sponsor or sponsors pay for the cost of development of the number of square feet
23 the project sponsor is required to provide, (ii) provision satisfactory to the Commission is
24 made for the continued maintenance of the open space for the actual lifetime of the
25 building giving rise to the open space requirement, and (iii) the Commission finds that

1 there is reasonable assurance that the open space to be developed by such agency will be
2 developed and open for use by the time the building, the open space requirement of which
3 is being met by the payment, is ready for occupancy.

4 (j) Payment in Cases of Variance or Exception. In the Eastern Neighborhoods Mixed Use
5 Districts, should a Variance from usable open space requirements for residential uses be
6 granted by the Zoning Administrator, or an exception be granted for those projects
7 subject to the ~~309.2329~~ process, a fee of \$327 shall be required for each square foot of
8 usable open space not provided pursuant to that Variance. This fee shall be adjusted in
9 accordance with Section 327.3(d). This fee shall be paid into the Eastern Neighborhoods
10 Public Benefits Fund, as described in Section 327. Said fee shall be used for the purpose
11 of acquiring, designing, and improving park land, park facilities, and other open space
12 resources, which is expected to be used solely or in substantial part by persons who live,
13 work, shop or otherwise do business in the Eastern Neighborhoods Mixed Use Districts.

14 **SEC. 135.3. USABLE OPEN SPACE FOR USES OTHER THAN**
15 **DWELLING UNITS, GROUP HOUSING AND LIVE/WORK UNITS WITHIN THE**
16 **SOUTH OF MARKET AND EASTERN NEIGHBORHOODS MIXED USE ~~RED,~~**
17 **RSD, SPD, SLR, SLI AND SSO DISTRICTS.**

18 (a) Amount of Open Space Required. All newly constructed structures, all
19 structures to which gross floor area equal to 20 percent or more of existing gross
20 floor area is added, and all structures in the SSO and Eastern Neighborhoods Mixed
21 Use Districts within which floor area is converted to office use other than office
22 use accessory to a non-office use shall provide and maintain usable open space
23 for that part of the new, additional or converted square footage which is not
24 subject to Sections 135.1 and 135.2 as follows:

TABLE 135.3

MINIMUM USABLE OPEN SPACE REQUIREMENTS FOR USES OTHER THAN DWELLING UNITS, GROUP HOUSING AND LIVE/WORK UNITS IN THE SOUTH OF MARKET, EASTERN NEIGHBORHOODS MIXED USE, AND ~~DTR RED, RSD, SPD, SLR, SLI AND SSO~~ DISTRICTS

Use	Square Feet of Usable Open Space Required
Retail, eating and/or drinking establishments, personal service, wholesale, home and business service, arts activities, institutional and like uses	1 sq. ft. per 250 sq. ft. of occupied floor area of new or added square footage
Manufacturing and light industrial, storage without distribution facilities, and like uses <i>in the South of Market Mixed Use Districts</i>	1 sq. ft. per 120 gross sq. ft. of occupied floor area of new or added square footage
<i>Manufacturing and light industrial, storage without distribution facilities, and like uses in the Eastern Neighborhoods Mixed Use Districts</i>	<i>None required</i>
Office uses, <i>as defined in 890.70, in the South of Market Mixed Use Districts</i>	1 sq. ft. per 90 sq. ft. of occupied floor area of new, converted or added square footage
<i>Office uses, as defined in 890.70, in the Eastern</i>	<i>1 sq. ft. per 50 sq. ft. of occupied floor</i>

<p>1 <u>Neighborhoods Mixed Use Districts</u></p>	<p><u>area of new, converted or added square</u> <u>footage</u></p>
<p>2 3 4 <u>All non-residential uses in DTR Districts</u></p>	<p><u>1 sq. ft. per 50 sq. ft. of occupied floor</u> <u>area of net new, converted or added</u> <u>square footage over 10,000 gross square</u> <u>feet</u></p>

6 (1) Open space shall be provided for uses not listed in this subsection and Table
7 (other than live/work units, dwelling units and group housing whose open space
8 requirements are specified in Sections 135 and 135.2 of this Code), in the
9 amount required for the listed use determined by the Zoning Administrator to be
10 most similar to the unlisted use in question. Private or public parking structures
11 and change of use or additions to an existing structure which are limited to uses
12 operating solely during nighttime hours and for which public access to open
13 space cannot feasibly be provided during daytime hours pursuant to Subsection
14 (c)(4), shall be exempt from this open space requirement.

15 (2) Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed
16 Use Districts, the open space requirements of this Section may be fulfilled by providing
17 publicly accessible usable open space. Such publicly accessible usable open space is
18 subject to the following:

19 (A) The amount of open space required pursuant to Table 135.3 may be reduced by 33
20 percent if it is publicly accessible usable open space.

21 (B) Publicly accessible usable open space is required to meet the standards of Section
22 135(h).

23 (C) Up to 50 percent of the publicly accessible open space may be provided off-site,
24 subject to Section ~~309-2329~~ for projects to which that Section applies and Section
25 307(h) for other projects. Any such space shall meet the publicly accessible open space

1 standards set forth Section 135(h) and be provided within 800 feet of the project. The
2 publicly accessible off-site usable open space shall be constructed, completed, and ready
3 for use no later than the project itself, and shall receive its Certificate of Final
4 Completion from the Department of Building Inspection prior to the issuance of any
5 Certificate of Final Completion or Temporary Certificate of Occupancy for the project
6 itself.

7 (3) DTR Districts. In DTR Districts, the open space requirements of this Section shall be
8 subject to the following:

9 (A) Such open space shall meet the standards for publicly accessible open space of
10 Section 135(h).

11 (B) Up to 50 percent of required open space may be provided off-site per the procedures
12 of Section 309.1 if it is within the individual DTR district of the project or within 500 feet
13 of any boundary of the individual DTR district of the project.

14 (C) Open Space Provider. The open space required by this Section may be provided
15 individually by the project sponsor or jointly by the project sponsor and other project
16 sponsors, provided that each square foot of jointly developed open space may count
17 toward only one sponsor's requirement. With the approval of the Planning Commission, a
18 public or private agency may develop and maintain the open space, provided that (i) the
19 project sponsor or sponsors pay for the cost of development of the number of square feet
20 the project sponsor is required to provide, (ii) provision satisfactory to the Commission is
21 made for the continued maintenance of the open space for the actual lifetime of the
22 building giving rise to the open space requirement, and (iii) the Commission finds that
23 there is reasonable assurance that the open space to be developed by such agency will be
24 developed and open for use by the time the building, the open space requirement of which
25 is being met by the payment, is ready for occupancy.

1 (b) Types of Open Space. One or more of the following types of open space
2 may be provided to satisfy the requirements of this section: a plaza, an urban
3 park, an urban garden, a view terrace, a sun terrace, a greenhouse, a small
4 sitting area (a snippet), an atrium, an indoor park, or a public sitting area in a
5 galleria, arcade, or pedestrian mall or walkway.

6 The required open space shall, as determined by the Zoning
7 Administrator:

- 8 (1) Be in such locations and provide such ingress and egress as will make the
9 area convenient, safe, secure and easily accessible to the general public;
- 10 (2) Be appropriately landscaped;
- 11 (3) Be protected from uncomfortable wind;
- 12 (4) Incorporate ample seating and, if appropriate, access to food service, which
13 will enhance public use of the area;
- 14 (5) Be well signed and accessible to the public during daylight hours;
- 15 (6) Have adequate access to sunlight if sunlight access is appropriate to the
16 type of area;
- 17 (7) Be well lighted if the area is of the type requiring artificial illumination;
- 18 (8) Be designed to enhance user safety and security;
- 19 (9) Be of sufficient size to be attractive and practical for its intended use; and
- 20 (10) Have access to toilets, if feasible.

21 (c) Permitted Obstructions. In addition to those specified in Section 136,
22 permitted obstructions for open space required under this Section shall include
23 small-scale pedestrian-oriented convenience establishments and resources such
24 as movable beverage and/or food stands, outdoor cafes, toilets, newsstands, or
25 flower stands provided that all such activities along with other permitted

1 obstructions combined do not exceed 20 percent of the total usable open space
2 requirement.

3 (d) Alternative Means of Satisfying the Open Space Requirement *in the South of*
4 *Market Mixed Use Districts*. If it is the judgment of the Zoning Administrator that an
5 open space satisfying the requirements and standards of subsections (b) and (c)
6 cannot be created because of constraints of the development site, or because
7 the project cannot provide safe, convenient access to the public, or because the
8 square footage of open space is not sufficient to provide a usable open space,
9 the Zoning Administrator may (i) authorize, as an eligible type of open space, a
10 pedestrian mall or walkway within a public right-of-way which is improved with
11 paving, landscaping, and street furniture appropriate for creating an attractive
12 area for sitting and walking, or (ii) waive the requirement that open space be
13 provided upon payment to the Open Space Fund of a fee of \$.80 for each square
14 foot of open space otherwise required to be provided. These amounts shall be
15 adjusted annually effective April 1st of each calendar year by the percentage of
16 change in the Building Cost Index used by the San Francisco Bureau of Building
17 Inspection. This payment shall be paid in full to the City prior to the issuance of
18 any temporary or other certificate of occupancy for the subject property. Said fee
19 shall be used for the purpose of acquiring, designing, improving and/or
20 maintaining park land, park facilities, and other open space resources, which is
21 expected to be used solely or in substantial part by persons who live, work, shop
22 or otherwise do business in the South of Market Base District, as that District is
23 defined in City Planning Code Section 820 and identified on Sectional Map 3SU
24 of the Zoning Map of the City and County of San Francisco. Said fee, and any
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1 interest accrued by such fee, shall be used for the purpose stated herein unless it
2 is demonstrated that it is no longer needed.

3 (e) Alternative Means of Satisfying the Open Space Requirement in the Eastern
4 Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods Mixed Use Districts,
5 the open space requirement may be satisfied through payment of a fee of \$76 for each
6 square foot of usable open space not provided pursuant to that Variance. This fee shall
7 be adjusted in accordance with Section 327.3(d). This fee shall be paid into the Eastern
8 Neighborhoods Public Benefits Fund, as described in Section 327. Said fee shall be used
9 for the purpose of acquiring, designing, and improving park land, park facilities, and
10 other open space resources, which is expected to be used solely or in substantial part by
11 persons who live, work, shop or otherwise do business in the Eastern Neighborhoods
12 Mixed Use districts.

13 (f) Costs and Restrictions. All costs of the open space, including without
14 limitation those associated with design, development, liability insurance, regular
15 maintenance, and safe operation of this open space, shall be borne by the
16 property owner. Liability insurance satisfactory to the City Attorney, naming the
17 City and County of San Francisco and its officers and employees as additional
18 insureds, shall be provided for all such spaces. The property owner shall record
19 with the County Recorder a special restriction on the property satisfactory in
20 substance to the Department and sufficient to give notice to subsequent owners,
21 tenants and other persons having other economic interests in the property of the
22 open space requirement and the means by which the requirement has been, and
23 must continue to be, satisfied.

24 ~~(f) [Reserved.]~~

1 (g) A sign satisfying the requirements of Section 603(k) shall be prominently
 2 posted at the entrance to the open space area declaring that the area is open to
 3 the public.

4 (h) Approval and Construction. The open space shall be reviewed and approved
 5 as part of the site or building permit application for the project giving use to the
 6 open space requirement. No temporary or other certificate of occupancy shall be
 7 issued for any structure constructed under the permit until the open space is
 8 complete.

9 **SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN**
 10 **REQUIRED SETBACKS, YARDS AND USABLE OPEN SPACE.**

11 TABLE INSET:

Streets and Alleys	Setbacks	Yards	Usable Open Space	
				(a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein:
				(1) Projections from a building or structure extending over a street or alley as defined by this Code. Every portion of such projections

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				over a street or alley shall provide a minimum of 7 1/2 feet of vertical clearance from the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be required by the San Francisco Building Code, unless the contrary is stated below. The permit under which any such projection over a street or alley is erected over public property shall not be construed to create any perpetual right but is a revocable license;
				(2) Obstructions within legislated setback lines and front setback areas, as required by Sections 131 and 132 of this Code;
				(3) Obstructions within side yards and rear yards, as required by Sections 133 and 134 of this Code;(4) Obstructions within usable open space, as required by Section 135 of this Code.
				(b) No obstruction shall be constructed, placed or maintained in any such required open area except as specified in this

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				Section.
				(c) The permitted obstructions shall be as follows:
x	x	x	x	(1) Overhead horizontal projections (leaving at least 7 1/2 feet of headroom) of a purely architectural or decorative character such as cornices, eaves, sills and belt courses, with a vertical dimension of no more than two feet six inches, not increasing the floor area or the volume of space enclosed by the building, and not projecting more than:
				(A) At roof level, three feet over streets and alleys and into setbacks, or to a perimeter in such required open areas parallel to and one foot outside the surfaces of bay windows immediately below such features, whichever is the greater projection,
				(B) At every other level, one foot over streets and alleys and into setbacks, and
				(C) Three feet into yards and usable open

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				space, or 1/6 of the required minimum dimensions (when specified) of such open areas, whichever is less;
x	x	x	x	(2) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(3) below shall be permitted as an alternative to those specified in this Paragraph (c)(2).
				(A) The minimum headroom shall be 7 1/2 feet.
				(B) Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be further limited to two feet where the sidewalk

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				width is nine feet or less, and the projection shall in no case be closer than eight feet to the centerline of any alley.
				(C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least 1/3 of such required glass area of such bay window, and open portions of such balcony, shall be on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area. In addition, at least 1/3 of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects.
				(D) The maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance

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				<p>from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area.</p> <p>(E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the limitations of Subparagraph (c)(2)(D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area.</p>
				<p>(F) The minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph</p>

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				(c)(2)(E) above), shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.
				(G) Each bay window or balcony over a street or alley, setback or rear yard shall also be horizontally separated from interior lot lines (except where the wall of a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one foot at the line establishing the required open area, with such separation increased in proportion to the distance from such line by means of a 135-degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the

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				required open area;
		x	x	(3) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(2) above shall be permitted as an alternative to those specified in this Paragraph (c)(3).
				(A) The minimum headroom shall be 7 1/2 feet.
				(B) Projection into the required open area shall be limited to three feet, or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less.

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				(C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area.
				(D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line; in the case of yards, these limits on aggregate length shall apply to the aggregate of all bay windows, balconies, fire escapes and chimneys.
x	x	x	x	(4) Fire escapes, leaving at least 7 1/2 feet of headroom exclusive of drop ladders to grade, and not projecting more than necessary for safety or in any case more than four feet six inches into the required open area. In the case of yards, the

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				<p>aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;</p>
			x	<p>(5) Overhead horizontal projections other than those listed in Paragraphs (c)(1), (2), (3) and (4) above, leaving at least 7 1/2 feet of headroom, where the depth of any such projection is no greater than the headroom it leaves, and in no case is greater than 10 feet; and provided that, in the case of common usable open space at ground level, the open space under the projection directly adjoins uncovered usable open space that is at least 10 feet in depth and 15 feet in width;</p>
		x		<p>(6) Chimneys not extending more than three feet into the required open area or 1/6 of the required minimum dimension (when specified) of the open area, whichever is</p>

1				less; provided, that the aggregate length of
2				all bay windows, balconies, fire escapes and
3				chimneys that extend into the required open
4				area is no more than 2/3 the buildable width
5				of the lot along a rear building wall, 2/3 the
6				buildable length of a street side building wall,
7				or 1/3 the buildable length of an interior side
8				lot line;
9				
10				(7) Temporary occupancy of street and
11				alley areas during construction and alteration
12				of buildings and structures, as regulated by
13	x			the Building Code and other portions of the
14				Municipal Code;
15				
16				(8) Space below grade, as regulated by the
17				Building Code and other portions of the
18	x			Municipal Code;
19				
20				(9) Building curbs and buffer blocks at
21				ground level, not exceeding a height of nine
22	x	x		inches above grade or extending more than
23				nine inches into the required open area;
24				
25	x	x		(10) Signs as regulated by Article 6 of this

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				Code, at locations and to the extent permitted therein;
x	x			(11) Flagpoles for projecting flags permitted by Article 6 of this Code;
x	x			(12) Marquees, awnings and canopies in P, NC, C, M, <u>MUG, MUO, MUR, UMU</u> , and RSD, SPD, SLR, SLI, <u>DTR</u> and SSO districts, as regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;
	x	x	x	(13) Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)(24) and (c)(25) below);
	x	x	x	(14) Steps of any type not more than three feet above grade, and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of

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				occupancy above the ground story, and, in the case of yards and usable open space, extending no more than six feet into the required open area for any portion that is more than three feet above grade, provided that all such stairways and landings shall occupy no more than 2/3 the buildable width of the lot along a front or rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line;
x	x	x	x	(15) Railings no more than three feet six inches in height above any permitted step, stairway, landing, fire escape, deck, porch or balcony, or above the surface of any other structure permitted in the required open area.
	x	x	x	(16) Decorative railings and decorative grille work, other than wire mesh, at least 75 percent open to perpendicular view and no more than six feet in height above grade;

1				(17) Fences no more than three feet in
2	x	x	x	height above grade;
3				
4				(18) Fences and wind screens no more
5		x	x	than six feet in height above grade;
6				
7				(19) Fences and wind screens no more
8		x		than 10 feet in height above grade;
9				
10				(20) Normal outdoor recreational and
11				household features such as play equipment
12		x	x	and drying lines;
13				
14				(21) Landscaping and garden furniture;
15	x	x	x	
16				(22) Garden structures enclosed by walls
17				on no more than 50 percent of their
18				perimeter, such as gazebos and sunshades,
19		x	x	if no more than eight feet in height above
20				grade and covering no more than 60 square
21				feet of land;
22				
23				(23) Other structures commonly used in
24		x		gardening activities, such as greenhouses
25				and sheds for storage of garden tools, if no

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				more than eight feet in height above grade and covering no more than 100 square feet of land;
		x		(24) Decks, whether attached to a building or not, at or below the adjacent first floor of occupancy, if developed as usable open space and meeting the following requirements:
				(A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area,
				(B) Slope of more than 15 percent and no more than 70 percent. The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a

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				vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, except that when two or more lots are developed with adjacent decks whose floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area,
				(C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the light, air, view, and privacy of adjacent lots are not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered

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				guidelines in these cases:
				(i) The deck shall be designed to provide the minimum obstruction to light, air, view and privacy.
				(ii) The deck shall be at least two feet inside all side lot lines.
				(iii) On downhill slopes, a horizontal angle of 30 degrees drawn inward from each side lot line at each corner of the rear building line shall be maintained clear, and the deck shall be kept at least 10 feet inside the rear lot line;
		x		(25) Except in required side yards, decks, and enclosed and unenclosed extensions of buildings, when limited as specified herein:
				(A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot,

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				whichever is greater,
				(B) Within all parts of the required open area, the structure shall be limited in height to either:
				(i) 10 feet above grade, or
	x			(ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line,
				(C) Any fence or wind screen extending above the height specified in Subparagraph (c)(25)(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials;

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		x	<p>(26) Garages which are underground, or under decks conforming to the requirements of Paragraph (c)(24) or (c)(25) above, if their top surfaces are developed as usable open space, provided that no such garage shall occupy any area within the rear 15 feet of the depth of the lot;</p>
	x		<p>(27) Garages, where the average slope of the required open area ascends from the street lot line to the line at the setback and exceeds 50 percent, provided the height of the garage is limited to 10 feet above grade, or the floor level of the adjacent first floor of occupancy on the subject property, whichever height is less;</p>
	x		<p>(28) Garages, where both adjoining lots (or the one adjoining lot where the subject property is a corner lot) contain a garage structure within the required setback line or front setback area on the same street or alley frontage, provided the garage on the subject property does not exceed the average of the two adjacent garage</p>

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				structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or extension into the required setback;
		x		(29) Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or encroachment upon the required rear yard;
x	x	x		(30) Driveways, for use only to provide necessary access to required or permitted parking that is located in the buildable area of the subject property other than in a required open area, and where such

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				driveway has only the minimum width needed for such access, and in no case shall parking be allowed in the setback;
		x	x	(31) In the Outer Clement Street Neighborhood Commercial District, outdoor activity area if used in connection with a commercial use on a contiguous lot and which existed in 1978 and has remained in said use since 1978.
				(d) Notwithstanding the limitations of Subsection (c) of this Section, the following provisions shall apply in C-3 districts:
				(1) Decorative Architectural Features. Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows:
				(A) At roof level, decorative features such as cornices, eaves, and brackets may

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				project four feet with a maximum vertical dimension no greater than six feet.
				(B) At all levels above the area of minimum vertical clearance required in Subsection (a)(1) above, decorative features, such as belt courses, entablatures, and bosses, may project two feet, with a maximum vertical dimension of four feet.
				(C) At all levels above the area of minimum vertical clearance required by Subsection (a)(1) above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than three square feet at midpoint, may project one foot horizontally.
				(2) Bay Windows. Notwithstanding the provisions of Subsections (c)(2)(D) and (F) of this Section, bay windows on nonresidential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all

				bays on a facade plane does not exceed 1/2 of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.
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**SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES IN NC, EASTERN
NEIGHBORHOODS MIXED USE AND SOUTH OF MARKET MIXED USE
 DISTRICTS.**

In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the following provisions shall apply in NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts.

(a) Awnings. Awnings, as defined in Section 790.20 of this Code, shall be regulated in NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts below.

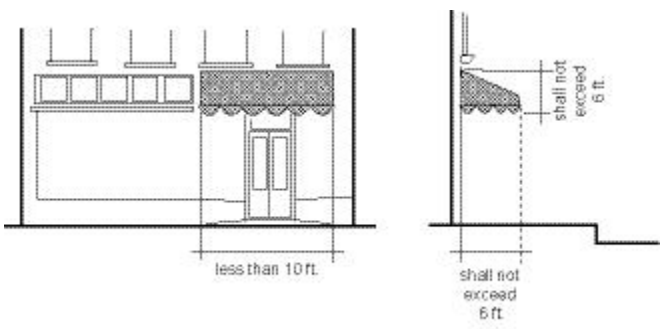
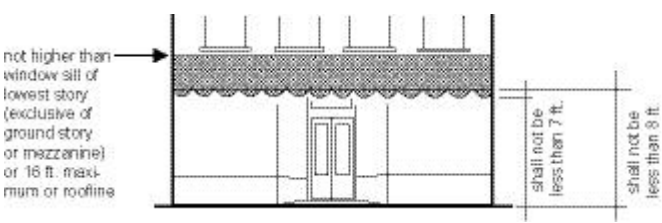
All portions of any permitted awning shall be not less than eight feet above the finished grade, excluding any valance which shall not be less than seven feet above the finished grade. No portion of any awning shall be higher than the windowsill level of the lowest story (if any) exclusive of the ground story and mezzanine, provided that no such awning shall in any case exceed a height of 16 feet or the roofline of the building to which it is attached, whichever is lower.

(1) NC-1 Districts. The horizontal projection of any awning shall not exceed four feet from the face of a building. The vertical distance from the top to the bottom of any awning shall not exceed four feet, including any valance.

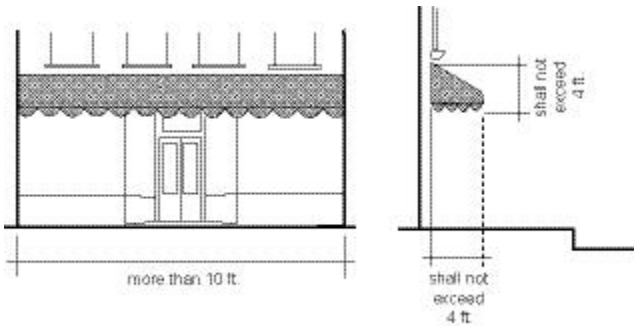
(2) All Other NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts. When the width of all awnings is 10 feet or less along the direction

1 of the street, the horizontal projection of such awnings shall not exceed six feet
 2 from the face of any supporting building and the vertical distance from the top to
 3 the bottom of such awnings shall not exceed six feet, including any valance.
 4 When the width of all awnings exceeds 10 feet measured along the direction of
 5 the street, the horizontal projection of such awnings shall not exceed four feet
 6 from the face of the supporting building and the vertical distance from the top to
 7 the bottom of such awnings shall not exceed four feet, including any valance.

8 NOTE: These illustrations are diagrams showing maximum dimensions
 9 and are not design examples.



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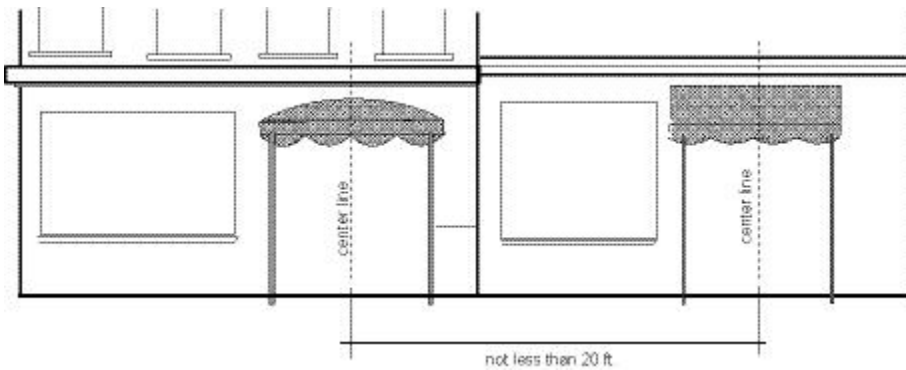
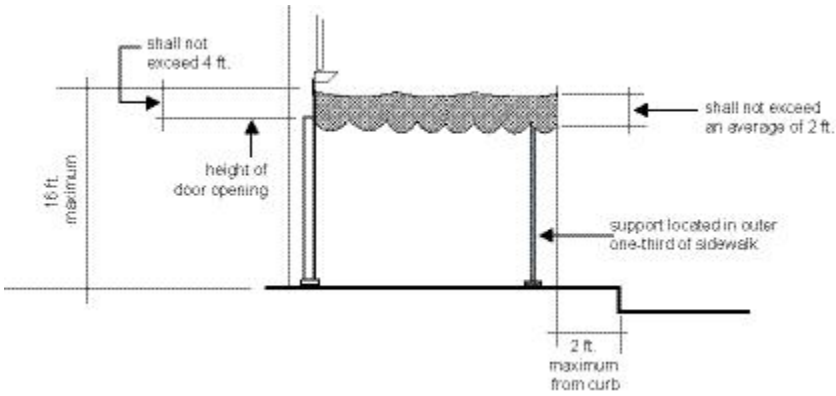
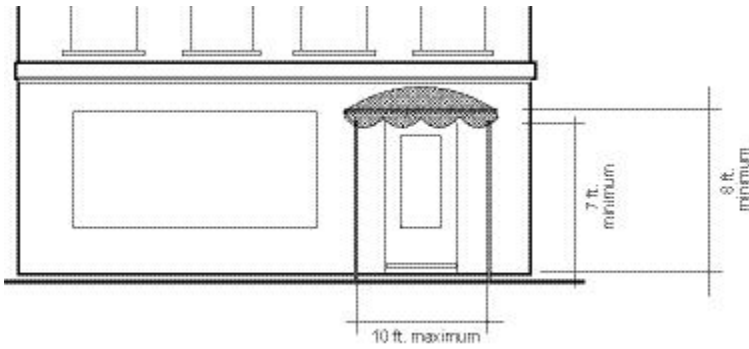
(b) Canopies. Canopies, as defined in Section 790.26 of this Code, shall be regulated in NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts below.

(1) NC-1 Districts. No canopy shall be permitted in any NC-1 District.

(2) All Other NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use Districts. The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a point not closer than two feet from the curb. The outer column support shall be located in the outer 1/3 of the sidewalk and shall be no less than four feet from the building face to ensure adequate clear space along the sidewalk. The vertical distance from the top to the bottom of the canopy shall not exceed an average of two feet, including any valance. The highest point of the canopy shall not exceed a point four feet above the door opening or 16 feet, whichever is less. All portions of any canopy, excluding the column supports and excluding any valance which may be not less than seven feet above the finished grade, shall be not less than eight feet above the finished grade. Canopies shall not be spaced closer than 20 feet from each other, measured from centerline to centerline.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.

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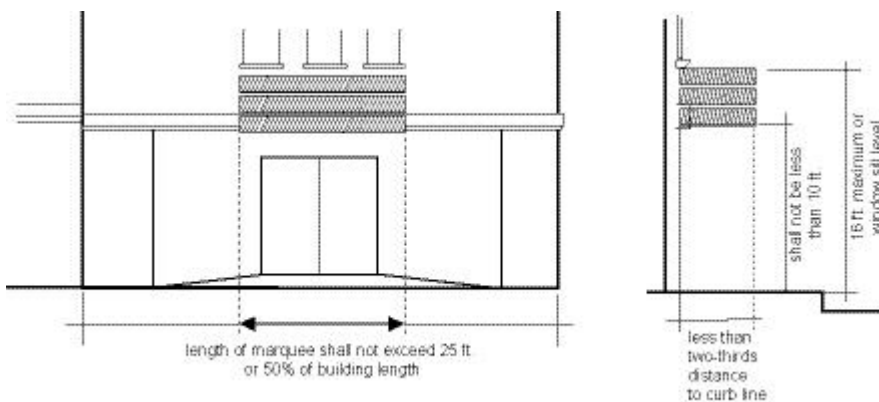
1 (c) Marquees. Marquees, as defined in Section 790.58 of this Code, shall be
2 regulated in NC, Eastern Neighborhoods Mixed Use and South of Market Mixed Use
3 Districts below.

4 (1) NC-1 Districts. No marquee shall be permitted in any NC-1 District.

5 (2) All Other NC, Eastern Neighborhoods Mixed Use and South of Market Mixed
6 Use Districts. The vertical distance from the top to the bottom of any marquee
7 shall not exceed three feet and the horizontal projection shall not extend beyond
8 a point not closer than two feet from the curb.

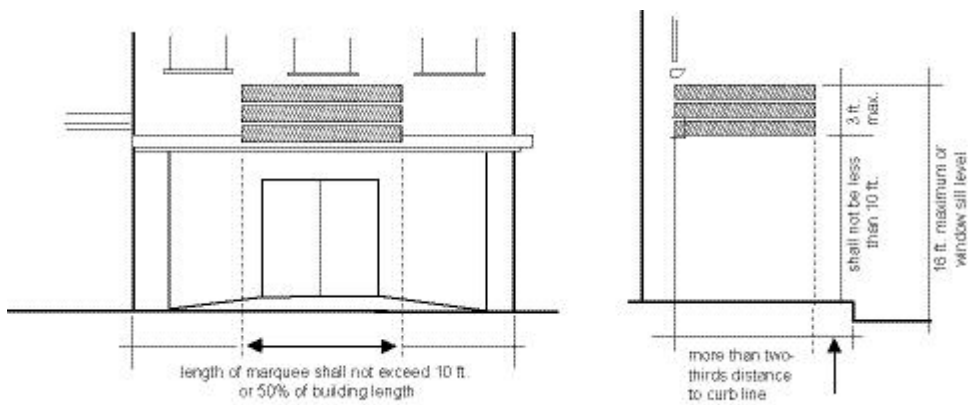
9 (A) A marquee projecting more than of the distance from the property line to the
10 curb line shall not exceed 10 feet or 50 percent of the length of the building along
11 the direction of the street, whichever is less. All portions of such marquee shall
12 be not less than 12 feet nor more than 16 feet in height above the finished grade,
13 nor higher than the windowsill level exclusive of the ground story and mezzanine.
14 Each building frontage shall be considered separately.

15 NOTE: These illustrations are diagrams showing maximum dimensions
16 and are not design examples.



1 (B) A marquee projecting less than of the distance from the property line to the
2 curb line shall not exceed 25 feet or 50 percent of the length of the building along
3 the direction of the street, whichever is less. All portions of such marquee shall
4 be not less than 10 feet nor more than 16 feet above the finished grade, nor
5 higher than the windowsill level or windows on the building facade on which the
6 marquee is placed, exclusive of the ground story and mezzanine. Each building
7 frontage shall be considered separately.

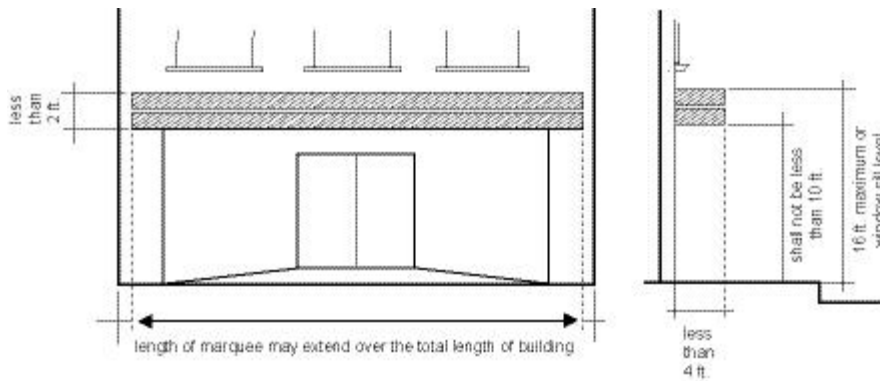
8 NOTE: These illustrations are diagrams showing maximum dimensions
9 and are not design examples.



18 (C) A marquee projecting less than four feet from the property line and not
19 exceeding two feet in thickness may extend over the total length of the building
20 along the direction of the street. All portions of such marquee shall not be less
21 than 10 feet nor more than 16 feet above the finished grade, nor higher than the
22 windowsill level or windows on the building facade on which the marquee is
23 placed, exclusive of ground story and mezzanine. Each building frontage shall be
24 considered separately.

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1 NOTE: These illustrations are diagrams showing maximum dimensions
2 and are not design examples.



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11 **SEC. 136.2. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN**
12 **REQUIRED SETBACKS, YARDS, AND USABLE OPEN SPACE IN MIXED**
13 **USE DISTRICTS.**

14 In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the
15 following provisions shall apply in Mixed Use Districts.

16 (a) Awnings. All portions of any permitted awning shall be not less than eight
17 feet above the finished grade, excluding any valance which shall not be less than
18 seven feet above the finished grade. No portion of any awning shall be higher
19 than the windowsill level of the lowest story (if any), exclusive of the ground story
20 and mezzanine, provided that no such awning shall in any case exceed a height
21 of 16 feet or the roofline of the building to which it is attached, whichever is lower.

22 (1) Chinatown Residential Neighborhood Commercial District. The horizontal
23 projection of any awning shall not exceed four feet from the face of a building.
24 The vertical distance from the top to the bottom of any awning shall not exceed
25 four feet, including any valance.

1 (2) All Other Mixed Use Districts. When the width of all awnings is less than 10
2 feet along the direction of the street, the horizontal projection of such awnings
3 shall not exceed six feet from the face of any supporting building and the vertical
4 distance from the top to the bottom of such awnings shall not exceed six feet,
5 including any valance. When the width of all awnings exceeds 10 feet measured
6 along the direction of the street, the horizontal projection of such awnings shall
7 not exceed four feet from the face of the supporting building and the vertical
8 distance from the top to the bottom of such awnings shall not exceed four feet,
9 including any valance.

10 (b) Canopies.

11 (1) Chinatown Residential Neighborhood Commercial District. No canopy shall
12 be permitted in any Residential Neighborhood Commercial District.

13 (2) All Other Mixed Use Districts. The maximum width of any canopy shall be 10
14 feet. The horizontal projection of any canopy may extend to a point two feet from
15 the curb. The outer column support shall be located in the outer 1/3 of the
16 sidewalk and shall be no less than four feet from the building face to ensure adequate
17 clear space along the sidewalk. The vertical distance from the top to the bottom of
18 the canopy shall not exceed two feet, including any valance. All portions of any
19 canopy, excluding the column supports and excluding any valance which may be
20 not less than seven feet above the finished grade, shall be not less than eight
21 feet above the finished grade. Canopies shall not be spaced closer than twenty
22 feet from each other, measured from centerline to centerline.

23 (c) Marquees.

24 (1) Chinatown Residential Neighborhood Commercial District. No marquee shall
25 be permitted in any Residential Neighborhood Commercial District.

1 (2) All Other Mixed Use Districts. The vertical distance from the top to the
2 bottom of any marquee shall not exceed three feet and the horizontal projection
3 shall not extend beyond a point two feet from the curb.

4 (A) A marquee projecting more than 2/3 of the distance from the property line to
5 the curb line shall not exceed 10 feet or 50 percent of the length of the building,
6 along the direction of the street, whichever is less. All portions of such marquee
7 shall be not less than 12 feet nor more than 16 feet in height above the finished
8 grade, nor higher than the windowsill level, exclusive of the ground story and
9 mezzanine. Each building frontage shall be considered separately.

10 (B) A marquee projecting less than of the distance from the property line to the
11 curb line shall not exceed 25 feet or 50 percent of the length of the building along
12 the direction of the street, whichever is less. All portions of such marquee shall
13 be not less than 10 feet nor more than 16 feet above the finished grade, nor
14 higher than the windowsill level of windows on the building facade on which the
15 marquee is placed, exclusive of the ground story and mezzanine. A separate
16 building permit for a marquee shall be required for each building frontage.

17 **SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE**
18 **ON AN OPEN AREA.**

19 (a) With the exception of dwelling units in single room occupancy buildings in
20 the South of Market *Mixed Use Districts base-area*, in each dwelling unit in any use
21 district, the required windows (as defined by Section 501.4 of the San Francisco
22 Housing Code) of at least one room that meets the 120-square-foot minimum
23 superficial floor area requirement of Section 501.1 of the Housing Code shall
24 face directly on an open area of one of the following types:

25

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

5 (2) An open area (whether an inner court or a space between separate
6 buildings on the same lot) which is unobstructed (except for fire escapes not
7 projecting more than necessary for safety and in no case more than four feet six
8 inches, chimneys, and those obstructions permitted in Sections 136(c)(14), (15),
9 (16), (19), (20) and (29) of this Code) and is no less than 25 feet in every
10 horizontal dimension for the floor at which the dwelling unit in question is located
11 and the floor immediately above it, with an increase of five feet in every
12 horizontal dimension at each subsequent floor, *except for single room occupancy*
13 *buildings in the Eastern Neighborhoods Mixed Use Districts, which are not required to*
14 *increase five feet in every horizontal dimension until the fifth floor of the building.*

15 *(b) For historic buildings identified in Section 307(h)(3) which are located within the*
16 *Eastern Neighborhoods Mixed Use Districts, the requirements of this Section 140 may be*
17 *modified or waived by the Zoning Administrator pursuant to the procedures and criteria*
18 *set forth in Section 307(h).*

19 **SEC. 141. SCREENING OF ROOFTOP FEATURES R, NC, C, M, MUG,**
20 **MUO, MUR, UMU, DTR, SPD, RSD, SLR, SLI AND SSO DISTRICTS.**

21 (a) In R, SPD, RSD, NC, C, M, MUG, MUO, MUR, UMU, SLR, SLI and SSO
22 Districts, rooftop mechanical equipment and appurtenances to be used in the
23 operation or maintenance of a building shall be arranged so as not to be visible
24 from any point at or below the roof level of the subject building. This requirement
25 shall apply in construction of new buildings, and in any alteration of mechanical

1 systems of existing buildings that results in significant changes in such rooftop
2 equipment and appurtenances. The features so regulated shall in all cases be
3 either enclosed by outer building walls or parapets, or grouped and screened in a
4 suitable manner, or designed in themselves so that they are balanced and
5 integrated with respect to the design of the building. Minor features not
6 exceeding one foot in height shall be exempted from this regulation.

7 (b) In C-3 Districts, whenever the enclosure or screening of the features listed in
8 Section 260(b)(1)(A) and (B), will be visually prominent, modifications may, in
9 accordance with provisions of Section 309, be required in order to insure that: (1)
10 the enclosure or screening is designed as a logical extension of the building form
11 and an integral part of the overall building design; (2) its cladding and detailing is
12 comparable in quality to that of the rest of the building; (3) if enclosed or
13 screened by additional volume, as authorized by Section 260(b), the rooftop form
14 is appropriate to the nature and proportions of the building, and is designed to
15 obscure the rooftop equipment and appurtenances and to provide a more
16 balanced and graceful silhouette for the top of the building or structure; and (4)
17 the additional building volume is not distributed in a manner which simply
18 extends vertically the walls of the building.

19 (c) In ~~the Rincon Hill~~ Downtown Residential Districts, the Eastern Neighborhoods
20 Mixed Use Districts, and South of Market Mixed Use-Base Districts, mechanical
21 equipment and appurtenances shall be enclosed in such a manner that: (1) the
22 enclosure is designed as a logical extension of the building form and an integral
23 part of the overall building design; (2) its cladding and detailing is comparable in
24 quality to that of the rest of the building; (3) if screened by additional volume, as
25 authorized by Section 260(b), the rooftop form is appropriate to the nature and

1 proportions of the building, and is designed to obscure the rooftop equipment and
2 appurtenances and to provide a more balanced and graceful silhouette for the
3 top of the building or structure; and (4) the additional building volume is not
4 distributed in a manner which simply extends vertically the walls of the building.

5 (d) Off-street parking or freight loading spaces shall only be permitted on
6 unenclosed rooftops when the parking area is screened with fencing, trellises
7 and/or landscaped screening features such that parked vehicles cannot be easily
8 viewed from adjacent buildings, elevated freeways or public vista points.

9 **SEC. 142. SCREENING OF PARKING AREAS, R, ~~AND~~ NC, AND**
10 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

11 Off-street parking areas in R, ~~and~~ NC and Eastern Neighborhoods Mixed Use
12 Districts shall be screened as provided in this Section.

13 (a) Every off-street parking space not within a building, where not enclosed by
14 solid building walls, shall be screened from view from all streets and alleys
15 through use of garage doors or by some other means.

16 (b) Along rear yard areas and other interior open spaces, all off-street parking
17 spaces, driveways and maneuvering areas not within buildings shall be screened
18 from view and confined by solid building walls.

19 (c) Off-street parking spaces in parking lots shall meet the requirements of
20 Section 156 and other applicable provisions of Article 1.5 of this Code. Such
21 parking areas shall be screened from view as provided in Section 156(d) of this
22 Code.

23 **SEC. 143. STREET TREES, R, SPD, RSD, NC, C-3, DTR, MUG, MUO,**
24 **MUR, UMU, SLR, SLI AND SSO DISTRICTS.**

- 1 (a) In any R, SPD, RSD, NC, C-3, DTR, MUG, MUO, MUR, UMU, SLR, SLI, or
2 SSO District, street trees shall be installed by the owner or developer in the case
3 of construction of a new building, relocation of a building, or addition of gross
4 floor area equal to 20 percent or more of the gross floor area of an existing
5 building, and within the RED, SPD, RSD, MUG, MUO, MUR, UMU, SLR, SLI and
6 SSO Districts, in the case of change of 20 percent or more of the occupied floor
7 area of an existing building to another use.
- 8 (b) The street trees installed shall be a minimum of one 24-inch box tree ~~of 15-~~
9 ~~gallon-size~~ for each 20 feet of frontage of the property along each street or alley,
10 with any remaining fraction of 10 feet or more of frontage requiring an additional
11 tree. Such trees shall be located either within a setback area on the lot or within
12 the public right-of-way along such lot.
- 13 (c) The species of trees selected shall be suitable for the site, and, in the case
14 of trees installed in the public right-of-way, the species and locations shall be
15 subject to approval by the Department of Public Works. Procedures and other
16 requirements for the installation, maintenance and protection of trees in the
17 public right-of-way shall be as set forth in Article 16 of the Public Works Code.
- 18 (d) In any case in which the Department of Public Works cannot grant approval
19 for installation of a tree in the public right-of-way, on the basis of inadequate
20 sidewalk width, interference with utilities or other reasons regarding the public
21 welfare, and where installation of such tree on the lot itself is also impractical, the
22 requirements of this Section 143 may be modified or waived by the Zoning
23 Administrator to the extent necessary.
- 24 (e) In C-3 and South of Market Mixed Use Districts, the Zoning Administrator
25 may allow the installation of planter boxes or tubs or similar landscaping in place

1 of trees when that is determined to be more desirable in order to make the
2 landscaping compatible with the character of the surrounding area, or may waive
3 the requirement in C-3 districts where landscaping is considered to be
4 inappropriate because it conflicts with policies of the Downtown Plan, a
5 component of the ~~Master~~ General Plan, such as the policy favoring unobstructed
6 pedestrian passage.

7 (f) In Eastern Neighborhoods Mixed Use Districts, street trees shall be installed along all
8 street frontages in the public right of way as set forth in subsection (b). Street tree basins
9 shall be edged with decorative treatment, such as pavers or cobbles, in accordance with
10 City standards. In the event that the Department of Public Works does not approve for
11 any reason the installation of the number of trees required as set forth in subsection (b),
12 an in-lieu fee for each missed street tree, in an amount set forth in Article 16 of the
13 Public Works Code, shall be paid to the Adopt A Tree Fund. When a pre-existing site
14 constraint prevents the installation of a street tree, as an alternative to payment of any
15 portion of the in-lieu fee, the Zoning Administrator may allow the installation of sidewalk
16 landscaping in accordance with all adopted standards and requirements.

17 (g) DTR Districts. In DTR Districts, in addition to the requirements of subsections (a)-(d)
18 above, all street trees shall:

19 (1) be open to the sky and free from all encroachments for that entire width, planted at
20 least one foot back from the curb line;

21 (2) have a minimum 2 inch caliper, measured at breast height;

22 (3) branch a minimum of 8 feet above sidewalk grade;

23 (4) where in the public right-of-way, be planted in a sidewalk opening at least 16 square
24 feet, and have a minimum soil depth of 3 feet 6 inches;

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1 (5) where planted in individual basins rather than a landscaped planting bed, be
2 protected by a tree grate with a removable inner ring to provide for the tree's growth
3 over time;

4 (6) provide a below-grade environment with nutrient-rich soils, free from overly-
5 compacted soils, and generally conducive to tree root development;

6 (7) be irrigated, maintained and replaced if necessary by the property owner, in
7 accordance with Sec. 174 of the Public Works Code; and

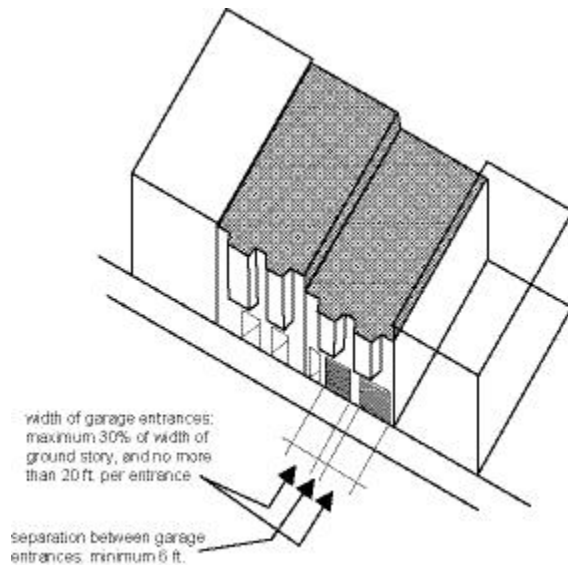
8 (8) be planted in a continuous soil-filled trench parallel to the curb, such that the basin
9 for each tree is connected.

10 **SEC. 144. TREATMENT OF GROUND STORY ON STREET**
11 **FRONTAGES, RH-2, RH-3, RTO, RTO-M, RM-1, AND RM-2 DISTRICTS.**

12 (a) General. This Section is enacted to assure that in RH-2, RH-3, RM-1, RM-2,
13 RTO and RTO-M Districts the ground story of dwellings as viewed from the street
14 is compatible with the scale and character of the existing street frontage, visually
15 interesting and attractive in relation to the pattern of the neighborhood, and so
16 designed that adequate areas are provided for front landscaping, street trees and
17 on-street parking between driveways. The design of ground story frontages subject to
18 this Section shall also be reviewed for consistency with applicable design guidelines,
19 including the Ground Floor Residential Design Guidelines.

20 (b) Entrances to Off-Street Parking. Except as otherwise provided herein, in the
21 case of every dwelling in such districts no more than 30 percent of the width of
22 the ground story along the front lot line, or along a street side lot line, or along a
23 building wall that is set back from any such lot line, shall be devoted to entrances
24 to off-street parking, except that in no event shall a lot be limited by this
25 requirement to a single such entrance of less than 16 feet in width, or to a single

1 such entrance of less than 8 feet in RTO and RTO-M districts. In addition, no
2 entrance to off-street parking for a dwelling on any lot shall be wider than 20 feet,
3 and where two or more separate entrances are provided there shall be a
4 minimum separation between such entrances of six feet. Lots in RTO and RTO-M
5 districts are limited to a total of 20 feet per block frontage devoted to entrances to
6 off-street parking. The requirements of this Subsection (b) shall not be applicable
7 where the lot has an upward or downward slope from the front lot line to the
8 forward edge of the required rear yard, along the centerline of the building, of
9 more than 20 percent; or where the lot depth and the requirements of this Code
10 for dimensions, areas and open spaces are such that the permitted building
11 depth is less than 40 feet in an RH-2 District or less than 65 feet in an RH-3, RM-
12 1 or RM-2 District.



22 (c) Features To Be Provided. In the case of every dwelling in such districts, no
23 less than 30 percent of the width of the ground story along the front lot line, along
24 a street side lot line, and along a building wall that is set back from any such lot
25 line, shall be devoted to windows, entrances for dwelling units, landscaping, and

1 other architectural features that provide visual relief and interest for the street
2 frontage.

3 (d) Parking Setback. In RTO and RTO-M districts off-street parking is not
4 permitted on the ground floor within the first 20 feet of building depth from any
5 façade facing a street at least 30 feet in width, unless such parking occupies the
6 space otherwise used as the drive-aisle or driveway (such as in cases of tandem
7 parking). All off-street parking along these frontages must be wrapped with
8 dwelling units, entrances to dwelling units, commercial uses where permitted,
9 and other uses (other than storage) and building features that generate activity or
10 pedestrian interest.

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12
13 **SEC. 145.1. STREET FRONTAGES, NEIGHBORHOOD COMMERCIAL,**
14 **DOWNTOWN RESIDENTIAL, AND EASTERN NEIGHBORHOOD MIXED USE**
15 **DISTRICTS.**

16 *(a) Purpose. ~~In order~~ The purpose of this Section is to* preserve, enhance and
17 promote attractive, clearly defined street frontages *that are pedestrian-oriented,*
18 *fine-grained, and* which are appropriate and compatible with the buildings and
19 uses in Neighborhood Commercial Districts, *Downtown Residential Districts, and*
20 *Eastern Neighborhoods Mixed Use Districts. ~~and adjacent districts.~~*

21 *(b) Definitions.*

22 *(1) Development lot. A “development lot” shall mean:*

23 *(A) Any lot containing a proposal for new construction, or*

24 *(B) Building alterations which would increase the gross square footage of a structure by*
25 *20 percent or more, or*

1 (C) In a building containing parking, a change of more than 50 percent of the building's
2 gross floor area to or from residential uses, excluding residential accessory off-street
3 parking.

4 (2) Active use. An "active use", shall mean any principal, conditional, or accessory use
5 which by its nature does not require non-transparent walls facing a public street or
6 involves the storage of goods or vehicles. Residential uses are considered active uses
7 above the ground floor; on the ground floor, residential uses are considered active uses
8 only if more than 50 percent of the linear residential street frontage at the ground level
9 features walk-up dwelling units which provide direct, individual pedestrian access to a
10 public sidewalk, and are consistent with the Ground Floor Residential Design
11 Guidelines, as adopted and periodically amended by the Planning Commission.

12 (A) Public Uses described in 790.80 and 890.80 are considered active uses except utility
13 installations.

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

17 (c) Controls. the following requirements shall apply, except as specified below, to
18 new structures or alterations to existing structures involving a change in the level
19 of the first story or a change in the facade at the street frontage at the first story
20 and below, where such structure is located along any block frontage that is
21 entirely within an NC District subject to this Section.

22 In NC-S Districts, the applicable frontage shall be the primary facade(s)
23 which contain customer entrances to commercial spaces.

24 (b1) Standards Applicable in all Districts

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1 Other than as set forth in this Subsection (c) for NC-S Districts, no more than 1/3 of the
 2 width of a new or altered structure, parallel to and facing such street, shall be devoted to
 3 ingress/egress to parking, provided that in no case shall such ingress/egress exceed 20
 4 feet in width per frontage or be less in width than eight feet for garages containing up to
 5 three cars, nine feet for garages containing up to ten cars, and ten feet for garages
 6 containing up to 50 cars. In NC-S Districts, no more than 1/3 or 50 feet, whichever is
 7 less, of each lot frontage shall be devoted to ingress/egress of parking, provided that each
 8 such ingress/egress shall not be less than 10 feet in width for single directional movement
 9 or 20 feet in width for bidirectional movement.

10 (#2) Additional Standards Applicable in all NC Districts other than NCT Districts

11 If such structures contain any of the permitted uses in the Zoning Control
 12 Categories listed below, at least 1/2 the total width of such new or altered
 13 structures at the commercial street frontage shall be devoted to entrances to
 14 commercially used space, windows or display space at the pedestrian eye-level.
 15 Such windows shall use clear, untinted glass, except for decorative or
 16 architectural accent. Any decorative railings or decorative grille work, other than
 17 wire mesh, which is placed in front of or behind such windows, shall be at least
 18 75 percent open to perpendicular view and no more than six feet in height above
 19 grade.

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No.	Zoning Control Category
.40	Other Retail Sales and Services
.41	Bar
.42	Full-Service Restaurant
.43	Small Fast Food Restaurant

1	.44	Large Fast Food Restaurant
2	.45	Take-Out Food
3	.46	Movie Theater
4	.49	Financial Service
5	.50	Limited Financial Service
6	.51	Medical Service
7	.52	Personal Service
8	.53	Business or Professional Service
9	.55	Tourist Hotel
10	.61	Automobile Sale or Rental
11	.62	Animal Hospital
12	.65	Trade Shop
13	.70	Administrative Service

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16 *(b) In all NC Districts other than NC-S Districts, no more than 1/3 of the width of such*

17 *new or altered structure, parallel to and facing such street, shall be devoted to*

18 *ingress/egress to parking, provided that in no case shall such ingress/egress exceed 20*

19 *feet in width or be less in width than eight feet for garages containing up to three cars,*

20 *nine feet for garages containing up to ten cars, and ten feet for garages containing up to*

21 *50 cars. Development lots in NCT districts are limited to a total of 20 feet per block*

22 *frontage devoted to entrances to off-street parking. A “development lot” shall be any lot*

23 *containing a proposal for new construction, building alterations which would increase*

24 *the gross square footage of a structure by 20 percent or more, or change of use of more*

25 *than 50 percent of the gross floor area of a structure containing parking.*

1 ~~In NC S Districts, no more than 1/3 or 50 feet, whichever is less, of each lot~~
2 ~~frontage shall be devoted to ingress/egress of parking, provided that each such~~
3 ~~ingress/egress shall not be less than 10 feet in width for single directional movement or~~
4 ~~20 feet in width for bidirectional movement.~~

5 (3) Additional Standards Applicable in NCT Districts, Downtown Residential Districts,
6 and Eastern Neighborhoods Mixed Use Districts

7 ~~(eA) Above-Grade Parking Setback. In NCT districts, off-street parking at or~~
8 ~~above street grade on a development lot must be set back at least 25 feet on the~~
9 ~~ground floor and at least 15 feet on floors above, from any façade facing a street at~~
10 ~~least 30 feet in width. Space for active uses as defined in subsection (c) and permitted~~
11 ~~by the specific district in which it is located shall be provided along the frontages for the~~
12 ~~above mentioned setback depth. Parking above the ground level shall be entirely~~
13 ~~screened from all public rights-of-way in a manner that accentuates ground floor~~
14 ~~uses, minimizes louvers and other mechanical features and is in keeping with the~~
15 ~~overall massing and architectural vocabulary of the building. A “development lot”~~
16 ~~shall be any lot containing a proposal for new construction, building alterations which~~
17 ~~would increase the gross square footage of a structure by 20 percent or more, or change~~
18 ~~of use of more than 50 percent of the gross floor area of a structure containing parking.~~

19 (B) Active Uses Required. With the exception of space allowed for parking and loading
20 access, building egress, and access to mechanical systems, space for active uses as
21 defined in Subsection (b)(2) and permitted by the specific district in which it is located
22 shall be provided within the first 25 feet of building depth on the ground floor and 15 feet
23 on floors above from any façade facing a street at least 30 feet in width. Building systems
24 including mechanical, electrical, and plumbing features may be exempted from this
25 requirement by the Zoning Administrator only in instances where those features are

1 provided in such a fashion as to not negatively impact the quality of the ground floor
2 space.

3 (C) Ceiling Height. Unless otherwise established elsewhere in this Code, the following
4 controls shall apply :

5 ~~(1) Ground floor non-residential uses in UMU Districts shall have a~~
6 ~~minimum unobstructed ceiling floor-to-floor height of 45~~ 17 ~~feet, as measured~~
7 ~~from floor level grade.~~ Ground floor non-residential uses in all NCT, DTR, MUG,
8 MUR, and MUO Districts shall have a minimum unobstructed ceiling floor-to-floor
9 height of 12 14 feet, as measured from floor level grade.

10 ~~(ii) Ground floor residential uses in UMU Districts shall have a minimum~~
11 ~~unobstructed ceiling height of 15 feet, as measured from grade.~~ Ground floor
12 ~~residential uses in all NCT, DTR, MUG, MUR, and MUO Districts shall have a~~
13 ~~minimum unobstructed ceiling height of 12 feet, as measured from grade.~~

14 (D) Transparency and Fenestration. Frontages with active uses that are not residential
15 or PDR must be fenestrated with transparent windows and doorways for no less than 60
16 percent of the street frontage at the ground level and allow visibility to the inside of the
17 building. The use of dark or mirrored glass shall not count towards the required
18 transparent area.

19 (E) Gates, Railings, and Grillwork. Any decorative railings or grillwork, other than wire
20 mesh, which is placed in front of or behind ground floor windows, shall be at least 75
21 percent open to perpendicular view. Rolling or sliding security gates shall consist of open
22 grillwork rather than solid material, so as to provide visual interest to pedestrians when
23 the gates are closed, and to permit light to pass through mostly unobstructed. Gates,
24 when both open and folded or rolled as well as the gate mechanism, shall be recessed
25 within, or laid flush with, the building façade.

1 ~~—(d) **Required Ground Floor Commercial Uses.** In the locations listed in this~~
2 ~~subsection, active, pedestrian-oriented commercial uses, as described in subsection (e),~~
3 ~~and permitted by the specific district in which it is located, are a required ground floor~~
4 ~~use on street-facing building frontages. Where these uses are required, they shall occupy~~
5 ~~no less than 75 percent of the building frontage to a depth of not less than 25 feet, and~~
6 ~~shall be open at the pedestrian eye level, allowing visibility to the inside of the building,~~
7 ~~and shall meet the standards described in subsection (a). This requirement applies to the~~
8 ~~following street frontages:~~

9 ~~—(1) Hayes Street, for the entirety of the Hayes Gough NCT;~~

10 ~~—(2) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes Gough~~
11 ~~NCT;~~

12 ~~(3) Market Street, for the entirety of the NCT-3 and Upper Market NCT Districts; and~~

13 ~~(4) Church Street, for the entirety within the NCT-3 and Upper Market NCT Districts.~~

14 ~~(e) **Definition of Active Uses.**~~

15 ~~—(1) Active uses shall include those that are oriented to public access and primarily to~~
16 ~~walk up pedestrian activity. Active uses shall not include any use whose primary~~
17 ~~function is the storage of goods or vehicles, utility installations, any office use, or any use~~
18 ~~or portion of a use which by its nature requires non-transparent walls facing a public~~
19 ~~street. Uses considered active uses shall include the uses listed in Table 145.1 and as~~
20 ~~defined by the referenced Code sections, and lobbies for any permitted or conditional use~~
21 ~~in that district. Uses noted with an asterisk in Table 145.1 are restricted as follows:~~

22 ~~—(A) Where ground floor commercial frontages are required in subsection (d), such~~
23 ~~uses shall not include any use oriented to motor vehicles except as follows. Automobile~~
24 ~~sale or rental may be considered as an active use meeting the requirements of subsection~~
25 ~~(d) if no curb cuts, garage doors, or loading access are utilized or proposed on streets~~

1 ~~listed in subsection (d) or in Section 155(r), and such sales or rental activity is entirely~~
 2 ~~within an enclosed building and does not encroach on surrounding sidewalks or open~~
 3 ~~spaces. Such sales or rental activity shall not include auto repair or vehicle servicing~~
 4 ~~functions for frontages required for active commercial uses.~~

5 ~~— (B) Public Uses described in 790.80 are considered active uses except utility~~
 6 ~~installations.~~

7 ~~— (C) Where ground floor commercial frontages are required in subsection (d), such~~
 8 ~~uses shall not include residential uses. Residential Uses described in 790.88 are~~
 9 ~~considered active uses meeting the requirements of subsection (c) only if a majority of the~~
 10 ~~street frontage at the ground level features dwelling units with direct, individual~~
 11 ~~pedestrian access to a public sidewalk or street. Spaces accessory to residential uses,~~
 12 ~~such as fitness or community rooms, are considered active uses only if they meet the~~
 13 ~~intent of this section and have access directly to the public sidewalk or street.~~

14

15 *Table 145.1*

16 <i>Other Retail Sales and Services</i>	§ 790.102
17 <i>[Not Listed Below]</i>	
18 <i>Bar</i>	§ 790.22
19 <i>Full Service Restaurant</i>	§ 790.92
20 <i>Large Fast Food Restaurant</i>	§ 790.90
21 <i>Small Self Service Restaurant</i>	§ 790.91
22 <i>Liquor Store</i>	§ 790.55
23 <i>Other Entertainment</i>	§ 790.38
24 <i>Financial Service</i>	§ 790.110

1	<i>Limited Financial Service</i>	§ 790.112
2	<i>Medical Service</i>	§ 790.114
3	<i>Personal Service</i>	§ 790.116
4	<i>Business or Professional Service</i>	§ 790.108
5	<i>Automotive Service Station</i>	§ 790.17*
6	<i>Automotive Repair</i>	§ 790.15*
7	<i>Automobile Sale or Rental</i>	§ 790.12*
8	<i>Animal Hospital</i>	§ 790.6
9	<i>Trade Shop</i>	§ 790.124
10	<i>Video Store</i>	§ 790.135
11	<i>Other Institutions, Large</i>	§ 790.50
12	<i>Other Institutions, Small</i>	§ 790.51
13	<i>Public Use</i>	§ 790.80*
14	<i>Medical Cannabis Dispensary</i>	§ 790.141
15	<i>Residential Use</i>	§ 790.88*

18

19 ~~**SEC. 145.4. STREET FRONTAGES, DOWNTOWN AND MIXED-USE DISTRICTS.**~~

20 ~~*In order to preserve, enhance and promote street frontages that are pedestrian oriented,*~~

21 ~~*lively, fine grained, and provide opportunity for multiple shops and services to serve both*~~

22 ~~*local and citywide populations, the following rules are established in all DTR districts*~~

23 ~~*and other specific districts as described below:*~~

24 ~~*(a) Above-Grade Parking Setback. Except as more restrictively established in Section*~~

25 ~~*827, any parking built above street grade must be set back at least 25 feet on the ground*~~

1 ~~floor, with the exception of space allowed for parking and loading access, building~~
2 ~~egress, and access to mechanical systems, and 15 feet at all other levels from any facade~~
3 ~~facing a street. Space for active uses as defined in this Section and permitted by the~~
4 ~~specific district in which it is located shall be provided along the frontages for the above-~~
5 ~~mentioned setback depths.~~

6 ~~(b) **Ground Floor Commercial Uses.** Active, pedestrian-oriented commercial uses, as~~
7 ~~defined in this Section and permitted by the specific district in which it is located, are a~~
8 ~~required ground floor use on street facing building frontages in the locations listed in~~
9 ~~this subsection. Where these uses are required, they shall occupy no less than 75 percent~~
10 ~~of the building frontage and shall be open at the pedestrian eye level, allowing visibility~~
11 ~~to the inside of the building. Such openings shall use clear, untinted, glass except for~~
12 ~~decorative or architectural accent. Any decorative railings or decorative grille work,~~
13 ~~other than wire mesh, which is placed in front of or behind such windows, shall be at~~
14 ~~least 75 percent open to perpendicular view. This requirement applies to the following~~
15 ~~street frontages:~~

16 ~~(1) Folsom Street for the entirety of the Rincon Hill DTR, pursuant to Section 827; and~~

17 ~~(2) Folsom Street for the entirety of the Folsom and Main Residential/Commercial~~
18 ~~Special Use District.~~

19 ~~(3) Van Ness Avenue, in the Van Ness and Market Downtown Residential Special Use~~
20 ~~District, from Fell Street to Market Street.~~

21 ~~(4) South Van Ness Avenue, for the entirety of the Van Ness and Market Downtown~~
22 ~~Residential Special Use District.~~

23 ~~(5) Market Street, for the entirety of the Van Ness and Market Downtown Residential~~
24 ~~Special Use District.~~

25

1 ~~(c) **Maximum Street-Facing Use Sizes.** An individual ground floor tenancy may not~~
2 ~~occupy more than 75 linear feet for the first 25 feet of depth from the street facing facade~~
3 ~~of a frontage on a major street. Separate individual storefronts shall wrap large ground~~
4 ~~floor uses for the first 25 feet of depth.~~

5 ~~(d) **Exceptions to the requirements of this section may be granted only pursuant to the**~~
6 ~~procedures of Section 309.1. of this Code.~~

7 ~~(e) **Definition of Active Uses.**~~

8 ~~(1) **Ground Floor.** Active uses at the ground floor shall include those that are oriented~~
9 ~~to public access and walk up pedestrian activity. These uses shall not include any use~~
10 ~~whose primary function is the storage of goods or vehicles, utility installations, any office~~
11 ~~use, any use oriented toward motorized vehicles, or any use or portion of a use which by~~
12 ~~its nature requires non transparent walls facing a public street. Uses considered active~~
13 ~~uses on the ground floor shall include lobbies for any use, and the uses listed in Table~~
14 ~~145.4 and as defined by the referenced Code Sections. Uses noted with an asterisk in~~
15 ~~Table 145.4 are restricted as follows:~~

16 ~~(A) **Non Auto Vehicle Sales and Rental** are only considered as active uses if their use is~~
17 ~~limited to the sales and rental of bicycles, or the sales of scooters or motorcycles, and no~~
18 ~~curb cuts, garage doors, or loading access are required on streets where such are~~
19 ~~restricted in this Code, and pedestrian movement on abutting sidewalks is not infringed.~~

20 ~~(B) **Public Uses** described in 890.80 are considered active uses except utility~~
21 ~~installations.~~

22 ~~(C) **Residential Uses** described in 890.88 are considered active uses only if a majority of~~
23 ~~residential uses at the ground level have direct, individual pedestrian access to a public~~
24 ~~sidewalk or street. Spaces accessory to residential uses, such as fitness or community~~

1 ~~rooms, are considered active uses only if they meet the intent of this section and have~~
2 ~~access directly to the public sidewalk or street.~~

3 ~~(D) Automobile Sale or Rental are only considered as active uses meeting the~~
4 ~~requirements of subsection (b) for frontages in the Van Ness and Market Downtown~~
5 ~~Residential Special Use District, and if no curb cuts, garage doors, or loading access are~~
6 ~~required on Van Ness Avenue or Market Street, such sales or rental activity is entirely~~
7 ~~within an enclosed building and does not encroach on surrounding sidewalks or open~~
8 ~~spaces. Such sales or rental activity shall not include auto repair or vehicle servicing~~
9 ~~functions for frontages required for active commercial uses.~~

10 *Table 145.4*

11

Code Reference	Use
890.4	Amusement Game Arcade
890.6	Animal Hospital
890.13*	Automobile Sale or Rental
890.22	Bar
890.23	Business Goods and Equipment Sales and Repair Service
890.34	Eating and Drinking Use
890.37	Entertainment, Other
890.39	Gift Store-Tourist Oriented
890.50	Institutions, Other
890.51	Jewelry Store

25

1	890.68	Neighborhood-Serving Business
2	890.69*	Non-Auto Vehicle Sales or Rental
3	890.80*	Public Use
4	890.88*	Residential Use
5	890.90	Restaurant, Fast Food (Small)
6	890.91	Restaurant, Fast Food (Large)
7	890.92	Restaurant, Full Service
8	890.102	Sales and Service, Other Retail
9	890.104	Sales and Services, Retail
10	890.112	Service, Limited Financial
11	890.116	Service, Personal
12	890.122	Take-Out Food
13	890.124	Trade Shop
14	890.140	Walk-Up Facility

17
18 ~~(2) Floors above the Ground Floor. Active uses on floors above the ground floor shall~~
19 ~~include any use included in subsection (1) along with all office uses, all residential uses,~~
20 ~~hotels, and any industrial or light industrial use that is permitted in the district and meets~~
21 ~~the intent of this Section.~~

22 **SEC. 145.4 REQUIRED GROUND FLOOR COMMERCIAL USES.**

23 (a) Purpose: to support active, pedestrian-oriented commercial uses on important
24 commercial streets.

25 (b) Applicability. The requirements of this Section apply to the following street frontages.

- 1 (1) Folsom Street for the entirety of the Rincon Hill DTR, pursuant to Section 827;
- 2 (2) Folsom Street for the entirety of the Folsom and Main Residential/Commercial
- 3 Special Use District;
- 4 (3) Van Ness Avenue, in the Van Ness and Market Downtown Residential Special Use
- 5 District, from Fell Street to Market Street;
- 6 (4) South Van Ness Avenue, for the entirety of the Van Ness and Market Downtown
- 7 Residential Special Use District;
- 8 (5) Market Street, for the entirety of the Van Ness and Market Downtown Residential
- 9 Special Use District;
- 10 (6) 3rd Street, in the UMU districts for parcel frontages wholly contained within 100
- 11 linear feet north or south of Mariposa Street or 100 linear feet north or south of 20th
- 12 Street;
- 13 (7) 4th Street, between Bryant and Townsend in the SLI and MUO Districts;
- 14 (8) Hayes Street, for the entirety of the Hayes-Gough NCT;
- 15 (9) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes-Gough NCT;
- 16 (10) Market Street, for the entirety of the NCT-3 and Upper Market NCT Districts;
- 17 (11) Church Street, for the entirety of the NCT-3 and Upper Market NCT Districts;
- 18 (12) 22nd Street, between 3rd Street and Minnesota Streets within the NCT-2 District;
- 19 (13) Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT District;
- 20 (14) Mission Street, for the entirety of the Mission Street NCT District;
- 21 (15) 24th Street, for the entirety of the 24th Street-Mission ~~NCT~~NCT;
- 22 (16) 16th Street, between Guerrero and Capp Streets;
- 23 (17) 22nd Street, between Valencia and Mission Streets;
- 24 (18) 6th Street for its entirety within the SoMa NCT District;
- 25 (c) Definitions.

1 “Active commercial uses” shall include those uses specifically identified below in Table
 2 145.4, and:

3 (1) Shall not include uses oriented to motor vehicles except for automobile sale or rental
 4 where curb-cuts, garage doors, or loading access are not utilized or proposed, and such
 5 sales or rental activity is entirely within an enclosed building and does not encroach on
 6 surrounding sidewalks or open spaces;

7 (2) Shall include public uses except for utility installations; and

8 (3) Shall not include residential care uses as defined in Sections 790.50, 790.51, and
 9 890.50.

10 Table 145.4

<u>Reference for Neighborhood Commercial Districts</u>	<u>Reference for Mixed Use Districts</u>	<u>Use</u>
<u>790.4</u>	<u>890.4</u>	<u>Amusement Game Arcade</u>
<u>790.6</u>	<u>890.6</u>	<u>Animal Hospital</u>
<u>790.12</u>	<u>890.13</u>	<u>Automobile Sale or Rental (see qualification, above)</u>
<u>790.22</u>	<u>890.22</u>	<u>Bar</u>
<u>N/A</u>	<u>890.23</u>	<u>Business Goods and Equipment Sales and Repair Service</u>
<u>790.34</u>	<u>890.34</u>	<u>Eating and Drinking Use</u>
<u>790.38</u>	<u>890.37</u>	<u>Entertainment, Other</u>
<u>N/A</u>	<u>890.39</u>	<u>Gift Store-Tourist Oriented</u>
<u>790.50, 790.51</u>	<u>890.50</u>	<u>Institutions, Other (see qualification, above)</u>

25

1	<u>N/A</u>	<u>890.51</u>	<u>Jewelry Store</u>
2	<u>790.68</u>	<u>890.68</u>	<u>Neighborhood-Serving Business</u>
3	<u>N/A</u>	<u>890.69</u>	<u>Non-Auto Vehicle Sales or Rental (see qualification, above)</u>
4	<u>790.80</u>	<u>890.80</u>	<u>Public Use (see qualification, above)</u>
5			
6	<u>790.91</u>	<u>890.90</u>	<u>Restaurant, Fast-Food (Small)</u>
7	<u>790.90</u>	<u>890.91</u>	<u>Restaurant, Fast-Food (Large)</u>
8	<u>790.92</u>	<u>890.92</u>	<u>Restaurant, Full-Service</u>
9			
10	<u>790.102</u>	<u>890.102</u>	<u>Sales and Service, Other Retail</u>
11	<u>790.104</u>	<u>890.104</u>	<u>Sales and Services, Retail</u>
12	<u>790.110</u>	<u>890.110</u>	<u>Service, Financial</u>
13	<u>790.112</u>	<u>890.112</u>	<u>Service, Limited Financial</u>
14	<u>790.114</u>	<u>890.114</u>	<u>Service, Medical</u>
15	<u>790.116</u>	<u>890.116</u>	<u>Service, Personal</u>
16	<u>790.122</u>	<u>890.122</u>	<u>Take-Out Food</u>
17	<u>790.124</u>	<u>890.124</u>	<u>Trade Shop</u>
18			
19	<u>790.140</u>	<u>890.140</u>	<u>Walk-Up Facility</u>

20

21 (d) Controls.

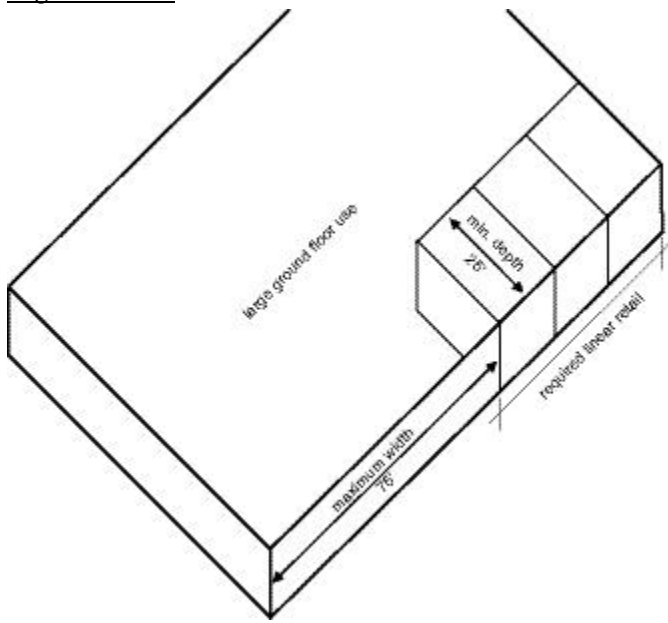
22 (1) Active commercial uses which are permitted by the specific district in which they are
 23 located are required on the ground floor of all street frontages listed in Subsection (b)
 24 above.

25

1 (2) Active commercial uses shall comply with the standards applicable to active uses as
2 set forth in Section 145.1(c)(3) and shall further be consistent with any applicable design
3 guidelines.

4 (3) On those street frontages listed in Subsection (b), an individual ground floor
5 nonresidential use may not occupy more than 75 contiguous linear feet for the first 25
6 feet of depth along a street-facing façade. Separate individual storefronts shall wrap
7 large ground floor uses for the first 25 feet of depth, as illustrated in Figure 145.4.

8 Figure 145.4



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21
22 (e) Modifications. Modifications to the requirements of this Section are not permitted in
23 DTR Districts. In Neighborhood Commercial Districts, modifications to the requirements
24 of this Section may be granted through the Conditional Use process, as set forth in
25 Section 303. In the Eastern Neighborhoods Mixed Use Districts, modifications to the

1 requirements of this Section may be granted through the procedures of Section
2 309.2329 for projects subject to that Section or through an Administrative Modification
3 from the Zoning Administrator for other projects, as set forth in Section 307(g).

4 **SEC. 145.5. GROUND FLOOR STANDARDS IN PDR DISTRICTS.**

5 All new buildings constructed in PDR Districts shall provide ground floor spaces with a
6 minimum clear ceiling height of 15 feet, as measured from grade.

7 **SEC. 145.6. REAR BUILDING WALLS, NCT DISTRICTS.**

8 (a) **Applicability.** This Section shall apply to all new or expanded buildings located in the
9 SoMA NCT, Mission Street NCT, Valencia Street NCT, 24th Street-Mission NCT, and
10 NCT-2 Districts.

11 (b) **Definitions.** For the purposes of this Section, a ‘Green Wall’ shall mean a generally
12 vertical surface that is covered to the maximum extent feasible with climbing plants or
13 other vegetation. In addition to plant matter, a green wall may also include growing
14 medium, irrigation systems, or components that integrate the wall with other landscape
15 or building systems. A Green Wall may include limited glazing or other openings so long
16 as such openings do not detract from the growth or coverage of plant matter, or
17 otherwise interfere with the intent of this Section.

18 (c) **Controls.** In order to preserve and enhance the quality of existing mid-block open
19 spaces in NCT Districts, the following requirements apply:

20 (1) Buildings must provide and maintain a Green Wall along all exterior building walls
21 which occupy space within the rearmost 5 feet of the lot. Such Green Wall shall comprise
22 the entire rear building wall, excepting a doorway or other passage from the building’s
23 interior and space directly above that opening, and extend to at least 10 feet above grade
24 or to the floor level of the first floor of occupancy above the ground story at the rear of
25 the building, whichever is greater.

1 (2) Regardless of the rear yard requirements of Section 134, buildings subject to this
2 Section also must provide a setback of no less than 3 feet for the full width of the lot,
3 measured from the rear lot line, to allow for access to, and maintenance of, the Green
4 Wall. In connection with this requirement, a doorway or other passageway leading from
5 the interior of the building to the maintenance setback is required.

6
7 **SEC. 147. REDUCTION OF SHADOWS ON CERTAIN PUBLIC OR**
8 **PUBLICLY ACCESSIBLE OPEN SPACES IN C-3, SOUTH OF MARKET MIXED**
9 **USE, AND EASTERN NEIGHBORHOODS MIXED USE RSD, SLR, SLI OR SSO**
10 **DISTRICTS.**

11 New buildings and additions to existing buildings in C-3, South of Market
12 Mixed Use, and Eastern Neighborhoods Mixed Use Districts ~~or in RSD, SLR, SLI or SSO~~
13 ~~Districts~~ where the building height exceeds 50 feet shall be shaped, consistent
14 with the dictates of good design and without unduly restricting the development
15 potential of the site in question, to reduce substantial shadow impacts on public
16 plazas and other publicly accessible spaces other than those protected under
17 Section 295. In determining the impact of shadows, the following factors shall be
18 taken into account: The amount of area shadowed, the duration of the shadow,
19 and the importance of sunlight to the type of open space being shadowed.
20 Determinations under this Section with respect to C-3 Districts shall be made in
21 accordance with the provisions of Section 309 of this Code. Determinations
22 under this Section with respect to South of Market Mixed Use and Eastern
23 Neighborhoods Mixed Use RSD, SLR, SLI or SSO Districts shall be made in
24 accordance with the provisions of Section 307 of this Code.

25 **SEC. 150. OFF-STREET PARKING AND LOADING REQUIREMENTS.**

1 (a) General. This Article 1.5 is intended to assure that off-street parking and
2 loading facilities are provided in amounts and in a manner that will be consistent
3 with the objectives and policies of the San Francisco ~~Master~~ General Plan, as part
4 of a balanced transportation system that makes suitable provision for use of both
5 private vehicles and transit. With respect to off-street parking, this Article is
6 intended to require needed facilities but discourage excessive amounts of
7 parking, to avoid adverse effects upon surrounding areas and uses, and to
8 encourage effective use of public transit as an alternative to travel by private
9 automobile.

10 (b) Spaces Required. Off-street parking and loading spaces, according to the
11 requirements stated in this Article 1.5, shall be provided for any structure
12 constructed, and any use established, whether public or private, after the original
13 effective date of any such requirement applicable to such structure or use.

14 (c) Additions to Structure and Uses.

15 (1) For any structure or use lawfully existing on such effective date, off-street
16 parking and loading spaces need be provided only in the case of a major addition
17 to such structure or use, and only in the quantity required for the major addition
18 itself. Any lawful deficiency in off-street parking or loading spaces existing on
19 such effective date may be carried forward for the structure or use, apart from
20 such major addition.

21 (2) For these purposes, a "major addition" is hereby defined as any
22 enlargement, alteration, change of occupancy or increase in intensity of use
23 which would increase the number of off-street parking spaces required for
24 dwelling units by one or more spaces; which would increase the number of off-
25 street parking spaces required for uses other than dwelling units by at least 15

1 percent or by at least five spaces, whichever is greater; or which would increase
2 the requirement for off-street loading spaces by at least 15 percent.

3 (3) Successive additions made after the effective date of an off-street parking or
4 loading requirement shall be considered cumulative, and at the time such
5 additions become major in their total, off-street parking and loading spaces shall
6 be provided as required for such major addition.

7
8 (d) Spaces to be Retained. Once any off-street parking or loading space has
9 been provided which wholly or partially meets the requirements of this Code,
10 such off-street parking or loading space shall not thereafter be reduced,
11 eliminated or made unusable in any manner; provided, however, that in the Outer
12 Clement Neighborhood Commercial District a maximum of one off-street parking
13 space may be used for the storage of materials for a commercial use if the
14 commercial use is on a lot contiguous to the lot on which the parking space is
15 located and if access between the commercial use and the storage is available
16 without the use of a public sidewalk or other public right-of-way and if the storage
17 occurred prior to 1985. Any required residential parking space may be leased or
18 rented on a monthly basis to serve the resident of any dwelling unit within 1,250-
19 feet of said parking space, as provided under Section 204.5(b)(1) of this Code,
20 and such lease or rental shall not be considered a reduction or elimination of
21 required spaces.

22 (3) Any off-street parking space or spaces which existed lawfully at the effective date of
23 this Section and which have a total number in excess of the maximum permitted off-street
24 parking spaces permitted under Section 151.1 shall be considered noncomplying features
25 pursuant to Section 180(a)(2) and shall be regulated as set forth in Section 188.

1 (e) Conditional Use Cases. When authorizing a conditional use under Section
2 303 of this Code, the City Planning Commission may require such additional off-
3 street parking and loading spaces, and apply such other standards in addition to
4 those stated in this Article 1.5, as are in its opinion necessary to secure the
5 objectives of this Code.

6 **SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING**
7 **SPACES IN SPECIFIED DISTRICTS DOWNTOWN RESIDENTIAL(DTR), C-3,**
8 **NEIGHBORHOOD COMMERCIAL TRANSIT (NCT), AND RESIDENTIAL**
9 **TRANSIT ORIENTED (RTO) DISTRICTS.**

10 (a) Applicability. This subsection shall apply only to ~~For any use in~~ DTR, NCT, RTO,
11 Eastern Neighborhood Mixed Use, PDR-1-D, and PDR-1-G or C-3 Districts.

12 (b) Controls. ~~Off-street accessory parking shall not be required for any use, and,~~
13 ~~as specified in Section 151.1 herein. The quantities of off-street parking~~ specified in
14 Table 151.1 shall serve as the maximum amount of off-street parking that may be
15 provided as accessory to the uses specified. For non-residential and non-office uses
16 in the UMU, PDR-1-D, and PDR-1-G Districts, the maximum amount of off-street
17 parking that may be provided as accessory shall be no more than 50% greater than that
18 indicated in Table 151.1. ~~For uses in DTR, NCT, and RTO districts not described in~~
19 ~~Table 151.1, the off street requirements specified in Table 151 and set forth in Section~~
20 ~~204.5 of this Code shall serve as maximums for the total amount of accessory parking~~
21 ~~that may be provided. For uses in C 3 Districts not described in Table 151.1, Section~~
22 ~~204.5 shall determine the maximum permitted accessory parking that may be provided.~~
23 Variances from accessory off-street parking limits, as described in this Section, may
24 not be granted. ~~in C 3, NCT and RTO above the maximum specified in this Section~~
25 ~~151.1.~~ Where off-street parking is provided that exceeds the quantities specified

1 in Table 151.1 or as explicitly permitted by this Section set forth in Section 204.5 of this
2 Code, such parking shall be classified not as accessory parking but as either a
3 principally permitted or conditional use, depending upon the use provisions
4 applicable to the district in which the parking is located. In considering an
5 application for a conditional use for any such parking due to the amount being
6 provided, the Planning Commission shall consider the criteria set forth in Section
7 157 and 157.1 of this Code.

8 (~~b~~c) Where a number or ratio of spaces are described in Table 151.1, such
9 number or ratio shall refer to the total number of parked cars accommodated in
10 the project proposal, regardless of the arrangement of parking, and shall include
11 all spaces accessed by mechanical means, valet, or non-independently
12 accessible means. For the purposes of determining the total number of cars
13 parked, the area of an individual parking space, except for those spaces
14 specifically designated for persons with physical disabilities, may not exceed 185
15 square feet, including spaces in tandem, or in parking lifts, elevators or other
16 means of vertical stacking. Any off-street surface area accessible to motor vehicles
17 with a width of 7.5 feet and a length of 17 feet (127.5 square feet) not otherwise
18 designated on plans as a parking space may be considered and counted as an off-street
19 parking space at the discretion of the Zoning Administrator if the Zoning Administrator,
20 in considering the possibility for tandem and valet arrangements, determines that such
21 area is likely to be used for parking a vehicle on a regular basis and that such area is not
22 necessary for the exclusive purpose of vehicular circulation to the parking or loading
23 facilities otherwise permitted.

24
25

(*ed*) Any off-street parking space dedicated for use as a car-share parking space, as defined in Section 166, shall not be ~~counted~~ credited toward the total parking ~~allowed~~ permitted as accessory in this Section.

Table 151.1

OFF-STREET PARKING ~~ALLOWED~~ PERMITTED AS ACCESSORY

Use or Activity	Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
Dwelling units in <u>RH-DTR</u> Districts, except as specified below	P up to one car for each two dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1 (d); NP above one space per unit.
Dwelling units in C-3 <u>and SB-DTR</u> , Districts, except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above 0.75 cars for each dwelling unit.
Dwelling units in C-3 <u>and SB-DTR</u> , Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above one car for each dwelling unit.
Dwelling units in C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District	P up to one car for each four dwelling units; C up to .5 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above two cars for each four dwelling units.
<u>Dwelling units and SRO units in</u>	<u>P up to one car for each four dwelling units; up to 0.75</u>

1	<u>MUG, MUR, MUO, SPD Districts, except as specified below</u>	<u>cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(f); NP above</u>
2		<u>0.75 cars for each dwelling unit.</u>
3	<u>Dwelling units in MUG, MUR,</u>	<u>P up to one car for each four dwelling units; up to one</u>
4	<u>MUO, SPD Districts with at least 2</u>	<u>car for each dwelling unit, subject to the criteria and</u>
5	<u>bedrooms and at least 1,000 square</u>	<u>conditions and procedures of Section 151.1(f); NP above</u>
6	<u>feet of occupied floor area</u>	<u>one car for each dwelling unit.</u>
7		P up to one car for each two dwelling units; C up to
8	Dwelling units in NCT Districts	0.75 cars for each dwelling unit, subject to the
9		criteria and procedures of Section 151.1(f); NP
10		above 0.75 cars for each dwelling unit.
11	Dwelling units in RTO Districts,	P up to three cars for each four dwelling units; C up
12	except as specified below	to one car for each dwelling unit, subject to the
13		criteria and procedures of Section 151.1(f); NP
14		above one car for each dwelling unit.
15	<u>Dwelling units and SRO units in</u>	<u>P up to 0.75 cars for each dwelling unit and subject to</u>
16	<u>UMU Districts, except as specified</u>	<u>the conditions of 151.1(f); NP above.</u>
17	<u>below</u>	
18	<u>Dwelling units in UMU District with</u>	<u>P up to 1 car for each dwelling unit and subject to the</u>
19	<u>at least 2 bedrooms and at least</u>	<u>conditions of 151.1(f); NP above.</u>
20	<u>1,000 square feet of occupied floor</u>	
21	<u>area</u>	
22	Group housing of any kind	P up to one car for each three bedrooms or for
23		each six beds, whichever results in the greater
24		requirement, plus one for the manager's dwelling
25		unit if any. NP above.
	SRO units—	P up to one car for each 20 units, plus one for the
		manager's dwelling unit, if any. NP above.—

1	<u>All non-residential uses in C-3</u>	<u>Not to exceed 7% of gross floor area of such uses. See</u>
2	<u>Districts</u>	<u>requirements in Section 204.5.</u>
3	<u>Hotel, inn, or hostel</u>	<u>P up to one for each 16 guest bedrooms, plus one for the</u>
4		<u>manager's dwelling unit, if any.</u>
5	<u>Motel</u>	<u>P up to one for each guest unit, plus one for the</u>
6		<u>manager's dwelling unit, if any.</u>
7		<u>P up to one for each 16 guest excluding bassinets or for</u>
8	<u>Hospital or other inpatient medical</u>	<u>each 2,400 square feet of gross floor area devoted to</u>
9	<u>institution</u>	<u>sleeping rooms, whichever results in the lesser</u>
10		<u>requirement</u>
11	<u>Residential care facility</u>	<u>P up to one for each 10 residents.</u>
12		<u>P up to one for each 25 children to be accommodated at</u>
13	<u>Child care facility</u>	<u>any one time.</u>
14	<u>Elementary school</u>	<u>P up to one for each six classrooms.</u>
15	<u>Secondary school</u>	<u>P up to one for each two classrooms.</u>
16	<u>Post-secondary educational</u>	
17	<u>institution</u>	<u>P up to one for each two classrooms.</u>
18		
19	<u>Church or other religious</u>	
20	<u>institutions</u>	<u>P up to one for each 20 seats.</u>
21		<u>P up to one for each eight seats up to 1,000 seats, plus</u>
22	<u>Theater or auditorium</u>	<u>one for each 10 seats in excess of 1,000.</u>
23	<u>Stadium or sports arena</u>	<u>P up to one for each 15 seats.</u>
24	<u>Medical or dental office or</u>	<u>P up to one for each 300 square feet of occupied floor</u>
25	<u>outpatient clinic</u>	<u>area.</u>

1	All office uses <i>in C-3, DTR, SPD,</i>	P up to seven percent of the gross floor area of
2	<i>MUG, MUR, and MUO Districts</i>	such uses <u>and subject to the pricing conditions of</u>
3		<u>Section 155(g); NP above.</u>
4	<i>Office uses in UMU, PDR-1-D, and</i>	P up to one car per 1,000 square feet of gross floor area
5	<i>PDR-1-G Districts, except as</i>	<u>and subject to the pricing conditions of Section 155(g);</u>
6	<i>specified below</i>	<u>NP above.</u>
7	<i>Office uses in UMU, PDR-1-D, and</i>	
8	<i>PDR-1-G Districts where the entire</i>	P up to one car per 500 square feet of gross floor area;
9	<i>parcel is greater than 1/4-mile from</i>	<u>NP above.</u>
10	<i>Market, Mission, 3rd and 4th Streets</i>	
11	Non-residential uses in RTO	
12	districts permitted under Sections	None permitted.
13	209.8(e) and 231 0 .	
14	All non-residential uses in NCT	For uses in Table 151 that are described as a ratio
15	districts except as specified	of occupied floor area, P up to 1 space per 1,500
16	below	square feet of occupied floor area or the quantity
17		specified in Table 151, whichever is less, and
18		subject to the conditions and criteria of Section
19	Retail grocery store uses in NCT	151.1(f). NP above.
20	districts with over 20,000 square	P up 1 space per 500 square feet of occupied floor
21	feet of occupied floor area	area, and subject to the conditions and criteria of
22		Section 151.1(f). C up to 1 space per 250 square
23		feet of occupied floor area for that area in excess of
24	All retail in the Eastern	20,000 square feet, subject to the conditions and
25	Neighborhoods Mixed Use	criteria of Section 151.1(f). NP above.
		<u>P up 1,500 square feet of gross floor area.</u>

1	<u>Districts where any portion of the</u>	
2	<u>parcel is less than ¼ mile from</u>	
3	<u>Market, Mission, 3rd and 4th</u>	
4	<u>Streets, except grocery stores of</u>	
5	<u>over 20,000 gross square feet.</u>	
6	<u>With the exception of Eastern</u>	
7	<u>Neighborhoods Mixed Use</u>	
8	<u>Districts as set forth above, all</u>	<i>P up to one for each 200 square feet of occupied floor</i>
9	<u>other r</u> <i>Restaurant, bar, nightclub,</i>	<i>area.</i>
10	<u>pool hall, dance hall, bowling alley</u>	
11	<u>or other similar enterprise</u>	
12	<u>With the exception of Eastern</u>	
13	<u>Neighborhoods Mixed Use</u>	
14	<u>Districts as set forth above, all</u>	<i>P up to one for each 1,000 square feet of occupied floor</i>
15	<u>other r</u> <i>Retail space devoted to the</i>	<i>area.</i>
16	<u>handling of bulky merchandise such</u>	
17	<u>as motor vehicles, machinery or</u>	
18	<u>furniture</u>	
19	<u>With the exception of Eastern</u>	
20	<u>Neighborhoods Mixed Use</u>	
21	<u>Districts as set forth above, all</u>	<i>P up to one for each 4,000 square feet of occupied floor</i>
22	<u>other g</u> <i>Greenhouse or plant</i>	<i>area.</i>
23	<u>nursery</u>	
24	<u>With the exception of Eastern</u>	<i>P up to one for each 500 square feet of gross floor area</i>
25	<u>Neighborhoods Mixed Use</u>	<i>up to 20,000 square feet, plus one for each 250 square</i>
	<u>Districts as set forth above, all</u>	<i>feet of gross floor area in excess of 20,000.</i>

1	<u>other retail space</u>	
2	<u>Service, repair or wholesale sales</u>	
3	<u>space, including personal, home or</u>	<u>P up to one for each 1,000 square feet of occupied floor</u>
4	<u>business service space in South of</u>	<u>area.</u>
5	<u>Market Districts</u>	
6	<u>Mortuary</u>	<u>P up to five.</u>
7	<u>Storage or warehouse space, and</u>	
8	<u>space devoted to any use first</u>	<u>P up to one for each 2,000 square feet of occupied floor</u>
9	<u>permitted in an M-2 District</u>	<u>area.</u>
10	<u>Arts activities and spaces except</u>	<u>P up to one for each 2,000 square feet of occupied floor</u>
11	<u>theater or auditorium spaces</u>	<u>area.</u>
12	<u>Laboratory</u>	<u>P up to one for each 1,500 square feet of occupied floor</u>
13		<u>area.</u>
14	<u>Small Enterprise Workspace</u>	<u>P up to one for each 1,500 square feet of occupied floor</u>
15	<u>Building</u>	<u>area.</u>
16	<u>Integrated PDR</u>	<u>P up to one for each 1,500 square feet of occupied floor</u>
17		<u>area.</u>
18	<u>Other manufacturing and</u>	<u>P up to one for each 1,500 square feet of occupied floor</u>
19	<u>industrial uses</u>	<u>area.</u>

(d) In DTR districts, any request for accessory parking in excess of what is permitted by right shall be reviewed on a case-by-case basis by the Planning Commission, subject to the procedures set forth in Section 309.1 of this Code. In granting approval for parking accessory to residential uses above that permitted

1 by right in Table 151.1, the Commission shall make the following affirmative
2 findings:

3 (1) All parking in excess of that allowed by right is stored and accessed by
4 mechanical means, valet, or non-independently accessible method that
5 maximizes space efficiency and discourages use of vehicles for commuting or
6 daily errands;

7 (2) Vehicle movement on or around the project site associated with the excess
8 accessory parking does not unduly impact pedestrian spaces or movement,
9 transit service, bicycle movement, or the overall traffic movement in the district;

10 (3) Accommodating excess accessory parking does not degrade the overall
11 urban design quality of the project proposal;

12 (4) All parking in the project is set back from facades facing streets and alleys
13 and lined with active uses, and that the project sponsor is not requesting any
14 exceptions or variances requiring such treatments elsewhere in this Code; and

15 (5) Excess accessory parking does not diminish the quality and viability of
16 existing or planned streetscape enhancements.

17 (e) In C-3 Districts any request for accessory parking in excess of what is
18 permitted by right in Table 151.1, shall be reviewed on a case-by-case basis by
19 the Planning Commission, subject to the procedures set forth in Section 309 of
20 this Code. In granting approval for parking accessory to residential uses above
21 that permitted by right in Table 151.1, the Planning Commission shall make the
22 following affirmative findings:

23 (1) For projects with 50 units or more, all residential accessory parking in
24 excess of 0.5 parking spaces for each dwelling unit shall be stored and accessed
25 by mechanical stackers or lifts, valet, or other space-efficient means that allows

1 more space above-ground for housing, maximizes space efficiency and
2 discourages use of vehicles for commuting or daily errands. The Planning
3 Commission may authorize the request for additional parking notwithstanding
4 that the project sponsor cannot fully satisfy this requirement provided that the
5 project sponsor demonstrates hardship or practical infeasibility (such as for
6 retrofit of existing buildings) in the use of space-efficient parking given the
7 configuration of the parking floors within the building and the number of
8 independently accessible spaces above 0.5 spaces per unit is de minimus and
9 subsequent valet operation or other form of parking space management could
10 not significantly increase the capacity of the parking space above the maximums
11 in Table 151.1;

12 (2) For any project with residential accessory parking in excess of 0.375 parking
13 spaces for each dwelling unit, the project complies with the housing requirements
14 of Sections 315 through 315.9 of this Code except as follows: the inclusionary
15 housing requirements that apply to projects seeking conditional use authorization
16 as designated in Section 315.3(a)(2) shall apply to the project.

17 (3) The findings of Section 151.1(d)(2), (d)(3) and (d)(5) are satisfied;

18 (4) All parking meets the active use and architectural screening requirements in
19 Sections 155(s)(1)(B) and 155(s)(1)(C) and the project sponsor is not requesting
20 any exceptions or variances requiring such treatments elsewhere in this Code.

21 (f) In RTO and NCT districts, any request for accessory parking in excess of what
22 is principally permitted in Table 151.1, but which does not exceed the maximum
23 amount stated in Table 151.1, shall be reviewed ~~on a case-by-case basis~~ by the
24 Planning Commission as a Conditional Use. In MUG, MUR, MUO, and SPD
25 Districts, any project subject to Section ~~309-2329~~ and that requests residential

1 accessory parking in excess of that which is principally permitted in Table 151.1, but
2 which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by
3 the Planning Commission according to the procedures of Section ~~309.2329~~. Projects
4 that are not subject to Section ~~309.2329~~ shall be reviewed under the procedures detailed
5 in subsection (g), below. In granting such Conditional Use or exception per ~~309.2329~~
6 for parking in excess of that principally permitted in Table 151.1, the Planning
7 Commission shall make the following affirmative findings according to the uses to
8 which the proposed parking is accessory:

9 (1) Parking for all uses

10 (A) Vehicle movement on or around the project does not unduly impact
11 pedestrian spaces or movement, transit service, bicycle movement, or the overall
12 traffic movement in the district;

13 (B) Accommodating excess accessory parking does not degrade the overall
14 urban design quality of the project proposal;

15 (C) All above-grade parking is architecturally screened and, where appropriate,
16 lined with active uses according to the standards of Section 145.1(~~e~~), and the
17 project sponsor is not requesting any exceptions or variances requiring such
18 treatments elsewhere in this Code; and

19 (D) Excess accessory parking does not diminish the quality and viability of
20 existing or planned streetscape enhancements.

21 (2) Parking for Residential Uses

22 (A) For projects with 50 dwelling units or more, all residential accessory parking in
23 excess of 0.5 spaces per unit shall be stored and accessed by mechanical
24 stackers or lifts, valet, or other space-efficient means that reduces space used for
25

1 parking and maneuvering, and maximizes other uses, ~~and discourages the use of~~
2 ~~vehicles for commuting for daily errands.~~

3 (3) Parking for Non-Residential Uses

4 (A) Projects that provide more than 10 spaces for non-residential uses must
5 dedicate 5% of these spaces, rounded down to the nearest whole number, to
6 short-term, transient use by vehicles from certified car sharing organizations per
7 Section 166, vanpool, rideshare, taxis, or other co-operative auto programs.

8 These spaces shall not be used for long-term storage nor satisfy the requirement
9 of Section 166, but rather to park them during trips to commercial uses. These
10 spaces may be used by shuttle or delivery vehicles used to satisfy subsection
11 (B).

12 (B) Retail uses larger than 20,000 square feet, including but not limited to
13 grocery, hardware, furniture, consumer electronics, greenhouse or nursery, and
14 appliance stores, which sell merchandise that is bulky or difficult to carry by hand
15 or by public transit, shall offer, at minimal or no charge to its customers, door-to-
16 door delivery service and/or shuttle service. This is encouraged, but not required,
17 for retail uses less than 20,000 square feet.

18 (C) Parking shall be limited to short-term use only.

19 (D) Parking shall be available to the general public at times when such parking is
20 not needed to serve the use or uses to which it is accessory.

21 (g) Small residential projects in MUG, MUR, MUO, and SPD Districts. Any project that
22 is not subject to the requirements of Section ~~309.2329~~ and that requests residential
23 accessory parking in excess of what is principally permitted in Table 151.1 shall be
24 reviewed by the Zoning Administrator subject to Section 307(h). The Zoning
25 Administrator may grant parking in excess of what is principally permitted in Table

1 151.1, not to exceed the maximum amount stated in Table 151.1, only if the Zoning
2 Administrator determines that all of the following conditions are met:

3 (A) all the conditions of subsection (f)(1) above have been met,

4 (B) parking is not accessed from any protected Transit or Pedestrian Street described in
5 Section 155(r), and

6 (C) where more than ten spaces are proposed at least half of them, rounded down to the
7 nearest whole number, are stored and accessed by mechanical stackers or lifts, valet, or
8 other space-efficient means that reduces space used for parking and maneuvering, and
9 maximizes other uses.

10 **SEC. 152. SCHEDULE OF REQUIRED OFF-STREET FREIGHT**
11 **LOADING SPACES IN DISTRICTS OTHER THAN C-3, EASTERN**
12 **NEIGHBORHOODS MIXED USE DISTRICTS, OR SOUTH OF MARKET MIXED**
13 **USE DISTRICTS.**

14 In districts other than C-3, Eastern Neighborhoods Mixed Use Districts, and
15 the South of Market Mixed Use Districts, off-street freight loading spaces shall be
16 provided in the minimum quantities specified in the following table, except as
17 otherwise provided in Section 152.2 and Section 161 of this Code. The
18 measurement of gross floor area shall be as defined in this Code, except that
19 nonaccessory parking spaces and driveways and maneuvering areas incidental
20 thereto shall not be counted.

21 **Table 152**
22 **OFF-STREET FREIGHT LOADING SPACES REQUIRED (OUTSIDE C-3,**
23 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, AND SOUTH OF**
24 **MARKET MIXED USE DISTRICTS)**

Use or Activity	Gross Floor Area of Structure or Use (sq. ft.)	Number of Off-Street Freight Loading Spaces Required
Retail stores, wholesaling, manufacturing, live/work units in newly constructed structures, and all other uses primarily engaged in the handling of goods.	0--10,000	0
	10,001--60,000	1
	60,001--100,000	2
	over 100,000	3 plus 1 for each additional 80,000 sq. ft.
Offices, hotels, apartments, live/work units not included above, and all other uses not included above	0--100,000	0
	100,001--200,000	1
	200,001--500,000	2
	over 500,000	3 plus 1 for each additional 400,000 sq. ft.

SEC. 152.1. REQUIRED OFF-STREET FREIGHT LOADING AND SERVICE VEHICLE SPACES IN C-3, EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, AND SOUTH OF MARKET MIXED USE DISTRICTS.

1 In C-3, Eastern Neighborhoods Mixed Use Districts, and South of Market
 2 Mixed Use Districts, off-street freight loading spaces shall be provided in the
 3 minimum quantities specified in the following Table 152.1, except as otherwise
 4 provided in Sections 153(a)(6), ~~and~~ 161, and as stated below in this Section of this
 5 Code. The measurement of gross floor area shall be as defined in this Code,
 6 except that non-accessory parking spaces and driveways and maneuvering
 7 areas incidental thereto shall not be counted.

8 For projects in the Eastern Neighborhoods Mixed Use Districts that are subject to
 9 Section ~~309.2329~~, the Planning Commission may waive these requirements per the
 10 procedures of Section ~~309.2329~~ if it finds that the design of the project, particularly
 11 ground floor frontages, would be improved and that such loading could be sufficiently
 12 accommodated on adjacent streets and alleys. For projects in the Eastern Neighborhoods
 13 Mixed Use Districts that are not subject to Section ~~309.2329~~, the Zoning Administrator
 14 may administratively waive these requirements pursuant to Section 307(h) and the
 15 criteria identified above which apply to projects subject to Section ~~309.2329~~.

16 **Table 152.1**

17
 18 **OFF-STREET FREIGHT LOADING SPACES REQUIRED (IN C-3, EASTERN**
 19 **NEIGHBORHOODS MIXED USE DISTRICTS, AND SOUTH OF MARKET**
 20 **MIXED USE DISTRICTS)**

21
 22

Use or Activity	Gross Floor Area of Structure or Use	Number of Off-Street Freight Loading Spaces
-----------------	--------------------------------------	---

	(sq. ft.)	Required
1		
2		0.1 space per 10,000
3		sq. ft. of gross floor area
4	Offices and Banks	(to closest whole
5		number per Section
6		153)
7	0--10,000	0
8	10,001--	1
9	30,000	
10	30,001--	2
11	50,000	
12	over 50,000	1 space per 25,000 sq.
13		ft. of gross floor area (to
14		closest whole number
15		per Section 153)
16	0--10,000	0
17	10,001--	1
18	50,000	
19	over 50,000	0.21 spaces per 10,000
20		sq. ft. of gross floor area
21		(to closest whole
22		number per Section
23		153)
24	0--100,000	0
25	100,001--	1
	200,000	

	200,001-- 500,000	2
	over 500,000	3 plus 1 space for each additional 400,000 sq. ft.

SEC. 153. RULES FOR CALCULATION OF REQUIRED SPACES.

(a) In the calculation of off-street parking and freight loading spaces required under Sections 151, 152 and 152.1, the following rules shall apply:

(1) In the case of mixed uses in the same structure, on the same lot or in the same development, or more than one type of activity involved in the same use, the total requirements for off-street parking and loading spaces shall be the sum of the requirements for the various uses or activities computed separately, including fractional values.

(2) Where an initial quantity of floor area, rooms, seats or other form of measurement is exempted from off-street parking or loading requirements, such exemption shall apply only once to the aggregate of that form of measurement. If the initial exempted quantity is exceeded, for either a structure or a lot or a development, the requirement shall apply to the entire such structure, lot or development, unless the contrary is specifically stated in this Code. In combining the requirements for use categories in mixed use buildings, all exemptions for initial quantities of square footage for the uses in question shall be disregarded, excepting the exemption for the initial quantity which is the least among all the uses in question.

(3) Where a structure or use is divided by a zoning district boundary line, the requirements as to quantity of off-street parking and loading spaces shall be

1 calculated in proportion to the amount of such structure or use located in each
2 zoning district.

3 (4) Where seats are used as the form of measurement, each 22 inches of space
4 on benches, pews and similar seating facilities shall be considered one seat.

5 (5) When the calculation of the required number of off-street parking or freight
6 loading spaces results in a fractional number, a fraction of 1/2 or more shall be
7 adjusted to the next higher whole number of spaces, and a fraction of less than
8 1/2 may be disregarded.

9 (6) In C-3, MUG, MUR, MUO, UMU, and South of Market Districts, substitution of
10 two service vehicle spaces for each required off-street freight loading space may
11 be made, provided that a minimum of 50 percent of the required number of
12 spaces are provided for freight loading. Where the 50 percent allowable
13 substitution results in a fraction, the fraction shall be disregarded.

14 (b) The requirements for off-street parking and loading for any use not
15 specifically mentioned in Sections 151 and 152 shall be the same as for a use
16 specified which is similar, as determined by the Zoning Administrator.

17 (c) For all uses and all districts covered by Section 151.1, the rules of
18 calculation established by subsection (a) shall apply to the determination of
19 maximum permitted spaces allowed by Section 151.1.

20 **SEC. 154. DIMENSIONS FOR OFF-STREET PARKING, FREIGHT**
21 **LOADING AND SERVICE VEHICLE SPACES.**

22 (a) Parking Spaces. Required parking spaces may be either independently
23 accessible or space-efficient as described in 154(a)(4) and 154(a)(5), except as
24 required elsewhere in the Building Code for spaces specifically designed for
25 persons with physical disabilities. Space-efficient parking is encouraged.

1 (1) Each independently accessible off-street parking space shall have a
2 minimum area of 144 square feet for a standard space and 112.5 feet for a
3 compact space, except for the types of parking authorized by (a)(4) below and
4 spaces specifically designated for person with physical disabilities, the
5 requirements for which are set forth in the Building Code. Every required space
6 shall be of usable shape. The area of any such space shall be exclusive of
7 driveways, aisles and maneuvering areas. The parking space requirements for
8 the Bernal Heights Special Use District are set forth in Section 242.

9 (2) Any ratio of standard spaces to compact spaces may be permitted, so long
10 as compact spaces are specifically marked and identified as a compact space.
11 Special provisions relating to the Bernal Heights Special Use District are set forth
12 in Section 242.

13 (3) Off-street parking spaces in DTR, ~~and~~ C-3, RTO, NCT, Eastern Neighborhoods
14 Mixed Use, PDR-1-D, and PDR-1-G Districts shall have no minimum area or
15 dimension requirements, except as required elsewhere in the Building Code for
16 spaces specifically designated for persons with physical disabilities. For all uses in
17 all Districts for which there is no minimum off-street parking requirement, per Section
18 151.1, refer to 151.1(c) for rules regarding calculation of parking spaces.

19 (4) Parking spaces in mechanical parking structures that allow a vehicle to be
20 accessed without having to move another vehicle under its own power shall be
21 deemed to be independently accessible. Parking spaces that are accessed by a
22 valet attendant and are subject to such conditions as may be imposed by the
23 Zoning Administrator to insure the availability of attendant service at the time the
24 vehicle may reasonably be needed or desired by the user for whom the space is
25 required, shall be deemed to be independently accessible. Any conditions

1 imposed by the Zoning Administrator pursuant to this Section shall be recorded
2 as a Notice of Special Restrictions.

3 (5) Space-efficient parking is parking in which vehicles are stored and accessed
4 by valet, mechanical stackers or lifters, certain tandem spaces, or other space-
5 efficient means. Tandem spaces shall only count towards satisfying the parking
6 requirement if no more than one car needs to be moved to access the desired
7 parking space. Space-efficient parking is encouraged, and may be used to satisfy
8 minimum-parking requirements so long as the project sponsor can demonstrate
9 that all required parking can be accommodated by the means chosen.

10 (6) Ground floor ingress and egress to any off-street parking spaces provided
11 for a structure or use, and all spaces to be designated as preferential carpool or
12 van pool parking, and their associated driveways, aisles and maneuvering areas,
13 shall maintain a minimum vertical clearance of seven feet.

14 (b) Freight Loading and Service Vehicle Spaces. Every required off-street
15 freight loading space shall have a minimum length of 35 feet, a minimum width of
16 12 feet, and a minimum vertical clearance including entry and exit of 14 feet,
17 except as provided below.

18 (1) Minimum dimensions specified herein shall be exclusive of platform,
19 driveways and maneuvering areas except that minimum vertical clearance must
20 be maintained to accommodate variable truck height due to driveway grade.

21 (2) The first such space required for any structure or use shall have a minimum
22 width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance,
23 including entry and exit, of 12 feet.

24

25

1 (3) Each substituted service vehicle space provided under Section 153(a)(6) of
2 this Code shall have a minimum width of eight feet, a minimum length of 20 feet,
3 and a minimum vertical clearance of seven feet.

4 **SEC. 155. GENERAL STANDARDS AS TO LOCATION AND**
5 **ARRANGEMENT OF OFF-STREET PARKING, FREIGHT LOADING AND**
6 **SERVICE VEHICLE FACILITIES.**

7 Required off-street parking and freight loading facilities shall meet the following
8 standards as to location and arrangement. In addition, facilities which are not
9 required but are actually provided shall meet the following standards unless such
10 standards are stated to be applicable solely to required facilities. In application of
11 the standards of this Code for off-street parking and loading, reference may be
12 made to provisions of other portions of the Municipal Code concerning off-street
13 parking and loading facilities, and to standards of the Bureau of Engineering of
14 the Department of Public Works. Final authority for the application of such
15 standards under this Code, and for adoption of regulations and interpretations in
16 furtherance of the stated provisions of this Code shall, however, rest with the
17 *Department of City Planning Department.*

18 (a) Every required off-street parking or loading space shall be located on the
19 same lot as the use served by it, except as provided in Sections 159, 160 and
20 161 of this Code.

21 (b) Every required off-street parking or loading space shall be located in its
22 entirety within the lot lines of private property.

23 (c) Every off-street parking or loading space shall have adequate means of
24 ingress from and egress to a street or alley. Access to off-street loading spaces
25 shall be from alleys in preference to streets.

1 Adequate reservoir space shall be provided on private property for
2 entrance of vehicles to off-street parking and loading spaces, except with respect
3 to spaces independently accessible directly from the street.

4 (1) For residential uses, independently accessible off-street parking spaces
5 shall include spaces accessed by automated garages, or car elevators, lifts or
6 other space-efficient parking as defined in Section 154(a)(4) and Section
7 154(a)(5) provided that no more than one car needs to be moved under its own
8 power to access any one space.

9 (d) All off-street freight loading and service vehicle spaces in the C-3-O, C-3-R,
10 C-3-G, DTR, MUO, MUG, MUR, and South of Market Mixed Use Districts shall be
11 completely enclosed and access from a public street or alley shall be provided by
12 means of a private service driveway, which is totally contained within the
13 structure. Such a private service driveway shall include adequate space to
14 maneuver trucks and service vehicles into and out of all provided spaces, and
15 shall be designed so as to facilitate access to the subject property while
16 minimizing interference with street and sidewalk circulation. Any such private
17 service driveway shall be of adequate width to accommodate drive-in movement
18 from the adjacent curb or inside traffic lane but shall in no case exceed 30 feet.
19 Notwithstanding the foregoing, if an adjacent street or alley is determined by the
20 Zoning Administrator to be primarily used for building service, up to four off-street
21 freight or loading spaces may be allowed to be individually accessible directly from such
22 a street or alley, pursuant to the provisions of Section 309 in a C-3-O, C-3-R or C-
23 3-G District, ~~or~~ the provisions of Section 307(g) in a South of Market Mixed Use
24 District, the provisions of Section 309.1 in a DTR District, the provisions of Section
25 309.2329 for projects subject to Section 309.2329 in a MUO, MUG, or MUR District,

1 or by administrative decision of the Zoning Administrator for projects that do are not
2 subject to Section ~~309.2329~~ in a MUO, MUG, or MUR District, up to four spaces may
3 be allowed to be individually accessible directly from such a street or alley.

4 (e) In a C-3 or South of Market District, where site constraints would make a
5 consolidated freight loading and service vehicle facility impractical, service
6 vehicle spaces required by Sections 153(a)(6) and 154(b)(3) of this Code may be
7 located in a parking garage for the structure or other location separate from
8 freight loading spaces.

9 (f) In a C-3, Eastern Neighborhood Mixed Use District or South of Market Mixed Use
10 District, whenever off-street freight loading spaces are provided, freight elevators
11 immediately accessible from the loading dock shall be provided to all floors which
12 contain uses that are included in the calculation of required number of freight
13 loading spaces. If freight loading facilities are subterranean, the location and
14 operation of freight elevators shall be designed, where feasible, to discourage
15 use of freight elevators for deliveries from the ground floor. Directories of building
16 tenants shall be provided at all freight elevators. A raised loading dock or
17 receiving area shall be provided with sufficient dimensions to provide for short-
18 term storage of goods. All required freight loading and service vehicle spaces
19 shall be made available only to those vehicles at all times, and provision shall be
20 made to minimize interference between freight loading and service operations,
21 and garbage dumpster operations and storage.

22 (g) In order to discourage long-term commuter parking, any off-street parking
23 spaces provided for a structure or use other than residential or hotel in a C-3
24 District, whether classified as an accessory or conditional use, which are
25 otherwise available for use for long-term parking by downtown workers shall

1 maintain a rate or fee structure for their use such that the rate charge for four
2 hours of parking duration is no more than four times the rate charge for the first
3 hour, and the rate charge for eight or more hours of parking duration is no less
4 than 10 times the rate charge for the first hour. Additionally, no discounted
5 parking rate shall be permitted for weekly, monthly or similar time-specific
6 periods.

7 (h) The internal layout of off-street parking and loading spaces, driveways,
8 aisles and maneuvering areas shall be according to acceptable standards, and
9 all spaces shall be clearly marked.

10 (i) For each 25 off-street parking spaces provided, one such space shall be
11 designed and designated for handicapped persons.

12 (j) Except as provided by Section 155.1 and Section 155.2 below, for each 20
13 off-street parking spaces provided, one space shall be provided for parking of a
14 bicycle. The most restrictive provisions of 155(j) or 155.4 shall prevail.

15 (k) Off-street parking and loading facilities shall be arranged, designed and
16 operated so as to prevent encroachments upon sidewalk areas, bicycle lanes,
17 transit-only lanes and adjacent properties, in the maneuvering, standing, queuing
18 and storage of vehicles, by means of the layout and operation of facilities and by
19 use of bumper or wheel guards or such other devices as are necessary.

20 (l) Driveways crossing sidewalks shall be no wider than necessary for ingress
21 and egress, and shall be arranged, to the extent practical, so as to minimize the
22 width and frequency of curb cuts, to maximize the number and size of on-street
23 parking spaces available to the public, and to minimize conflicts with pedestrian
24 and transit movements.

25

- 1 (m) Every off-street parking or loading facility shall be suitably graded, surfaced,
2 drained and maintained.
- 3 (n) Off-street parking and loading spaces shall not occupy any required open
4 space, except as specified in Section 136 of this Code.
- 5 (o) No area credited as all or part of a required off-street parking space shall
6 also be credited as all or part of a required off-street loading space, or used as all
7 or part of an unrequired off-street loading space. No area credited as all or part of
8 a required off-street loading space shall also be credited as all or part of a
9 required off-street parking space, or used as all or part of an unrequired off-street
10 parking space.
- 11 (p) Any off-street freight loading area located within 50 feet of any R District
12 shall be completely enclosed within a building if such freight loading area is used
13 in regular night operation.
- 14 (q) Rooftop parking shall be screened as provided in Section 141(d) of this
15 Code.
- 16 (r) Protected Pedestrian- and Transit-Oriented Street Frontages. In order to
17 preserve the pedestrian character of certain downtown and neighborhood
18 commercial districts and to minimize delays to transit service, garage entries,
19 driveways or other vehicular access to off-street parking or loading (except for
20 the creation of new publicly-accessible streets and alleys) shall be regulated on
21 development lots as follows on the following street frontages:
- 22 (1) Folsom Street, from Essex Street to the Embarcadero, not permitted except
23 as set forth in Section 827.
- 24 (2) Not permitted: The entire portion of Market Street in the C-3, NCT-3 and
25 Upper Market NCT Districts, Hayes Street from Franklin Street to Laguna Street,

1 Church Street in the NCT-3 and Upper Market NCT Districts, Van Ness Avenue
2 from Hayes Street to Mission Street, Mission Street from 10th Street to Division
3 Street, Octavia Street from Hayes Street to Fell Street, ~~not permitted.~~ Embarcadero
4 in the DTR Districts, 22nd Street between 3rd Street and Minnesota Streets within the
5 NCT-2 District, Valencia Street between 15th and 23rd Streets in the Valencia Street NCT
6 District, Mission Street for the entirety of the Mission Street NCT District, 24th Street for
7 the entirety of the 24th Street-Mission NCT, 16th Street between Guerrero and Capp
8 Streets within the Valencia Street NCT and Mission Street NCT Districts, 16th St between
9 Kansas and Mississippi Streets in the UMU and PDR-1-D Districts, 6th Street for its
10 entirety within the SoMa NCT District, 3rd Street, in the UMU districts for 100 feet north
11 and south of Mariposa and 100 feet north and south of 20th Streets, and 4th Street
12 between Bryant and Townsend in the SLI and MUO District.

13 (3) Not permitted except with a Conditional Use authorization: The entire portion of
14 California Street, The Embarcadero, Folsom Street, Geary Street, Mission Street,
15 Powell Street and Stockton Street in the C-3 Districts, ~~and~~ Grant Avenue from
16 Market Street to Bush Street ~~and~~ Montgomery Street from Market Street to
17 Columbus Avenue, Haight Street from Market Street to Webster Street, Church
18 Street and 16th Street in the RTO District, and Duboce Street from Noe Street to
19 Market Street, Octavia Street from Fell Street to Market Street, ~~not permitted~~
20 ~~except with a conditional use permit.~~

21 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or
22 loading shall be created or utilized on street frontages identified along any Transit
23 Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets
24 as designated in the Transportation Element of the General Plan or official city
25 bicycle routes or bicycle lanes, where an alternative frontage is available. For

1 bicycle lanes, the prohibition on curb cuts applies to the side or sides of the street
2 where bicycle lanes are located; for one-way bicycle routes or lanes, the
3 prohibition on curb cuts shall apply to the right side of the street only, unless the
4 officially adopted alignment is along the left side of the street. Where an
5 alternative frontage is not available, parking or loading access along any Transit
6 Preferential, Citywide Pedestrian Network or Neighborhood Commercial Streets
7 as designated in the Transportation Element of the General Plan or official city
8 bicycle lane or bicycle route, may be allowed on streets not listed in subsection
9 (2) above as an exception in the manner provided in Section 309 for C-3 Districts
10 and in Section 303 for NCT and RTO districts in cases where it can be clearly
11 demonstrated that the final design of the parking access minimizes negative
12 impacts to transit movement and to the safety of pedestrians and bicyclists to the
13 fullest extent feasible.

14 (5) A "development lot" shall mean any lot containing a proposal for new
15 construction, building alterations which would increase the gross square footage
16 of a structure by 20 percent or more, or change of use of more than 50 percent of
17 the gross floor area of a structure containing parking. Pre-existing access to off-
18 street parking and loading on development lots that violates the restrictions of
19 this Section 155(r) may not be maintained.

20 (s) Off-Street Parking and Loading in C-3 Districts. In C-3 Districts, restrictions
21 on the design and location of off-street parking and loading and access to off-
22 street parking and loading are necessary to reduce their negative impacts on
23 neighborhood quality and the pedestrian environment.

24 (1) Ground floor or below-grade parking and street frontages with active uses.

25

1 (A) All off-street parking in C-3 Districts (both as accessory and principal uses)
2 shall be built no higher than the ground-level (up to a maximum ceiling height of
3 20 feet from grade) unless an exception to this requirement is granted in
4 accordance with Section 309 and subsection 155(s)(2) or a conditional use is
5 authorized in accordance with Section 303 and subsections 155(s)(2) or
6 155(s)(3) below.

7 (B) Parking at the ground-level to the full height of the ground-level parking shall
8 be lined with active uses, as defined by Section 14~~15.4(e)~~, to a depth of at least
9 25 feet along all street frontages, except for space allowed for parking and
10 loading access, building egress, and access to mechanical systems. So as not to
11 preclude conversion of parking space to other uses in the future, parking at the
12 ground-level shall not be sloped and shall have a minimum clear ceiling height of
13 nine feet.

14 (i) Where a non-accessory off-street parking garage permitted under Section
15 223(m)--(p) is located in the Mid-Market area described below in subsection
16 155(s)(3)(B) and fronts more than one street of less than 45 feet in width, a
17 conditional use may be granted in accordance with Section 303 that allows an
18 exception to this requirement for one of the street frontages. The above provision
19 authorizing such conditional use shall sunset eight years from the effective date
20 of the ordinance enacting this subsection 155(s)(1)(A)(i).

21 (C) Parking allowed above the ground-level in accordance with an exception
22 under Section 309 or a conditional use in accordance with Section 303 as
23 authorized by subsections 155(s)(2) or 155(s)(3) shall be entirely screened from
24 public rights-of-way in a manner that accentuates ground floor retail and other
25 uses, minimizes louvers and other mechanical features and is in keeping with the

1 overall massing and architectural vocabulary of the building's lower floors. So as
2 not to preclude conversion of parking space to other uses in the future, parking
3 allowed above the ground-level shall not be sloped and shall have a minimum
4 clear ceiling height of nine feet.

5 (2) Residential accessory parking. For residential accessory off-street parking in
6 C-3 Districts, two additional floors of above-grade parking beyond the at-grade
7 parking allowed by Section 155(s)(1), to a maximum ceiling height of 35 feet from
8 grade, may be permitted subject to the provisions of subsections 155(s)(2)(A) or
9 155(s)(2)(B) below:

10 (A) In a manner provided in Section 309 of this Code provided it can be clearly
11 demonstrated that transportation easements or contaminated soil conditions
12 make it practically infeasible to build parking below-ground. The determination of
13 practical infeasibility shall be made based on an independent, third-party
14 geotechnical assessment conducted by a licensed professional and funded by
15 the project sponsor. The Planning Director shall make a determination as to the
16 objectivity of the study prior to the Planning Commission's consideration of the
17 exception application under Section 309.

18 (B) As a conditional use in accordance with the criteria set forth in Section 303
19 of this Code, provided it can be clearly demonstrated that constructing the
20 parking above-grade instead of underground would allow the proposed housing
21 to meet affordability levels for which actual production has not met ABAG
22 production targets as identified in the Housing Element of the General Plan.

23 (3) Non-accessory off-street parking garages. For non-accessory off-street
24 parking garages in C-3 Districts permitted under Section 223(m)--(p), two
25 additional floors of above-grade parking beyond the at-grade parking allowed by

1 Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be
2 permitted subject to the provisions of subsections 155(s)(3)(A) or 155(s)(3)(B)
3 below:

4 (A) As a conditional use in accordance with the criteria set forth in Section 303,
5 provided it can be clearly demonstrated that transportation easements or
6 contaminated soil conditions make it practically infeasible to build parking below-
7 ground. The determination of practical infeasibility shall be made based on an
8 independent, third-party geotechnical assessment conducted by a licensed
9 professional and funded by the project sponsor. The Planning Director shall
10 make a determination as to the objectivity of the study prior to the Planning
11 Commission's consideration of the conditional use permit application.

12 (B) As a conditional use in accordance with the criteria set forth in Section 303,
13 provided the site contains an existing non-accessory off-street surface parking lot
14 with valid permits for such parking as of the effective date of the ordinance
15 enacting this subsection and the site is located in the following Mid-Market area:
16 Assessor's Block 0341, Lots 4 through 9 and 13; Block 0342, Lots 1, 2, 4, 7, 11,
17 12 and 13; Block 0350, Lots 1 through 4; Block 0355, Lots 3 through 12 and 15;
18 Block 3507, Lot 39; Block 3508, Lots 1, 13, 18, 19, 22, 24 through 27, 39 and 40;
19 Block 3509, Lots 18, 19, 36, 37 and 40 through 43; Block 3510, Lot 1; Block
20 3701, Lots 5, 8, 10, 11, 12, 20 through 24, 53, 59, 60, 63 and 64; Block 3702,
21 Lots 1, 2, 37, 38, 39, 44, 44A, 45, 46, 47, 48, 48A, 51, 52, 53, 54, 56; Block 3703,
22 Lots 1, 2, 3, 7, 10, 11, 12, 25, 26, 33, 40, 41, 50, 53, 56 through 68, 70, 74, 75,
23 76, 78 through 81, 84, 85 and 86; Block 3704, Lots 1, 3, 6, 9 through 13, 15, 17
24 through 22, 24, 35, 38, 39, 42, 43, 45, 62 and 67 through 79, Block 3725, Lot 78,
25 82, 86 through 91 and 93; Block 3727, Lot 1, 91, 94, 96, 97, 109, 117, 118, 120,

1 134, 168 and 173; Block 3728, Lot 1, 72, 75, 76, 81, 82, 83, 89, 103 and 105;
2 and Block 0351, Lots 1, 22, 32, 33, 37, 39, 41, 43, 46, 47, 49, 50 and 51 This
3 subsection 155(s)(3)(B) shall sunset eight years from the effective date of the
4 ordinance enacting this subsection.

5 (4) Parking lots permitted in C-3 Districts as temporary uses according to
6 Section 156(h) and expansions of existing above-grade publicly accessible
7 parking facilities are not subject to the requirements of subsections 155(s)(1)--
8 (3).

9 (5) Parking and Loading Access.

10 (A) Width of openings. Any single development is limited to a total of two facade
11 openings of no more than 11 feet wide each or one opening of no more than 22
12 feet wide for access to off-street parking and one facade opening of no more
13 than 15 feet wide for access to off-street loading. Shared openings for parking
14 and loading are encouraged. The maximum permitted width of a shared parking
15 and loading garage opening is 27 feet.

16 (B) Porte cocheres to accommodate passenger loading and unloading are not
17 permitted except as part of a hotel, inn or hostel use. For the purpose of this
18 Section, a "porte cochere" is defined as an off-street driveway, either covered or
19 uncovered, for the purpose of passenger loading or unloading, situated between
20 the ground floor facade of the building and the sidewalk.

21 **SEC. 157.1. CONDITIONAL USE APPLICATIONS FOR NON-ACCESSORY**
22 **PARKING GARAGES IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS**
23 **AND DTR DISTRICTS.**

24 (a) In considering a Conditional Use application for a non-accessory parking garage in
25 Eastern Neighborhoods Mixed Use Districts and DTR Districts, the Planning

1 Commission shall affirmatively find that such facility meets all the criteria and standards
2 of this Section, as well as any other requirement of this Code as applicable.

3 (b) A non-accessory garage permitted with Conditional Use may not be permitted under
4 any condition to provide additional accessory parking for specific residential or non-
5 residential uses if the number of spaces in the garage, in addition to the accessory
6 parking permitted in the subject project or building, would exceed those amounts Not
7 Permitted by Section 151.1.

8 (c) Criteria.

9 (1) Such facility shall meet all the design requirements for setbacks from facades and
10 wrapping with active uses at all levels per the requirements of Section 145.1; and

11 (2) Such parking shall not be accessed from any protected Transit or Pedestrian Street
12 described in Section 155(r); and

13 (3) Such parking garage shall be located in a building where the ratio of gross square
14 footage of parking uses to other uses that are permitted or Conditionally permitted in that
15 district is not more than 1 to 1; and

16 (4) Such parking shall be available for use by the general public on equal terms and shall
17 not be deeded or made available exclusively to tenants, residents, owners or users of any
18 particular use or building except in cases that such parking meets the criteria of
19 subsection (d) or (e) below; and

20 (5) Such facility shall provide spaces for car sharing vehicles per the requirements of
21 Section 166 and bicycle parking per the requirements of Section 155.2; and

22 (6) Such facility, to the extent open to the public per subsection (4) above, shall meet the
23 pricing requirements of Section 155(g) and shall generally limit the proposed parking to
24 short-term occupancy rather than long-term occupancy; and
25

1 (7) Vehicle movement on or around the facility does not unduly impact pedestrian spaces
2 or movement, transit service, bicycle movement, or the overall traffic movement in the
3 district; and

4 (8) Such facility and its access does not diminish the quality and viability of existing or
5 planned streetscape enhancements.

6 (d) Parking of Fleet Vehicles. Parking of fleet of commercial or governmental vehicles
7 intended for work-related use by employees and not used for parking of employees'
8 personal vehicles may be permitted with Conditional Use provided that the Commission
9 affirmatively finds all of the above criteria except criteria (4) and (6).

10 (e) Pooled Residential Parking. Non-accessory parking facilities limited to use by
11 residents, tenants or visitors of specific off-site development(s) may be permitted with
12 Conditional Use provided that the Commission affirmatively finds all of the above
13 criteria under (c) except criteria (4) and (6), and provided that the proposed parking on
14 the subject lot would not exceed the maximum amounts permitted by Section 151.1 with
15 Conditional Use or 309 exception as accessory for the uses in the off-site residential
16 development. For the purpose of this subsection, an "off-site development" is a
17 development which is existing or has been approved by the Planning Commission or
18 Planning Department in the previous 12 months, is located on a lot other than the subject
19 lot, and does not include any off-street parking.

20 **SEC. 161. EXEMPTIONS FROM OFF-STREET PARKING, FREIGHT**
21 **LOADING AND SERVICE VEHICLE REQUIREMENTS.**

22 The following exemptions shall apply to the requirements for off-street
23 parking and loading spaces set forth in Sections 151 through 155 of this Code.
24 These provisions, as exemptions, shall be narrowly construed.

- 1 (a) No off-street parking shall be required for a one-family or two-family dwelling
2 where the lot on which such dwelling is located is entirely inaccessible by
3 automobile because of topographic conditions.
- 4 (b) No off-street loading shall be required where access to the lot cannot be
5 provided other than by means of a driveway across a sidewalk 25 feet or more in
6 width from the curb to the front lot line which would cause serious disruption to
7 pedestrian traffic.
- 8 (c) In recognition of the compact and congested nature of the downtown area
9 and portions of Chinatown, the accessibility of this area by public transit, and
10 programs for provision of public parking facilities on an organized basis at
11 specific locations, no off-street parking shall be required for any use, in any C-3
12 Districts, or for any use other than dwellings units where a requirement is
13 specified, in Chinatown Visitor Retail, or Chinatown Residential Neighborhood
14 Commercial Districts.
- 15 (d) In recognition of the small scale of development, the desirability of retention
16 and conversion of many existing buildings of established character, the need to
17 relieve congestion, and the provision of public parking facilities on an organized
18 basis at specific locations, no off-street parking shall be required for any use
19 other than dwellings in the Washington Broadway Special Use District Numbers
20 1 and 2 as described in Section 239 of this Code and in the Chinatown
21 Community Business District, where the size of the lot does not exceed 20,000
22 square feet.
- 23 (e) In recognition of the close neighborhood orientation of the uses provided for
24 in Residential-Commercial Combined Districts of high density, no off-street
25 parking shall be required for any principal use in an RC-4 District for which the

1 form of measurement is occupied floor area, where the occupied floor area of
2 such use does not exceed 10,000 square feet.

3 (f) In recognition of the policies set forth in the Northeastern Waterfront Plan, a
4 part of the General Plan, the unique nature of the area and the difficulty of
5 providing vehicular access thereto, the Planning Department or Planning
6 Commission in specific cases may determine an appropriate reduction in off-
7 street parking requirements in Waterfront Special Use District Numbers 1 and 3
8 as described in Sections 240.1 and 240.3 of this Code, in authorizing any
9 principal or conditional use, respectively, under those sections. In considering
10 any such reduction, the Planning Department for principal uses, and the Planning
11 Commission for conditional uses, shall consider the following criteria:

- 12 (1) The anticipated parking demand to be generated by the particular use
13 contemplated;
- 14 (2) Accessibility to the proposed site from freeway ramps or from major
15 thoroughfares;
- 16 (3) Minimization of conflict of vehicular and pedestrian movements;
- 17 (4) The service patterns of forms of transportation other than the automobile;
- 18 (5) The pattern of land uses and the availability of parking in the vicinity;
- 19 (6) The policies set forth in the Northeastern Waterfront Plan, including policies
20 concerning the relative emphasis that should be given to pedestrian and
21 vehicular movement; and
- 22 (7) Such other criteria as may be deemed appropriate in the circumstances of
23 the particular case.

24 (g) In instances in which all public agencies involved have certified by resolution
25 that the requirements of this Code (i) will be satisfied in whole or in part by public

1 off-street parking facilities constructed or authorized to be constructed for a
2 special assessment district or upon any other basis, or (ii) in C-3 and NC Districts
3 will be satisfied by a requirement of a cash contribution in an amount deemed
4 sufficient to provide for the future construction of the required number of parking
5 stalls, off-street parking required for individual buildings and uses may be
6 correspondingly reduced if the total off-street parking supply in the area will
7 nevertheless meet the requirements of this Code for all buildings and uses in the
8 area.

9 (h) The off-street parking requirements for dwelling units in the North of Market
10 Residential Special Use District, as described in Section 249.5 of this Code, may
11 be reduced by the Planning Commission pursuant to the procedures for
12 conditional use authorization set forth in Section 303 of this Code. In acting upon
13 any application for a reduction of requirements, the Planning Commission shall
14 consider the criteria set forth below in lieu of the criteria set forth in Section
15 303(c), and may grant the reduction if it finds that:

16 (1) The reduction in the parking requirement is justified by the reasonably
17 anticipated auto usage by residents of and visitors to the project; and

18 (2) The reduction in the parking requirement will not be detrimental to the
19 health, safety, convenience, or general welfare of persons residing or working in
20 the vicinity.

21 (i) In recognition of the fact that site constraints in C-3 Districts may make
22 provision of required freight loading and service vehicle spaces impractical or
23 undesirable, a reduction in or waiver of the provision of freight loading and
24 service vehicle spaces for uses in C-3 Districts may be permitted, in accordance
25

1 with the provisions of Section 309 of this Code. In considering any such reduction
2 or waiver, the following criteria shall be considered:

3 (1) Provision of freight loading and service vehicle spaces cannot be
4 accomplished underground because site constraints will not permit ramps,
5 elevators, turntables and maneuvering areas with reasonable safety;

6 (2) Provision of the required number of freight loading and service vehicle
7 spaces on-site would result in the use of an unreasonable percentage of ground-
8 floor area, and thereby preclude more desirable use of the ground floor for retail,
9 pedestrian circulation or open space uses;

10 (3) A jointly used underground facility with access to a number of separate
11 buildings and meeting the collective needs for freight loading and service
12 vehicles for all uses in the buildings involved, cannot be provided; and

13 (4) Spaces for delivery functions can be provided at the adjacent curb without
14 adverse effect on pedestrian circulation, transit operations or general traffic
15 circulation, and off-street space permanently reserved for service vehicles is
16 provided either on-site or in the immediate vicinity of the building.

17 (j) The off-street parking requirements for dwelling units in NC Districts, as
18 described in Article 7 of this Code, may be reduced by the Planning Commission
19 pursuant to the procedures for conditional use authorization set forth in Section
20 303 of this Code. In acting upon any application for a reduction of requirements,
21 the Planning Commission shall consider the criteria set forth below in lieu of the
22 criteria set forth in Section 303(c), and may grant the reduction if it finds that:

23 (1) The reduction in the parking requirement is justified by the reasonably
24 anticipated auto usage by residents of and visitors to the project;

25

- 1 (2) The reduction in the parking requirement will not be detrimental to the
2 health, safety, convenience, or general welfare of persons residing or working in
3 the vicinity;
- 4 (3) The project is consistent with the existing character and pattern of
5 development in the area; and
- 6 (4) The project is consistent with the description and intent of the neighborhood
7 commercial district in which it is located.
- 8 (k) For arts activities in the RED, RSD, ~~SPD~~, SLR, SLI or SSO Districts which
9 will operate primarily during evenings and weekends, the Zoning Administrator
10 may reduce or waive the off-street parking requirement when he or she
11 determines pursuant to Section 307(g) that within an 800 foot walking distance
12 from the site the anticipated demand from the proposed project, in combination
13 with the existing nighttime and/or weekend demand for parking within the same
14 geographic area at the time of the permit application, would not exceed 90
15 percent of the on-street or off-street parking spaces available to the public within
16 the subject area. The applicant shall provide to the Zoning Administrator an
17 acceptable parking survey and study which shows evidence of existing parking
18 resources and demand and anticipated demand generated by the proposed
19 project and nearby land uses. The Zoning Administrator may impose conditions
20 on reduction or waiver of the requirement, including, but not limited to,
21 advertising of nearby transit and parking facilities, requiring valet parking services
22 and/or leasing parking spaces on nearby lots during performance or exhibition
23 activities.
- 24 (l) Beginning on the effective date of Ordinance No. 412-88 (effective October
25 10, 1988), within any South of Market Mixed Use District, the Zoning

1 Administrator, upon application pursuant to Section 307(g), may waive or reduce
2 the required off-street parking for any nonresidential use where he or she
3 determines that: (1) sufficient spaces to replace the waived or modified
4 requirement will be provided within a parking facility open to the public sponsored
5 by the San Francisco Parking Authority or the City and County of San Francisco;
6 (2) it is anticipated that the replacement spaces will be available not more than
7 10 years after the parking would otherwise first be required to be available; (3)
8 the facility in question is within a walking distance, as defined in Section 159(d),
9 of one-half mile; and (4) the applicant agrees to pay a one-time fee of \$15,000.00
10 (this amount shall be adjusted annually effective April 1st of each calendar year
11 by the percentage of change in the Building Cost Index used by the San
12 Francisco Department of Building Inspection) for each space as to which the
13 requirement is waived or modified, which fee shall be deposited to the Off-Street
14 Parking Fund for the purpose of acquiring property or rights to property, through
15 lease, purchase, or other means, and design, improvement and maintenance of
16 property, for the general purpose of providing publicly accessible parking within
17 the South of Market *Mixed Use Base* District, as defined in ~~City~~ Planning Code
18 Section 820 and identified on Sectional Map 3SU of the Zoning Map of the City
19 and County of San Francisco, which parking is reasonably expected to be used
20 by persons who live, work, shop, do business or visit in the South of Market
21 *Mixed Use Base* District. Said fee, and any interest accrued by such fee, shall be
22 used for the purposes stated herein unless it is demonstrated that it is no longer
23 needed. This payment shall be paid in full to the City prior to the issuance of any
24 temporary or other certificate of occupancy for the subject property.
25

1 (m) Within the South of Market Mixed Use Base District, the required off-street
2 parking for any nonresidential principal or conditional use in structures
3 designated as landmarks, as contributory buildings within a historic district
4 identified in the approved South of Market Plan or as significant or contributory
5 buildings pursuant to Article 11 of this Code, may be modified or waived by the
6 Zoning Administrator pursuant to Section 307(g) of this Code when the Landmark
7 Preservation Advisory Board advises that the provision of parking would
8 adversely affect the landmark, significant or contributory character of the
9 structure or that modification or waiver would enhance the economic feasibility of
10 preservation of the landmark or structure.

11 (n) With respect to dwelling units in the China-town Mixed Use Districts, the
12 parking requirement may be reduced to not less than one space for each four
13 dwelling units, if the Zoning Administrator determines pursuant to Section 307(g)
14 that the reduced parking requirement is sufficient to serve the reasonably
15 anticipated auto ownership by residents of and auto usage by visitors to the
16 project.

17 (o) Within the South of Market Mixed Use Base-District, upon approval by the
18 Zoning Administrator pursuant to Section 307(g), the required off-street parking
19 for bars, restaurants, arts, nighttime entertainment, pool halls, and neighborhood-
20 serving retail or personal service activities may be modified, reduced or waived
21 through participation in a Parking Management Program approved by the Zoning
22 Administrator which may include, but need not be limited to, participation in a
23 coordinated off-site satellite parking facilities program, shuttle service, specified
24 signage and designated advertising procedures.

25

1 **SEC. 163. TRANSPORTATION MANAGEMENT PROGRAMS AND**
2 **TRANSPORTATION BROKERAGE SERVICES IN C-3, EASTERN**
3 **NEIGHBORHOODS MIXED USE, AND SOUTH OF MARKET MIXED USE**
4 **DISTRICTS.**

5 (a) Purpose. This Section is intended to assure that adequate measures are
6 undertaken and maintained to minimize the transportation impacts of added
7 office employment in the downtown and South of Market area, in a manner
8 consistent with the objectives and policies of the ~~Master-General~~ Plan, by
9 facilitating the effective use of transit, encouraging ridesharing, and employing
10 other practical means to reduce commute travel by single-occupant vehicles.

11 (b) Requirement. For any new building or additions to or conversion of an
12 existing building in C-3, Eastern Neighborhoods Mixed Use, and South of Market
13 Mixed Use Districts where the gross square feet of new, converted or added floor
14 area for office use equals at least 100,000 square feet, or, in the case of the SSO
15 or MUO District, 25,000 square feet, the project sponsor shall be required to
16 provide on-site transportation brokerage services for the actual lifetime of the
17 project, as provided in this Subsection. Prior to the issuance of a temporary
18 permit of occupancy (for this purpose Section 149(d) shall apply), the project
19 sponsor shall execute an agreement with the ~~Department of City~~ Planning
20 Department for the provision of on-site transportation brokerage services and
21 preparation of a transportation management program to be approved by the
22 Director of Planning and implemented by the provider of transportation brokerage
23 services. The transportation management program and transportation brokerage
24 services shall be designed:

- 1 (1) To promote and coordinate effective and efficient use of transit by tenants
2 and their employees, including the provision of transit information and sale of
3 transit passes on-site;
- 4 (2) To promote and coordinate ridesharing activities for all tenants and their
5 employees within the structure or use;
- 6 (3) To reduce parking demand and assure the proper and most efficient use of
7 on-site or off- site parking, where applicable, such that all provided parking
8 conforms with the requirements of Article 1.5 of this Code and project approval
9 requirements;
- 10 (4) To promote and encourage project occupants to adopt a coordinated flex-
11 time or staggered work hours program designed to more evenly distribute the
12 arrival and departure times of employees within normal peak commute periods;
- 13 (5) To participate with other project sponsors in a network of transportation
14 brokerage services for the respective downtown, ~~or~~ South of Market area, *or other*
15 *area of employment concentration in the Eastern Neighborhoods Mixed Use Districts*;
- 16 (6) To carry out other activities determined by the ~~Department of City~~ Planning
17 *Department* to be appropriate to meeting the purpose of this requirement.

18 **SEC. 166. CAR SHARING.**

19 (a) Findings. The Board hereby finds and declares as follows: One of the
20 challenges posed by new development is the increased number of privately-
21 owned automobiles it brings to San Francisco's congested neighborhoods.
22 Growth in the number of privately-owned automobiles increases demands on the
23 City's limited parking supply and often contributes to increased traffic congestion,
24 transit delays, pollution and noise. Car-sharing can mitigate the negative impacts
25 of new development by reducing the rate of individual car-ownership per

1 household, the average number of vehicle miles driven per household and the
2 total amount of automobile-generated pollution per household. Accordingly, car-
3 sharing services should be supported through the Planning Code when a car-
4 sharing organization can demonstrate that it reduces: (i) the number of
5 individually-owned automobiles per household; (ii) vehicle miles traveled per
6 household; and (iii) vehicle emissions generated per household.

7 (b) Definitions. For purposes of this Code, the following definitions shall apply:

8 (1) A "car-share service" is a mobility enhancement service that provides an
9 integrated citywide network of neighborhood-based motor vehicles available only
10 to members by reservation on an hourly basis, or in smaller intervals, and at
11 variable rates. Car-sharing is designed to complement existing transit and bicycle
12 transportation systems by providing a practical alternative to private motor
13 vehicle ownership, with the goal of reducing over-dependency on individually
14 owned motor vehicles. Car share vehicles must be located at unstaffed, self-
15 service locations (other than any incidental garage valet service), and generally
16 be available for pick-up by members 24 hours per day. A car share service shall
17 provide automobile insurance for its members when using car share vehicles and
18 shall assume responsibility for maintaining car share vehicles.

19 (2) A "certified car-share organization" is any public or private entity that
20 provides a membership-based car-share service to the public and manages,
21 maintains and insures motor vehicles for shared use by individual and group
22 members. To qualify as a certified car-share organization, a car-share
23 organization shall submit a written report prepared by an independent third party
24 academic institution or transportation consulting firm that clearly demonstrates,
25 based on a statistically significant analysis of quantitative data, that such car-

1 sharing service has achieved two or more of the following environmental
2 performance goals in any market where they have operated for at least two
3 years: (i) lower household automobile ownership among members than the
4 market area's general population; (ii) lower annual vehicle miles traveled per
5 member household than the market area's general population; (iii) lower annual
6 vehicle emissions per member household than the market area's general
7 population; and (iv) higher rates of transit usage, walking, bicycling and other
8 non-automobile modes of transportation usage for commute trips among
9 members than the market area's general population. This report shall be called a
10 Car-sharing Certification Study and shall be reviewed by Planning Department
11 staff for accuracy and made available to the public upon request. The Zoning
12 Administrator shall only approve certification of a car-share organization if the
13 Planning Department concludes that the Certification Study is technically
14 accurate and clearly demonstrates that the car-share organization has achieved
15 two or more of the above environmental performance goals during a two-year
16 period of operation. The Zoning Administrator shall establish specific quantifiable
17 performance thresholds, as appropriate, for each of the three environmental
18 performance goals set forth in this subsection.

19 (3) The Planning Department shall maintain a list of certified car-share
20 organizations that the Zoning Administrator has determined satisfy the minimum
21 environmental performance criteria set forth in subsection 166(b)(2) above. Any
22 car-share organization seeking to benefit from any of the provisions of this Code
23 must be listed as a certified car-share organization.

24 (4) An "off-street car-share parking space" is any parking space generally
25 complying with the standards set forth for the district in which it is located and

1 dedicated for current or future use by any car share organization through a deed
2 restriction, condition of approval or license agreement. Such deed restriction,
3 condition of approval or license agreement must grant priority use to any certified
4 car-share organization that can make use of the space, although such spaces
5 may be occupied by other vehicles so long as no certified car-share organization
6 can make use of the dedicated car-share spaces. Any off-street car-share
7 parking space provided under this Section must be provided as an independently
8 accessible parking space. In new parking facilities that do not provide any
9 independently accessible spaces other than those spaces required for disabled
10 parking, off-street car-share parking may be provided on vehicle lifts so long as
11 the parking space is easily accessible on a self-service basis 24 hours per day to
12 members of the certified car-share organization. Property owners may enact
13 reasonable security measures to ensure such 24-hour access does not
14 jeopardize the safety and security of the larger parking facility where the car-
15 share parking space is located so long as such security measures do not prevent
16 practical and ready access to the off-street car-share parking spaces.

17 (5) A "car-share vehicle" is a vehicle provided by a certified car share
18 organization for the purpose of providing a car share-service.

19 (6) A "property owner" refers to the owner of a property at the time of project
20 approval and its successors and assigns.

21 ~~(c)~~ Requirements for Provision of Car-Share Parking Spaces.

22 (1) In newly constructed buildings containing residential uses or existing
23 buildings being converted to residential uses, if parking is provided, car-share
24 parking spaces shall be provided in the amount specified in Table 166. In newly
25 constructed buildings in NCT, MU-G, MU-R, MU-O, UMU, DTR, and SPD Districts

1 or the Van Ness and Market Downtown Residential Special Use District
 2 containing parking for non-residential uses, including non-accessory parking in a
 3 garage or lot, car-share parking spaces shall be provided in the amount specified
 4 in Table 166.

5
 6 Table 166

7 **REQUIRED CAR SHARE PARKING SPACES**

8 9 10	Number of Residential Units	Number of Required Car Share Parking Spaces
11	0--49	0
12	50--200	1
13 14	201 or more	2 , plus 1 for every 200 dwelling units over 200
15 16 17	Number of Parking Spaces Provided for Non-Residential Uses or in a Non-Accessory Parking Facility	Number of Required Car Share Parking Spaces
18	0-24	0
19	25-49	1
20 21	50 or more	1, plus 1 for every 50 parking spaces over 50

22 (2) The required car-share spaces shall be made available, at no cost, to a
 23 certified car-share organization for purposes of providing car-share services for
 24 its car-share service subscribers. At the election of the property owner, the car-
 25

1 share spaces may be provided (i) on the building site, (ii) on another off-street
2 site within 800 feet of the building site.

3 (3) Off-Street Spaces. If the car-share space or spaces are located on the
4 building site or another off-street site:

5 (A) The parking areas of the building shall be designed in a manner that will
6 make the car-share parking spaces accessible to non-resident subscribers from
7 outside the building as well as building residents;

8 (B) Prior to Planning Department approval of the first building or site permit for a
9 building subject to the car share requirement, a Notice of Special Restriction on
10 the property shall be recorded indicating the nature of requirements of this
11 Section and identifying the minimum number and location of the required car-
12 share parking spaces. The form of the notice and the location or locations of the
13 car-share parking spaces shall be approved by the Planning Department;

14 (C) All car-share parking spaces shall be constructed and provided at no cost
15 concurrently with the construction and sale of units; and

16 (D) if it is demonstrated to the satisfaction of the Planning Department that no
17 certified car-share organization can make use of the dedicated car-share parking
18 spaces, the spaces may be occupied by non-car-share vehicles; provided,
19 however, that upon ninety (90) days of advance written notice to the property
20 owner from a certified car-sharing organization, the property owner shall
21 terminate any non car-sharing leases for such spaces and shall make the spaces
22 available to the car-share organization for its use of such spaces.

23 (*de*) Provision of a required car-share parking space shall not be counted
24 against the number of parking spaces allowed by this Code as a principal use, an
25 accessory use, or a conditional use.

1 (~~e~~) The Planning Department shall maintain a publicly-accessible list, updated
2 quarterly, of all projects approved with required off-street car share parking
3 spaces. The list shall contain the Assessor's Block and Lot number, address,
4 number of required off-street car share parking spaces, project sponsor or
5 property owner contact information and other pertinent information as determined
6 by the Zoning Administrator.

7 ~~———— **SEC. 175.6. EFFECTIVE DATE OF SOUTH OF MARKET ZONING**~~
8 ~~**CONTROL AMENDMENTS.**~~

9 ~~Any permit, including a building permit, site permit, police permit, conditional use,~~
10 ~~variance or other license, for property located in the South of Market Base District for~~
11 ~~which any application was filed prior to March 31, 1990 and approved by the~~
12 ~~Department of City Planning no later than December 31, 1990 shall be governed by the~~
13 ~~provisions of the City Planning Code in effect prior to adoption of the South of Market~~
14 ~~zoning control amendments to the Planning Code; provided, however, that such permit or~~
15 ~~permit application is subject to any City Planning Commission discretionary review~~
16 ~~policy in effect upon the date of application for any such permit; such permit is subject to~~
17 ~~any time limits imposed pursuant to the Building Code or as a condition of approval of~~
18 ~~the project; and further provided that modifications in the project which exceed the scope~~
19 ~~of such approval shall be subject to any then applicable laws.~~

20 ~~**SEC. 175.6. EFFECTIVE DATE OF THE EASTERN NEIGHBORHOODS**~~
21 ~~**ZONING CONTROLS.**~~

22 ~~(a) Intent. It is the intent of this Section to provide for an orderly transition from prior~~
23 ~~zoning and planning requirements to the requirements imposed in implementing the~~
24 ~~Eastern Neighborhoods Controls, without impairing the validity of prior actions by the~~
25 ~~City, or frustrating completion of actions authorized prior to the effective date of those~~

1 Controls.

2 (b) Applicability. This Section applies only to the specific types of development projects
3 identified herein and that are subject to changed regulations or procedures as a result of
4 the Eastern Neighborhoods Controls and are located in an Eastern Neighborhoods
5 Mixed Use District, an SLI District, or any PDR, R, or NC District located within the
6 boundaries of the Eastern Neighborhoods Project Area pursuant to Section 327.2(l). This
7 Section shall not apply to any other project.

8 (c) Definitions. The following definitions shall apply to this Section:

9 (1) 'Eastern Neighborhoods Controls' shall mean all Ordinances adopted in furtherance
10 of the Eastern Neighborhoods Area Plan Process, including but not limited to Ordinance
11 Numbers _____, and associated amendments to the Planning Code, Zoning Map,
12 and Administrative Code.

13 (2) 'Development Application' shall mean any application for a building permit, site
14 permit, environmental review, Conditional Use or Variance.

15 (3) 'Project Approval' shall mean any required approval or determination on a
16 Development Application that the Planning Commission, Planning Department, or
17 Zoning Administrator issues.

18 (4) 'Code Conforming Project Application' shall mean a development project for
19 which all required Development Applications, ~~excepting an environmental review~~
20 application, for which a ~~could have received Project Approvals~~ could have been
21 issued or authorized in accordance with the provisions of the Planning Code in effect
22 when the first such application was filed with the Planning Department. Under no
23 circumstances may a Code Conforming Project make use of any community plan
24 intake process or fee schedule as set forth in Chapter 31 of the Administrative
25 Code.

1 (5) 'Entitled Project' shall mean any project for which a Project Approval was granted
2 prior to the effective date of the Eastern Neighborhoods Controls and:
3 (A) that is not, and has not been, in violation of any time limits imposed pursuant to the
4 Building Code or as a condition of approval of the project; and
5 (B) for which no certificate of occupancy or completion of any type has ever been issued.
6 (d) Effect of Amendments on Approved Projects. A Development Application that would
7 modify an Entitled Project shall be governed by the more recent of:
8 (1) the Planning Code in effect prior to the effective date of the Eastern
9 Neighborhoods Controls; and
10 (2) all current provisions of the Planning Code (including the Zoning Maps) exclusive of
11 the Eastern Neighborhood Controls.
12 (e) Effect of Amendments on Projects for Which No Project Approval Has Occurred. A
13 Code Conforming Project Application for a project which a Development
14 Application first was filed with the Planning Department during any of the time periods
15 identified in this Subsection and that did not obtain Project Approval prior to the
16 effective date of the Eastern Neighborhoods Controls shall be governed by Subsection
17 (d), above, except as specifically modified below:
18 (1) For Code Conforming Projects that filed a first Development Application with the
19 Planning Department prior to January 19, 2007:
20 (A) Articles 1, 1.2, 1.5, and 2.5 of the Planning Code as amended by the Eastern
21 Neighborhood Controls shall apply; and
22 (B) The Planning Director may grant an increase beyond the otherwise-superseded
23 height limits of no more than 8 feet when an equal or greater increase would be allowed
24 under the Eastern Neighborhoods Controls and when such increase is necessary to
25 comply with Subsection (e)(1)(A), above.

1 (C) If compliance with Subsection (e)(1)(A) would require a substantial re-design of the
2 project or a significant change to the type or size of uses originally proposed, the
3 applicant may seek complete or partial relief from that requirement through the
4 Conditional Use authorization process as set forth in Section 303.

5 (D) Additionally, for proposed residential uses in PDR Districts where such uses
6 are not permitted under the Eastern Neighborhoods Controls, Subsection
7 (e)(1)(A), above, shall apply as if the residential use were located in an Urban
8 Mixed Use (UMU) District.

9 (2) For projects that filed a Development Application with the Planning Department
10 between January 19, 2007 and August 29, 2007:

11 (A) Subsection (e)(1), above, shall apply;

12 (B) The impact fees set forth in Section 327 of the Eastern Neighborhoods Controls shall
13 apply, except that the fees set forth in Table 327.3, regardless of fee tier, shall be reduced
14 to \$4 per gross square foot of residential use and \$3 per gross square foot of non-
15 residential use; and

16 (C) The housing requirements for residential projects as set forth in Section 319 of the
17 Eastern Neighborhoods Controls shall apply.

18 (3) For projects that filed a Development Application with the Planning Department
19 between August 30, 2007 and April 17, 2008:

20 (A) Subsection (e)(1), above, shall apply;

21 (B) The impact fees set forth in Section 327 of the Eastern Neighborhoods Controls shall
22 apply; and

23 (C) The housing requirements for residential projects as set forth in Section 319 of the
24 Eastern Neighborhoods Controls shall apply.

25 **SEC. 175.8. SUNSET FOR INTEGRATED PDR USES.**

1 Any Integrated PDR use (as defined in Sec. 890.49) permitted by this Code will require
2 conditional use authorization five years after the effective date of Ordinance Number
3 _____ in order to allow for greater scrutiny of Integrated PDR uses in light of the City's
4 Enterprise Zone Payroll Tax Credit program. The Planning Commission and Board of
5 Supervisors should consider revising this control to continue permitting Integrated PDR
6 uses if data show that 25 percent of all employees in areas Integrated PDR uses are
7 eligible for the City's Enterprise Zone Payroll Tax Credit.

8 **SEC. 179.1. LEGITIMIZATION OF USES LOCATED IN THE EASTERN**
9 **NEIGHBORHOODS**

10 (a) Intent. As a result of the Eastern Neighborhoods Zoning Controls,
11 certain land uses that were previously permitted, particularly office and housing,
12 are no longer permitted. The purpose of this Section is to establish a time-limited
13 program wherein existing uses that have operated without the benefit of required
14 permits may seek those permits. Uses that could be "legitimized" under this
15 Section are those uses which, under the current provisions of this Code and
16 without this Section, could not otherwise seek the required permits.

17 (b) Applicability.

18 (1) Geography. This Section shall apply only to property located in the
19 Eastern Neighborhoods Mixed Use Districts, the SLI District, or any PDR District
20 which is located within the boundaries of the Eastern Neighborhoods Project
21 Area pursuant to Section 327.2(j). This Section shall not apply to any Live/Work
22 use as set forth in Section 233.

23 (2) Eligibility. Any use that is the subject of an application under this
24 Section shall be one that is determined by the Zoning Administrator as one
25 which:

1 (A) exists as of the date of the application;
2 (B) would have been principally permitted or permitted with conditional use
3 authorization under provisions of the Planning Code that were effective on April
4 17, 2008,
5 (C) would not be permitted under current provisions of this Code;
6 (D) is a land use that either:
7 (1) has been regularly operating or functioning on a continuous basis for no less
8 than 3 years prior to the effective date of this Section; or
9 (2) has been functioning in the space since at least April 17, 2008, and is
10 associated with an organization, entity or enterprise which has been located in
11 this space on a continuous basis for no less than 3 years prior to the effective
12 date of this Section;
13 (E) is not accessory to any other use; and
14 (F) is not discontinued and abandoned pursuant to the provisions of
15 Section 183 that would otherwise apply to nonconforming uses.
16 (3) Sunset. All applications for a determination of eligibility under
17 Subsection (d) must be received by the Zoning Administrator within three years
18 of the effective date of this Section. If the Planning Department fails to timely
19 issue notice pursuant to Subsection (c), the Zoning Administrator may extend this
20 termination date for an additional period of time not to exceed the number of
21 days that the Department delayed in issuing the notice.
22 (c) **Notification of Program Availability.**
23 Within 90 days of the effective date of this Section, the Planning Department
24 shall cause notice to be mailed to all owners of property to which this Section
25 applies. Such notification shall consist of an explanation of this program and

1 application instructions and any other relevant information determined by the
2 Zoning Administrator.

3 **(d) Application for Eligibility.**

4 An application under this Section may include multiple tenancies and/or uses on
5 a property; however, only one application may be made per parcel for the
6 duration of the program. Such application may not involve any expansion or
7 intensification of the use in question. Any proposed expansion or intensification
8 must be made under separate application and is subject to all current provisions
9 of this Code.

10 Any application under this Subsection shall be accompanied by the following
11 materials:

12 (1) Floor plans for the entire building along with specific demarcation of
13 the space proposed for legitimization;

14 (2) evidence supporting the findings required under Subsection (b)(2)
15 above. Such evidence may include but is not necessarily limited to the following:
16 rental or lease agreements, building or other permits, utility records, business
17 licenses, or tax records; and

18 (3) notification materials, including a list of all property owners within 300
19 feet of the subject property, as set forth in Section 306.3(a)(2) and, to the extent
20 practical, a complete list of all current occupants of the subject property.

21 **(e) Determination of Eligibility.**

22 The Zoning Administrator shall determine compliance with the criteria set forth in
23 Subsection (b)(2), above, through a written decision. No less than 30 days prior
24 to making a determination, the Zoning Administrator shall mail and post a notice
25 of intent to render a determination as set forth below so that parties other than

1 the applicant are afforded the opportunity to present information which may have
2 bearing on the determination:

3 (1) By mailing notice to owners within 300 feet of the property in question
4 as set forth in Section 306.3(a)(2);

5 (2) by mailing notice to current tenants of the subject property using
6 materials submitted pursuant to Section (d)(3), above;

7 (3) by mailing notice to all individuals or neighborhood organizations
8 having made written request for notification for either (i) applications under this
9 Section or (ii) specific properties or areas; and

10 (4) by posting a notice on the subject property as set forth in Section
11 306.8.

12 (f) **Application to Legitimize.**

13 Uses that are determined to be in compliance with the criteria of Subsection
14 (b)(2), above, shall be governed as set forth below. Unless specifically stated by
15 the Planning Commission in the case of a Conditional Use authorization,
16 approval of any application under this Subsection shall be deemed to authorize
17 all aspects of the use and portions of the structure housing the use under the
18 Planning Code. Those portions of the use or structure that do not comply with
19 current provisions of this Code shall be deemed nonconforming uses or
20 noncomplying structures under Article 1.8 of this Code. Action under this
21 Subsection shall in no way shall affect the applicability of relevant portions of the
22 Building Code or other portions of the Municipal Code.

23 (1) Those uses which, under the provisions of this Code that were
24 applicable on April 17, 2008, would have either: (i) required Conditional Use
25 authorization pursuant to Section 303 or (ii) been principally permitted but

1 required an allocation of office space of less than 50,000 gross square feet under
2 the Annual Limit pursuant to Section 321(b)(4), may seek such authorization
3 pursuant to all requirements of the applicable Section.

4 (2) Those uses which, under the provisions of this Code that were
5 applicable on April 17, 2008, were principally permitted may seek a building
6 permit in order to legally establish the use. Upon the Department's determination
7 that the application is consistent with the enabling Zoning Administrator's
8 decision, the Planning Department shall approve such permit.

9 (3) Those uses which, under the provisions of this Code that were
10 applicable on April 17, 2008, would have required an allocation of office space of
11 50,000 or more gross square feet under the Annual Limit, may seek such
12 authorization pursuant to the requirements of Section 321; however, no
13 application may be acted on by the Planning Commission until the termination
14 date of the application period set forth in Subsection (b)(3), above. After that
15 time, Planning Department staff shall take all reasonable steps to schedule
16 pending eligible applications for Planning Commission review based on the order
17 in which a project's determination of eligibility was issued. Nothing in this Section
18 shall preclude the Director of Planning, based on the demand for participation in
19 this program, from limiting the number of projects that appear before the
20 Planning Commission in a given period of time.

21 (g) Fee payment. Any use authorized under Subsection (f) above shall pay
22 all current fees set forth in Article 3 and elsewhere in this Code. Fees may be
23 paid when required by the applicable Section or an applicant may elect to
24 participate in a deferred payment program, as specified below:

25

1 (1) At least 20% of applicable fees are due annually following the issuance
2 of the first site or building permit and final payment must be made within five
3 years of receiving the first building or site permit.

4 (2) The applicant may elect to pay any outstanding balance at any time
5 within these five years.

6 (3) A Notice of Special Restrictions shall be placed on the title of the
7 property specifying that additional payment is required. This Notice of Special
8 Restrictions shall be released when payment is complete.

9 (4) All outstanding fees will be adjusted annually based on the cost of
10 living as defined by the Controller's Office.

11 (5) The Department may assess an additional fee for time and materials
12 spent implementing this deferred fee program.

13 (6) Failure to comply with the terms of the program and associated NSR
14 as specified in this Subsection shall be deemed a violation of this Code and
15 result in an enforcement action by the Department, which may include, referral to
16 the Bureau of Delinquent Revenue and a lien on the subject property. Any
17 enforcement action also may result in additional charges or penalties to cover the
18 City's costs in the enforcement action, including, but not limited to City Attorney's
19 fees.

20 ~~SEC. 179.1. USES LOCATED IN THE EASTERN NEIGHBORHOODS PLAN~~
21 ~~AREA.~~

22 ~~The following provisions shall govern with respect to uses and features located in~~
23 ~~the Eastern Neighborhoods Plan Area to the extent that there is a conflict~~
24 ~~between the provisions of this Section and other sections contained in this Article~~
25 ~~4.7.~~

1 (a) Applicability. This Section shall apply only to property located in any Eastern
2 Neighborhoods Mixed Use District, the SLI District, or any PDR District which is
3 located within the boundaries of the Eastern Neighborhoods Project Area
4 pursuant to Section 327.2(j). This section shall not apply to any Live/Work units
5 as set forth in Sec. 233.

6 (b) Definitions. A "Recognized Existing Use" shall mean an actual use of space
7 that existed on the effective date of Ordinance No. _____ for which the required
8 permits have not been obtained. Such uses also may include existing office
9 activities located within a lawfully permitted business service use, but may not
10 include any activity located within lawfully permitted live/work use. Recognized
11 Existing Uses shall be limited to include only an activity that:

12 (1) has been regularly operating, conducting business, or otherwise functioning
13 on a reasonably continuous basis for no less than 3 years prior to the effective
14 date of Ordinance No. _____;

15 (2) is conducted in a manner generally consistent with the nature of, and any
16 improvements to, the space in which it exists;

17 (3) is not accessory to any other use;

18 (4) complies with the discontinuance and abandonment provisions of Section 183
19 that would otherwise apply to nonconforming uses; and,

20 (5) is determined to be a Recognized Existing Use by the Zoning Administrator,
21 along with a use size and establishment date, when a property owner requests
22 such determination and provides adequate supporting evidence, which may
23 include but is not necessarily limited to the following: rental or lease agreements,
24 building or other permits, utility records, business licenses, or tax records.

25

- 1 (c) Lawfully Existing Uses. The following provisions shall apply to all lawful
2 existing uses:
- 3 (1) Any use or feature in the Eastern Neighborhoods that lawfully existed on the
4 effective date of Ordinance No. _____ which is classified as a principal use by
5 the enactment of Ordinance No. _____ is hereby deemed to be a permitted
6 principal use.
- 7 (2) Any use or feature in the Eastern Neighborhoods that lawfully existed on the
8 effective date of Ordinance No. _____ which is classified as a conditional use by
9 the enactment of Ordinance No. _____ is deemed to be a permitted conditional
10 use, subject to the provisions of Section 178 of this Code.
- 11 (3) Any use or feature in the Eastern Neighborhoods that lawfully existed on the
12 effective date of Ordinance No. _____ and which use or feature is not permitted by
13 the enactment of Ordinance No. _____ is hereby deemed to be a nonconforming
14 use subject to the provisions of Sections 180 through 186.1 of this Code.
- 15 (4) Any use or feature in the Eastern Neighborhoods that was nonconforming
16 under Section 180 of this Code prior to the effective date of Ordinance No. _____,
17 which is classified as a principal use by the enactment of Ordinance No. _____, is
18 deemed to be a permitted principal use.
- 19 (5) Any use or feature in the Eastern Neighborhoods that was nonconforming
20 under Section 180 of this Code prior to the effective date of Ordinance No. _____,
21 which is classified as a conditional use by the enactment of Ordinance No. _____,
22 is deemed to be a permitted conditional use, subject to the provisions of Section
23 178 of this Code.
- 24 (6) Any use or feature in the Eastern Neighborhoods that was nonconforming
25 under Section 180 of this Code prior to the effective date of Ordinance No. _____,

1 which continues to be not permitted by operation of Ordinance No. _____, shall
2 still be classified as a nonconforming use, subject to the provisions of Sections
3 180 through 183 of this Code.

4 (d) ~~Recognized Existing Uses. A Recognized Existing Use shall be deemed to be~~
5 ~~a permitted principal use, permitted conditional use, or nonconforming use, only if~~
6 ~~the use or feature complies with all applicable conditions prescribed in this~~
7 ~~Subsection; otherwise the use or feature shall be in violation of this Code subject~~
8 ~~to the provisions of Section 176.~~

9 (1) A Recognized Existing Use that is permitted as a principal use by the
10 enactment of Ordinance No. _____, will be deemed to be a permitted principal use
11 if:

12 (A) An application is filed for all permits necessary to bring the use into
13 compliance with applicable Codes within three years of the effective date of this
14 Section;

15 (B) The application is subject to only those Planning Code provisions that would
16 have applied to the use at the time it was established, with the following
17 exceptions:

18 (i) any requirement for a Conditional Use authorization,

19 (ii) any prohibition of the use itself,

20 (iii) any off-street parking or loading requirements set forth under Article 1.5; and

21 (C) The application does not involve any expansion or intensification of the
22 recognized existing use, rather any such expansion or intensification would be
23 proposed under separate application subject to all current Planning Code
24 provisions;

25 (D) All necessary permits and entitlements are granted; and

1 (E) All work that is required for Code compliance under all applicable Codes is
2 completed, including the issuance of a Certificate of Final Completion from the
3 Department of Building Inspection, within one year of the granting of the
4 necessary permits and entitlements, except that this time may be extended an
5 additional one year should delays be caused by a government agency or by legal
6 action.

7 (2) A Recognized Existing Use that is permitted as a conditional use by the
8 enactment of Ordinance No. _____ and would have been a principally permitted
9 use at the time the use was established, will be deemed to be a permitted
10 conditional use if all the criteria identified in Subsection (e)(1)(A) through
11 (e)(1)(E), above, are met.

12 (3) A Recognized Existing Use that is not a permitted use by the enactment of
13 Ordinance No. _____, and would have been a principally permitted use at the time
14 it was established, will be deemed to be a nonconforming use if all the criteria
15 identified in Subsection (e)(1)(A) through (e)(1)(E), above, are met.

16 (4) A Recognized Existing Use that is permitted as a conditional use by the
17 enactment of Ordinance No. _____, and would have been permitted as a
18 conditional use at the time it was established, will be deemed to be a permitted
19 conditional use if:

20 (A) Application are filed for (1) conditional use authorization pursuant to the
21 provisions of Article 3 of this Code and (2) all permits necessary to bring the use
22 into compliance with applicable Codes within 3 years of the effective date of this
23 Section; and

24
25

1 (B) The application is subject to only those Planning Code provisions which
2 would have applied to the use at the time it was established, with the following
3 exceptions:
4 (i) any prohibition of the use itself, and
5 (ii) any off-street parking or loading requirements set forth under Article 1.5; and
6 (C) The application does not involve any expansion or intensification of the
7 recognized existing use, rather any such expansion or intensification would be
8 proposed under separate application subject to all current Planning Code
9 provisions; and
10 (D) The conditional use is authorized the City grants all and all other necessary
11 permits and entitlements for the use; and
12 (E) All work that is required for Code compliance under all applicable Codes is
13 completed, including the issuance of a Certificate of Final Completion from the
14 Department of Building Inspection, within one year of the granting of the
15 necessary permits and entitlements, except that this time may be extended an
16 additional one year should delays be caused by a government agency or by legal
17 action.
18 (5) A Recognized Existing Use that is not a permitted use by the enactment of
19 Ordinance No. _____, and which would have been permitted as a conditional use
20 at the time it was established, will be deemed a nonconforming use if all the
21 criteria identified in Subsection (e)(4)(A) through (e)(4)(D), above, are met.
22 (6) A Recognized Existing Use that is permitted as a conditional use by the
23 enactment of Ordinance No. _____, and which was not permitted at the time the
24 use was established, will be deemed to be a permitted conditional use if all the
25 criteria identified in Subsection (e)(4)(A) through (e)(4)(D), above, are met.

1 ~~(e) Existing Uses Which Are Not Permitted. Any use that existed on the effective~~
2 ~~date of Ordinance No. _____ for which the required permits have not been~~
3 ~~obtained, and which use was not permitted either (1) at the time the use was~~
4 ~~established or (2) by the enactment of Ordinance No. _____ shall be in violation of~~
5 ~~this Code, subject to the provisions of Section 176 of this Code.~~

6 **SEC. 181. NONCONFORMING USES: ENLARGEMENTS,**
7 **ALTERATIONS AND RECONSTRUCTION.**

8 The following provisions shall apply to non-conforming uses with respect
9 to enlargements, alterations and reconstruction:

10 (a) A nonconforming use, and any structure occupied by such use, shall not be
11 enlarged, intensified, extended, or moved to another location, with the exception
12 of the construction of a mezzanine within a live/work unit *and expansion of dwelling*
13 *units in PDR Districts*, unless the result will be elimination of the nonconforming
14 use, except as provided in Paragraph (b)(3) *and (i)* below and Section 186.1 of
15 this Code. A nonconforming use shall not be extended to occupy additional
16 space in a structure, or additional land outside a structure, or space in another
17 structure, or to displace any other use, except as provided in Sections 182 and
18 186.1 of this Code.

19 (b) A structure occupied by a nonconforming use shall not be constructed,
20 reconstructed or altered, unless the result will be elimination of the
21 nonconforming use, except as provided in Section 186.1 of this Code and in
22 Subsections (a) above and (d), (e), (f) and (g) below, and except as follows:

23 (1) Ordinary maintenance and minor repairs shall be permitted where necessary
24 to keep the structure in sound condition, as well as minor alterations, where such
25

1 work is limited to replacement of existing materials with similar materials placed
2 in a similar manner.

3 (2) Minor alterations shall be permitted where ordered by an appropriate public
4 official to correct immediate hazards to health or safety, or to carry out newly
5 enacted retroactive requirements essential to health or safety.

6 (3) Alterations otherwise allowed by this Code shall be permitted for any portion
7 of the structure that will not thereafter be occupied by the nonconforming use,
8 provided the nonconforming use is not enlarged, intensified, extended, or moved
9 to another location.

10 (4) All other alterations of a structural nature shall be permitted only to the
11 extent that the aggregate total cost of such other structural alterations, as
12 estimated by the Department of Public Works, is less than 1/2 of the assessed
13 valuation of the improvements prior to the first such alteration, except that
14 structural alterations required to reinforce the structure to meet the standards for
15 seismic loads and forces of the Building Code shall be permitted without regard
16 to cost.

17 (c) A dwelling or other housing structure exceeding the permitted density of
18 dwelling units or other housing units set forth in Sections 207.5, 208, 209.1 ~~or~~
19 209.2, or 215 of this Code for the district in which it is located shall be classified
20 as a nonconforming use under Section 180 of this Code, but only to the extent
21 that such dwelling or other housing structure exceeds the permitted density. This
22 Section 181 shall apply with respect to enlargements, alterations and
23 reconstruction of the nonconforming portion of such dwelling or other housing
24 structure, consisting of those dwelling units or other housing units which exceed
25 the permitted density. Any dwelling unit or other housing unit coming within the

1 density limit shall not be affected by this Section 181. Except as provided in
2 Sections 181(h) and 182(e), no dwelling or other housing structure exceeding the
3 permitted density of dwelling units or other housing units shall be altered to
4 increase the number of dwelling units or other housing units therein, or to
5 increase or create any other nonconformity with respect to the dwelling unit or
6 other housing unit density limitations of Section 209.1 or Section 209.2.

7 (d) Notwithstanding the foregoing provisions of this Section 181, a structure
8 occupied by a nonconforming use that is damaged or destroyed by fire, or other
9 calamity, or by Act of God, or by the public enemy, may be restored to its former
10 condition and use; provided that such restoration is permitted by the Building
11 Code, and is started within one year and diligently prosecuted to completion. The
12 age of such a structure for the purposes of Sections 184 and 185 shall
13 nevertheless be computed from the date of the original construction of the
14 structure. Except as provided in Subsection (e) below, no structure occupied by a
15 nonconforming use that is voluntarily razed or required by law to be razed by the
16 owner thereof may thereafter be restored except in full conformity with the use
17 limitations of this Code.

18 For purposes of this Subsection, any dwelling unit or other housing unit in
19 a structure that has, in whole or substantial part, been determined by the Director
20 of Public Works to be unsafe to occupy or that will require substantial repair due
21 to damage caused by the earthquake that occurred in San Francisco on October
22 17, 1989 and its associated aftershocks, may be restored and recorded as a
23 lawfully permitted unit even if its prior lawful existence cannot be established if
24 (1) the permit applicant can demonstrate to the satisfaction of the Zoning
25 Administrator that the unit has been occupied within one year prior to the

1 earthquake, and (2) the unit is brought into compliance with the Building Code,
2 Housing Code, Fire Code and any applicable requirements of State and Federal
3 law. Any dwelling unit or other housing unit legalized pursuant to this Subsection
4 shall be offered to the previous tenant, or if that tenant does not desire to
5 reoccupy such unit, to any tenant on reoccupancy at the rent which was charged
6 prior to the earthquake. If the amount of rent cannot be established to the
7 satisfaction of the Zoning Administrator, the Zoning Administrator shall set a rent
8 that is affordable to households making 80 percent of the median income in San
9 Francisco, according to guidelines established by the Mayor's Office of Housing.

10 (e) In order that major life safety hazards in structures may be eliminated as
11 expeditiously as possible, a structure containing nonconforming uses and
12 constructed of unreinforced masonry that is inconsistent with the requirements of
13 the UMB Seismic Retrofit Ordinance, Ordinance No. 227-92, may be demolished
14 and reconstructed with the same nonconforming use or a use as permitted by
15 Planning Code Section 182; provided that there is no increase in any
16 nonconformity, or any new nonconformity, with respect to the use limitations of
17 this Code; provided further that the current requirements of the Building Code,
18 the Housing Code and other applicable portions of the Municipal Code are met;
19 and provided further that such restoration or reconstruction is started within one
20 year after razing or other demolition work on the structure and diligently
21 prosecuted to completion.

22 (f) A nighttime entertainment use within the ~~South of Market~~ RSD, MUG, MUR, or
23 SLR Districts may be enlarged, intensified, extended or expanded, including the
24 expansion to an adjacent lot or lots, provided that: (1) the enlargement,
25 intensification, extension or expansion is approved as a conditional use pursuant

1 to Sections 303 and 316 of this Code; (2) the use as a whole meets the parking
2 and signage requirements, floor area ratio limit, height and bulk limit, and all
3 other requirements of this Code which would apply if the use were a permitted
4 one; and (3) the provisions of Section 803.5(~~b4~~) of this Code are satisfied.

5 (g) Automotive sales and service signs within the Automotive Special Use
6 District which have all required permits but which do not comply with the controls
7 for new signs established in Section 607.3 of this Code shall be permitted to
8 remain as nonconforming uses and shall be permitted to modify the signage text
9 to describe new automobile ownerships and dealerships that may occur from
10 time to time.

11 (h) In PDR Districts, no building containing a residential use shall be altered to increase
12 the number of dwelling units or other housing units therein. However, individual dwelling
13 units or other housing units may be expanded, subject to height, bulk, and all other
14 provisions of this Code which would otherwise be applicable to dwelling units or other
15 housing units in the Urban Mixed Use District.

16 (i) In the Eastern Neighborhoods Mixed Use, PDR-1-D, and PDR-1-G Districts, a non-
17 residential nonconforming use may expand in gross floor area by no more than 25
18 percent with conditional use authorization pursuant to Section 303 of this Code. Such
19 conditional use authorization may not be granted for any subsequent or additional
20 expansion beyond the initial 25 percent.

21 **SEC. 182. NONCONFORMING USES: CHANGES OF USE.**

22 The following provisions shall apply to nonconforming uses with respect to
23 changes of use:

24 (a) A nonconforming use shall not be changed or modified so as to increase the
25 degree of nonconformity under the use limitations of this Code, with respect to

1 the type of use or its intensity except as provided in Section 181 for nighttime
2 entertainment activities within the *South of Market* RSD, MUG, MUR, or SLR
3 Districts and in Subsection (f) below. The degree of nonconformity shall be
4 deemed to be increased if the new or modified use is less widely permitted by the
5 use districts of the City than the nonconforming use existing immediately prior
6 thereto.

7 (b) Except as limited in this Subsection, a nonconforming use may be reduced
8 in size, extent or intensity, or changed to a use that is more widely permitted by
9 the use districts of the City than the existing use, subject to the other applicable
10 provisions of this Code. Except as otherwise provided herein, the new use shall
11 still be classified as a nonconforming use.

12 (1) A nonconforming use in a Residential District (other than a Residential-
13 Commercial Combined District or an RED District), which use is located more
14 than 1/4 mile from the nearest Individual Area Neighborhood Commercial District
15 or Restricted Use Subdistrict described in Article 7 of this Code, may change to
16 another use which is permitted as a principal use at the first story and below in
17 an NC-1 District, or it may change to another use which is permitted as a
18 conditional use at the first story and below in an NC-1 District only upon approval
19 of a conditional use application pursuant to the provisions of Article 3 of this
20 Code. If the nonconforming use is seeking to change in use to a retail sales
21 activity or retail sales establishment which is also a formula retail use, as defined
22 in Section 703.3 of this Code, it shall comply with the provisions of Section 703.3
23 of this Code. The nonconforming use shall comply with other building standards
24 and use limitations of NC-1 Districts, as set forth in Sections 710.10 through
25 710.95 of this Code.

1 If the nonconforming use is located within 1/4 mile from any Individual
2 Area Neighborhood Commercial District or Restricted Use Subdistrict described
3 in Article 7 of this Code, the nonconforming use may change to another use
4 which is permitted as a principal use at the first story and below in an NC-1
5 District and in the Individual Area Neighborhood Commercial District or
6 Restricted Use Subdistrict or Districts within 1/4 mile of the use, or it may change
7 to another use which is permitted as a conditional use at the first story and below
8 in an NC-1 District and in the Individual Area Neighborhood Commercial District
9 or Districts within 1/4 mile of the use only upon approval of a conditional use
10 application pursuant to the provisions of Article 3 of this Code. If the
11 nonconforming use is seeking to change in use to a retail sales activity or retail
12 sales establishment which is also a formula retail use, as defined in Section
13 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this
14 Code. The nonconforming use shall comply with other building standards and
15 use limitations of NC-1 Districts and any Individual Area NC District or Districts
16 located within 1/4 mile of the use, as set forth in Article 7 of this Code.

17 (2) A nonconforming use in a Residential-Commercial Combined District may
18 be changed to another use listed in Articles 2 or 7 of this Code as a principal use
19 for the district in which the existing use would first be permitted as a principal or
20 conditional use.

21 (3) A nonconforming use in a Neighborhood Commercial District may be
22 changed to another use as provided in Subsections (c) and (d) below or as
23 provided in Section 186.1 of this Code.

24 (4) A nonconforming use in any district other than a Residential, Downtown
25 Residential, or Neighborhood Commercial District may be changed to another

1 use listed in Articles 2 or 7 of this Code as a principal use for the district in which
2 the existing use would first be permitted as a principal use.

3 (5) A nonconforming use in any South of Market Mixed Use District may not be
4 changed to an office, retail, bar, restaurant, nighttime entertainment, adult
5 entertainment, hotel, motel, inn, hostel, or movie theater use in any district where
6 such use is otherwise not permitted or conditional, except as provided in
7 Subsection (g) below.

8 (c) A nonconforming use may be changed to a use listed in Articles 2 or 7 of this
9 Code as a conditional use for the district in which the property is located, subject
10 to the other applicable provisions of this Code, without the necessity of specific
11 authorization by the City Planning Commission except where major work on a
12 structure is involved, and the new use may thereafter be continued as a
13 permitted conditional use, subject to the limitation of Section 178(b) of this Code.

14 (d) A nonconforming use may be changed to a use listed in Articles 2, 7 or 8 of
15 this Code as a principal use for the district in which the property is located,
16 subject to the other applicable provisions of this Code, and the new use may
17 thereafter be continued as a permitted principal use.

18 (e) A nonconforming use in an R District subject to termination under the
19 provisions of Section 185 of this Code may be converted to a dwelling unit
20 without regard to the requirements of this Code with respect to dwelling unit
21 density under Article 2, dimensions, areas and open space under Article 1.2, or
22 off-street parking under Article 1.5, provided the nonconforming use is eliminated
23 by such conversion, provided further that the structure is not enlarged, extended
24 or moved to another location, and provided further that the requirements of the
25

1 Building Code, the Housing Code and other applicable portions of the Municipal
2 Code are met.

3 (f) Any nonconforming use in an RED District may change to any use falling
4 within zoning categories 816.36, 816.42 through 816.47, 816.55, or 816.64
5 through 816.67, subject to the applicable provisions of this Code other than those
6 controlling uses, and the new use may thereafter continue as a nonconforming
7 use.

8 (g) Once a nonconforming use has been changed to a principal or conditional
9 use permitted in the district in which the property is located, or brought closer in
10 any other manner to conformity with the use limitations of this Code, the use of
11 the property may not thereafter be returned to its former nonconforming status,
12 except that:

13 (1) Any area which is used as a live/work unit shall be allowed to return to its
14 former nonconforming status.

15 (2) Within any South of Market Mixed Use District, any area occupied by a
16 nonconforming office use which is changed to an arts, home and/or business
17 service use falling within zoning categories 102.2 or 816.42 through 816.47 or a
18 wholesale, storage or light manufacturing use falling within zoning categories
19 816.64 through 816.67 shall be allowed to return to its former nonconforming
20 office use.

21 (3) Upon restoration of a previous nonconforming use as permitted by
22 Subsection (1) or (2) above, any modification, enlargement, extension, or change
23 of use, from circumstances which last lawfully existed prior to the creation of the
24 live/work unit, or prior to the change from office use, shall be subject to the
25 provisions of this Article, and the restored nonconforming use shall be

1 considered to have existed continuously since its original establishment, prior to
2 the live/work unit or change to office use, for purposes of this Article.

3 (h) If a nonconforming use has been wrongfully changed to another use in
4 violation of any of the foregoing provisions, and the violation is not immediately
5 corrected when required by the Zoning Administrator, the wrongful change shall
6 be deemed to be a discontinuance or abandonment of the nonconforming use
7 under Section 183 of this Code.

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

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

11 TABLE INSET:

Public Use Districts	
RH-1(D)	Residential, House Districts, One-Family (Detached Dwellings)
RH-1	Residential, House Districts, One-Family
RH-1(S)	Residential, House Districts, One-Family with Minor Second Unit
RH-2	Residential, House Districts, Two-Family
RH-3	Residential, House Districts, Three-Family
RM-1	Residential, Mixed Districts, Low Density
RM-2	Residential, Mixed Districts, Moderate Density
RM-3	Residential, Mixed Districts, Medium Density
RM-4	Residential, Mixed Districts, High Density
RC-1	Residential-Commercial Combined Districts, Low Density
RC-2	Residential-Commercial Combined Districts, Moderate Density

1	RC-3	Residential-Commercial Combined Districts, Medium Density
2	RC-4	Residential-Commercial Combined Districts, High Density
3	RTO	Residential Transit-Oriented Neighborhood Districts
4	<u>RTO-M</u>	<u>Residential Transit-Oriented – Mission Neighborhood Districts</u>
5		
6	Neighborhood Commercial Districts	
7	(Also see Article 7)	
8	General Area Districts	
9	NC-1	Neighborhood Commercial Cluster District
10	NC-2	Small-Scale Neighborhood Commercial District
11	NC-3	Moderate-Scale Neighborhood Commercial District
12	NC-S	Neighborhood Commercial Shopping Center District
13		
14	Individual Area Districts	
15	Broadway Neighborhood Commercial	
16	District	
17	Castro Street Neighborhood Commercial	
18	District	
19	Inner Clement Street Neighborhood	
20	Commercial District	
21	Outer Clement Street Neighborhood	
22	Commercial District	
23	Upper Fillmore Street Neighborhood	
24	Commercial District	
25	Haight Street Neighborhood Commercial	
	District	

1	Hayes-Gough Neighborhood Commercial	
2	District	
3	Inner Sunset Neighborhood Commercial	
4	District	
5	Upper Market Street Neighborhood	
6	Commercial District	
7	North Beach Neighborhood Commercial	
8	District	
9	Polk Street Neighborhood Commercial	
10	District	
11	Sacramento Street Neighborhood Commercial	
12	District	
13	Union Street Neighborhood Commercial	
14	<i>Valencia Street Neighborhood Commercial</i>	
15	<i>District —</i>	
16	<i>24th Street Mission Neighborhood Commercial</i>	
17	<i>District —</i>	
18	24th Street-Noe Valley Neighborhood	
19	Commercial District	
20	West Portal Avenue Neighborhood Commercial	
21	District	
22		
23	Neighborhood Commercial Transit Districts (NCT)	
24	<u>NCT-2</u>	<i>Small-Scale Neighborhood Commercial Transit District</i>
25	NCT-3	Moderate Scale Neighborhood Commercial Transit District

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2	Individual Area Neighborhood Commercial Transit (NCT) Districts	
3	Hayes-Gough NCT	
4	Upper Market NCT	
5	<u>Valencia Street NCT</u>	
6	<u>24th Street – Mission NCT</u>	
7	<u>Mission Street NCT</u>	
8		
9	<u>SoMa NCT</u>	
10		
11	Chinatown – Mixed Use Districts	
12	(Also see Article 8)	
13	CCB	Chinatown Community Business District
14	CR/NC	Chinatown Residential/Neighborhood Commercial District
15	CVR	Chinatown Visitor Retail District
16		
17	<u>Commercial Districts</u>	
18	C-1	Neighborhood Shopping Districts
19	C-2	Community Business Districts
20	C-M	Heavy Commercial Districts
21	C-3-O	Downtown Office District
22	C-3-R	Downtown Retail District
23	C-3-G	Downtown General Commercial District
24	C-3-S	Downtown Support District
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<u>Industrial Districts</u>	
M-1	Light Industrial Districts
M-2	Heavy Industrial Districts
<u>PDR-1-B</u>	<u>Production Distribution and Repair – Light Industrial Buffer</u>
<u>PDR-1-D</u>	<u>Production Distribution and Repair – Design</u>
<u>PDR-1-G</u>	<u>Production Distribution and Repair - General</u>
<u>PDR-2</u>	<u>Core Production Distribution and Repair – Bayview</u>
<u>Chinatown Mixed Use Districts</u>	
<u>(Also see Article 8)</u>	
<u>CCB</u>	<u>Chinatown Community Business District</u>
<u>CR/NC</u>	<u>Chinatown Residential/Neighborhood Commercial District</u>
<u>CVR</u>	<u>Chinatown Visitor Retail District</u>
South of Market Use <u>Mixed Use</u> Districts	
<u>(Also see Article 8)</u>	
RED	Residential Enclave Districts
SPD	South Park District
RSD	Residential Service District
SLR	Service/Light Industrial/Residential District
SLI	Service/Light Industrial District

1	SSO	Service/Secondary Office District
2		
3	<u>Eastern Neighborhoods Mixed Use Districts</u>	
4	<u>(Also see Article 8)</u>	
5	<u>SPD</u>	<u>South Park District</u>
6	<u>MUG</u>	<u>Mixed Use – General</u>
7	<u>MUO</u>	<u>Mixed Use – Office</u>
8	<u>MUR</u>	<u>Mixed Use – Residential</u>
9		
10	<u>UMU</u>	<u>Urban Mixed Use</u>
11		
12	Downtown Residential Districts	
13	(Also see Article 8)	
14	RH-DTR	Rincon Hill Downtown Residential
15	<u>SB-DTR</u>	<u>South Beach Downtown Residential</u>
16		
17	Mission Bay Districts	
18	(Also see Article 9)	
19	MB-R-1	Mission Bay Lower Density Residential District
20	MB-R-2	Mission Bay Moderate Density Residential District
21	MB-R-3	Mission Bay High Density Residential District
22	MB-NC-2	Mission Bay Small Scale Neighborhood Commercial District
23	MB-NC-3	Mission Bay Moderate Scale Neighborhood Commercial District
24	MB-NC-S	Mission Bay Neighborhood Commercial Shopping Center District
25	MB-O	Mission Bay Office District

1	MB-CI	Mission Bay Commercial-Industrial District
2	MB-H	Mission Bay Hotel District
3	MB-CF	Mission Bay Community Facilities District
4	MB-OS	Mission Bay Open Space District

5 **SEC. 202. USES PERMITTED BY THIS CODE.**

6 (a) The use limitations of this Code shall be set forth in Articles 2, 6, 7, 8 and 9
7 for the use districts of the City, as established by Sections 201, 701, 801 and 902
8 of this Code and as shown on the Zoning Map referred to in Section 105 of this
9 Code, subject to the provisions of Section 105. The uses permitted under this
10 Code shall consist of the following:

11 (1) Principal uses, permitted as of right in each established district where listed
12 for that class of districts in Articles 2, 7, 8 and 9 as regulated herein and
13 elsewhere in this Code;

14 (2) Conditional uses, permitted in each established district when authorized by
15 the City Planning Commission under Section 303 of this Code, where listed for
16 that class of districts in Articles 2, 7, 8 and 9 and as regulated herein and
17 elsewhere in this Code;

18 (3) Accessory uses for such permitted principal and conditional uses, as defined
19 and regulated in Sections 204 through 204.5, Section 703.2(b)(1)(C), Section
20 803.3(b)(1)(C), Section 903(a)(3) and Section 986 of this Code. Any use not
21 qualified under such sections as an accessory use shall be classified as a
22 principal or conditional use.

23 (b) Permitted uses shall include in each established district such uses not
24 specifically listed in Articles 2, 7 or 8 of this Code as are from time to time
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1 determined by the Zoning Administrator to be permitted uses in accordance with
2 Section 307(a) of this Code.

3 (c) No use shall be permitted in any R District, C District, PDR-1 Districts or M-1
4 District which by reason of its nature or manner of operation creates conditions
5 that are hazardous, noxious or offensive through emission of odor, fumes,
6 smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or
7 excessive noise.

8 (d) Except as specifically provided herein to the contrary, the provisions of
9 Articles 2, 7, 8 and 9 of this Code shall apply to all uses, properties and
10 developments, both public and private, including those of the City and County of
11 San Francisco.

12 **SEC. 204. ACCESSORY USES, GENERAL.**

13 Subject to the limitations set forth in this Code, and especially as specified in
14 Sections 204.1 through 204.5, a related minor use which is either (a) necessary
15 to the operation or enjoyment of a lawful principal use or conditional use, or (b)
16 appropriate, incidental and subordinate to any such use, and (c) in the case of
17 Internet Services Exchange as defined in Section 209.6(c) which use does not
18 exceed 25,000 gross square feet of floor area or use more than two megawatts
19 of back-up power generators, shall be permitted as an accessory use when
20 located on the same lot; provided, however, that in the Outer Clement
21 Neighborhood Commercial District the storage of materials for a commercial use
22 shall be permitted as an accessory use if the storage occurred prior to 1985, if it
23 is within 200 feet of the use to which it is accessory, if it is accessible to the
24 principal permitted use without the use of a public sidewalk or other public right-
25 of-way, and if the provision of storage would not conflict with the provisions of

1 Section 145.1 relating to street frontage in N-C Districts. In PDR Districts,
2 accessory uses to non-office uses (as defined in Section 890.70) may occupy space which
3 is non-contiguous or on a different story as the principal use so long as the accessory use
4 is located in the same building as the principal use and complies with all other
5 restrictions applicable to such accessory uses.

6 **SEC. 204.4. DWELLING UNITS ACCESSORY TO OTHER USES.**

7 (a) In any R, NC, or C District, one dwelling unit to serve as the residence of a
8 manager and the manager's family shall be permitted as an accessory use for
9 any permitted hotel, motel or group housing structure, without any such structure
10 being classified as a dwelling for purposes of this Code due to the presence of
11 such dwelling unit.

12 (b) In any NC, C, ~~or~~ M, PDR, or Eastern Neighborhood Mixed Use District, dwelling
13 units which are integrated with the working space of artists, artisans and other
14 craftspersons shall be permitted as an accessory use to such working space,
15 when such dwelling units are occupied by a group of persons including no more
16 than four adults, and where the occupancy meets all applicable provisions of the
17 Building Code and Housing Code.

18 (c) In any M District, one dwelling unit or other form of habitation to serve as the
19 residence of a caretaker and the caretaker's family shall be permitted as an
20 accessory use for any permitted principal or conditional use in such district,
21 where the operation of such use necessitates location of such residence in such
22 district.

23 **SEC. 204.5. PARKING AND LOADING AS ACCESSORY USES.**

24 In order to be classified as an accessory use, off-street parking and loading shall
25 meet all of the following conditions:

1 (a) Such parking or loading facilities shall be located on the same lot as the
2 structure or use served by them. (For provisions concerning required parking on
3 a separate lot as a principal or conditional use, see Sections 156, 159, 160 and
4 161 of this Code.)

5 (b) Such parking or loading facilities shall be for use by the occupants, patrons,
6 employees or services of the structure or use to which they are accessory.
7 Accessory parking facilities for any dwelling in any R District shall be limited,
8 further, to storage of private passenger automobiles, private automobile trailers
9 and boats, and trucks of a rated capacity not exceeding 3/4 ton.

10 (c) Accessory parking facilities shall include only those facilities which do not
11 exceed the following amounts for a structure, lot or development: three spaces
12 where one space is required by this Code; four spaces where two spaces are
13 required by this Code; 150 percent of the required number of spaces where three
14 or more spaces are required by this Code; and, in all districts other than NC, 15
15 spaces or seven percent of the total gross floor area of the structure or
16 development, whichever is greater, or in NC Districts, three spaces, where no off-
17 street parking spaces are required by this Code. For purposes of calculation
18 under the last provision just stated, gross floor area shall be as defined by this
19 Code, and the area considered to be devoted to parking shall be only the parking
20 spaces and aisles, excluding entrance and exit driveways and ramps. Off-street
21 parking facilities which exceed the amounts stated in this Subsection (c) shall be
22 classified as either a principal or a conditional use, depending upon the use
23 provisions applicable to the district in which such facilities are located. This
24 subsection (c) does not apply to districts subject to Section 151.1, which
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1 establishes maximum amounts of accessory parking for all uses in those
2 districts.

3 **SEC. 205. TEMPORARY USES, GENERAL.**

4 (a) The temporary uses listed in Sections 205.1 through 205.3, where not
5 otherwise permitted in the district, may be authorized as provided herein, up to
6 the time limits indicated. Further time for such uses may be authorized only by
7 action upon a new application, subject to all the requirements for the original
8 application, unless otherwise indicated in Sections 205.1 through 205.3.

9 (b) Action upon such uses shall be by the ~~City~~ Planning Commission, subject to
10 all the requirements for conditional uses in Sections 303 and 306 through 306.5
11 of this Code; except that uses listed in Section 205.1, uses listed in Section 205.2
12 if located in a PDR, C₂ or M District, and uses listed in Section 205.3 within the
13 South of Market Mixed Use Districts and Eastern Neighborhoods Mixed Use
14 ~~d~~Districts, may be authorized by the Zoning Administrator without a public
15 hearing.

16 (c) Wherever a use exists at the effective date of this Code or of an amendment
17 thereto under which such use is classified as a temporary use, or wherever a use
18 is being conducted under a temporary use authorization given prior to such a
19 date, such use may be continued for the maximum term specified therefor~~e~~,
20 calculated from said effective date or date of authorization. No such use shall
21 continue thereafter unless a temporary use authorization shall have been sought
22 and obtained under a new application. Continuance of a temporary use beyond
23 the date of expiration of the period authorized therefor~~e~~, or failure to remove a
24 structure for such temporary use within 10 days thereafter, shall constitute a
25 violation of this Code.

1 **SEC. 205.1. TEMPORARY USES: SIXTY-DAY LIMIT.**

2 A temporary use may be authorized for a period not to exceed 60 days for
3 any of the following uses:

- 4 (a) Neighborhood carnival, exhibition, celebration or festival sponsored by an
5 organized group of residents in the vicinity or, in PDR, C₁ or M Districts,
6 sponsored by property owners or businesses in the vicinity;
- 7 (b) Booth for charitable, patriotic or welfare purposes;
- 8 (c) Open air sale of agriculturally produced seasonal decorations, including, but
9 not necessarily limited to, Christmas trees and Halloween pumpkins.

10 **SEC. 205.3. TEMPORARY USES: TWENTY-FOUR-HOUR LIMIT.**

11 Within the South of Market Mixed Use Districts and Eastern Neighborhoods
12 Mixed Use Districts, a temporary use may be authorized for a period not to
13 exceed 24 hours per event once a month for up to 12 events per year per
14 premises for any of the following uses:

- 15 (a) A performance, exhibition, dance, celebration or festival requiring a liquor
16 license, dance hall keeper or live entertainment police permit and/or other City
17 permit when sponsored by an organized group of residents and/or business
18 operators in the neighborhood; or
- 19 (b) A performance, dance or party requiring a liquor license, dance, live
20 entertainment and/or other City permit, an art exhibit, or other similar exhibition in
21 each case if sponsored by a residential or commercial tenant or group of tenants
22 or owner-occupants of the property or structure in which the temporary use is
23 authorized.

24 Similar events or exhibitions lasting no more than 24 hours and requiring
25 no City permit shall be permitted without authorization under this Article and

1 without limitation as to frequency, subject to compliance with all other applicable
2 laws.

3 When multiple events are proposed within the allowable annual time limit
4 and City permits are to be issued to a particular applicant and premises, only one
5 permit need be granted per annual time period.

6 **SEC. 206. DESCRIPTION AND PURPOSE OF RESIDENTIAL**
7 **DISTRICTS.**

8 The following statements of description and purpose outline the main
9 functions of the R (Residential) Districts in the zoning plan for San Francisco,
10 supplementing the statements of purpose contained in Section 101 of this Code.
11 These districts are established for purposes of implementing the Residence
12 element and other elements of the *Master-General* Plan, according to the
13 objectives, principles and policies stated therein. Among these purposes are the
14 following:

- 15 (a) Preservation, improvement and maintenance of the existing housing stock
16 through protection of neighborhood environments and encouragement of sound
17 ownership practices and rehabilitation efforts;
- 18 (b) Recognition and protection of the architectural characteristics and densities
19 of existing residential areas;
- 20 (c) Maximizing of housing choice by assuring the availability of quality owner
21 and rental housing of various kinds, suitable for a whole range of household
22 types, lifestyles and economic levels;
- 23 (d) Encouragement of residential development that will meet outstanding
24 community needs, provide adequate indoor and outdoor spaces for its
25

1 occupants, and relate well to the character and scale of existing neighborhoods
2 and structures; and
3 (e) Promotion of balanced and convenient neighborhoods having appropriate
4 public improvements and services, suitable nonresidential activities that are
5 compatible with housing and meet the needs of residents, and other amenities
6 that contribute to the livability of residential areas.

7 Additional purposes for Eastern Neighborhoods and South of Market R and
8 Mixed Use Districts are listed in Article 8, ~~Sections 813 through 818~~ of this Code.

9 **SEC. 206.5. RTO-M (RESIDENTIAL, TRANSIT-ORIENTED - MISSION**
10 **NEIGHBORHOOD) DISTRICT.**

11 This district is intended to recognize, protect, conserve and enhance areas
12 characterized by a mixture of houses and apartment buildings, covering a range of
13 densities and building forms, in the Mission District. The RTO-M district is composed of
14 multi-family moderate-density areas, primarily areas formerly designated RM and RH-3,
15 and are well served within short walking distance, generally less than ¼-mile, of transit
16 and neighborhood commercial areas. Transit available on nearby Mission Street is
17 frequent and/or provides multiple lines serving different parts of the city or region.
18 Limited small-scale neighborhood-oriented retail and services is common and permitted
19 throughout the neighborhood on corner parcels only to provide goods and services to
20 residents within walking distance, but the districts are otherwise residential. Only retail
21 compatible with housing, generally those permitted in NC-1 Districts, is permitted and
22 auto-oriented uses are not permitted. Hours of operation are restricted and off-street
23 parking is not permitted for these very locally-oriented uses.

24 A fine-grain pattern of 25-foot to 35-foot building widths is prevalent, and
25 structures typically range from two to five stories in height. While some one- and two-

1 family structures are present, the character of the district is primarily of structures with
2 three or more units of a range of sizes and types suitable for a variety of households.
3 Buildings are moderately scaled and segmented, and units or groups of units have
4 separate entrances directly from the street. The overall residential density is regulated by
5 the permitted and required height, bulk, setbacks, and open space of each parcel, along
6 with residential design guidelines. Because of the high availability of transit service and
7 the proximity of retail and services within walking distance, many households do not own
8 cars; it is common that not every dwelling unit has a parking space and overall off-street
9 residential parking is limited. Open space is provided on-site, in the form of rear yards,
10 decks, balconies, roof-decks, and courtyards, and is augmented by nearby public parks,
11 plazas, and enhanced streetscapes.

12 **SEC. 207.1. RULES FOR CALCULATION OF DWELLING UNIT**
13 **DENSITIES.**

14 The following rules shall apply in the calculation of dwelling unit densities
15 under this Code:

16 (a) The entire amount of lot area per dwelling unit specified in Sections 207.5 or
17 209.1 of this Code shall be required for each dwelling unit on the lot. Fractional
18 numbers shall be adjusted downward to the next lower whole number of dwelling
19 units.

20 (b) Where permitted by the provisions of Sections 207.5, 209.1 and 209.2 of this
21 Code, two or more of the dwelling and other housing uses specified in said
22 sections may be located on a single lot, either in one structure or in separate
23 structures, provided that the specified density limits are not exceeded by the total
24 of such combined uses. Where dwelling units and group housing are combined,
25 the maximum permitted density for dwelling units and for group housing shall be

1 prorated to the total lot area according to the quantities of these two uses that are
2 combined on the lot.

3 (c) Where any portion of a lot is narrower than five feet, such a portion shall not
4 be counted as part of the lot area for purposes of calculating the permitted
5 dwelling density.

6 (d) No private right-of-way used as the principal vehicular access to two or more
7 lots shall be counted as part of the lot area of any such lot for purposes of
8 calculating the permitted dwelling unit density.

9 (e) Where a lot is divided by a use district boundary line, the dwelling unit density
10 limit for each district shall be applied to the portion of the lot in that district, and
11 none of the dwelling units attributable to the district permitting the greater density
12 shall be located in the district permitting the lesser density.

13 (f) In RTO and RTO-M districts, dwelling units that are affordable (meeting the
14 criteria of Section 326.3(h)(2)(B) or the requirements of Section 315) shall not
15 count toward density calculations or be limited by lot area.

16 **SEC. 207.4. DENSITY OF DWELLING UNITS IN NEIGHBORHOOD**
17 **COMMERCIAL DISTRICTS.**

18 The density of dwelling units in Neighborhood Commercial Districts shall
19 be as stated in the following subsections:

20 (a) The rules for calculation of dwelling unit densities set forth in Section 207.1
21 of this Code shall apply in Neighborhood Commercial Districts, except that any
22 remaining fraction of 1/2 or more of the minimum amount of lot area per dwelling
23 unit shall be adjusted upward to the next higher whole number of dwelling units.

24 The dwelling unit density in Neighborhood Commercial Districts shall be at
25 a density ratio not exceeding the number of dwelling units permitted in the

1 nearest Residential District, provided that the maximum density ratio shall in no
 2 case be less than the amount set forth in the following table. The distance to
 3 each Residential District shall be measured from the midpoint of the front lot line
 4 or from a point directly across the street therefrom, whichever permits the greater
 5 density.

6 TABLE INSET:

NC District	Residential Density Limits
NC-1	One dwelling unit for each 800 sq. ft of lot area.
NC-2	
NC-S	
Inner Sunset	
Sacramento Street	
West Portal Avenue	
NC-3	One dwelling unit for each 600 sq. ft. of lot area.
Castro Street	
Inner Clement Street	
Outer Clement Street	
Upper Fillmore Street	
Haight Street	
Union Street	
Valencia Street	
24th Street-Mission	

1	24th Street-Noe Valley	
2		
3	Broadway	One dwelling unit for each 400 sq. ft. of lot area.
4	Hayes-Gough	
5	Upper Market Street	
6	North Beach	
7	Polk Street	

8 (b) The dwelling unit density for dwellings specifically designed for and occupied
9 by senior citizens or physically handicapped persons shall be at a density ratio
10 not exceeding twice the number of dwelling units permitted by the limits set forth
11 in Subsection (a).

12 (c) The dwelling unit density in NCT districts, as listed in Section 702.1(b), shall
13 not be limited by lot area, but by the applicable requirements and limitations
14 elsewhere in this Code, including but not limited to height, bulk, setbacks, open
15 space, exposure, and unit mix, as well as by applicable design guidelines,
16 applicable elements and area plans of the General Plan, and design review by
17 the Planning Department.

18 **SEC. 207.5. DENSITY OF DWELLING UNITS IN MIXED USE**
19 **DISTRICTS.**

20 (a) The dwelling unit density in the Chinatown Mixed Use District shall be
21 at a density ratio not exceeding the amount set forth in the following Table
22 207.5(a):

23
24 **Table 207.5(a)**
25 **Density of Dwelling Units in Chinatown Mixed Use Districts**

1 TABLE INSET:

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General Area District	Residential Density Limits
Chinatown Community Business	One dwelling unit for each 200 sq. ft. of lot area
Chinatown Residential Neighborhood Commercial	One dwelling unit for each 200 sq. ft. of lot area
Chinatown Visitor Retail	One dwelling unit for each 200 sq. ft. of lot area

12

13 (b) Except as indicated in Paragraph (c) below, the dwelling unit density in the

14 South of Market Mixed Use Districts shall not exceed the amount set forth in the

15 following table:

16

17 **Table 207.5(b)**

18 **Density of Dwelling Units in South of Market Mixed Use Districts**

19 TABLE INSET:

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General Area District	Residential Density Limits
Residential Enclave (RED)	One dwelling unit for each 400 sq. ft. of lot area

1		
2	South Park (SPD)	One dwelling unit for each 600 sq. ft. of lot area
3		
4	Residential Service	One dwelling unit for each 200 sq. ft. of lot area except that which project above 40 feet in height, a higher density may be allowed as a conditional use in accordance with the provisions of 303(c) of this Code.
5	(RSD)	
6	Service/Light	
7	Industrial/Residential	
8	(SLR),	
9	Service/Secondary Office	
9	(SSO)	

11 (c) There shall be no density limit for single room occupancy (SRO) units in any
 12 South of Market Mixed Use District.

13 (d) There shall be no density limit for any residential use, as defined by Section
 14 890.88 in any DTR district.

15 *(e) There shall be no density limits for any residential use, as defined by Section 890.88,*
 16 *in the Eastern Neighborhoods Mixed Use Districts.*

17 **SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX ~~AND UNIT~~**
 18 **~~DIVISION RESTRICTIONS IN RTO, AND NCT, DTR, AND EASTERN~~**
 19 **~~NEIGHBORHOODS MIXED USE~~ DISTRICTS.**

20 (a) Purpose. *In order to foster flexible and creative infill development while maintaining*
 21 *the character of the district, ~~d~~* Dwelling unit density is not controlled by lot area in
 22 *RTO, ~~and~~ NCT, and Eastern Neighborhoods Mixed Use Districts, ~~which are well-served~~*
 23 *by transit and services within walking distance, but rather* by the physical constraints
 24 of ~~the~~ this Code (such as height, bulk, setbacks, open space, and dwelling unit
 25 exposure), ~~in order to foster flexible and creative infill development while maintaining~~

1 ~~the character of the district.~~ However, to ensure an adequate supply of family-sized
2 units in existing and new housing stock, ~~subdivision of existing units is restricted and~~
3 new residential construction must include a minimum percentage of units of at
4 least 2 bedrooms or more.

5 (b) Applicability.

6 (1) This Section shall apply in the RTO, NCT, DTR and Eastern Neighborhoods Mixed
7 Use Districts,

8 (2) This Section shall apply to all applications for building permits and/or Planning
9 Commission entitlements which propose the creation of five or more dwelling units.

10 (3) This Section does not apply to buildings for which 100 percent of the residential uses
11 are: group housing, dwelling units which are provided at below market rates pursuant to
12 Section 326.3(h)(2)(B) of this Code, Single Room Occupancy Units, student housing (as
13 defined in Sec. 315.1.38), or housing specifically and permanently designated for seniors
14 or persons with physical disabilities. In RTO and NCT districts, for newly constructed
15 residential projects or additions with 5 dwelling units or greater, no less than 40 percent
16 of all dwelling units on site must have at least two bedrooms or more. This requirement
17 does not apply to group housing; housing designated for seniors or persons with physical
18 disabilities; or permanently affordable housing projects meeting the criteria of Section
19 326.3(h)(2)(b).

20 (c) Controls.

21 (1) For the RTO, Hayes-Gough NCT, Upper Market Street NCT, and NCT-3 districts, no
22 less than 40 percent of the total number of dwelling units on site shall contain at least
23 two bedrooms. Any fraction resulting from this calculation shall be rounded to the
24 nearest whole number of dwelling units. While existing dwelling units in buildings which
25 do not comply with this Subsection need not be expanded to meet this requirement, all

1 new dwelling units shall provide at least two bedrooms when less than 40 percent of the
2 total number of dwelling units contain less than two bedrooms.

3 (2) For all other RTO and NCT districts, as well as DTR and Eastern Neighborhoods
4 Mixed Use Districts, one of the following two must apply:

5 (A) no less than 40 percent of the total number of proposed dwelling units shall contain
6 at least two bedrooms. Any fraction resulting from this calculation shall be rounded to
7 the nearest whole number of dwelling units. or

8 (B) no less than 30 percent of the total number of proposed dwelling units shall
9 contain at least three bedrooms. Any fraction resulting from this calculation shall
10 be rounded to the nearest whole number of dwelling units.

11 (d) Modifications.

12 (1) In NCT and RTO Districts, these requirements may be waived or modified with
13 Conditional Use Authorization. In addition to those conditions set forth in Section 303,
14 the Planning Commission shall consider the following criteria:

15 (A) The project demonstrates a need or mission to serve unique populations, or
16 (B) The project site or existing building(s), if any, feature physical constraints that make
17 it unreasonable to fulfill these requirements.

18 (2) In Eastern Neighborhoods Mixed Use Districts, these requirements may be waived in
19 return for provision of family-sized affordable units, pursuant to Section 319.4(b). To
20 receive this waiver, 100 percent of the total number of inclusionary units required under
21 Section 315.4 or Section 319.4 shall contain at least two bedrooms. Also in Eastern
22 Neighborhoods Mixed Use Districts, these requirements may be waived or modified
23 through the Variance process set forth in Section 305, or in the case of projects subject to
24 Section ~~309.2329~~, through the procedures of that section.

25

1 ~~(43) In DTR Districts, these requirements may be modified per the procedures of Section~~
2 ~~309.1. The Planning Commission may waive the requirements of subsection (b) via~~
3 ~~Conditional Use procedures with one or more of the following affirmative findings:~~
4 ~~(1) the project demonstrates a need or mission to serve unique populations, or (2) the~~
5 ~~project site or subject building features physical constraints that make it unreasonable to~~
6 ~~fulfill the requirement.~~

7 ~~(c) The Planning Commission may waive the requirements of subsection (b) via~~
8 ~~Conditional Use procedures with one or more of the following affirmative findings:~~
9 ~~(1) the project demonstrates a need or mission to serve unique populations, or (2)~~
10 ~~(d) Division of any existing dwelling unit into two or more units in RTO and NCT~~
11 ~~districts shall be permitted only if it meets both of the following conditions:~~

12 ~~The existing unit exceeds 2,000 occupied square feet or contains more than 3 bedrooms;~~
13 ~~and~~
14 ~~At least one of the resulting units is no less than 2 bedrooms and 1,250 square feet in~~
15 ~~size.~~

16 **SEC. 207.8. DIVISION OF DWELLING UNITS IN THE RTO AND NCT**
17 **DISTRICTS.**

18 In order to ensure an adequate supply of family-sized units in existing and new housing
19 stock, the subdivision of existing units is restricted. The division of any existing dwelling
20 unit into two or more units in RTO and NCT districts shall be permitted only if it meets
21 both of the following conditions:

22 (a) The existing unit exceeds 2,000 occupied square feet or contains more than 3
23 bedrooms; and

24 (b) At least one of the resulting units is no less than 2 bedrooms and 1,250 square feet in
25 size.

1 **SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING.**

2 Except for single room occupancy units in the South of Market *Mixed Use*
3 *Districts* ~~*Special Use District*~~, the density limitations for group housing, as
4 described in Sections 209.2(a), (b), and (c), 790.88(b) and 890.88(b) of this
5 Code, shall be as follows:

6 (a) The maximum number of bedrooms on each lot shall be as specified in the
7 following table for the district in which the lot is located, except that in RTO, *RTO-*
8 *M, UMU, MUG, MUR, MUO, SPD, DTR* and all NCT districts the density of group
9 housing shall not be limited by lot area, and except that for lots in NC Districts,
10 the group housing density shall not exceed the number of bedrooms permitted in
11 the nearest Residential District provided that the maximum density not be less
12 than the amount permitted by the ratio specified for the NC District in which the
13 lot is located.

14
15 **Table 208**
16 **MAXIMUM DENSITY FOR GROUP HOUSING**

District	Minimum Number of Square Feet of Lot Area for Each Bedroom
RH-2	415
RH-3, RM-1, RC-1	275
RM-2, RC-2	210
RM-3, RC-3	140
RM-4, RC-4	70

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2	NC-1	275
3	NC-2	
4	NC-S	
5	Inner Sunset	
6	Sacramento Street	
7	West Portal Avenue	
8		
9	NC-3	210
10	NC-S	
11	Castro Street	
12	Inner Clement Street	
13	Outer Clement Street	
14	Upper Fillmore Street	
15	Haight Street	
16	Union Street	
17	Valencia Street	
18	24th Street Mission	
19	24 th Street-Noe Valley	
20		
21	Broadway	140
22	Upper Market Street	
23	North Beach	
24	Polk Street	
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2	Chinatown Community	70
3	Business	
4	Chinatown Residential	
5	Neighborhood	
6	Commercial	
7	Chinatown Visitor	
8	Retail	
9		
10	RED	140
11	RSD, SLR, SLI and SSO	70
12	SPD	210

13 (b) For purposes of calculating the maximum density for group housing as set
 14 forth herein, the number of bedrooms on a lot shall in no case be considered to
 15 be less than one bedroom for each two beds. Where the actual number of beds
 16 exceeds an average of two beds for each bedroom, each two beds shall be
 17 considered equivalent to one bedroom.

18 (c) The rules for calculation of dwelling unit densities set forth in Section 207.1
 19 shall also apply in calculation of the density limitations for group housing, except
 20 that in NC Districts, any remaining fraction of 1/2 or more of the maximum
 21 amount of lot area per bedroom shall be adjusted upward to the next higher
 22 whole number of bedrooms.

23 (d) The group housing density in all RTO districts and all NCT districts, as listed
 24 in Section 702.1(b), shall not be limited by lot area, but by the applicable
 25 requirements and limitations elsewhere in this Code, including but not limited to

1 height, bulk, setbacks, open space, and exposure, as well as by the Residential
 2 Design Guidelines in RTO districts, other applicable design guidelines, applicable
 3 elements and area plans of the General Plan, and design review by the Planning
 4 Department.

5 **SEC. 209.1. DWELLINGS.**

	RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
6																
7	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(a) One-family dwelling having side yards
8		P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(b) Other one-family dwelling.
9			P	NA	NA	NA	NA	NA	NA	NA	<u>NA</u>	NA	NA	NA	NA	(c) Two-family dwelling with the second dwelling unit limited to 600 square feet of net floor area.
10				P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(d) Other two-family dwelling.
11					P	P	P	P	P	P	<u>P</u>	P	P	P	P	(e) Three-family dwelling.
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1	C	C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(f) Dwelling at a density ratio up to one dwelling unit for each 3,000 square feet of lot area, but no more than three dwelling units per lot, if authorized as a conditional use by the City Planning Commission.
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11			C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(g) Dwelling at a density ratio up to one dwelling unit for each 1,500 square feet of lot area, if authorized as a conditional use by the City Planning Commission.
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13															
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18				C	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(h) Dwelling at a density ratio up to one dwelling unit for each 1,000 square feet of lot area, if authorized as a conditional use by the City Planning Commission.
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					P	NA	NA	NA	NA	<u>NA</u>	P	NA	NA	NA	(i) Dwelling at a density ratio not exceeding one dwelling unit for each 800 square feet of lot area.
						P	NA	NA	P	<u>P</u>		P	NA	NA	(j) Dwelling at a density ratio not exceeding one dwelling unit for each 600 square feet of lot area.
							P	NA	C	<u>P</u>			P	NA	(k) Dwelling at a density ratio not exceeding one dwelling unit for each 400 square feet of lot area.

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								P	C	<u>P</u>				P	(I) Dwelling at a density ratio not exceeding one dwelling unit for each 200 square feet of lot area; provided, that for purposes of this calculation a dwelling unit in these districts containing no more than 500 square feet of net floor area and consisting of not more than one habitable room in addition to a kitchen and a bathroom may be counted as equal to 3/4 of a dwelling unit.
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P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(m) Dwelling specifically designed for and occupied by senior citizens or physically handicapped persons, at a density ratio or number of dwelling units not exceeding twice the number of dwelling units otherwise permitted above as a principal use in the district. Such dwellings shall be limited to such occupancy for the actual lifetime of the building by the requirements of State or Federal programs for housing for senior citizens or physically handicapped persons, or otherwise by design features and by legal arrangements approved as to form by the City Attorney and
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								C	<u>P</u>				(n) Dwelling at a density not limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, exposure, and unit mix, as well as by the Residential Design Guidelines and other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. In lieu of the conditions of Section 303, the Planning Commission shall affirmatively find all of the following: (1) the proposed project is a physical design and articulation compatible with the
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1 **SEC. 209.2. OTHER HOUSING.**

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RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
			C	C	P	P	P	P	P	<u>P</u>	P	P	P	P	
															(a) Group housing, boarding: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit. Such group housing shall include but not necessarily be limited to a boardinghouse, guesthouse, rooming house, lodging house, residence club, commune, fraternity and sorority house but shall not include group

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															housing for religious orders or group housing for medical and educational institutions, whether on a separate lot or part of an institution, as defined and regulated by this Code. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	P	P	P	P	P	<u>P</u>	P	P	P	P	(b) Group housing, religious orders: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time and housing six or more persons in a space not defined by this Code as a dwelling unit, where such housing is for members of a

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															religious order calling for collective work or worship and is not defined as, or on the same lot as, a religious institution as defined and regulated by Section 209.3(j) of this Code. Such housing shall include but not necessarily be limited to a monastery, nunnery, convent and ashram. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(c) Group housing, medical and educational institutions: Providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time

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															and housing six or more persons in a space not defined by this Code as a dwelling unit, where such facility is affiliated with and operated by a medical or educational institution as defined and regulated by Sections 209.3(a), (g), (h) and (i) of this Code but not located on the same lot as such institution and not used for inpatient care. Such housing shall meet the applicable provisions of Section 304.5 of this Code concerning institutional master plans. The density limitations for group housing, by district, shall be as set forth in Section 208 of this Code.
			C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(d) Hotel, inn or hostel

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															containing no more than five rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient overnight guests. A hotel, inn or hostel shall not include a motel as defined and regulated by Section 216(c) of this Code.
											C	C	C	C	(e) Hotel, inn or hostel as specified in Subsection 209.2(d) above but with six or more guestrooms or suites.

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SEC. 209.3. INSTITUTIONS.

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RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	(a) Hospital, medical center or other

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															medical institution which includes facilities for inpatient care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans.
P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(b) Residential care facility providing lodging, board and care for a period of 24 hours or more to six or fewer persons in need of specialized aid by personnel licensed by the State of California. Such facility shall display nothing on or near the

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															facility which gives an outward indication of the nature of the occupancy except for a sign as permitted by Article 6 of this Code, shall not provide outpatient services and shall be located in a structure which remains residential in character. Such facilities shall include but not necessarily be limited to a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases or psychological disorders.
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(c) Residential care facility meeting all applicable requirements of Subsection

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															209.3(b) above but providing lodging, board and care as specified therein to seven or more persons.
											C	C	C	C	(d) Social service or philanthropic facility providing assistance of a charitable or public service nature and not of a profitmaking or commercial nature. (With respect to RC Districts, see also Section 209.9(d).)
P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(e) Child-care facility providing less than 24-hour care for 12 or fewer children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities.
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(f) Child-care facility providing less than 24-hour care for 13

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															or more children by licensed personnel and meeting the open-space and other requirements of the State of California and other authorities. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(g) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(h) Secondary school, either public or private, other than a school having industrial arts as its primary course of study.

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															Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. (With respect to RC Districts, see also Section 209.9(d).)
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(i) Post secondary educational institution for the purposes of academic, professional, business or fine arts education, which institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. Such institution shall not have

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															industrial arts as its primary course of study.
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(j) Church or other religious institution which has a tax-exempt status as a religious institution granted by the United States Government, and which institution is used primarily for collective worship or ritual or observance of common religious beliefs. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution. (With respect to RC Districts, see also Section 209.9(d).)
											P	P	P	P	(k) Medical cannabis dispensary as defined by Section 3301(f) of the San Francisco Health Code provided that:

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															(a) the medical cannabis dispensary has applied for a permit from the Department of Public Health pursuant to Section 3304 of the San Francisco Health Code; (b) if medical cannabis is smoked on the premises, the parcel containing the medical cannabis dispensary is located not less than 1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or recreation buildings as defined in Section 209.4(a) of this Code, unless not required by State law, and, regardless of whether medical cannabis is smoked on the premises, if the
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															dispensary was not in operation as of April 1, 2005, as defined in subsection (i), it is located not less than
															1,000 feet from the parcel containing the grounds of an elementary or secondary school, public or private, or recreation buildings as defined in Section 209.4(a) of this Code; (c) if medical cannabis is smoked on the premises the dispensary shall provide adequate ventilation within the structure such that doors and/or windows are not left open for such purposes resulting in odor emission from the premises; (d) regardless of whether medical cannabis is

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														smoked on the premises the parcel containing the medical cannabis dispensary is not located on the same parcel as a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health; (e) no alcohol is sold or distributed on the premises for on or off-site consumption; (f) upon acceptance of a complete application for a building permit for a medical cannabis dispensary the Planning Department shall cause a notice to be posted on the proposed site and shall cause written notice to be sent via U.S. Mail to all
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																												<p>properties within 300 feet of the subject lot in the same Assessor's Block and on the block face across from the subject lot as well as to all individuals or groups which have made a written request for notification of regarding specific properties, areas or medical cannabis dispensaries; (g) all building permit applications shall be held for a period of 30 calendar days from the date of the mailed notice to allow review by residents, occupants, owners of neighborhood properties and neighborhood groups; and (h) after this 30 day period, the Planning Commission shall schedule</p>
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														business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction or education other than that regulated by Section 209.3 of this Code. (With respect to RC Districts, see also Section 209.9(d).)	
											C	C	C	C	(b) Private lodge, private clubhouse, private recreational facility or community facility other than as specified in Subsection 209.4(a) above, and which is not operated as a gainful business. (With respect to RC Districts, see

																also Section 209.9(d.)
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SEC. 209.5. OPEN RECREATION AND HORTICULTURE.

	RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
	C	C	C	C	C	C	C	C	C	C	C	P	P	P	P	(a) Open recreation area not publicly owned which is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not operated as a gainful business and is devoted to outdoor recreation such as golf, tennis or riding.
	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(b) Open space used for horticultural or passive recreational

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															purposes which is not publicly owned and is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not served by vehicles other than normal maintenance equipment, and has no retail or wholesale sales on the premises. Such open space may include but not necessarily be limited to a park, playground, plant nursery, rest area, community garden or neighborhood garden.
P	P	P	P	P	P	P	P	P	C	<u>C</u>	P	P	P	P	(c) Greenhouse, plant nursery, truck garden

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																or other land or structure devoted to cultivation of plants of any kind, either with or without retail or wholesale sales on the premises. (With respect to RC Districts, see also Section 209.9(d).)
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SEC. 209.6. PUBLIC FACILITIES AND UTILITIES.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(a) Public structure or use of a nonindustrial character, when in conformity with the Master Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(b) Utility

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															installation, including but not necessarily limited to water, gas, electric, transportation or communications utilities, or public service facility, except as stated in Section 209.6(c), provided that operating requirements necessitate placement at this location.
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(c) Utility Installation that is an Internet Services Exchange defined as a location that contains any of the following uses (excluding any commercial wireless transmitting, receiving or relay facility described in Sections 227(h) and 227(i)): switching equipment (whether wireline or wireless) that joins or

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																connects occupants, customers or subscribers to enable customers or subscribers to transmit data, voice or video signals to each other; one or more computer systems and related equipment used to build, maintain or process data, voice or video signals and provide other data processing services; or a group of network servers.
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SEC. 209.7. VEHICLE STORAGE AND ACCESS.

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RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
C	C	C	C	C	C	C	C	C	NP	<u>NP</u>	C	C	C	C	(a) Community garage, confined to the storage of private passenger automobiles of residents

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															of the immediate vicinity, and meeting the requirements of Article 1.5 of this Code.
NA	NA	NA	NA	NA	NA	NA	NA	NA	C	<u>C</u>	NA	NA	NA	NA	(b) Shared community garage, confined to the storage of private passenger automobiles of residents of the immediate vicinity, and meeting the siting and design requirements of Section 155(r) and 144., and the car share requirements of section 166.
C	C	C	C	C	C	C	C	C	C	<u>C</u>	P	P	P	P	(c) Access driveway to property in C or M District, or to property in an R District in which the permitted dwelling unit density is greater than that permitted in

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															the district where the driveway is located, provided that a solid fence, solid wall, or compact evergreen hedge, not less than six feet in height, is maintained along such driveway to screen it from any adjoining lot in any R District. Such driveway shall meet the applicable requirements of Article 1.5 of this Code.
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(d) Off-street parking facility to serve a use permitted in any R District, when such parking is not classified as accessory parking for such use, under the

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														204.5, the Planning Commission shall consider the criteria set forth in Section 157 of this Code. In RTO districts, such parking shall also be subject to criteria and requirements of Sections 158.1, 144, and 155(r).
									<u>P</u>	<u>P</u>				<i>(e) Off-street car share parking spaces for car sharing vehicles, whether required or not, meeting the standards of Section 166.</i>

SEC. 209.8. COMMERCIAL ESTABLISHMENTS.

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RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
											P	NA	NA	NA	(a) Except for message establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-1 District, which is located within or below the ground story of a building; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
											C	NA	NA	NA	(b) Except for message establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a

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														principal use in a C-1 District, which is located in a building above the ground story; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
											P	P	P	(c) Except for massage establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-2 District, which is located within or below the ground story of a building; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
											C	C	C	(d) Except for

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															message establishments as noted in Section 218.1, retail, personal service or other commercial establishment permitted as a principal use in a C-2 District, which is located in a building above the ground story; excluding any establishment designed primarily for customers arriving at that establishment by private motor vehicle.
									P	<u>P</u>					(e) Any use meeting the standards and limitations set forth in Section 2310: Limited Corner Commercial Uses in RTO Districts.

SEC. 209.9. OTHER USES.

RH-1 (D)	RH-1	RH-1 (S)	RH-2	RH-3	RM-1	RM-2	RM-3	RM-4	RTO	<u>RTO-M</u>	RC-1	RC-2	RC-3	RC-4	
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P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	(a) Sale or lease sign, as defined and regulated by Article 6 of this Code.	
C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(b) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.	
SEE SECTIONS 205 THROUGH 205.2														(c) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code.		
												P	P	P	P	(d) Any use as specified in, and regulated by, Sections 209.3(d), (f), (g), (h), (j); 209.4(a), (b); or 209.5(c) of this Code, when located in or below the ground story of a building and not above the ground story.

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C	C	C	C	C	C	C	C	C	C	<u>C</u>					(e) Any use listed as a principal or conditional use permitted in an RC-1 District, when located in a structure on a landmark site designated pursuant to Article 10 of this Code, provided that:
															(1) No application for a conditional use under this provision shall be accepted for filing until a period of 180 days shall have elapsed after the date of designation of the landmark; and

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															(2) No conditional use shall be authorized under this provision unless such authorization conforms to the applicable provisions of Section 303 of this Code and, in addition, unless the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.
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1	C	C	C	C	C	C	C	C	C	C	<u>C</u>						(f) Subject to Section 233(a), live/work units in existing structures, including additions and expansions thereof, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary nonresidential use within the live/work unit, that other nonresidential activities are limited to those otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use, and further subject to Section 303(c)(6)(B) where that
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											P	P	P	P	(g) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary non-residential use within the live/work unit, and that other nonresidential activities are limited to activities otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use.
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C	C	C	C	C	C	C	C	C	C	<u>C</u>	P	P	P	P	(h) Subject to Section 233(a), live/work units, whether or not included above, which satisfy the conditions of Section 233(b) of this Code.
											P	P	P	P	(i) Arts activities except those uses subject to Sections 209.3(d) or (h).

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C	C	C	C	C	C	C	C	C	C	<u>C</u>	C	C	C	C	(j) Mortuary and columbarium uses located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation. "Columbarium use" shall be defined as a use which provides for the storage of cremated remains in niches.
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SEC. 210. DESCRIPTION AND PURPOSE OF COMMERCIAL, INDUSTRIAL, AND PRODUCTION/DISTRIBUTION/REPAIR DISTRICTS.

The following statements of description and purpose outline the main functions of the C (Commercial), M (Industrial), and PDR (Production, Distribution, and Repair) Districts in the zoning plan for San Francisco,

1 supplementing the statements of purpose contained in Section 101 of this Code.
2 The emphasis, in the case of these districts, is upon the allocation of adequate
3 areas in proper locations for the carrying on of business and industry to serve
4 City, regional and national needs and provide San Francisco with a sound and
5 growing economic base.

6 ~~The description and purpose statement for Neighborhood Commercial Districts are listed~~
7 ~~in Article 7, Sections 710.1 through 728.1. The description and purpose statements for~~
8 ~~South of Market Districts are listed in Article 8, Sections 813 through 818 of this Code.~~

9 **SEC. 210.8 PDR-1-B DISTRICTS: LIGHT INDUSTRIAL BUFFER.**

10 ~~The intent of this~~ These districts is are intended to create a buffer area between
11 residential neighborhoods and light industrial areas, primarily in the Bayview
12 Hunters Point neighborhood. Thus, this district prohibits residential uses and limits
13 office, retail, and institutional uses. Generally, all other uses are permitted. This zone
14 allows for less intensive production, distribution, and repair PDR activities that will
15 not compromise the quality of life of nearby residents. These uses generate less
16 external noise, odors, and vibrations and engage in fewer trucking activities than
17 those permitted in PDR-2 districts. Uses in this district are generally conducted
18 completely within enclosed structures. Small-scale retail and office uses are
19 permitted, as are other activities that may serve well to buffer existing residential
20 neighborhoods from areas of concentrated industrial operations. In considering
21 any new land use not contemplated in this District, the Zoning Administrator shall take
22 into account the intent of this District as expressed in this Section and in the General
23 Plan.

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1 **SEC. 210.9. PDR-1-D DISTRICT: DESIGN.**

2 *The intention of this district is to retain and encourage less-intensive production,*
3 *distribution, and repair businesses, especially the existing clusters of design-related*
4 *businesses. Thus, this district prohibits residential uses (except for student housing)*
5 *and office, and limits office, retail, and institutional uses. Additionally, this district*
6 *prohibits heavy industrial uses, which generate external noise, odors, and vibrations and*
7 *engage in frequent trucking activities. Generally, all other uses are permitted. In*
8 *considering any new land use not contemplated in this District, the Zoning Administrator*
9 *shall take into account the intent of this District as expressed in this Section and in the*
10 *General Plan.*

11 **SEC. 210.10. PDR-1-G DISTRICT: GENERAL.**

12 *The intention of this district is to retain and encourage existing production,*
13 *distribution, and repair activities and promote new business formation. Thus, this district*
14 *prohibits residential and office uses and limits office, retail, and institutional uses.*
15 *Additionally, this district allows for more intensive production, distribution, and repair*
16 *activities than PDR-1-B and PDR-1-D but less intensive than PDR-2. Generally, all*
17 *other uses are permitted. In considering any new land use not contemplated in this*
18 *District, the Zoning Administrator shall take into account the intent of this District as*
19 *expressed in this Section and in the General Plan.*

20 **SEC. 210.911. PDR-2 DISTRICTS: CORE PRODUCTION,**
21 **DISTRIBUTION, AND REPAIR.**

22 *The intent of this ~~These~~ districts is to encourage the introduction,*
23 *intensification, and protection of a wide range of light and contemporary industrial*
24 *activities. Thus, this district, while prohibiting new housing, large office*
25 *developments, large-scale retail, and the heaviest of industrial uses, such as*

1 incinerators. Generally, all other uses are permitted. The conservation of existing
 2 flexible industrial buildings is also encouraged. These districts permit certain non-
 3 industrial, non-residential uses, including small-scale retail and office,
 4 entertainment, certain institutions, and similar uses that would not create conflicts
 5 with the primary industrial uses or are compatible with the operational
 6 characteristics of businesses in the area. Light industrial uses in these districts
 7 may be conducted entirely within an enclosed structure, partly within enclosed
 8 structures, or some functions may occur entirely in open areas. These uses may
 9 require trucking activity multiple times per day, including trucks with up to 18
 10 wheels or more, and occurring at any time of the day or night. As part of their
 11 daily operations, PDR activities in these areas may emit noises, vibrations,
 12 odors, and other emissions, as permitted by law. Within the requirements of
 13 local, state, and federal health and safety regulations, and within the stipulation
 14 of this code, which may impose additional use size maximums and minimum
 15 distance requirements on certain activities, raw materials used for production,
 16 manufacturing, repair, storage, research, and distribution may be stored on site
 17 and may include chemical, biological, and other hazardous, explosive, or
 18 flammable materials. In considering any new land use not contemplated in this District,
 19 the Zoning Administrator shall take into account the intent of this District as expressed in
 20 this Section and in the General Plan.

21 **SEC. 215. DWELLINGS.**

22 TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
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																	SEC. 215 DWELLINGS.
P	P	P	P	P	P	C	C	C									(a) Dwelling at a density ratio not exceeding the number of dwelling units permitted in the nearest R District, with the distance to such R District measured from the midpoint of the front lot line or from a point directly across the street there from, whichever permits the greater density; provided, that the maximum density ratio in a C-1, C-2, M-1 or M-2 District shall in no case be less than for an RM-1 District, the maximum density ratio in a C-3 or C-M District shall in no case be less than for an RM-4 District, and the maximum density ratio in a C-3 District shall in no case be less than one dwelling unit for each 125 square feet of lot

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																				area. The rules for calculation of dwelling unit densities set forth in Section 207.1 of this Code shall apply in C and M Districts, except that any remaining fraction of 1/2 or more of the minimum amount of lot area per dwelling unit shall be adjusted upward to the next higher whole number of dwelling units.
																				(b) Dwelling at a density ratio greater than that set forth in Subsection (a), to be determined by the City Planning Commission pursuant to Section 303(c) of this Code.
																				(c) Mobile home park for house trailers, motor homes, campers and similar vehicles or structures used for dwelling purposes. Each vehicle or structure in

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												any such park shall be regulated by this Code in the same manner as a dwelling unit.	
NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	A	C	(d) Student housing, as defined in 315.1(38). In the PDR-1-D District, density limits and dwelling unit mix requirements do not apply. So long as these dwelling units are affiliated with and operated by an accredited post-secondary educational institution, the inclusionary housing requirements of Section 315 shall not apply. In the PDR-1-D District, the accredited post-secondary educational institution to which the student housing is affiliated must also contain educational facilities within the PDR-1-D District.

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SEC. 216. OTHER HOUSING.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 216 OTHER HOUSING.
P	P	P	P	P	P	P	C	C					(a) Group housing, providing lodging or both meals and lodging, without individual cooking facilities, by prearrangement for a week or more at a time, in a space not defined by this Code as a dwelling unit. Such group housing shall include but not necessarily be limited to a boardinghouse, guesthouse, rooming house, lodging house, residence club, commune, fraternity or sorority house, monastery, nunnery, convent or ashram. It shall also include group housing affiliated with and operated by a medical or

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													<p>educational institution, when not located on the same lot as such institution, which shall meet the applicable provisions of Section 304.5 of this Code concerning institutional master plans. The density limitations for all group housing described in this subsection shall be based in this subsection shall be based upon the density limitations for group housing in the nearest R District, following the same rules as those set forth in Section 215(a) of this Code for dwelling unit densities in C and M Districts.</p>
												<p>(b) Hotel, inn or hostel containing rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient overnight guests. A hotel, inn or hostel shall not include a motel as described in</p>	

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													Subsection 216(c) below:
C	C	C	C	C	C	C	C	C	C				(i) 200 rooms or less;
C	C	C	C	C	C	C	C	C	C				(ii) More than 200 rooms.
													(c) Motel, including an auto court, motor lodge, tourist court or other facility similarly identified, containing rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient guests traveling by automobile, and where each sleeping unit is independently accessible from the outside; provided, that the entrance to such motel is within 200 feet of and immediately accessible from a major thoroughfare as designated in the <i>Master General Plan</i> .
C	NA		NA	NA	NA	NA	NA	NA	NA				(d) Motel, as described in Subsection 216(c) above but without restrictions as to location of the entrance.

SEC. 217. INSTITUTIONS.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-I-G</u>	<u>PDR-I-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 217. INSTITUTIONS.
C	C	C	C	C	C	C	C						(a) Hospital, medical center or other medical institution which includes facilities for inpatient care and may also include medical offices, clinics, laboratories, and employee or student dormitories and other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of

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																	psychological disorders.
P	P	P	P	P	P	P	P	P	P								(c) Clinic primarily providing outpatient care in medical, psychiatric or other healing arts and not a part of a medical institution as specified in Subsection 217(a) above.
										<u>P</u> <u>under</u> <u>5,000</u> <u>gsf, C</u> <u>above</u>	<u>P</u> <u>under</u> <u>5,000</u> <u>gsf, C</u> <u>above</u>	P under 7,500 gsf	P under 5,000 gsf				
P	P	P	P	P	P	P	P	P	P								(d) Social service or philanthropic facility providing assistance of a charitable or public service nature.
										<u>P</u> <u>under</u> <u>5,000</u> <u>gsf</u>	<u>P</u> <u>under</u> <u>5,000</u> <u>gsf</u>	P under 5,000 gsf	P under 5,000 gsf				
P	P	P	P	P	C	P	P					<u>P</u>					(e) Child-care facility providing less than 24-hour care for children by licensed personnel and meeting the open-space and other requirements

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																of the State of California and other authorities.
P	P	P	P	P	P	P	P	P			<u>P</u> <u>under</u> <u>20,000</u> <u>gsf if</u> <u>no</u> <u>housing</u> <u>g</u>	P under 20,000 gsf if no housing	(f) Elementary school, either public or private. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution.			
P	P	P	P	P	P	P	P	P			<u>P</u> <u>under</u> <u>20,000</u> <u>gsf if</u> <u>no</u> <u>housing</u> <u>g</u>	P under 20,000 gsf if no housing	(g) Secondary school, either public or private, other than a school having industrial arts as its primary course of study. Such institution may include employee or student dormitories and other housing operated by and			

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																				affiliated with the institution.
P	P	P	P	P	P	P	P	P					<u>P</u> <u>under</u> <u>20,000</u> <u>gsf if</u> <u>no</u> <u>housing</u> <u>g</u>	P under 20,000 gsf if no housing					(h) Postsecondary educational institution for the purposes of academic, professional, business or fine-arts education, which <i>is required to submit an institutional master plan pursuant to</i> institution has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories and other housing operated by and	

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													affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.
													(i) Secondary or postsecondary educational institution, other than as specified in Subsection 217(g) and (h) above.
													(j) Church or other religious institution. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution.
													(k) Medical cannabis dispensary as defined by Section

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												by the state of California or funded by the Department of Public Health; (e) no alcohol is sold or distributed on the premises for on or off-site consumption; (f) upon acceptance of a complete application for a building permit for a medical cannabis dispensary the Planning Department shall cause a notice to be posted on the proposed site and shall cause written notice to be sent via U.S. Mail to all properties within 300 feet of the subject lot in the same Assessor's Block and on the
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													block face across from the subject lot as well as to all individuals or groups which have made a written request for notification of regarding specific properties, areas or medical cannabis dispensaries; (g) all building permit applications shall be held for a period of 30 calendar days from the date of the mailed notice to allow review by residents, occupants, owners of neighborhood properties and neighborhood groups; and (h) after this 30 day period, the Planning Commission shall
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													months from the effective date of this legislation to obtain a permit or must cease operations at the end of that 18 month period, or upon denial of a permit application if it occurs before the end of that 18 month period. Medical cannabis dispensaries that were in operation as of April 1, 2005, and were not in continuous operation since then, but can demonstrate to the Planning Department, based on any criteria it may develop, that the reason for their lack of continuous operation was not
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												Residential-House or Residential- Mixed district of the City or which began operation after April 1, 2005, must immediately cease operations; (j) any permit issued for a medical cannabis dispensary shall contain the following statement in bold-face type: "Issuance of this permit by the City and County of San Francisco is not intended to and does not authorize the violation of State or Federal law.
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SEC. 218. RETAIL SALES AND PERSONAL SERVICES.

TABLE INSET:

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C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 218. RETAIL SALES AND PERSONA L SERVICE S.
													The uses specified in this Section shall not include any use first specifically listed in a subsequen t Section of this Code.
P	NA	NA	NA	NA	NA	NA	NA	NA	<u>NA</u>	<u>NA</u>	<u>NA</u>		(a) Retail business or personal

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												<u>NA</u>	service establishment, of a type which supplies new commodities or offers personal services primarily to residents in the immediate vicinity.
	P	P	P	P	P	P	P	P	<u>P</u> <u>under</u> <u>r</u> <u>2,500</u> <u>0 gsf</u> <u>per</u> <u>lot</u>	<u>P</u> <u>under</u> <u>r</u> <u>5,000</u> <u>0 gsf</u> <u>per</u> <u>lot</u>	P under 2,500 gsf <u>per</u> <u>lot</u> *#	(b) Retail business or personal service establishment not limited to sales or services primarily for	

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													residents in the immediate vicinity, and not restricted to sale of new commodities.
P	P	P	P	P	P	P	P	P	<u>P</u> <u>under</u> <u>2,500</u> <u>0 gsf</u> <u>per</u> <u>lot;</u> <u>C</u> <u>above</u> <u>e</u>	<u>P</u> <u>under</u> <u>5,000</u> <u>0 gsf</u> <u>per</u> <u>lot;</u> <u>C</u> <u>above</u> <u>e</u>	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf per</u> <u>lot *</u>	<u>P</u> <u>under</u> <u>2,500 gsf</u> <u>per lot *</u>	(c) Grocery stores, as defined in Section 790.102(a)
P	P	P	P	P	P	P	P	P	<u>P</u> <u>under</u> <u>2,500</u> <u>0 gsf</u> <u>per</u> <u>lot;</u> <u>C</u> <u>above</u> <u>e</u>	<u>P</u> <u>under</u> <u>5,000</u> <u>0 gsf</u> <u>per</u> <u>lot;</u> <u>C</u> <u>above</u> <u>e</u>	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf per</u> <u>lot *</u>	<u>P</u> <u>under</u> <u>2,500 gsf</u> <u>per lot *</u>	(d) Health club, fitness, gymnasium, or exercise facility when including

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									<i>abov</i>	<i>abov</i>			<i>equipment</i>
									<i>e</i>	<i>e</i>			<i>and space</i>
													<i>for weight-</i>
													<i>lifting and</i>
													<i>cardio-</i>
													<i>vascular</i>
													<i>activities.</i>
													*Subject to
													the
													limitations
													of Section
													121.58
													# <i>Except</i>
													<i>practice</i>
													<i>studios, eat</i>
													<i>boarding,</i>
													<i>hardware</i>
													<i>stores and</i>
													<i>contractor</i>
													<i>supply</i>
													<i>operations,</i>
													<i>which are</i>
													<i>permitted in</i>
													<i>these</i>
													<i>districts</i>
													<i>without size</i>
													<i>restriction.</i>

SEC. 218.1. MASSAGE ESTABLISHMENTS.

TABLE INSET:

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C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 218.1. MASSAGE ESTABLISHMENTS.
C	C	C	C	C	C	C	C	C	<u>C</u>	<u>C</u>	C	C	Massage establishments, as defined by Section 1900 of the San Francisco Health Code provided that: (a) the massage establishment has first obtained a permit from the Department of Public Health pursuant to Section 1908 of the San Francisco Health Code, except that such proviso shall not apply where: (1) massage services are incidental to the institutional uses permitted in Sections 217(a) through (d) or to the use by an

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													individual member of the facilities of a health club, gymnasium or other facility with a regular membership which health club, gymnasium or other facility is used primarily for instruction and training in body building, exercising, reducing, sports, dancing or similar physical activities, or (2) the only massage service provided is chair massage, such service is visible to the public, and customers are fully-clothed at all times, (b) the use is so located that the premises upon which it is conducted are not less than 1,000 feet from the premises of any other massage establishment; except that such proviso shall
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													not apply where massage services are incidental to the institutional uses permitted in Sections 217(a) through (d) or to the use by an individual member of the facilities of a health club, gymnasium or other facility with a regular membership which health club, gymnasium or other facility is used primarily for instruction and training in body building, exercising, reducing, sports, dancing or similar physical activities; and further provided that: (c) the following standards and conditions are met: (1) the hours of operation of the massage activity shall be limited to from 7:00 a.m. to 12:00
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													change in operation of the massage establishment which requires a new Health Permit shall be required to meet these standards and conditions.
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SEC. 219. OFFICES.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-I-G</u>	<u>PDR-I-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 219. OFFICES.
P	P	P	P	P	P	P	P	P	<u>NP</u>	<u>NP</u>	P*	P*	(a) Professional and business offices, <i>as defined in 890.70</i> , not more than 5,000 gross square feet in size and offering on-site services to the general public.
P	P	P	C	P	P	P	P	P	<u>NP</u>	<u>NP</u>			(b) Professional and business

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													offices, <i>as defined in 890.70</i> , larger than 5,000 gross square feet in size and offering on-site services to the general public.
P	P	P	C	P	P	P	P	P	<u>NP</u>	<u>NP</u>	P under 5,000 gsf per use *	(c) Other professional and business offices, <i>as defined in 890.70</i> , 5,000 gsf above the ground floor. In the C-3-R use * District, in addition to the criteria set forth in Section 303, approval shall be given upon a determination that the use will not detract from the district's primary function as an area for comparison shopper retailing and direct consumer	

													services.
	P	P	C	C	C	P	P	P	<u>NP</u>	<u>NP</u>	P under 5,000 gsf per use *	P under 5,000 gsf per use *	(d) Other professional and business offices, as defined in 890.70, at or below the ground floor.
									<u>P</u>	<u>P</u>			(e) Offices in designated landmark buildings
													* Subject to the limitations of Section 121.58.
													# Use size control shall apply to all types of "Office use" as listed in Section 313.1(35)(A) and (B).

SEC. 220. LAUNDERING, CLEANING AND PRESSING.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 220. LAUNDERING,

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														CLEANING AND PRESSING.
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(a) Automatic laundry, as defined in Part II, Chapter V (Health Code) of the San Francisco Municipal Code.	
	P	P	P	P	P	P	NA	NA	<u>P</u>	<u>P</u>	P	P	(b) Establishment for hand-ironing only, not employing more than five persons.	
P	NA	NA	NA	NA	NA	NA	NA	NA	<u>P</u>	<u>P</u>	P under 2,500 gsf	P	(c) Dry-cleaning establishment, including pressing and other miscellaneous processing of clothes, where no portion of a building occupied by such use shall	

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												have any ventilating flue, exhaust pipe or other opening except fixed windows and exits required by law within 50 feet of any lot in any R District, and where:
												(1) The establishment has only a central cleaning unit with a rated load factor of no more than 40 pounds and operated by employees of the establishment; or
												(2) The dry cleaning is done by the customer using self-service cleaning units or equivalent

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													equipment, where the total number of units does not exceed eight and their total aggregate capacity does not exceed 40 cubic feet; or
													(3) The establishment is a combination of the two foregoing types, with a central cleaning unit with a rated load factor of no more than 40 pounds, and no more than four self-service units the aggregate capacity of which shall not exceed 20 cubic feet.
	P	P	P	P	P	P	NA	NA	<u>P</u>	<u>P</u>	P	und	(d) Dry-cleaning establishment,

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										er 2,50 0 gsf	P	including pressing and other miscellaneous processing of clothes, where no portion of a building occupied by such use shall have any ventilating flue, exhaust pipe or other opening except fixed windows and exits required by law within 50 feet of any lot in any R District, and where:
												(1) The establishment has only a central cleaning unit with a rated load factor of no more than 60 pounds and operated by

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													employees of the establishment; or
													(2) The dry cleaning is done by the customer using self-service cleaning units or equivalent equipment where the total number of units does not exceed 16 and their total aggregate capacity does not exceed 80 cubic feet; or
													(3) The establishment is a combination of the two foregoing types, with a central cleaning unit with a rated load factor of no more than 60 pounds, and no

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												more than eight self-service units the aggregate capacity of which shall not exceed 40 cubic feet.
						P	P	<u>P</u>	<u>P</u>	P under 2,500 gsf	P	(e) Steam laundry, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.
						P	P	<u>P</u>	<u>P</u>	P under 2,500 gsf		(f) Cleaning or dyeing plant, when conducted within a completely

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												P	enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.
													(g) Bag, carpet or rug cleaning, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of
												P P <u>P</u> <u>P</u> P under er 2,50 0 gsf	

													any R District.
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SEC. 221. ASSEMBLY AND ENTERTAINMENT.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(a) Clubhouse.
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(b) Lodge building.
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(c) Meeting hall.
									<i>P if no more than 3 screens</i>	<i>P if no more than 3 screens</i>	P if no more than 3 screens	P if no more than 3 screens	(d) Theater, except as specified under Subsection (k), below.
P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(e) Recreation building.

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																		(f) Amusement entertainment enterprise, including billiard hall, dance hall, nightclub, other nighttime entertainment activities as defined in Section 102.17, bowling alley, skating rink, shooting gallery, when conducted within a completely enclosed building; provided, (1) that incidental noise is
	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P under 5,000 gsf	P					

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													reasonably confined to the premises by adequate soundproofing or other device, and (2) that no portion of a building occupied by such use shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District.
P*	P*			P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(g) Private noncommercial recreational open use.

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												same or adjoining blocks occupied by existing amusement enterprises is in excess of five acres.
					C	P	P	P	<u>C</u>	<u>C</u>		(i) Commercial open-air sports stadium or arena, if conducted on premises not less than 200 feet from any R District.
					C	P	P	P	<u>P</u>	<u>P</u>		(j) Circus, carnival, or other amusement enterprise not

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													conducted within a building, if conducted on premises not less than 200 feet from any R District.
P	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	(k) Adult entertainment enterprise, so specified in (i), (ii) and (iii) below, provided that the use is so located that the premises upon which it is conducted are not less than 1,000 feet from the premises of any other adult entertainmen

1																			t enterprise:
2																			(i) Adult
3																			bookstore,
4																			as defined
5																			by Section
6																			791 of Part
7																			II, Chapter
8																			VIII of the
9																			San
10																			Francisco
11																			Municipal
12																			Code (Police
13																			Code);
14																			(ii) Adult
15																			theater, as
16																			defined by
17																			Section 791
18																			of Part II,
19																			Chapter VIII
20																			of the San
21																			Francisco
22																			Municipal
23																			Code (Police
24																			Code);
25																			(iii) Encount
																			er studios,

1																as defined	
2																	by Section
3																	1072.1 of
4																	Part II,
5																	Chapter VIII
6																	of the San
7																	Francisco
8																	Municipal
9																	Code (Police
10																	Code). [See
11																	Section
12																	212(a)]

SEC. 222. HOME AND BUSINESS SERVICES.

TABLE INSET:

15	C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-I-G</u>	<u>PDR-I-D</u>	<u>PDR-1-B</u>	PDR-2	
16														
17														SEC. 222. HOME AND
18														BUSINESS SERVICES.
19														The term "shop" as used in
20														this section shall include
21														only the establishments of
22														artisans dealing at retail
23														directly with the consumer
24														and concerned primarily with
25														custom trade.
	P	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(a) Household repair shop.

1		P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(b) Interior decorating shop.
2		P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(c) Upholstering shop.
3		P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(d) Sign-painting shop.
4		P			P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(e) Carpenter shop.
5														(f) Office of a building, plumbing, electrical, painting, roofing, furnace or pest-control contractor, including storage of incidental equipment and supplies entirely within the same building, where provision is also made entirely within the structure for parking, loading and unloading of all vehicles used. (See also Section 225.)
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11		P			P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	
12														
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17												P		(g) Catering establishment
18												P		
19		P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	under	P	
20												5,00		
21												0 gsf		
22														
23												P		(h) Printing shop.
24		P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	under	P	
25												r		

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											2,500 gsf		
	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P under 2,500 gsf	P	(i) Newspaper publication.
	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P under 2,500 gsf	P	(j) Blueprinting shop.
<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	(k) <i>Hardware stores and contractor supply operations</i>

SEC. 223. AUTOMOTIVE.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-I-G</u>	<u>PDR-I-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC. 223. AUTOMOTIVE.
	P	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(a) Sale or rental of new or used automobiles, when conducted entirely

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													within an enclosed building.
	P			P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(b) Sale or rental of new or used trucks, when conducted entirely within an enclosed building.
	C*			C	C	P	P	P	<u>P</u>		P	P	(c) Lot for sale or rental of new or used automobiles.
	C*			C	C	P	P	P	<u>P</u>		P	P	(d) Lot for sale or rental of new or used trucks.
	C*			C	C	P	P	P	<u>P</u>		P	P	(e) Sale or rental of new or used automobile trailers.
P*	NA			NA	NA	NA	NA	NA	<u>P</u>	<u>P</u>	P	P	(f) Automobile service station for the sale and dispensing of gasoline, other motor fuels and lubricating oil directly into motor vehicles. The following

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												activities shall be permitted at such a service station if normally conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:
												(1) The sale and dispensing of greases and brake fluids, including motor vehicle lubrication; and the sale or installation of tires, batteries and other accessories;
												(2) Miscellaneous minor servicing and adjusting, which may include brakes, electrical equipment, fan belt, headlamps,

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												sparkplugs, air filter, distributor points, carburetor, and generator charging rate;
												(3) Installation of lamp globes, sparkplugs, oil filter or filtering element, windshield wiper blades and motors, radiator hose (without removal of radiator or water pump), battery cables and fan belt;
												(4) The servicing and repairing of tires and batteries;
												(5) The installation and servicing of smog control devices; and
												(6) Automobile washing and

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													polishing of an incidental nature, when performed primarily by hand and not including the use of any mechanical conveyor blower or steam-cleaning device.
	P*			P	P	P	P	P	<u>P</u>	<u>P</u>	P	P	(g) Automobile service station as described above, with the following minor automobile repairs permitted therewith if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet on any R District:
													(1) Tune-up, including the repair or replacement of

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													distributors, sparkplugs and carburetors;
													(2) Brake repair;
													(3) Shock absorber replacement;
													(4) Muffler exchange, with no open flame or torch;
													(5) Wheel balancing and alignment;
													(6) Wheel bearing and seals replacement;
													(7) Replacement of universal joints;
													(8) Radiator mounting and dismounting, with repairs done elsewhere;

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												(9) Clutch adjustments;
												(10) Repair or replacement of water pumps;
												(11) Repair or replacement of generators, alternators and voltage regulators;
												(12) Repair or replacement of starters;
												(13) Repair or replacement of fuel pumps;
												(14) Such other repairs as may be designated by the Chief of the San Francisco Fire Department as minor repairs under Paragraph

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													8.09(a)(5)(o) of Part II, Chapter IV (Fire Code) of the San Francisco Municipal Code.
	P			P	P	P	P	P	<u>P</u>	<u>P</u>	P under 7,500 gsf		(h) Repair garage for minor automobile repairs, limited to those repairs and other activities permitted at an automobile service station as described above, and in addition the following minor automobile repairs; all such repairs and other activities shall be conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District.

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												(1) Body and fender repair limited to replacement of parts and spot paint spraying; and
												(2) Removal and replacement of engines, transmissions and differentials, with repairs to these components done elsewhere.
					P		P	P	<u>P</u>	<u>P</u>	P under 5,000 gsf	P (i) Repair garage for the following major automobile repairs, if conducted entirely within an enclosed building having no openings other than fixed windows or exits required by law within 50 feet of any R District:
												(1) Internal engine repair or rebuilding;

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													least 1/4 the hourly capacity in vehicles of such facilities; provided,
													(1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device, and
													(2) that complete enclosure within a building may be required as a condition of approval, notwithstanding any other provision of this Code; but the foregoing provisions shall not preclude the imposition of any additional conditions pursuant to Section 303 of this Code.
					P	P	P	P	<u>P</u>			P	(k) Tire recapping, if

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													conducted on premises not less than 200 feet from any R District.
C*	P*				C	P	P	P	<u>C</u>		C	C	(l) Parking lot, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code.
C	P	C	C	C	C	P	P	P	<u>C</u>	<u>C</u>	C	C	(m) Storage garage open to the public for passenger automobiles, as regulated in Sections 155, 156 and 157 and other provisions of Article 1.5 of this Code, where such storage garage is not a public building requiring approval by the Board of Supervisors under other provisions of law and is completely enclosed.

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														storage garage is a public building requiring approval by the Board of Supervisors under other provisions of law.
C	P	C	C	C	C	P	P	P	<u>C</u>	<u>C</u>	C	C	(p) Major (nonaccessory) parking garage not open to the public, as defined in Section 158 and as regulated therein and in Sections 155 and 157 and other provisions of Article 1.5 of this Code.	
	C	C	C	C	NA	NA	NA	NA	<u>P</u>	<u>P</u>		P	(q) Parcel delivery service, limited to facilities for the unloading, sorting and reloading of local retail merchandise for home deliveries, where the operation is conducted entirely	

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													within a completely enclosed building; including garage facilities for local delivery trucks, but excluding repair shop facilities.
					P	P	P	P	<u>P</u>	<u>P</u>		P	(r) Parcel delivery service, not subject to the above limitations.
	C			C	P	P	P	P	<u>P</u>	<u>P</u>		P	(s) Ambulance service.
				C	P	P	P	P	<u>P</u>	<u>P</u>		P	(t) Storage garage for commercial passenger vehicles and light delivery trucks.
					C	P	P	P	<u>P</u>	<u>P</u>		P	(u) Storage yard for commercial vehicles or trucks, if conducted within an area completely enclosed by a wall or concealing fence not

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														shall mean any commercial or business premises or other premises where dogs are boarded for compensation, or are cared for or trained for hire, or are kept for sale or bred for sale, where the care, breeding or sale of the dogs is the principal means of livelihood of the occupants of the premises.
						P	P	P	<u>P</u>	<u>P</u>		P	(d) Riding academy or livery stable, if conducted on premises not less than 200 feet from any R District.	
<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	(e) <i>Cat boarding</i>	

SEC. 225. WHOLESALING, STORAGE, DISTRIBUTION AND OPEN-AIR HANDLING OF MATERIALS AND EQUIPMENT.

TABLE INSET:

C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2	
													SEC 225 WHOLESALING, STORAGE, DISTRIBUTION AND OPEN-AIR HANDLING

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													OF MATERIALS AND EQUIPMENT.
	C		C	C	P	P	P	P					(a) Storage building for household goods.
											P under 5,000 gsf	P	(b) Wholesale establishment when conducted entirely within an enclosed building, not including a storage warehouse.
											P under 5,000 gsf	P	(c) Wholesale storage warehouse, except for storage of inflammables.
													(d) Bulk storage of inflammable or highly combustible materials, if conducted not less than 500 feet from any R or NC District.
													(e) Bulk storage of explosives, if conducted not less than 500 feet from any R or NC District.

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							P	P	<u>P</u>			P	(f) Cold storage plant, when conducted within a completely enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District.
									<u>P</u>			P	(g) Grain elevator.
					C	C	NA	NA	<u>P</u>			P	(h) Dairy products distribution plant, where provision is made for off-street parking of all vehicles used and all operations including loading and unloading are conducted entirely within an enclosed building. (See also Section 226.)
						P	P	P	<u>P</u>		P under 5,000 gsf	P	(i) Lot for sale of new or used merchandise, not including any use first specifically listed below.

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												yard, if conducted within an area enclosed by a wall or a concealing fence not less than six feet high.
						P	P					(n) Storage within a completely enclosed building of junk, waste, secondhand, discarded or salvaged materials, excluding automobile wrecking operations as defined in this Section 225; and if conducted not less than 200 feet from any R or NC District.
							P					(o) Junkyard, if located not less than 200 feet from any R or NC District. Junkyard shall mean an outdoor space where junk, waste, discarded or salvaged materials are stored or handled, including house-wrecking yards, used lumber yards and places or yards for

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												clearly separated from adjacent properties and public rights-of-way,. and (3) that the operation be conducted not less than 500 feet from any R or NC District. No automobile wrecking operation lawfully existing at the effective date hereof shall be continued more than three years from said date unless a conditional use authorization for such operation has been granted pursuant to this Code; provided, however, that no such automobile wrecking operation eligible for governmental payments to assist relocation shall be continued more than 1 1/2 years from said effective date unless a conditional use authorization for such operation has been granted pursuant to this Code. The term
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											<p>"automobile wrecking operation" as used herein shall mean the disassembling, dismantling, junking or "wrecking" of motor vehicles of any type, or the storage of such vehicles not in operable condition.</p>
											<p>(q) Hazardous waste facility, when conducted not less than 200 feet from any R or NC District, which shall mean all contiguous land and structures, other appurtenances and improvements on the land used for treatment, transfer, storage, resource recovery, disposal or recycling of hazardous waste that is produced at an off-site facility, but shall not include a facility that:</p> <p>(1) manages only used oil, used oil filters, latex paint,</p>

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													antifreeze, small household batteries or lead acid batteries; or (2) establishes that it is not required to obtain a hazardous waste facility permit from the State of California. The terms "hazardous waste," "treatment," "transfer," "storage," "disposal," "off-site facility," and "used oil" as used herein shall have the meaning given those terms in the California Health and Safety Code, Division 20, Chapter 6.5, Articles 2 and 13, which are hereby incorporated by reference.
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SEC. 226. MANUFACTURING AND PROCESSING.

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TABLE INSET:

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C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	PDR-1-B	PDR-2	
													SEC. 226.

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													MANUFACTURING AND PROCESSING.
		P	P	P	P	P	NA	NA	<u>P</u>	<u>P</u>	P under 5,000 gsf	P	(a) Light manufacturing uses, involving only the assembly, packaging, repairing or processing of previously prepared materials, which are conducted within a building but do not occupy the ground story of any building; provided:
													(1) That no part of a building so occupied shall have any opening, other than fixed windows and exits required by law, within 50 feet of any R District;
													(2) That the mechanical equipment required

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													for such uses, together with related floor space used primarily by the operators of such equipment, shall not in the aggregate occupy more than 1/4 of the gross floor area of the building in which the uses are located; and
													(3) That no machine shall be used that has more than five horsepower capacity.
					P	P	NA	NA	<u>P</u>	<u>P</u>	P under 5,000 gsf	P	(b) Light manufacturing which occupies not more than 1/2 the ground story of the building and involves or requires no machine that has more than five horsepower capacity, if

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												conducted entirely within an enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows and exits required by law, within 20 feet of any R District.
												(c) Light food-processing for delicatessen, catering or restaurant supply, if conducted entirely within an enclosed building; provided, that no part of a building so occupied shall have any opening, other than fixed windows or exits required by law, within 20 feet of any R District.
					P	P	NA	NA	<u>P</u>	<u>P</u>	P under 5,000 gsf	P
							P	P	<u>P</u>	<u>P</u>	P	P
												(d) Light

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											under 5,000 gsf		manufacturing, not including any use first specifically listed below.
		P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P under 2,500 gsf	P	(e) Industrial or chemical research or testing laboratory, not involving any danger of explosions.
		<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>					(f) <i>Life Science</i> <i>laboratory (as defined</i> <i>in Sections 890.52 and</i> <i>890.53)</i>
					C	C	P	P				P	(f) Experimental laboratory.
						P	P	P				<u>C</u>	(g) Battery manufacture, if conducted on premises not less than 200 feet from any R District.
							P	P	<u>C</u>	<u>C</u>		<u>C</u>	(h) Any of the following uses, when conducted within a

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												completely enclosed building; provided that no part of the building so occupied shall have any opening, other than fixed windows or exits required by law, within 50 feet of any R District:
												(1) Automobile assembling.
												(2) Bottling plant, brewery dairy products plant, malt manufacturing or processing or malt products plant;
												(3) Ice manufacturing plant;
												(4) Concrete mixing, concrete products manufacture;

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												(5) Electric foundry or foundry for nonferrous metals;
												(6) Metal working or blacksmith shop; excluding presses of over 20 tons' capacity and machine-operated drop hammers.
												(7) Enameling, lacquering, wholesale paint mixing from previously prepared pigments and vehicles;
												(8) Woodworking mill, manufacture of wood-fiber, sawdust or excelsior products not involving chemical processing.
								P	<u>C</u>	<u>C</u>	C	(i) Manufacture of cereals, distilled liquors, felt or shoddy,

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												hair or hair products, pickles, sauerkraut, vinegar, yeast, soda or soda compounds, structural clay products, meat products, not including any use first specifically listed below.
								P	<u>C</u>	<u>C</u>		C (j) Flour mill.
								P	<u>C</u>	<u>C</u>		C (k) Sugar refinery.
								P	<u>C</u>	<u>C</u>		C (l) Wool pulling or scouring.
								C	<u>C</u>	<u>C</u>		C (m) Blast furnace, rolling mill, smelter.
								C				C (n) Manufacture of corrosive acid or alkali, cement, gypsum, lime, plaster of paris, explosive, fertilizer, glue or gelatine from fish or animal refuse.

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								C	<u>C</u>				C	(o) Production or refining of petroleum products.
							P	P	<u>C</u>				C	(p) Steam power plant.
								P					C	(q) Shipyard.
						P	P	P					C	(r) Live storage, killing or dressing of poultry or rabbits for retail sale on the premises, if conducted on premises not less than 200 feet from any R District.
								P					C	(s) Live storage, killing or dressing of poultry or rabbits, if conducted on premises not less than 200 feet from any R District, without limitation as to nature of sale.

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							C					(t) Stockyard, livestock feed yard, abattoir.
							C	C	<u>C</u>		C	(u) Rendering or reduction of fat, bones or other animal material, where adequate provision is made for the control of odors through the use of surface condensers and direct-flame afterburners or equivalent equipment.
												(v) Incineration of garbage, refuse, dead animals or parts thereof.
												(w) The following uses, when conducted not less than 500 feet from any R or NC District:
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													(1) Manufacture, refining, distillation or treatment of any of the following: abrasives, acid (noncorrosive), alcohol, ammonia, asbestos, asphalt, bleaching powder, candles (from tallow), celluloid, chlorine, coal, coke, creosote, dextrine, disinfectant, dye, enamel, gas carbon or lampblack, gas (acetylene or other inflammable), glucose, insecticide, lacquer, linoleum, matches, oilcloth, oil paint, paper (or pulp), perfume, plastics, poison, potash, printing ink, refuse mash or refuse grain, rubber (including balata or gutta percha or crude or scrap
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2													or stove polish, soap,
3													starch, tar, turpentine,
4													varnish;
5													(2) Curing, smoking
6													or drying fish,
7													manufacture of fish
8													oil;
9													(3) Tanning or
10													curing of raw hides or
11													skins;
12													(4) Foundry,
13													structural iron or pipe
14													works, boilermaking
15													where riveting is
16													involved, locomotive
17													works, roundhouse or
18													railroad shop.
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21 **SEC. 227. OTHER USES.**

22 TABLE INSET:

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24	C-1	C-2	C-3-O	C-3-R	C-3-G	C-3-S	C-M	M-1	M-2	<u>PDR-1-G</u>	<u>PDR-1-D</u>	<u>PDR-1-B</u>	PDR-2
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																SEC. 227. OTHER USES.
P*	P*				P	P	P	P	<u>P</u>	<u>P</u>	P	P				(a) Greenhouse or plant nursery.
P*	P*					P	P	P	<u>P</u>	<u>P</u>	P under 10,00 0 <i>gsf</i>	P				(b) Truck gardening, horticulture.
	C			C	C	P	P	P	<u>P</u>			P	P			(c) Mortuary establishment, including retail establishments that predominantly sell or offer for sale caskets, tombstones, or other funerary goods.
P	P	P	P	P	P	P	P	P	<u>C</u>	<u>C</u>	C	C				(d) Public structure or use of a nonindustrial character, when in conformity with the General Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.

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															modes including but not limited to aircraft, ferries, fixed-rail vehicles and buses when such facility is not commonly defined as a boarding platform, bus stop, transit shelter or similar ancillary feature of a transit system; and
															(2) Landing field for aircraft.
	C*	C*	C	C	C	C	C	C	P	P	<u>P</u>	<u>P</u>		P	(g) Public transportation facility, when in conformity with the General Plan, other than as required in (f) of this Section or as in Sections 223 and 226 of this Code.
	P	P	P	P	P	P	P	P	P	<u>P</u>			C	P	(h) Commercial wireless transmitting, receiving or relay facility, including towers, antennae, and

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														<p>C-3 and M Districts), does not include a parabolic antenna with a diameter in excess of three meters or a composite diameter or antennae in excess of six meters. (See also Section 204.3.)</p>	
													C	C	<p>(i) Commercial wireless transmitting, receiving or relay facility, as described in Subsection 227(h) above, where:</p>
															<p>(1) Any portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this</p>

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																				Code.
P*	P*	P	P	P	P	P	P	P	<u>P</u>	<u>P</u>	P	P								(l) Access driveway to property in any C or M District.
C	C					C	C	C	<u>C#</u>	<u>C#</u>	C#	C#								(m) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
																				(n) Any use that is permitted as a principal use in any other C, M, or PDR District without limitation as to enclosure within a building, wall or fence.

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SEE SECTIONS 205 THROUGH 205.2											(o) Temporary uses, as specified in and regulated by Sections 205 through 205.2 of this Code. (* See Section 121(a).)	
												<p>(p) Subject to Section 233(a), live/work units, provided that one or more arts activities as defined in Section 102.2 of this Code are the primary nonresidential use within the unit and that other nonresidential activities are limited to those otherwise permitted in the district or otherwise conditional in the district and specifically approved as a conditional use.</p>
												<p>(q) Subject to Section 233(a), live/work units not included above but satisfying the conditions</p>

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													<i>of Section 233(b) of this Code.</i>
P	P	P	P	P	P	P	P	P	<u>P##</u>	<u>P##</u>	P##	P##	(p) Arts activities
	P								P	P			(q) Waterborne commerce, navigation, fisheries and recreation, and industrial, commercial and other operations directly related to the conduct of waterborne commerce, navigation, fisheries or recreation on property subject to public trust.
C	C	C	C	C	C	C	C	C			C	C	(r) Internet Services Exchange as defined in Section 209.6(c).
P	P	P	P	P	P	P	P	P	<u>P</u> <u>under</u> <u>2,500</u> <u>gsf</u> <u>per</u> <u>lot; C</u> <u>above</u>	<u>P</u> <u>under</u> <u>5,000</u> <u>gsf</u> <u>per</u> <u>lot; C</u> <u>above</u>	P <u>under</u> <u>2,500</u> <u>gsf</u> <u>per</u> <u>lot,</u>	P <u>under</u> <u>2,500</u> <u>gsf</u> <u>per</u> <u>lot,</u>	(s) Fringe financial services, as defined in Section 249.35, and subject to the restrictions set forth in Section 249.35, including, but not

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												<u>and</u> <u>subject to</u> <u>control</u> <u>of</u> <u>Section</u> <u>n</u> <u>121.8</u>	<u>and</u> <u>subject to</u> <u>control</u> <u>of</u> <u>Section</u> <u>n</u> <u>121.8</u>	limited to, that no new fringe financial service shall be located within a 1/4 miles of an existing fringe financial service.
	<u>N</u> <u>A</u>	<u>NA</u>	<u>N</u> <u>A</u>	<u>N</u> <u>A</u>	<u>N</u> <u>A</u>	<u>N</u> <u>A</u>	<u>N</u> <u>A</u>	<u>N</u> <u>A</u>	<u>N</u> <u>A</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<p><u>(t) Small Enterprise Workspace (S.E.W.). An S.E.W. is a single building that is comprised of discrete workspace units which are independently accessed from building common areas.</u></p> <p><u>(1) The S.E.W. building must meet the following additional requirements:</u></p> <p><u>(A) Each unit may contain only uses principally or conditionally permitted in the subject zoning district, or office uses (as defined in Section 890.70);</u></p> <p><u>(B) Any retail uses are</u></p>

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											<p><u>purposes of this Section, a PDR use is one identified in Sec. 220 and 222 through 227 of this Code.</u></p> <p><u>((F)E) After the issuance of any certificate of occupancy or completion for the building, no any merger, subdivision, expansion, or any other change in gross floor area of any unit shall be permitted only as long as the provisions of this subsection (D) and (E) are met. To facilitate review of any such project, all such applications will be referred to the Planning Department, and applicants are required to submit full building plans, not just the unit(s) subject to the change in floor area.</u></p> <p><u>(2) S.E.W. units may be</u></p>
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																<p><u>established only in new buildings or in buildings for which a first certificate of occupancy or completion was issued after the effective date of this Section.</u></p> <p><u>(3) Where permitted, S.E.W. Buildings are exempt from the controls in Sec. 230231 limiting demolition of industrial buildings.</u></p>
<u>NA</u>	<u>NA</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>A</u>	<u>P. subject to controls in Sec. 890.4 9</u>	<u>P. subject to controls in Sec. 890.4 9</u>	<u>NP</u>	<u>NP</u>		<p><u>(u) Integrated PDR, as defined in Sec. 890.49.</u></p>
																<p>#Dwellings are not permitted as part of any Planned Unit Development in these districts.</p> <p>## For these districts, commercial production</p>

1 (3) on a corner lot as defined by Section 102.15, with no part of the use
2 extending more than 50 feet in depth from said corner, as illustrated in Figure
3 2310.

4 (c) Permitted Uses. Any use is permitted which complies with the most restrictive
5 use limitations for the first story and below of:

6 ~~(1) an NC-1 District, as set forth in Sections 710.10 through 710.95 of this Code;~~

7 ~~and~~

8 ~~(2) Any Individual Area Neighborhood Commercial District within 1/4 mile of the use, as~~
9 ~~set forth in Sections 714.10 through 729.95 of this Code; and~~

10 ~~(3) Any Restricted Use Subdistrict within 1/4 mile of the use, as set forth in Sections 781~~
11 ~~through 781.7 of this Code.~~

12 (d) Use Size. No more than 1,200 occupied square feet of commercial area shall be
13 allowed per corner lot, except those lots which occupy more than one corner on a given
14 block and which may provide an additional 1,200 occupied square feet of commercial
15 area per additional corner, so long as the commercial space is distributed equitably
16 throughout appropriate parts of the parcel or project. ~~There is an aggregate maximum~~
17 ~~use size of 1,200 gross square feet per corner lot, as illustrated in Figure 230.~~

18 (e) Formula Retail Uses. All uses meeting the definition of “formula retail” use per
19 Section 703.3(b) shall not be permitted except by Conditional Use through the
20 procedures of Section 303.

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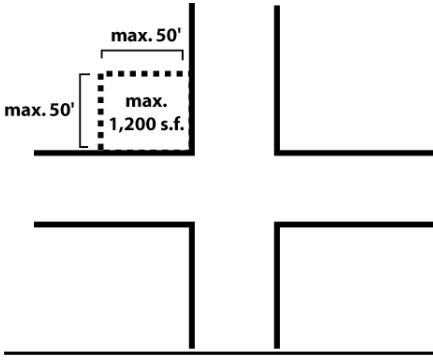


Figure 23_10. Limitations on Corner Retail in RTO Districts

(f) Parking. No accessory parking shall be permitted for uses permitted under this Section.

(g) Operating Hours. The hours during which the use is open to the public shall be limited to the period between 6:00 a.m. and 10:00 p.m.

(h) Conditions. Any uses described above shall meet all of the following conditions:

- (1) The building shall be maintained in a sound and attractive condition, consistent with the general appearance of the neighborhood.
- (2) Any signs on the property shall comply with the requirements of Article 6 of this Code pertaining to NC-1 districts.
- (3) Truck loading shall be limited in such a way as to avoid undue interference with sidewalks, or with crosswalks, bus stops, hydrants and other public features
- (4) Noise, odors and other nuisance factors shall be adequately controlled; and
- (5) The use shall comply with all other applicable provisions of this Code.

SEC. 233. LIVE/WORK UNITS.

~~(a) After the effective date of this ordinance, n~~No City official, department, board or commission shall issue or approve a building permit or other land use entitlement authorizing a new live/work unit as defined in Section 102.13 of this Code, except

1 as authorized as an accessory use under Section 204.4. Lawfully approved
2 live/work units ~~existing on the that date shall comply with the Code provisions in effect~~
3 ~~at the time they were authorized, as set forth below and in other sections of this Code~~
4 ~~applicable to live/work units, and shall further be are~~ subject to the nonconforming
5 use provisions of Section 181 of this Code

6 ~~(b) If a live/work unit would occupy any space last used as a dwelling unit or group~~
7 ~~housing, or whose legal use as shown in the permit records of the City is as a dwelling~~
8 ~~unit or group housing, the live/work unit shall not be permitted in any RH or RM District,~~
9 ~~and shall require conditional use approval in any RC, C, M or South of Market District,~~
10 ~~notwithstanding Sections 209.9 or 227 of this Code.~~

11 ~~(c) Live/work units satisfy the conditions of this subsection if:~~

12 ~~(1) They are part of a project which will result in issuance of a certificate or certificates~~
13 ~~of occupancy for 10 or more new or additional live/work units; and~~

14 ~~(2) The project is sponsored by one or more organizations exempt from federal income~~
15 ~~tax under Section 501(c)(3) of the Internal Revenue Code, each of whose articles of~~
16 ~~incorporation state as a principal purpose providing living quarters to artists, and each~~
17 ~~of whose articles of incorporation require that at least 51 percent of the members of the~~
18 ~~board of directors must be artists engaging in one or more arts activities falling within~~
19 ~~the definition of Section 102.2 of this Code; and~~

20 ~~(3) The qualified sponsoring organization or organizations will, until completion of the~~
21 ~~project:~~

22 ~~(A) Own the project,~~

23 ~~(B) Own an interest of 51 percent or more in a joint tenancy or tenancy in common~~
24 ~~which owns the project,~~

25

1 ~~(C) Have a right to 51 percent or more of the net income and of all distributions,~~
2 ~~including distributions on liquidation, of a partnership or joint venture which owns the~~
3 ~~project, or~~
4 ~~(D) Be the only general partner or only general partners, or only managing general~~
5 ~~partner, in a limited partnership which will qualify the project for complete or partial~~
6 ~~exemption from property tax under California Revenue and Taxation Code Section~~
7 ~~214(g) or a successor provision; and~~
8 ~~(4) All permits for the project are issued on the application of, and in the name of, a~~
9 ~~corporation described in Subsection (2) above or a partnership described in Subsection~~
10 ~~(3)(C) or (3)(D); and~~
11 ~~(5) The project will, under federal or State law, or local legal authority other than this~~
12 ~~Code, be required to rent, lease or sell at least 20 percent of the live/work units in the~~
13 ~~project at rates or prices affordable to households whose incomes are no greater than 50~~
14 ~~percent of the median income for households in San Francisco as determined under~~
15 ~~California Administrative Code Section 6932, or its successor provision, or,~~
16 ~~alternatively, be so required to rent, lease or sell a minimum of 40 percent of the~~
17 ~~live/work units at rates or prices affordable to households whose incomes are no greater~~
18 ~~than 60 percent of said median income; and~~
19 ~~(6) All non arts activity other than residential in the project is otherwise permitted in~~
20 ~~the district, or is otherwise conditional in the district and is approved as a conditional~~
21 ~~use pursuant to this Code; and~~
22 ~~(7) The subject live/work units are marketed on a preferential basis for arts activities as~~
23 ~~defined in Section 102.2 of this Code. For the purpose of this subsection, "preferential~~
24 ~~marketing" shall consist of:~~
25

1 ~~(A) Advertising the initial leasing of all newly created units in publications which are~~
2 ~~oriented to audiences engaged in arts activities for a minimum of three months in~~
3 ~~advance of other advertising and, for subsequent vacancies, advertising in similar~~
4 ~~publications promptly after future vacancies are known to the owner or the owner's~~
5 ~~representatives, but in no event less than one month in advance of other advertising, and~~
6 ~~(B) Notification of organizations concerned with arts activities a minimum of three~~
7 ~~months in advance of initial leasing activities and, for subsequent vacancies, promptly~~
8 ~~after future vacancies are known to the owner or owner's representative, but in no case~~
9 ~~less than one month in advance of other advertising.~~
10 ~~(d) The location of each live/work unit in a multi unit structure in a C or M District~~
11 ~~shall be marked by a plaque, diagram or other device visible to emergency personnel~~
12 ~~from the exterior building face of the structure containing the unit.~~
13 ~~(e) Each person, other than a person applying as owner of a fee interest, who applies to~~
14 ~~erect or alter a live/work unit, or to change use or occupancy in order to authorize a~~
15 ~~live/work unit, shall submit on a form approved by the Department of Public Health, a~~
16 ~~disclosure signed by a fee owner of the property in question stating what hazardous~~
17 ~~materials, if any, are known to exist in the vicinity of the unit.~~

18 **SEC. 234.2. CONDITIONAL USES, P DISTRICTS.**

19 The following uses shall be subject to approval by the City Planning Commission,
20 as provided in Section 303 of this Code:

21 (a) Those uses listed in Sections 209.3(d), (e), (f), (g), (h), (i), (j); 209.4(a);
22 209.5(a), (b); 209.6(b); 209.6(c); 209.9(c); and 234.2(c) and (d) of this Code.

23 (b) With respect to any lot in a P District, which lot is within 1/4 mile of the
24 nearest NC-1 or Individual Area Neighborhood Commercial District as described
25 in Article 7 of this Code, no accessory nonpublic use shall be permitted, unless

1 such use or feature complies with the controls which are applicable in any NC-1
2 or Individual Area Neighborhood Commercial District or Restricted Use
3 Subdistrict located within 1/4 mile of the lot, excluding the provisions of zoning
4 category .82, as defined in Section 790.80 of Article 7.

5 (c) Parking lot or garage uses listed in Sections 890.7 through 890.12 of this
6 Code when located within any P district within the Eastern Neighborhoods Mixed
7 Use District, the South of Market Mixed Use Base District, the Market and Octavia
8 Plan Area, and within the right-of-way of any State or federal highway.

9 (d) In any P District which is within the Eastern Neighborhoods Mixed Use District
10 and the South of Market Mixed Use Base District, if the use is located within the
11 right-of-way of any State or federal highway, the following uses:

12 (1) Retail and personal service uses primarily meeting the needs of commuters
13 on nearby streets and highways or persons who work or live nearby, provided
14 that:

15 (A) The space is on the ground floor of a publicly-accessible parking garage;

16 (B) The total gross floor area per establishment does not exceed 2,500 square
17 feet;

18 (C) The space fronts on a major thoroughfare; and

19 (D) The building facade incorporates sufficient fenestration and lighting to
20 create an attractive urban design and pedestrian-oriented scale.

21 (2) Open-air sale of new or used merchandise, except vehicles, located within a
22 publicly-accessible parking lot, provided that:

23 (A) The sale of goods and the presence of any booths or other accessory
24 appurtenances are limited to weekend and/or holiday daytime hours;

25

1 (B) Sufficient numbers of publicly-accessible toilets and trash receptacles are
2 provided on-site and are adequately maintained; and

3 (C) The site and vicinity are maintained free of trash and debris.

4 **SEC. 249.36. LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT.**

5 (a) Purpose. The Life Science and Medical Special Use District is intended to support
6 uses that benefit from proximity to the University of California, San Francisco (UCSF)
7 campus at Mission Bay. These uses include medical office and life science
8 (biotechnology) uses.

9 (b) Geography. The boundaries of the Life Science and Medical Special Use District are
10 shown on Sectional Map No. 8SU of the Zoning Map. Generally, the area borders
11 Mariposa St. on the north, 23rd St. on the south, I-280 to the west, and 3rd St. to the east.
12 Within this area, the Dogpatch Historic District is generally excluded.

13 (c) Controls. All provisions of the Planning Code currently applicable shall continue to
14 apply, except as otherwise provided in this Section:

15 (1) Medical Services. Medical services, including medical offices and clinics, as defined
16 in Section 890.114, are a principally permitted use and are exempted from use size
17 limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor)
18 zoning controls (Sec. 219.1 and 803.9(h)). For the purposes of this Section, a medical
19 service use may be affiliated with a hospital or medical center as defined in 890.44.

20 (2) Life Science Offices. Office uses that contain Life Science facilities, as defined in
21 Section 890.53, are a principally permitted use and are exempted from use size
22 limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor)
23 zoning controls (Sec. 219.1 and 803.9(h)).

24 (3) Life Science Laboratories. Laboratories that engage in life science research and
25 development, as defined in Section 890.52, are a principally permitted use and are

1 exempted from use size limitation, PDR replacement requirements (Sec. 230), and
2 vertical (floor-by-floor) zoning controls (Sec. 219.1 and 803.9(h)).

3 **SEC. 249.37. INNOVATIVE INDUSTRIES SPECIAL USE DISTRICT.**

4 (a) Purpose. The purpose of the Innovative Industries Special Use District is to provide
5 affordable office space to small firms and organizations which are engaged in innovative
6 activities, including incubator businesses and microenterprises.

7 (b) Geography. The boundaries of the Life Science Special Use District are shown on
8 Sectional Map No. 8SU of the Zoning Map.

9 (c) Controls. All provisions of the Planning Code currently applicable shall continue to
10 apply, except that:

11 (1) office uses shall be principally permitted uses on all stories above the ground story.

12 (2) retail uses shall be subject to the size controls applicable in the Urban Mixed Use
13 District, as stated in Sec. 843.45.

14 **SEC. 249.38. TRANSIT-ORIENTED RETAIL SPECIAL USE DISTRICT.**

15 (a) Purpose. The Transit-Oriented Retail Special Use District is intended to support
16 street activity along important transit routes, including 16th Street and 3rd Street.

17 (b) Geography. The boundaries of the Transit-Oriented Retail Special Use District
18 include all parcels in PDR Districts that are along 16th St. from Mission St. to I-280, or
19 along 3rd St. from 23rd Street to Cesar Chavez St.

20 (c) Controls. All provisions of the Planning Code currently applicable shall continue to
21 apply, except that the amount and types of retail sales and services allowed on a parcel
22 will be controlled in the same manner as in the UMU District.

23 **SEC. 249.39. INTEGRATED PDR SPECIAL USE DISTRICT.**

1 (a) Purpose. The Integrated PDR Special Use District is intended to
2 ensure that newly constructed Integrated PDR uses support the intention of the
3 PDR-1-G District in the Central Waterfront.

4 (b) Geography. The boundaries of the Integrated PDR Special Use District
5 include all parcels designated PDR-1-G east of I-280, south of 20th St., and north
6 of Cesar Chavez St.

7 (c) Controls. All provisions of the Planning Code currently applicable shall
8 continue to apply, except that newly constructed Integrated PDR shall require
9 conditional use authorization pursuant to the provisions of Sec. 303.

10 **SEC. 253.4. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES**
11 **EXCEEDING A HEIGHT OF 65 FEET IN THE MISSION STREET NCT**
12 **DISTRICT.**

13 (a) Applicability. This Section shall apply to parcels which:

14 (1) are located within the 85-X Height and Bulk District;

15 (2) are located within the Mission Street NCT Zoning District; and

16 (3) have any frontage along Mission Street.

17 (b) Controls. Frontages along Mission Street are subject to a 15-foot front setback
18 above a height of 65 feet, measured from the front lot line.

19 (c) Modifications. The Planning Commission may reduce or waive this requirement with
20 Conditional Use Authorization pursuant to Section 303 of this Code.

21 **SEC. 260. HEIGHT LIMITS: MEASUREMENT.**

22 (a) Method of Measurement. The limits upon the height of buildings and
23 structures shall be as specified on the Zoning Map. In the measurement of height
24 for purposes of such limits, the following rules shall be applicable:

25

1 (1) The point above which such measurements shall be taken shall be as
2 specified in the definition of "height" in this Code.

3 (2) The upper point to which such measurement shall be taken shall be the
4 highest point on the finished roof in the case of a flat roof, and the average height
5 of the rise in the case of a pitched or stepped roof, or similarly sculptured roof
6 form, or any higher point of a feature not exempted under Subsection (b) below.

7 (3) In cases where the height limit is 65 feet or less and a street from which
8 height measurements are made slopes laterally along the lot, or the ground
9 slopes laterally on a lot that also slopes upward from the street, there shall be a
10 maximum width for the portion of the building or structure that may be measured
11 from a single point at curb or ground level, according to the definition of "height,"
12 as specified in the following table. These requirements shall not apply to any
13 property to which the bulk limitations in Section 270 of this Code are applicable.

14 **TABLE 260**

15 **HEIGHT MEASUREMENT ON LATERAL SLOPES WHERE HEIGHT LIMIT IS**
16 **65 FEET OR LESS**

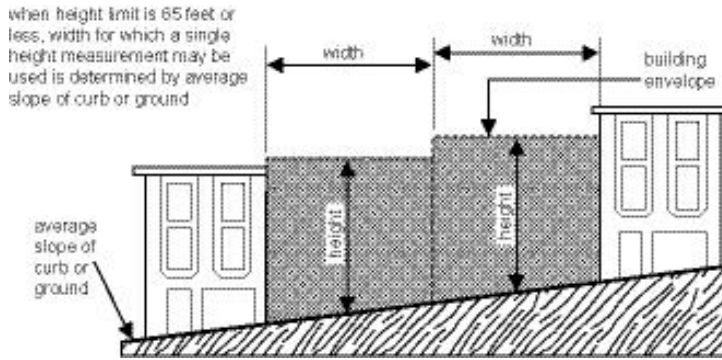
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18 TABLE INSET:

19

Average Slope of Curb or Ground From Which Height is Measured	Maximum Width for Portion of Building that May Be Measured from a Single Point
5 percent or less	No requirement

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1	More than 5 percent but no more than 15 percent	65 feet
2	More than 15 percent but no more than 20 percent	55 feet
3	More than 20 percent but no more than 25 percent	45 feet
4	More than 25 percent	35 feet



12

13 (b) Exemptions. In addition to other height exceptions permitted by this Code,

14 the features listed in this Subsection shall be exempt from the height limits

15 established by this Code, in an amount up to but not exceeding that which is

16 specified.

17 (1) The following features shall be exempt; provided the limitations indicated for

18 each are observed; provided further that the sum of the horizontal areas of all

19 features listed in this Paragraph (b)(1) shall not exceed 20 percent of the

20 horizontal area of the roof above which they are situated, or, in C-3 Districts, and

21 in the Rincon Hill Downtown Residential District, where the top of the building

22 has been separated into a number of stepped elements to reduce the bulk of the

23 upper tower, of the total of all roof areas of the upper towers; and provided

24 further that in any R, RC-1, RC-2, RC-3 or RC-4 District the sum of the horizontal

25 areas of all such features located within the first 10 feet of depth of the building,

1 as measured from the front wall of the building, shall not exceed 20 percent of
2 the horizontal area of the roof in such first 10 feet of depth.

3 As an alternative, the sum of the horizontal areas of all features listed in
4 this Paragraph (b)(1) may be equal but not exceed 20 percent of the horizontal
5 area permitted for buildings and structures under any bulk limitations in Section
6 270 of this Code applicable to the subject property.

7 Any such sum of 20 percent heretofore described may be increased to 30
8 percent by unroofed screening designed either to obscure the features listed
9 under (A) and (B) below or to provide a more balanced and graceful silhouette for
10 the top of the building or structure.

11 (A) Mechanical equipment and appurtenances necessary to the operation or
12 maintenance of the building or structure itself, including chimneys, ventilators,
13 plumbing vent stacks, cooling towers, water tanks, panels or devices for the
14 collection of solar or wind energy and window-washing equipment, together with
15 visual screening for any such features. This exemption shall be limited to the top
16 10 feet of such features where the height limit is 65 feet or less, and the top 16
17 feet of such features where the height limit is more than 65 feet.

18 (B) Elevator, stair and mechanical penthouses, fire towers, skylights and dormer
19 windows. This exemption shall be limited to the top 10 feet of such features
20 where the height limit is 65 feet or less, and the top 16 feet of such features
21 where the height limit is more than 65 feet. However, for elevator penthouses,
22 the exemption shall be limited to the top 16 feet and limited to the footprint of the
23 elevator shaft, regardless of the height limit of the building. The design of all
24 elevator penthouses in Residential Districts shall be consistent with the
25

1 "Residential Design Guidelines" as adopted and periodically amended for
2 specific areas or conditions by the City Planning Commission.

3 The Zoning Administrator may, after conducting a public hearing, grant a
4 further height exemption for an elevator penthouse for a building with a height
5 limit of more than 65 feet but only to the extent that the Zoning Administrator
6 determines that such an exemption is required to meet state or federal laws or
7 regulations. All requests for height exemptions for elevator penthouses located in
8 Residential or Neighborhood Commercial Districts shall be subject to the
9 neighborhood notification requirements of Sections 311 and 312 of this Code.

10 (C) Stage and scenery lofts.

11 (D) Ornamental and symbolic features of public and religious buildings and
12 structures, including towers, spires, cupolas, belfries and domes, where such
13 features are not used for human occupancy.

14 (E) In any C-3 District, enclosed space related to the recreational use of the
15 roof, not to exceed 16 feet in height.

16 (F) In any C-3, Eastern Neighborhoods Mixed Use Districts, or South of Market
17 Mixed Use District, additional building volume used to enclose or screen from view
18 the features listed under Subsections (b)(1)(A) and (B) above. The rooftop form
19 created by the added volume shall not be subject to the percentage coverage
20 limitations otherwise applicable to this subsection but shall meet the
21 requirements of Section 141 and shall not exceed 20 feet in height, measured as
22 provided in Subsection (a) above, and may not exceed a total volume, including
23 the volume of the features being enclosed, equal to 3/4 of the horizontal area of
24 all upper tower roof areas of the building measured before the addition of any
25 exempt features times 20.

1 (G) In any C-3 District, vertical extensions to buildings, such as spires, which
2 enhance the visual appearance of the structure and are not used for human
3 occupancy may be allowed, pursuant to the provisions of Section 309, up to 75
4 feet above the height otherwise allowed. The extension shall not be subject to
5 the percentage coverage limitations otherwise applicable to this subsection,
6 provided that the extension is less than 100 square feet in cross-section and 18
7 feet in diagonal dimension.

8 (H) In the Rincon Hill Downtown Residential District, enclosed space related to
9 the recreational use of the roof, not to exceed 16 feet in height.

10 (I) In the Rincon Hill Downtown Residential District, additional building volume
11 used to enclose or screen from view the features listed under Subsections
12 (b)(1)(A) and (b)(1)(B) above. The rooftop form created by the added volume
13 shall not be subject to the percentage coverage limitations otherwise applicable
14 to this subsection but shall meet the requirements of Section 141, shall not
15 exceed 10 percent of the total height of any building taller than 105 feet, shall
16 have a horizontal area not more than 85 percent of the total area of the highest
17 occupied floor, and shall contain no space for human occupancy. The features
18 described in (b)(1)(B) shall not be limited to 16 feet for buildings taller than 160
19 feet, but shall be limited by the permissible height of any additional rooftop
20 volume allowed by this Subsection.

21 (J) In the Van Ness Special Use District, additional building volume used to
22 enclose or screen from view the features listed under Subsections (b)(1)(A) and
23 (b)(1)(B) above and to provide additional visual interest to the roof of the
24 structure. The rooftop form created by the added volume shall not be subject to
25 the percentage coverage limitations otherwise applicable to this Subsection, but

1 shall meet the requirements of Section 141 and shall not exceed 10 feet in height
2 where the height limit is 65 feet or less or 16 feet where the height limit is more
3 than 65 feet, measured as provided in Subsection (a) above, and may not
4 exceed a total volume, including the volume of the features being enclosed,
5 equal to 3/4 of the horizontal area of all upper tower roof areas of the building
6 measured before the addition of any exempt features times 10 where the height
7 limit is 65 feet or less or times 16 where the height limit is more than 65 feet.

8 (K) In the Northeast China Basin Special Use District, light standards for the
9 purpose of lighting the ballpark.

10 (L) In the Candlestick Point Special Use District, light standards for the purpose
11 of the lighting the stadium, scoreboards associated with the stadium, and
12 flagpoles and other ornamentation associated with the stadium.

13 (2) The following features shall be exempt, without regard to their horizontal
14 area, provided the limitations indicated for each are observed:

15 (A) Railings, parapets and catwalks, with a maximum height of four feet.

16 (B) Open railings, catwalks and fire escapes required by law, wherever situated.

17 (C) Unroofed recreation facilities with open fencing, including tennis and
18 basketball courts at roof level, swimming pools with a maximum height of four
19 feet and play equipment with a maximum height of 10 feet.

20 (D) Unenclosed seating areas limited to tables, chairs and benches, and related
21 windscreens, lattices and sunshades with a maximum height of 10 feet.

22 (E) Landscaping, with a maximum height of four feet for all features other than
23 plant materials.

24

25

- 1 (F) Short-term parking of passenger automobiles, without additional structures
2 or equipment other than trellises or similar overhead screening for such
3 automobiles with a maximum height of eight feet.
- 4 (G) Amusement parks, carnivals and circuses, where otherwise permitted as
5 temporary uses.
- 6 (H) Flagpoles and flags, clothes poles and clotheslines, and weathervanes.
- 7 (I) Radio and television antennae where permitted as accessory uses and
8 towers and antennae for transmission, reception, or relay of radio, television or
9 other electronic signals, where permitted as principal or conditional uses, subject
10 to the limitations of Subsections 227(h) and (i) of this Code and limitations
11 imposed by the City Planning Commission.
- 12 (J) Warning and navigation signals and beacons, light standards and similar
13 devices, not including any sign regulated by this Code.
- 14 (K) Public monuments owned by government agencies.
- 15 (L) Cranes, scaffolding and batch plants erected temporarily at active
16 construction sites.
- 17 (M) Structures and equipment necessary for the operation of industrial plants,
18 transportation facilities, public utilities and government installations, where
19 otherwise permitted by this Code and where such structures and equipment do
20 not contain separate floors, not including towers and antennae for transmission,
21 reception, or relay of radio, television, or other electronic signals where permitted
22 as principal or conditional uses by this Code.
- 23 (N) Buildings, structures and equipment of the San Francisco Port Commission,
24 where not subject to this Code due to provisions of the San Francisco Charter or
25 State law.

1 (O) Additional building height, up to a height of five feet above the otherwise
2 applicable height limit, where the uppermost floor of the building is to be
3 occupied solely by live/work units located within a South of Market District.

4 (P) Enclosed recreational facilities up to a height of 10 feet above the otherwise
5 applicable height limit when located within ~~both an SSO District and~~ a 65-U Height
6 and Bulk District and either an MUO or SSO District, and only then when authorized
7 by the ~~City~~ Planning Commission as a conditional use pursuant to Sections 303
8 and 316 of this Code, provided that the project is designed in such a way as to
9 reduce the apparent mass of the structure above a base 50 foot building height.

10 (Q) Historic signs within an historic sign district permitted pursuant to Sections
11 302, 303 and 608.14 of this Code.

12 (R) In the Eastern Neighborhoods Mixed Use Districts, enclosed utility sheds of not more
13 than 100 square feet, exclusively for the storage of landscaping and gardening equipment
14 for adjacent rooftop landscaping, with a maximum height of 8 feet above the otherwise
15 applicable height limit.

16 **SEC. 261.1. ADDITIONAL HEIGHT LIMITS FOR NARROW STREETS**
17 **AND ALLEYS IN RTO, AND NCT, DISTRICTS AND EASTERN**
18 **NEIGHBORHOODS MIXED USE DISTRICTS.**

19 (a) Purpose. The intimate character of narrow streets (right-of-ways 40 feet in
20 width or narrower) and alleys is an important and unique component of the City
21 and certain neighborhoods in particular. The scale of these streets should be
22 preserved to ensure they do not become overshadowed or overcrowded. Heights
23 along alleys and narrow streets are hereby limited to provide ample sunlight and
24 air, as follows:

25 (b) Definitions.

1 (1) "Narrow Street" shall be defined as a public right of way less than or equal to 40 feet
2 in width, or any mid-block passage or alley that is less than 40 feet in width created
3 under the requirements of Section 270.2.

4 (2) "Subject Frontage" shall mean any building frontage in an RTO, NCT or Eastern
5 Neighborhood Mixed Use District that abuts a Narrow Street and that is more than 60
6 feet from an intersection with a street wider than 40 feet.

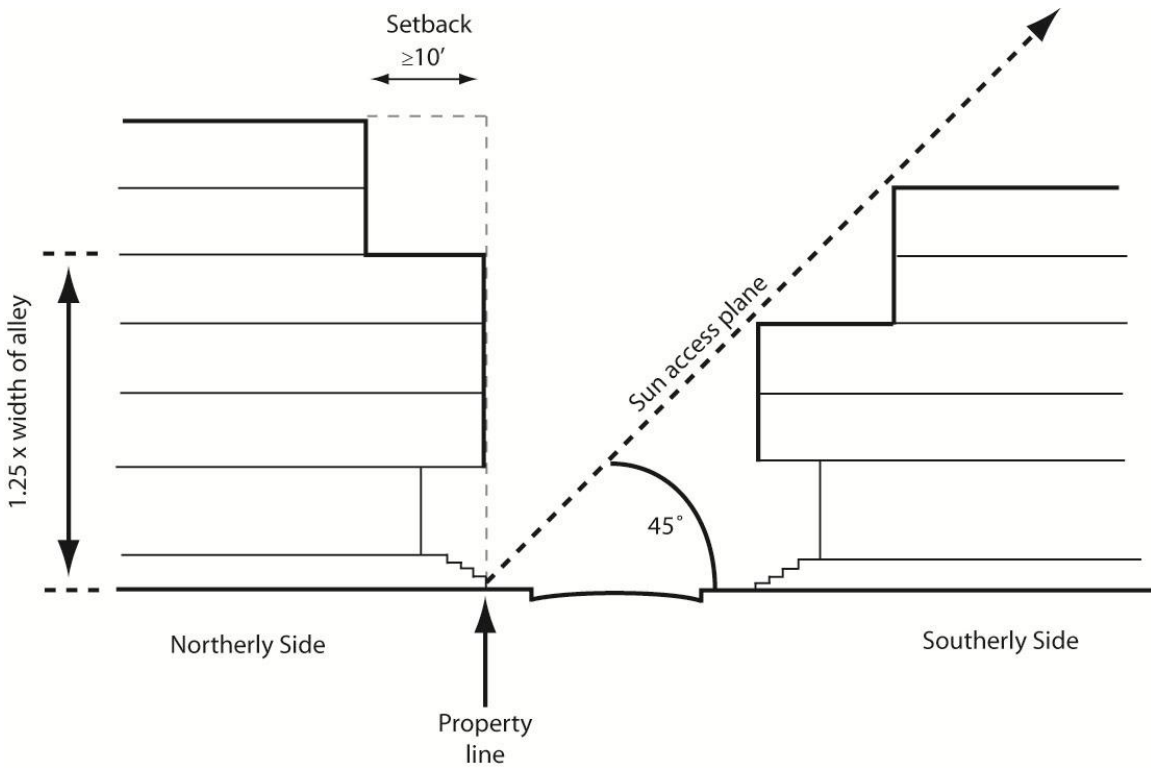
7 (3) "East-West Narrow Streets" shall mean all Narrow Streets, except those created
8 pursuant to Section 270.2, that are oriented at 45 degrees or less from a true east-west
9 orientation or are otherwise named herein: Elm, Redwood, Ash, Birch, Ivy, Linden,
10 Hickory, Lily, Rose, Laussat, Germania, Clinton Park, Brosnan, Hidalgo, and Alert
11 Streets.

12 (c) Controls.

13 (1) **General Requirement.** All building frontages Except as described below, all subject
14 frontages shall have upper stories set back at least 10 feet at the property line above a
15 height equivalent to 1.25 times the width of the abutting narrow street.

16 (2) **Southern Side of East-West Streets.** All subject frontages on the southerly side of an
17 East-West Narrow Street(c) on the southerly southern side of those right of ways streets
18 and alleys listed in this subsection (b)(1) and that are greater more than 60 feet from an
19 intersection with another street right of way wider than 40 feet, shall have upper stories
20 which are ~~be~~ set back at the property line such that they avoid penetration of a
21 sun access plane defined by an angle of 45 degrees extending from the most directly
22 opposite northerly property line 50 degrees from a line 5 feet southerly and of parallel to
23 the northern right of way line (as illustrated in Figure 261.1A. For example, for a 35-
24 foot wide right of way, this would a 50 degree setback at the property line above a height
25 of approximately 36 feet.) No part or feature of a building, including but not limited

1 to any feature listed in Sections 260(b), may penetrate the required setback
 2 plane. *(1) Streets and alleys with required sun angle setback on south side include: Elm,*
 3 *Redwood, Ash, Birch, Ivy, Linden, Hickory, Lily, Rose, Laussat, Germania, Clinton Park,*
 4 *Brosnan, Hidalgo, and Alert Streets, and all streets narrower than 40 feet within the*
 5 *Eastern Neighborhoods Mixed Use Districts, RED, or within any RTO or NCT district.*
 6 ***(3) Mid-block Passages.*** *Subject frontages abutting a mid-block passage provided per the*
 7 *requirements of Section 270.2 shall have upper story setbacks as follows:*
 8 *(A) for mid-block passages between 20 and 30 feet in width, a setback of not less than 10*
 9 *feet above a height of 25 feet.*
 10 *(B) for mid-block passages between 30 and 40 feet in width, a setback of not less than 5*
 11 *feet above a height of 35 feet.*



25 Figure 261.1A

1 **SEC. 263.19. HEIGHT LIMITS: PERMITTED PODIUM AND TOWER**
2 **HEIGHTS IN THE R BULK DISTRICT.**

3 (a) Intent. As described in Section 827(a), the general development concept for
4 Rincon Hill is of podium buildings up to 85 feet in height, with adequately spaced
5 slender towers up to 550 feet in height rising above the podium buildings. In South
6 Beach, towers up to 200 feet in height are permitted to rise in limited locations above a
7 podium height that varies from 65 to 105 feet. This urban form is implemented in the
8 R height and bulk district, mapped in all portions of the Rincon Hill and South
9 Beach Downtown Residential Districts where towers are permitted.

10 (b) Maximum Height Controls for Podiums and Towers. In the R bulk district, as
11 designated on Sectional Map No. 1H of the Zoning Map, maximum permitted
12 building heights for both podiums and towers are expressed as two numbers
13 separated by a slash, including 65/200-R, 105/200-R, 85/150-R, 85/200-R, 85/250-
14 R, 65/400-R, 85/400-R, 45/450-R, and 45/550-R. The number preceding the
15 slash represents the height limit for podium buildings. The number following the
16 slash represents the height limit for towers. No building may exceed the podium
17 height limit except for towers meeting the bulk and tower spacing controls
18 established in Section 270(e).

19 **SEC. 263.21. SPECIAL HEIGHT EXCEPTIONS: VERTICAL NON-**
20 **HABITABLE ARCHITECTURAL ELEMENTS IN THE EASTERN**
21 **NEIGHBORHOODS MIXED USE DISTRICTS.**

22 (a) Purpose. In order to allow for vertical architectural elements on large lots which
23 will mitigate the effect of long, monotonous individual buildings and create visual focal
24 points that build upon the architectural tradition and character of an area, certain
25 architectural elements may be excepted from otherwise applicable height limits. The

1 mostly topographically flat Eastern Neighborhoods, particularly the South of Market,
2 Showplace, and Mission Districts have a strong tradition of larger and longer buildings
3 incorporating vertical architectural elements above the predominant roofline. These
4 vertical elements are proportioned to the building and are generally not visible on the
5 skyline or distant views.

6 (b) Applicability. This Section shall apply to all projects subject to Section ~~309.2329~~ in
7 the Eastern Neighborhoods Mixed Use Districts which are also located in Height and
8 Bulk Districts of 85 feet or less.

9 (c) Controls. Additional height for non-habitable architectural building elements, as
10 illustrated in Figure 263.21, may be permitted subject to the ~~309.2329~~ procedure for
11 exemptions subject to the following criteria:

12 (1) Only one such element shall be permitted per lot;

13 (2) Such element shall not exceed 1,000 square feet in gross floor area;

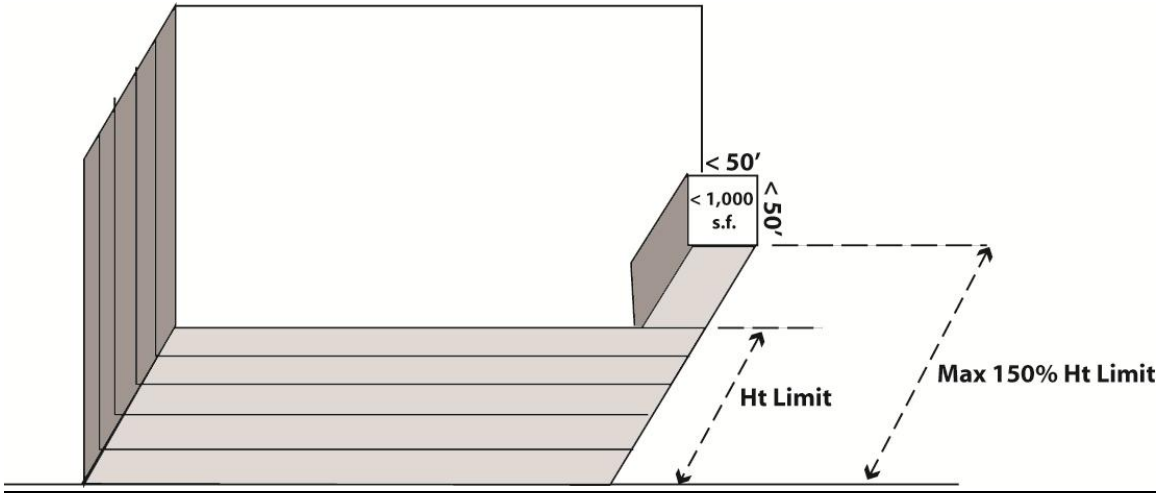
14 (3) Such element shall not have a plan dimension greater than 50 feet;

15 (4) The height of such element shall not exceed a height equal to 50 percent of the
16 applicable height limit; and

17 (5) Such elements shall be consistent with the design, materials and character of the
18 building.

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20 Figure 263.21

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SEC. 270. BULK LIMITS: MEASUREMENT.

10 (a) The limits upon the bulk of buildings and structures shall be as stated in this
 11 Section and in Sections 271 and 272. The terms "height," "plan dimensions,"
 12 "length" and "diagonal dimensions" shall be as defined in this Code. In each
 13 height and bulk district, the maximum plan dimensions shall be as specified in
 14 the following table, at all horizontal cross-sections above the height indicated.

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TABLE INSET:

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TABLE 270 BULK LIMITS			
District Symbol on Zoning Map	Height Above Which Maximum Dimensions Apply (in feet)	Maximum Plan Dimensions (in feet)	
		Length	Diagonal Dimension
A	40	110	125
B	50	110	125
C	80	110	125

1	D	40	110	140
2	E	65	110	140
3	F	80	110	140
4	G	80	170	200
5	H	100	170	200
6	I	150	170	200
7	J	40	250	300
8	K	60	250	300
9	L	80	250	300
10	M	100	250	300
11	N	40	50	100
12	R	This table not applicable. But see Section 270(e).		
13	V		110	140
14	V	* At setback height established pursuant to Section 253.2.		
15	OS	See Section 290.		
16	S	This table not applicable. But see Section 270(d).		
17		At setback height established pursuant to		
18	T	Section 132.2, but no higher than 80 feet.	110	125
19				
20	X	This table not applicable. But see Section 260(a)(3).		
21	TB	This table not applicable. But see Section 263.18.		

22 (b) These limits shall not apply to the buildings, structures and equipment listed
23 in Section 260(b)(2) (K), (L), (M) and (N) of this Code, subject to the limitations
24 expressed therein.
25

- 1 (c) Maximum plan lengths and diagonal dimensions do not apply to cornices or
2 other decorative projections.
- 3 (d) The bulk limits contained in this subsection shall apply in S Bulk Districts as
4 designated on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.
- 5 (1) Base. The base is the lowest portion of the building extending vertically to a
6 streetwall height up to 1.25 times the width of the widest abutting street or 50
7 feet, whichever is more. There are no length or diagonal dimension limitations
8 applicable to the base. The building base shall be delineated from the lower and
9 upper tower and related to abutting buildings by a setback, cornice line or
10 equivalent projection or other appropriate means.
- 11 (2) Lower Tower.
- 12 (A) Dimensions. Bulk controls for the lower tower apply to that portion of the
13 building height above the base as shown on Chart B. For buildings of less than
14 160 feet in height, the lower tower controls are the only bulk controls above the
15 base of the building. The bulk controls for the lower tower are a maximum length
16 of 160 feet, a maximum floor size of 20,000 square feet, and a maximum
17 diagonal dimension of 190 feet.
- 18 (B) Additional Bulk for Elevators. Solely in order to accommodate additional
19 elevators required by tall buildings the lower portion (up to the height shown on
20 Chart B) of the lower tower of a building 500 feet tall or taller may be enlarged up
21 to a maximum length of 190 feet, a maximum diagonal dimension of 230 feet and
22 a maximum floor size of up to 25,000 square feet without a corresponding
23 reduction in upper floor size.
- 24 (3) Upper Tower.
- 25

1 (A) Dimensions. Upper tower bulk controls apply to buildings taller than 160
2 feet. They apply to the upper tower portion of a building up to the height shown
3 on Chart B, which height excludes the vertical attachment and other features
4 exempted by Section 260 and excludes the extended upper tower height
5 exceptions provided for in Section 263.7 of this Code. The bulk controls for the
6 upper tower are: a maximum length of 130 feet; a maximum average floor size of
7 12,000 square feet; a maximum floor size for any floor of 17,000 square feet; and
8 a maximum average diagonal measure of 160 feet. In determining the average
9 floor size of the upper tower, areas with a cross-sectional area of less than 4,000
10 square feet may not be counted and sculptured architectural forms that contain
11 large volumes of space but no usable floors shall be included in average floor
12 size calculation by computing the cross section at 12.5-foot intervals.

13 (B) Volume Reduction. When the average floor size of the lower tower exceeds
14 5,000 square feet, the volume of the upper tower shall be reduced to a
15 percentage of the volume that would occur if the average floor size of the lower
16 tower were extended to the proposed building height. The percentage varies with
17 the bulk of the lower tower and with whether or not a height extension is
18 employed pursuant to Section 263.7 and is shown on Chart C. In achieving the
19 required volume reduction, a setback or change in profile at a specific elevation
20 is not required.

21 (C) Extensions. Extension of the upper tower above the otherwise allowable
22 height limits may be permitted as provided in Section 263.9.

23 (D) Termination of the Tower. The top of the tower shall be massed in a manner
24 that will create a visually distinctive roof or other termination of the building
25

1 facade. Modifications to a proposed project may be required, in the manner
2 provided in Section 309, to achieve this purpose.

3 (e) Rincon Hill and South Beach. In Bulk District R (Rincon Hill and South Beach
4 DTR Districts), bulk limitations are as follows:

5 (1) There are no bulk limits below ~~a height of 85 feet~~ the podium height as described
6 in Section 263.19, except for the lot coverage limitations and setback requirements
7 described in Sections 825 and 827.

8 (2) Tower Bulk and Spacing. All portions of structures above 85 feet in height the
9 podium height as described in Section 263.19 shall meet the following bulk
10 limitations, as illustrated in Chart C.

11 (A) Buildings between ~~85-the podium height limit~~ and 240 feet in height may not
12 exceed a plan length of 90 feet and a diagonal dimension of 120 feet, and may
13 not exceed a maximum average floor area of 7,500 gross square feet.

14 (B) Buildings between 241 and 300 feet in height may not exceed a plan length
15 of 100 feet and a diagonal dimension of 125 feet, and may not exceed a
16 maximum average floor area of 8,500 gross square feet.

17 (C) Buildings between 301 and 350 feet in height may not exceed a plan length
18 of 115 feet and a diagonal dimension of 145 feet. They may not exceed a
19 maximum average floor area of 9,000 gross square feet.

20 (D) Buildings between 351 and 550 feet in height may not exceed a plan length
21 of 115 feet and a diagonal dimension of 145 feet. They may not exceed a
22 maximum average floor area of 10,000 gross square feet.

23 (E) To allow variety in the articulation of towers, the floor plates of individual
24 floors may exceed the maximums described above by as much as 5 percent,
25 provided the maximum average floor plate is met.

1 (F) To encourage tower sculpting, the gross floor area of the top one-third of the
2 tower shall be reduced by 10 percent from the maximum floor plates described in
3 (A)--(D) above, unless the overall tower floor plate is reduced by an equal or
4 greater volume.

5 (G) In order to provide adequate sunlight and air to streets and open spaces, a
6 minimum distance of 115 feet must be preserved between all structures above
7 110 feet in height at all levels above 110 feet in height. Spacing shall be
8 measured horizontally from the outside surface of the exterior wall of the subject
9 building to the nearest point on the closest structure above 110 feet in height.
10 Any project that is permitted pursuant to the exception described in Section
11 270(e)(3) shall not be considered for the purposes of measuring tower spacing
12 pursuant to this Section.

13 (H) The procedures for granting special exceptions to bulk limits described in
14 Section 271 shall not apply; exceptions may be granted pursuant to Sections
15 270(e)(3) and 270(e)(4).

16 (I) Additional setback, lot coverage, and design requirements for the *Rincon Hill*
17 *DTR Districts* are described in Sections 825 and 827.

18 (3) Exceptions to tower spacing and upper tower sculpting requirements in
19 *Rincon Hill DTR*. An exception to the 115 feet tower spacing requirement and the
20 upper tower sculpting requirement described in (F) and (G) above may be
21 granted to a project only on Block 3747 on a lot formed by the merger of part or
22 all of Lots 001E, 002 and 006, pursuant to the procedures described in 309.1 of
23 this Code provided that projects meet the following criteria:

24
25

- 1 (i) Applications for environmental review and conditional use related to a
2 building above 85 feet in height on the subject lot have been filed with the
3 Department prior to March 1, 2003 and February 1, 2005, respectively;
- 4 (ii) Given the 115 tower spacing requirement described in (F) above, the
5 existence of an adjacent building greater than 85 feet in height precludes the
6 development of a tower on the subject lot;
- 7 (iii) The subject lot has a total area of no less than 35,000 square feet;
- 8 (iv) The proposed project is primarily residential and has an area of no more
9 than 528,000 gross square feet;
- 10 (v) The proposed project conforms to all other controls described or referenced
11 in Section 827 and any other controls in this Code related to the Rincon Hill DTR
12 District.
- 13 (vi) For the purposes of subsection (iv) above, the term "gross square feet" shall
14 be the sum of the gross areas of all floors of a building or buildings above street
15 grade measured from the exterior faces of exterior walls or from the center lines
16 of walls separating two buildings, excluding area below street grade. Where
17 columns are outside and separated from an exterior wall (curtain wall) which
18 encloses the building space or are otherwise so arranged that the curtain wall is
19 clearly separated from the structural members, the exterior face of the curtain
20 wall shall be the line of measurement, and the area of the columns themselves at
21 each floor shall also be counted.
- 22 (4) Allowance for limited reduction in spacing from existing towers *in Rincon Hill*
23 *DTR*. To allow limited variation in tower placement from towers for which a
24 certificate of occupancy has been issued prior to February 1, 2005, a reduction in
25

1 tower spacing described in (G) above may be granted pursuant to the
2 procedures described in 309.1 of this Code if all the following criteria are met:

3 (i) For every percent reduction from the maximum average floor area as
4 described in (2) above, an equal percent reduction in tower separation may be
5 granted subject to the following limits:

6 (ii) Up to a height of one-and-one-half times the maximum permitted podium
7 height, tower spacing described in (G) above may be reduced by not more than
8 15 percent; (iii) up to a height of 180 feet, tower spacing described in (G) above
9 may be reduced by not more than 10 percent; and (iv) all floors above 180 feet
10 achieve the full 115-foot minimum tower spacing requirement described in (G)
11 above. A project may average the tower separation of all floors below 180 feet so
12 long as the requirements of (iii) and (iv) are satisfied.

13 **SEC. 270.1. SPECIAL BULK LIMITATIONS: HORIZONTAL MASS**
14 **REDUCTIONS IN LARGE LOTS IN THE EASTERN NEIGHBORHOODS MIXED**
15 **USE DISTRICTS.**

16 *(a) Purpose. There is a disproportionately high number of large lots in historically*
17 *industrial and mixed-use areas, particularly in the South of Market, Showplace Square,*
18 *Mission and Central Waterfront areas, which could be developed with long, monotonous*
19 *and massive buildings. In recognition of this, special controls to allow for appropriate*
20 *building articulation and mass reduction are provided in this Section.*

21 *(b) Applicability. This Section applies to all buildings in the Eastern Neighborhoods*
22 *Mixed Use Districts with street frontage greater than 200 feet in length, and that receive*
23 *their first site or building permit after the effective date of this Section.*

24 *(c) Controls. Buildings subject to this Section must incorporate one or more mass*
25 *reduction breaks in the building that reduce the horizontal scale of the building into*

1 discrete sections not more than 200 feet in length. As illustrated in Figure 270.1A, such
2 mass reduction breaks shall:

3 (1) be not less than 30 feet in width;

4 (2) be not less than 60 feet in depth from the street-facing building façade;

5 (3) extend up to the sky from a level not higher than 25 feet above grade or the third
6 story, whichever is lower; and

7 (4) result in discrete building sections with a maximum plan length along the street
8 frontage not greater than 200 feet.

9 Bays, balconies or other obstructions permitted over streets and alleys in Section
10 136(c), shall not be considered for the calculation of the above dimensions.

11

12 Figure 270.1.A Required Horizontal Mass Reduction

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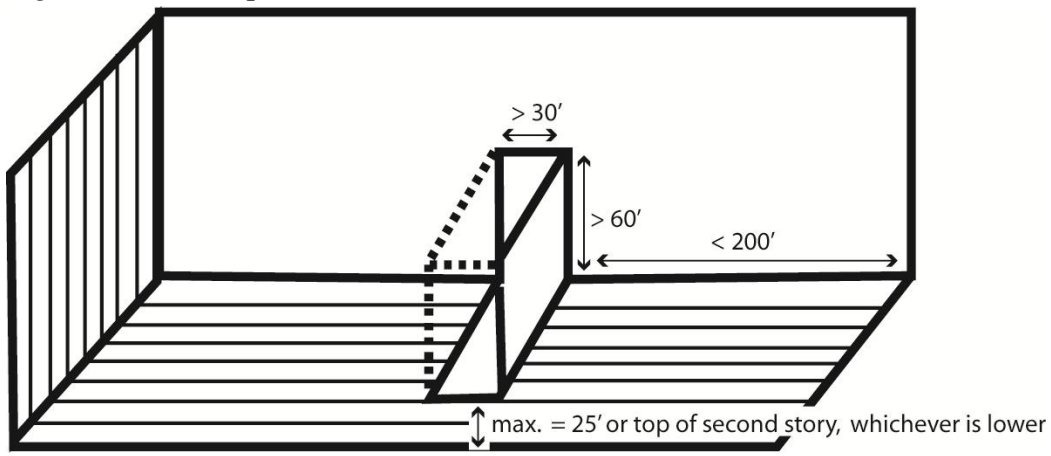
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(d) Modifications. The Planning Commission may modify or waive this requirement
through the process set forth in Section 309.2329. When considering any such
application, the Commission shall consider the following criteria:

(1) no more than 50% of the required mass is reduced unless special circumstances are
evident;

- 1 (2) the depth of any mass reduction breaks provided is not less than 15 feet from the
2 front façade, unless special circumstances are evident;
3 (3) the proposed building envelope can be demonstrated to achieve a distinctly superior
4 effect of reducing the apparent horizontal dimension of the building; and
5 (4) the proposed building achieves unique and superior architectural design.

6 **SEC 270.2. SPECIAL BULK AND OPEN SPACE REQUIREMENT: MID-**
7 **BLOCK ALLEYS IN LARGE LOT DEVELOPMENT IN THE EASTERN**
8 **NEIGHBORHOODS MIXED USE AND DTR DISTRICTS.**

9 (a) Findings. The historically industrial parts of the City, including the South of Market,
10 Showplace Square, Central Waterfront, and Mission, typically have very large blocks. In
11 the South of Market, a typical block is 825 feet in length and 550 feet in width; in
12 Showplace Square and the Central Waterfront blocks extend up to 800 feet in length and
13 greater; and in the Mission many blocks are over 500 feet in length. In areas of the City
14 historically developed as moderate and high-density residential and commercial
15 environments, the block pattern is much smaller, with many alternate and redundant
16 paths of travels, service alleys, and public mid-block pedestrian walkways and stairways:
17 the typical North of Market block is 275 feet in width and not more than 412.5 feet in
18 length, often with minor alleys bisecting these blocks further into smaller increments.

19 Large blocks inhibit pedestrian movement and convenience by significantly
20 lengthening walking distances between points, thereby reducing the ability and likelihood
21 of people to walk between destinations, including reducing access to and likelihood of
22 using transit. Academic studies have shown that the likelihood of people to walk for trips
23 of all purposes, including walking to transit stops, declines substantially above distances
24 as low as 1/5th of a mile, and that the propensity to walk is very elastic for distances of
25 one mile or less and heavily dependent on distance and route barriers (Berman, Journal

1 of American Planning Literature, May 1996). People are generally willing to walk not
2 more than 1/3-mile to access rail transit, and less to access bus transit. In the Eastern
3 Neighborhoods Mixed Use and DTR Districts, longer walking distances due to large
4 blocks generally lengthens walking distances by up to 1,000 feet or more for even the
5 shortest trips, a major factor in reduced use of transit in these areas. In areas with large
6 blocks, walking distances between destinations can be between 50% and 300% longer
7 than for areas with smaller blocks and more route choices (Hess, Places, Summer 1997).
8 In the South of Market area, for example, the distance between destinations for walking
9 trips can be as much as 2.5 times longer than a trip between destinations similarly
10 situated apart north of Market Street. Given equivalent densities and distributions of
11 development, where walking distances are greater due to longer and larger blocks,
12 residents have access to up to 50% fewer destinations (e.g. shops, services, transit) for
13 equal walking distances (Id.). Greater walking distances and fewer route choices also
14 severely degrade accessibility to transit, services, and shops for people with disabilities
15 and the elderly (Kulash, Development, July/August 1990). Because there are fewer
16 pedestrian route choices and people must walk on fewer, more-highly trafficked and
17 busier streets for longer distances, the quality of the pedestrian experience is severely
18 diminished and there are more conflicts with motor vehicles, with corresponding
19 heightened concerns for pedestrian safety on major streets.

20 Large blocks also increase vehicular and service demand on streets. Where there
21 are no secondary streets or service alleys, all vehicular functions (including service
22 loading as well as private vehicular access to off-street parking) are concentrated onto
23 fewer streets, increasing traffic volumes on these streets and creating significant and
24 frequent conflicts with automobile traffic, transit, bicycles, and pedestrian activity.

25

1 Where industrial uses with low densities of workers and residents remain in
2 place, the condition of large blocks is not a problem. However, where land use changes
3 occur with new development and the intensity and density of residential and employment
4 population are increased by new development, there is thus a significant new need
5 created to improve pedestrian and vehicular circulation by mitigating the size the blocks,
6 providing alternate and redundant paths of travel, and creating a more pedestrian-
7 accessible environment.

8 (b) Purpose. The mid-block alley requirements of this Section are intended to ameliorate
9 the conditions and impacts described in the Findings of subsection (a) above and make
10 the subject areas appropriate for a higher density of activity and population in areas
11 being targeted for more intense development.

12 (c) Applicability. This Section applies to all new construction on parcels that have one or
13 more street frontage of over 200 linear feet on a block face longer than 400 feet between
14 intersections, and are in the Eastern Neighborhoods Mixed Use Districts or DTR
15 Districts, except for parcels in the RH DTR District, which are subject to Section 827.

16 (d) Requirements.

17 (1) New construction on lots with greater than 300 linear feet of street frontage shall
18 provide a publicly-accessible mid-block alley for the entire depth of the property,
19 generally located toward the middle of the subject block face, perpendicular to the
20 subject frontage and connecting to any existing streets and alleys. For development lots
21 with frontage on more than one street that exceeds the above dimensions, one such mid-
22 block alley will be required per frontage.

23 (2) For new construction on lots with frontage greater than 200 linear feet but less than
24 300 feet the project shall provide a publicly-accessible mid-block alley for the entire
25 depth of the property where any of the following criteria are met:

- 1 (A) There is an opportunity to establish a through-block connection between two existing
2 alleys or streets, or
- 3 (B) A portion of the subject frontage extends over the central half of the block face, or
- 4 (C) Where it is deemed necessary by the Planning Department and Commission to
5 introduce alleys to reduce the scale of large development, particularly in areas with a
6 surrounding pattern of alleys.
- 7 (e) Design and Performance Standards. The alleys provided per subsections (a) and (b)
8 above shall meet the following standards:
- 9 (1) Generally be located as close to the middle portion of the subject block face as
10 possible, perpendicular to the subject frontage and connect to existing adjacent streets
11 and alleys;
- 12 (2) Provide pedestrian access;
- 13 (3) Provide no, limited or full vehicular access, as specific conditions warrant;
- 14 (4) Have a minimum width of 20 feet from building face to building face, exclusive of
15 those obstructions allowed pursuant to Section 136, and a minimum clearance height
16 from grade of 15 feet at all points;
- 17 (5) Have a minimum clear walking width of 10 feet free of any obstructions in the case of
18 a pedestrian-only right-of-way, and dual sidewalks each of not less than 6 feet in width
19 with not less than 4 feet minimum clear walking width in the case of an alley with
20 vehicular access;
- 21 (6) In the Eastern Neighborhoods Mixed Use Districts, be at least 60% open to the sky,
22 including those encroachments permitted in front setbacks by Section 136 of this Code;
- 23 (7) Provide such ingress and egress as will make the area easily accessible to the
24 general public;
- 25 (8) Be protected from uncomfortable wind, as called for elsewhere in this Code;

1 (9) Be ungated and publicly accessible 24 hours per day, as defined elsewhere in this
2 Section;

3 (10) Be provided with appropriate paving, furniture, and other amenities that encourage
4 pedestrian use, and be landscaped to greatest extent feasible;

5 (11) Be provided with ample pedestrian lighting to ensure pedestrian comfort and safety;

6 (12) Be free of any changes in grade or steps not required by the underlying natural
7 topography and average grade; and

8 (13) Be fronted by active ground floor uses, as defined in Section 145.1, to the extent
9 feasible.

10 (14) New buildings abutting mid-block alleys provided pursuant to this Section 270.2
11 shall feature upper story setbacks according to the provisions of Section 261.1.

12 (f) Maintenance. Mid-block paths and alleys required under this Section shall be
13 maintained at no public expense. The owner of the property on which the alley is located
14 shall maintain it by keeping the area clean and free of litter and by keeping it in an
15 acceptable state of repair. Conditions intended to assure continued maintenance of the
16 right-of-way for the actual lifetime of the building giving rise to the open space
17 requirement may be imposed in accordance with the provisions of Section 309.1 for DTR
18 or ~~309.2329~~ for Eastern Neighborhoods Mixed Use Districts.

19 (g) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque shall be
20 placed in a publicly conspicuous location for pedestrian viewing. The plaque shall state
21 the right of the public to pass through the alley and stating the name and address of the
22 owner or owner's agent responsible for maintenance. The plaque shall be of no less than
23 24 inches by 36 inches in size.

24 (h) Property owners providing a pathway or alley under this section will hold harmless
25 the City and County of San Francisco, its officers, agents and employees, from any

1 damage or injury caused by the design, construction or maintenance of the right-of-way,
2 and are solely liable for any damage or loss occasioned by any act or neglect in respect
3 to the design, construction or maintenance of the right-of-way.

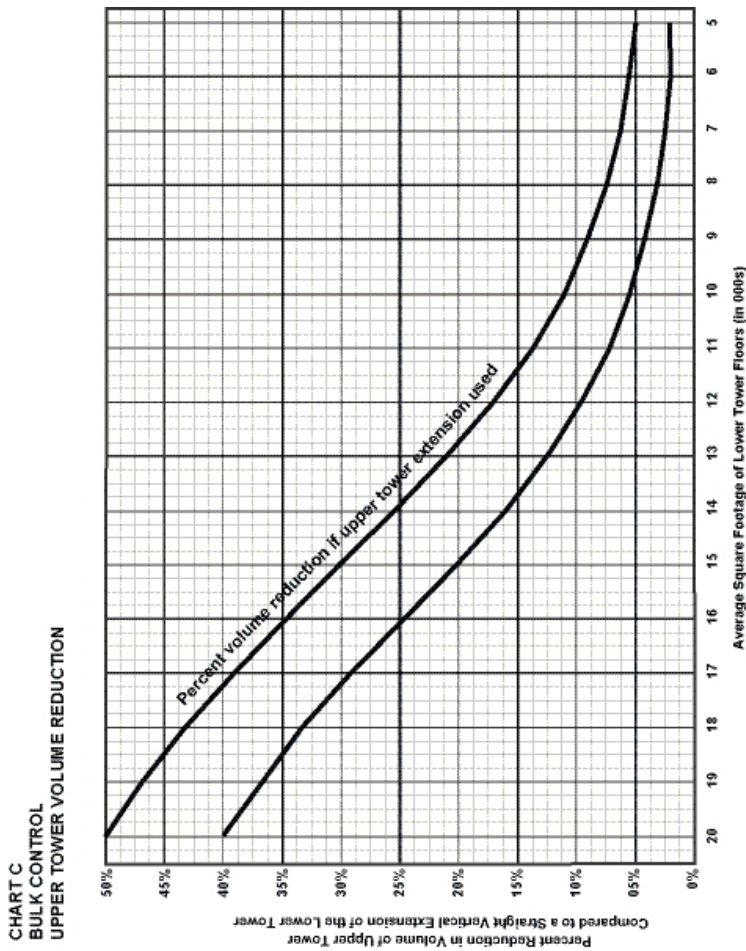
4 (i) Any non-vehicular portions of such a pathway or alley, including sidewalks or other
5 walking areas, seating areas, or landscaping, may count toward any open space
6 requirements of this Code which permit publicly-accessible open space, provided that
7 such space meets the standards of Section 135.

8 **SEC. 271. BULK LIMITS: SPECIAL EXCEPTIONS, IN DISTRICTS**

9 **OTHER THAN C-3.**

10 (a) General. The bulk limits prescribed by Section 270 have been carefully
11 considered in relation to objectives and policies for conservation and change in
12 districts other than C-3. There may be some exceptional cases in which these
13 limits may properly be permitted to be exceeded to a certain degree; however,
14 following public review and exploration of alternatives, provided there are
15 adequate compensating factors. Such deviation might occur, when the criteria of
16 this Section are met, for one or both of the following positive reasons:

17 (1) Achievement of a distinctly better design, in both a public and a private
18 sense, than would be possible with strict adherence to the bulk limits, avoiding an
19 unnecessary prescription of building form while carrying out the intent of the bulk
20 limits and the principles and policies of the Master Plan.



(2) Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

(b) Procedures. Deviations from the bulk limits under this section shall be permitted only upon approval by the City Planning Commission according to the procedures for conditional use approval in Section 303 of this Code, or for the procedures for design review in Section 309.2329 of this Code for subject projects in the Eastern Neighborhoods Mixed Use Districts.

1 (c) Criteria. In acting upon any application for a conditional use or modification to
2 permit the bulk limits to be exceeded under this section, the City Planning
3 Commission shall consider the following standards and criteria in addition to
4 those stated in Section s 303(c) and ~~309.2329~~ of this Code:

5 (1) The appearance of bulk in the building, structure or development shall be
6 reduced by means of at least one and preferably a combination of the following
7 factors, so as to produce the impression of an aggregate of parts rather than a
8 single building mass:

9 (A) Major variations in the planes of wall surfaces, in either depth or direction,
10 that significantly alter the mass;

11 (B) Significant differences in the heights of various portions of the building,
12 structure or development that divide the mass into distinct elements;

13 (C) Differences in materials, colors or scales of the facades that produce
14 separate major elements;

15 (D) Compensation for those portions of the building, structure or development
16 that may exceed the bulk limits by corresponding reduction of other portions
17 below the maximum bulk permitted; and

18 (E) In cases where two or more buildings, structures or towers are contained
19 within a single development, a wide separation between such buildings,
20 structures or towers.

21 (2) In every case the building, structure or development shall be made
22 compatible with the character and development of the surrounding area by
23 means of all of the following factors:

24 (A) A silhouette harmonious with natural land-forms and building patterns,
25 including the patterns produced by height limits;

- 1 (B) Either maintenance of an overall height similar to that of surrounding
- 2 development or a sensitive transition, where appropriate, to development of a
- 3 dissimilar character;
- 4 (C) Use of materials, colors and scales either similar to or harmonizing with
- 5 those of nearby development; and
- 6 (D) Preservation or enhancement of the pedestrian environment by
- 7 maintenance of pleasant scale and visual interest.

8 (3) While the above factors must be present to a considerable degree for any
9 bulk limit to be exceeded, these factors must be present to a greater degree
10 where both the maximum length and the maximum diagonal dimension are to be
11 exceeded than where only one maximum dimension is to be exceeded.

12 **SEC. 304. PLANNED UNIT DEVELOPMENTS.**

13 In districts other than C-3, *the Eastern Neighborhoods Mixed Use Districts*, *the*
14 *DTR Districts*, or the South of Market *Mixed Use Base Districts*, the ~~City~~ Planning
15 Commission may authorize as conditional uses, in accordance with the
16 provisions of Section 303, Planned Unit Developments subject to the further
17 requirements and procedures of this Section. After review of any proposed
18 development, the City Planning Commission may authorize such development as
19 submitted or may modify, alter, adjust or amend the plan before authorization,
20 and in authorizing it may prescribe other conditions as provided in Section
21 303(d). The development as authorized shall be subject to all conditions so
22 imposed and shall be excepted from other provisions of this Code only to the
23 extent specified in the authorization.

24 (a) Objectives. The procedures for Planned Unit Developments are intended for
25 projects on sites of considerable size, developed as integrated units and

1 designed to produce an environment of stable and desirable character which will
2 benefit the occupants, the neighborhood and the City as a whole. In cases of
3 outstanding overall design, complementary to the design and values of the
4 surrounding area, such a project may merit a well reasoned modification of
5 certain of the provisions contained elsewhere in this Code.

6 (b) Nature of Site. The tract or parcel of land involved must be either in one
7 ownership, or the subject of an application filed jointly by the owners of all the
8 property included or by the Redevelopment Agency of the City. It must constitute
9 all or part of a Redevelopment Project Area, or if not must include an area of not
10 less than 1/2 acre, exclusive of streets, alleys and other public property that will
11 remain undeveloped.

12 (c) Application and Plans. The application must describe the proposed
13 development in detail, and must be accompanied by an overall development plan
14 showing, among other things, the use or uses, dimensions and locations of
15 structures, parking spaces, and areas, if any, to be reserved for streets, open
16 spaces and other public purposes. The application must include such pertinent
17 information as may be necessary to a determination that the objectives of this
18 Section are met, and that the proposed development warrants the modification of
19 provisions otherwise applicable under this Code.

20 (d) Criteria and Limitations. The proposed development must meet the criteria
21 applicable to conditional uses as stated in Section 303(c) and elsewhere in this
22 Code. In addition, it shall:

- 23 (1) Affirmatively promote applicable objectives and policies of the ~~Master~~General
24 Plan;
25 (2) Provide off-street parking adequate for the occupancy proposed;

- 1 (3) Provide open space usable by the occupants and, where appropriate, by the
2 general public, at least equal to the open spaces required by this Code;
- 3 (4) Be limited in dwelling unit density to less than the density that would be
4 allowed by Article 2 of this Code for a district permitting a greater density, so that
5 the Planned Unit Development will not be substantially equivalent to a
6 reclassification of property;
- 7 (5) In R Districts, include commercial uses only to the extent that such uses are
8 necessary to serve residents of the immediate vicinity, subject to the limitations
9 for NC-1 Districts under this Code, and in RTO Districts include commercial uses
10 only according to the provisions of Section 231~~0~~ of this Code;
- 11 (6) Under no circumstances be excepted from any height limit established by
12 Article 2.5 of this Code, unless such exception is explicitly authorized by the
13 terms of this Code. In the absence of such an explicit authorization, exceptions
14 from the provisions of this Code with respect to height shall be confined to minor
15 deviations from the provisions for measurement of height in Sections 260 and
16 261 of this Code, and no such deviation shall depart from the purposes or intent
17 of those sections;
- 18 (7) In NC Districts, be limited in gross floor area to that allowed under the floor
19 area ratio limit permitted for the district in Section 124 and Article 7 of this Code;
20 and
- 21 (8) In NC Districts, not violate the use limitations by story set forth in Article 7 of
22 this Code.
- 23 (9) In RTO and NCT Districts, include the extension of adjacent alleys or streets
24 onto or through the site, and/or the creation of new publicly-accessible streets or
25 alleys through the site as appropriate, in order to break down the scale of the

1 site, continue the surrounding existing pattern of block size, streets and alleys,
2 and foster beneficial pedestrian and vehicular circulation.

3 **SEC. 305. VARIANCES.**

4 (a) General. The Zoning Administrator shall hear and make determinations
5 regarding applications for variances from the strict application of quantitative
6 standards in this Code. He shall have power to grant only such variances as may
7 be in harmony with the general purpose and intent of this Code and in
8 accordance with the general and specific rules contained herein, and he shall
9 have power to grant such variances only to the extent necessary to overcome
10 such practical difficulty or unnecessary hardship as may be established in
11 accordance with the provisions of this Section. No variance shall be granted in
12 whole or in part which would have an effect substantially equivalent to a
13 reclassification of property; or which would permit any use, any height or bulk of
14 a building or structure, or any type or size or height of sign not expressly
15 permitted by the provisions of this Code for the district or districts in which the
16 property in question is located; or which would grant a privilege for which a
17 conditional use procedure is provided by this Code; or which would change a
18 definition in this Code; or which would waive, reduce or adjust the inclusionary
19 housing requirements of Sections 315 through 315.9; *or which would reduce or*
20 *waive any portion of the usable open space fees applicable under certain circumstances*
21 *in the Eastern Neighborhoods Mixed Use Districts pursuant to Section 135(j) and*
22 *135.3(d)* . The procedures for variances shall be as specified in this Section and
23 in Sections 306 through 306.5.

24 (b) Initiation. A variance action may be initiated by application of the owner, or
25 authorized agent for the owner, of the property for which the variance is sought.

1 (c) Determination. The Zoning Administrator shall hold a hearing on the
2 application, provided, however, that if the variance requested involves a deviation
3 of less than 10 percent from the Code requirement, the Zoning Administrator may
4 at his option either hold or not hold such a hearing. No variance shall be granted
5 in whole or in part unless there exist, and the Zoning Administrator specifies in
6 his findings as part of a written decision, facts sufficient to establish:

7 (1) That there are exceptional or extraordinary circumstances applying to the
8 property involved or to the intended use of the property that do not apply
9 generally to other property or uses in the same class of district;

10 (2) That owing to such exceptional or extraordinary circumstances the literal
11 enforcement of specified provisions of this Code would result in practical difficulty
12 or unnecessary hardship not created by or attributable to the applicant or the
13 owner of the property;

14 (3) That such variance is necessary for the preservation and enjoyment of a
15 substantial property right of the subject property, possessed by other property in
16 the same class of district;

17 (4) That the granting of such variance will not be materially detrimental to the
18 public welfare or materially injurious to the property or improvements in the
19 vicinity; and

20 (5) That the granting of such variance will be in harmony with the general
21 purpose and intent of this Code and will not adversely affect the Master Plan.

22 Upon issuing his written decision either granting or denying the variance in whole
23 or in part, the Zoning Administrator shall forthwith transmit a copy thereof to the
24 applicant. The action of the Zoning Administrator shall be final and shall become
25

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

3 (d) Conditions. When considering an application for a variance as provided
4 herein with respect to applications for development of "dwellings" as defined in
5 Chapter 87 of the San Francisco Administrative Code, the Zoning Administrator,
6 or the Board of Appeals on appeal, shall comply with that Chapter which
7 requires, among other things, that the Zoning Administrator and the Board of
8 Appeals not base any decision regarding the development of "dwellings" in which
9 "protected class" members are likely to reside on information which may be
10 discriminatory to any member of a "protected class" (as all such terms are
11 defined in Chapter 87 of the San Francisco Administrative Code). In addition, in
12 granting any variance as provided herein, the Zoning Administrator, or the Board
13 of Permit Appeals on appeal, shall specify the character and extent thereof, and
14 shall also prescribe such conditions as are necessary to secure the objectives of
15 this Code. Once any portion of the granted variance is utilized, all such
16 specifications and conditions pertaining to such authorization shall become
17 immediately operative. The violation of any specification or condition so imposed
18 shall constitute a violation of this Code and may constitute grounds for revocation
19 of the variance. Such conditions may include time limits for exercise of the
20 granted variance; otherwise, any exercise of such variance must commence
21 within a reasonable time.

22 **SEC. 306.2. SCHEDULING OF HEARINGS.**

23 When an action for an amendment to the Planning Code, conditional use
24 or variance has been initiated by application or otherwise, except as provided by
25 Sections 316.2 through 316.5, the Zoning Administrator shall set a time and

1 place for a hearing thereon within a reasonable period. In the case of an
2 application for a variance, such period shall not exceed 30 days from the date
3 upon which the application is accepted for filing. The procedures for scheduling
4 of hearings and determinations on conditional use applications where such
5 authorization is required in any South of Market *or Eastern Neighborhoods Mixed*
6 *Use* District, or pursuant to zoning categories .10, .11, .21, .24 through .27, .38
7 through .90, and .95 of Sections 710 through 729 for each Neighborhood
8 Commercial District, are set forth in Sections 316.2 through 316.8 of this Code.
9 When an action for an amendment to the General Plan has been initiated by the
10 Planning Commission, the Planning Department shall set a time and place for a
11 hearing thereon within a reasonable period.

12 **SEC. 307. OTHER POWERS AND DUTIES OF THE ZONING**

13 **ADMINISTRATOR.**

14 In addition to those specified in Sections 302 through 306, and Sections
15 316 through 316.8 of this Code, the Zoning Administrator shall have the following
16 powers and duties in administration and enforcement of this Code. The duties
17 described in this Section shall be performed under the general supervision of the
18 Planning Director, who shall be kept informed of the actions of the Zoning
19 Administrator.

20 (a) Rules, Regulations and Interpretations. The Zoning Administrator shall,
21 consistent with the expressed standards, purposes and intent of this Code and
22 pursuant to its objectives, issue and adopt such rules, regulations and
23 interpretations as are in the Zoning Administrator's opinion necessary to
24 administer and enforce the provisions of this Code. Such rules and regulations,
25 and any such interpretations that will be of general application in future cases,

1 shall be made a part of the permanent public records of the Department of City
2 Planning. The Zoning Administrator shall respond to all written requests for
3 determinations regarding the classification of uses and the interpretation and
4 applicability of the provisions of this Code.

5 (b) Compliance with This Code. The Zoning Administrator shall have authority
6 to take appropriate actions to secure compliance with this Code, through review
7 of permit applications, surveys and record-keeping, enforcement against
8 violations as described in Section 176, and other means.

9 (c) Inspection of Premises. In the performance of any prescribed duties, the
10 Zoning Administrator and employees of the Department of City Planning
11 authorized to represent the Zoning Administrator shall have the right to enter any
12 building or premises for the purposes of investigation and inspection; provided,
13 that such right of entry shall be exercised only at reasonable hours, and that in
14 no case shall entry be made to any building in the absence of the owner or
15 tenant thereof without the written order of a court of competent jurisdiction.

16 (d) Code Maintenance. The Zoning Administrator shall periodically review and
17 study the effectiveness and appropriateness of the provisions of this Code, for
18 the purpose of recommending necessary changes to the Planning Director and
19 the City Planning Commission.

20 (e) Exercise of Powers and Duties by Others. In cases where absence,
21 incapacity, vacancy of the office, conflict of interest or other sufficient reasons
22 prevent action by the Zoning Administrator, the Planning Director may designate
23 any officer or employee of the Department to carry out any function of the Zoning
24 Administrator so affected.

25

1 (f) Cooperation With Other Departments. The Zoning Administrator shall furnish
2 to the various departments, officers and employees of the City vested with the
3 duty or authority to issue permits or licenses (including but not limited to the
4 Department of Public Works, Department of Public Health, Police Department
5 and Fire Department) such information as will insure the proper administration of
6 this Code and of all the rules, regulations, interpretations and other
7 determinations of the Department of City Planning relative thereto. It shall be the
8 duty of said departments, officers and employees to cooperate with the Zoning
9 Administrator in the performance of the Zoning Administrator's duties, and to
10 assist in the enforcement of the provisions of this Code.

11 (g) Exceptions from Certain Specific Code Standards through Administrative
12 Review. ~~In the Chinatown Mixed Use Districts and the South of Market *Mixed*~~
13 ~~*Use* Districts,~~ The Zoning Administrator may allow complete or partial relief from
14 parking, rear yard, open space and wind and shadow standards as authorized in
15 the applicable sections of this Code, when modification of the standard would
16 result in a project better fulfilling the criteria set forth in the applicable section.
17 The procedures and fee for such review shall be the same as those which are
18 applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2.

19 *(h) Exceptions from Certain Specific Code Standards through Administrative Review*
20 *in the Eastern Neighborhoods Mixed Use Districts. In the Eastern Neighborhoods*
21 *Mixed Use Districts, the Zoning Administrator may allow complete or partial relief from*
22 *certain standards specifically identified below and elsewhere in this Code when*
23 *modification of the standard would result in a project fulfilling the criteria set forth*
24 *below and in the applicable section.*

25

1 (1) Applicability. For projects not subject to Section ~~309.2329~~, relief may be provided
2 for the following requirements: rear yard; non-residential open space; off-street loading
3 requirements; and off-street parking limits up to the maximum quantities described in
4 Section 151.1. Relief may also be provided for dwelling unit exposure requirements for
5 buildings which are designated landmark buildings or contributory buildings within
6 designated historic districts per Article 10 of the Planning Code, and/or buildings
7 recorded with the State Historic Preservation Office as eligible for the California
8 Register, when the following criteria are met: (i) literal enforcement of Section 140
9 would result in the material impairment of the historic resource; and (ii) the project
10 complies with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and/or
11 Section 1006 and any related Article 10 appendices of this Code.

12 (2) Procedures. The review of a modification requested under this Section shall be
13 conducted as part of, and incorporated into, a related building permit application or
14 other required project authorizations; no additional fee shall be required. Under no
15 circumstance shall such modification provide relief from any fee, including those related
16 to usable open space pursuant to Sections 135(j) and 135.3(d). The provisions of this
17 Subsection (h) shall not preclude such additional conditions as may be deemed necessary
18 by the Zoning Administrator to further the purposes of this Section or other Sections of
19 this Code.

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

22 The provisions and procedures set forth in this Section shall govern the review of
23 project authorization and building and site permit applications for the construction
24 or substantial alteration of structures in Downtown Residential districts, the
25 granting of exceptions to requirements of this Code, and the imposition of

1 modifications necessary to achieve the objectives and policies of the General
2 Plan and the purposes of this Code as provided for in Section s 825, 827 and
3 elsewhere. When any action authorized by this Section is taken, any
4 determination with respect to the proposed project required or authorized
5 pursuant to CEQA may also be considered.

6 (a) Design Review.

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

- 14 (A) Overall building massing and scale;
- 15 (B) Architectural treatments, facade design and building materials;
- 16 (C) The design of lower floors, including building setback areas, townhouses,
17 entries and parking and loading access;
- 18 (D) On sloping sites, parking provided above ground pursuant to Section
19 ~~827(7)(A)~~ 825(b)(6);
- 20 (E) The provision of required open space, both on- and off-site;
- 21 (F) Streetscape and other public improvements, including tree planting, street
22 furniture, and lighting;
- 23 (G) Circulation, including streets, alleys and mid-block pedestrian pathways
- 24 (H) Other changes necessary to bring a project into conformance with the
25 Rincon Hill Plan and other elements and area plans of the General Plan.

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

6 (b) Exceptions.

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

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

11 (B) Provision for exceeding *an accessory residential parking ratio of 0.5 off street*
12 *car parking spaces per dwelling unit, up to a maximum of one car parking space per*
13 *dwelling unit, pursuant to the criteria described in Section 151.1. the principally*
14 *permitted accessory residential parking ratio described in Section 151.1 and pursuant to*
15 *the criteria therein.*

16 (C) Exceptions to the lot coverage requirements of Section 827(~~d~~)(2)(a)(4) for
17 conversions of existing non-residential structures to residential use.

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

19 (E) Allowing parking access from Folsom Street, pursuant to 827(~~d~~)(7)(a)(8) and
20 155(r).

21 (F) Reduction of required on-site residential open space of 36 square feet per
22 unit described in Section ~~827(e)(2)(A)~~ 825(b)(5) to create additional off-site
23 publicly-accessible open space and superior building design.

24

25

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

4 (H) Modifications to the required upper story setback above a height of 45 feet
5 on the north side of mid-block pedestrian pathways as allowed in Section
6 ~~827(d)(4)(C)(i)~~ 827(a)(5).

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

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

13 (2) Notice of Hearing. Notice of such hearing shall be mailed not less than 10
14 days prior to the date of the hearing to the project applicant, to property owners
15 within 300 feet of the project that is the subject of the application, using for this
16 purpose the names and addresses as shown on the citywide Assessment Roll in
17 the Assessor's Office, and to any person who has requested such notice. Such
18 notice shall also be published at least once in an official newspaper of general
19 circulation at least 10 days prior to the date of the hearing. The notice shall state
20 that the written recommendation of the Planning Director regarding design
21 modifications to the project and regarding any requests for exceptions is
22 available for public review at the office of the Planning Department.

23 (3) Director's Recommendations on Modifications and Exceptions. At the
24 hearing, the Planning Director shall review for the Commission key urban design
25 issues related to the project based on the design review pursuant to Subsection

1 (a) and recommend to the Commission modifications to the project and
2 conditions for approval as necessary. The Director shall also make
3 recommendations to the Commission on any proposed exceptions pursuant to
4 Subsection (b).

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

18 (5) Appeal. The decision of the Planning Commission on the granting of any
19 exceptions pursuant to Subsection (b) may be appealed to the Board of Appeals
20 by any person aggrieved within 15 days after the date of the decision by filing a
21 written notice of appeal with that body, setting forth wherein it is alleged that
22 there was an error in the interpretation of the provisions of this Code or abuse of
23 discretion on the part of the Planning Commission.

24 (6) Decision on Appeal. Upon the hearing of an appeal, the Board of Appeals
25 may, subject to the same limitations as are placed on the Planning Commission

1 by Charter or by this Code, approve, disapprove or modify the decision appealed
2 from the Planning Commission. If the determination of the Board differs from that
3 of the Commission it shall, in a written decision, specify the error in interpretation
4 or abuse of discretion on the part of the Commission and shall specify in the
5 findings, as part of the written decision, the facts relied upon in arriving at its
6 determination.

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

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

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

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

1 the Planning Commission to revoke approval of the tower project or phase.
2 Neither the Department of Public Works nor the Board of Permit Appeals shall
3 grant any extension of time inconsistent with the requirements of this Subsection
4 (e)(1). For the purposes of this Subsection, "carry the development diligently to
5 completion" shall mean continuous construction work without significant
6 stoppage toward the completion of a tower structure beyond any site clearance,
7 grading, excavation, or demolition of existing buildings on the project site.
8 (2) The Department of Building Inspection shall notify the Planning Department
9 in writing of its approval for issuance and issuance of a site or building permit for
10 any tower project and of the revocation, cancellation, or expiration of any such
11 permit.
12 (3) At the first regularly scheduled Planning Commission meeting after the time
13 period described in Subsection (e)(1) or this Subsection (e)(3) has elapsed for
14 any tower project or tower phase, the Planning Commission shall hold a hearing
15 requiring the tower project sponsor to report on the construction progress of the
16 subject tower project or phase. If the Commission finds that the tower project or
17 phase does not meet the progress requirement of Subsection (e)(1), the
18 Commission may revoke or extend, up to a maximum of 12 months for each
19 extension, the approvals for the tower project or phase.
20 (4) Appeals of Planning Commission decisions pursuant to this Subsection (e)
21 shall be conducted pursuant to the procedures of Subsections (c)(5) and (c)(6).

22 ~~SEC. 309.2. LARGE PROJECT AUTHORIZATION IN EASTERN~~
23 ~~NEIGHBORHOODS MIXED USE DISTRICTS.~~

24 ~~(a) Purpose. The purpose of this Section is to ensure that all large projects~~
25 ~~proposed in the Eastern Neighborhoods Mixed Use Districts are reviewed by the~~

1 ~~Planning Commission, in an effort to achieve the objectives and policies of the~~
2 ~~General Plan, the Eastern Neighborhoods Design Guidelines, and the purposes~~
3 ~~of this Code.~~

4 ~~(b) Applicability. This Section applies to all new construction and proposed~~
5 ~~alterations of existing buildings in the Eastern Neighborhoods Mixed Use~~
6 ~~Buildings that meet at least one of the following criteria:~~

7 ~~(1) The project includes the construction of a new building greater than 75 feet in~~
8 ~~height (excluding any exceptions permitted per Section 260(b)), or includes a~~
9 ~~vertical addition to an existing building resulting in a total building height greater~~
10 ~~than 75 feet; or~~

11 ~~(2) The project involves a net addition or new construction of more than 25,000~~
12 ~~gross square feet; or~~

13 ~~(3) The project has 200 or more linear feet of contiguous street frontage on any~~
14 ~~public right of way; or~~

15 ~~(c) Planning Commission Design Review: As set forth in Subsection (e), below,~~
16 ~~the Planning Commission shall review and evaluate all physical aspects of a~~
17 ~~proposed project at a public hearing. At such hearing, the Director of Planning~~
18 ~~shall present any recommended project modifications or conditions to the~~
19 ~~Planning Commission, including those which may be in response to any unique~~
20 ~~or unusual locational, environmental, topographical or other relevant factors. The~~
21 ~~Commission may subsequently require these or other modifications or~~
22 ~~conditions, or disapprove a project, in order to achieve the objectives and policies~~
23 ~~of the General Plan or the purposes of this Code. This review shall address~~
24 ~~physical design issues including but not limited to the following:~~

25 ~~(1) Overall building massing and scale;~~

- 1 ~~(2) Architectural treatments, facade design and building materials;~~
- 2 ~~(3) The design of lower floors, including building setback areas, commercial~~
3 ~~space, townhouses, entries, utilities, and the design and siting of rear yards,~~
4 ~~parking and loading access;~~
- 5 ~~(4) The provision of required open space, both on- and off-site. In the case of~~
6 ~~off-site publicly accessible open space, the design, location, access, size, and~~
7 ~~equivalence in quality with that otherwise required on-site;~~
- 8 ~~(5) The provision of mid-block alleys and pathways on frontages between 200~~
9 ~~and 300 linear feet per the criteria of Section 270, and the design of mid-block~~
10 ~~alleys and pathways as required by and pursuant to the criteria set forth in~~
11 ~~Section 270.2~~
- 12 ~~(6) Streetscape and other public improvements, including tree planting, street~~
13 ~~furniture, and lighting;~~
- 14 ~~(7) Circulation, including streets, alleys and mid-block pedestrian pathways;~~
- 15 ~~(8) Bulk limits;~~
- 16 ~~(9) Other changes necessary to bring a project into conformance with any~~
17 ~~relevant design guidelines, Area Plan or Element of the General Plan.~~
- 18 ~~(d) Exceptions. As a component of the review process under this Section 309.2,~~
19 ~~projects may seek specific exceptions to the provisions of this Code as provided~~
20 ~~for below:~~
- 21 ~~(1) Exceeding the principally permitted accessory residential parking ratio~~
22 ~~described in Section 151.1 and pursuant to the criteria therein;~~
- 23 ~~(2) Exception from residential usable open space requirements. In~~
24 ~~circumstances where such exception is granted, a fee shall be required pursuant~~
25 ~~to the standards in Sections 135(j), pursuant to the criteria of Section 305(c).~~

- 1 ~~(3) Modification of the horizontal massing breaks required by Section 270.1 in~~
2 ~~light of any equivalent reduction of horizontal scale, equivalent volume of~~
3 ~~reduction, and unique and superior architectural design, pursuant to the criteria~~
4 ~~of Section 270.1(d).~~
- 5 ~~(4) Exception from satisfaction of loading requirements per Section 152.1~~
6 ~~pursuant to the criteria contained therein.~~
- 7 ~~(5) Exception to height limits for vertical non-habitable architectural elements~~
8 ~~described in Section 263.21 and pursuant to the criteria therein;~~
- 9 ~~(6) Provision of the required minimum dwelling unit mix, as set forth in Section~~
10 ~~207.6, pursuant to the criteria of Section 305(c);~~
- 11 ~~(7) Exception for rear yards, pursuant to the requirements of Section 134(f);~~
- 12 ~~(8) The number of Designated Office Stories for projects which are subject to~~
13 ~~vertical office controls pursuant to 219.1 or 803.9(h) and contain more than one~~
14 ~~building on the project site, so long as~~
- 15 ~~(A) an increase in the number of Designated Office Stories would result in a total~~
16 ~~square footage of office space no greater than that which would otherwise be~~
17 ~~permitted by the project,~~
- 18 ~~(B) office uses are consolidated within a lesser number of buildings than would~~
19 ~~otherwise be the case, and~~
- 20 ~~(C) the resulting location and mix of uses increases the project's consistency with~~
21 ~~nearby land uses;~~
- 22 ~~(9) Where not specified elsewhere in this Subsection (d), modification of other~~
23 ~~Code requirements which could otherwise be modified as a Planned Unit~~
24 ~~Development (as set forth in Section 304), irrespective of the zoning district in~~
25 ~~which the property is located.~~

1 ~~(e) Hearing and Decision.~~
2 ~~(1) Hearing. The Planning Commission shall hold a public hearing for all~~
3 ~~projects that are subject to this Section.~~
4 ~~(2) Notice of Hearing. Notice of such hearing shall be provided pursuant to the~~
5 ~~same requirements for Conditional Use requests, as set forth in Section 306.3~~
6 ~~and 306.8.~~
7 ~~(3) Director's Recommendations on Modifications and Exceptions. At the~~
8 ~~hearing, the Planning Director shall review for the Commission key issues related~~
9 ~~to the project based on the review of the project pursuant to Subsection (c) and~~
10 ~~recommend to the Commission modifications, if any, to the project and conditions~~
11 ~~for approval as necessary. The Director shall also make recommendations to the~~
12 ~~Commission on any proposed exceptions pursuant to Subsection (d).~~
13 ~~(4) Decision and Imposition of Conditions. The Commission, after public hearing~~
14 ~~and, after making appropriate findings, may approve, disapprove or approve~~
15 ~~subject to conditions, the project and any associated requests for exception. As~~
16 ~~part of its review and decision, the Planning Commission may impose additional~~
17 ~~conditions, requirements, modifications, and limitations on a proposed project in~~
18 ~~order to achieve the objectives, policies, and intent of the General Plan or of this~~
19 ~~Code.~~
20 ~~(5) Appeal. The decision of the Planning Commission may be appealed to the~~
21 ~~Board of Appeals by any person aggrieved within 15 days after the date of the~~
22 ~~decision by filing a written notice of appeal with that body, setting forth wherein it~~
23 ~~is alleged that there was an error in the interpretation of the provisions of this~~
24 ~~Code or abuse of discretion on the part of the Planning Commission.~~
25

1 ~~(6) Discretionary Review. No requests for discretionary review shall be~~
2 ~~accepted by the Planning Department or heard by the Planning Commission for~~
3 ~~projects subject to this Section.~~

4 ~~(7) Change of Conditions. Once a project is approved, authorization of a~~
5 ~~change in any condition previously imposed by the Planning Commission shall~~
6 ~~require approval by the Planning Commission subject to the procedures set forth~~
7 ~~in this Section.~~

8 **SEC. 311. RESIDENTIAL PERMIT REVIEW PROCEDURES FOR RH,**
9 **RM AND RTO DISTRICTS.**

10 (a) Purpose. The purpose of this Section is to establish procedures for
11 reviewing building permit applications for lots in R Districts in order to determine
12 compatibility of the proposal with the neighborhood and for providing notice to
13 property owners and residents neighboring the site of the proposed project and
14 to interested neighborhood organizations, so that concerns about a project may
15 be identified and resolved during the review of the permit.

16 (b) Applicability. Except as indicated herein, all building permit applications for
17 demolition and/or new construction, and/or alteration of residential buildings in
18 RH, RM, and RTO districts shall be subject to the notification and review
19 procedures required by this Section. Subsection 311(e) regarding demolition
20 permits and approval of replacement structures shall apply to all R Districts.

21 (1) For the purposes of this Section, an alteration in RH and RM Districts shall be
22 defined as any change in use or change in the number of dwelling units of a
23 residential building, removal of more than 75 percent of a residential building's
24 existing interior wall framing or the removal of more than 75 percent of the area
25 of the existing framing, or an increase to the exterior dimensions of a residential

1 building except those features listed in Section 136(c)(1) through 136(c)(24) and
2 136(c)(26).

3 (2) For the purposes of this Section, an alteration in RTO Districts shall be defined as a
4 change of use described in Section 312(c) or a change in the number of dwelling units of
5 a building, removal of more than 75 percent of a building's existing interior wall framing
6 or the removal of more than 75 percent of the area of the existing framing, or an increase
7 to the exterior dimensions of a building except those features listed in Section 136(c)(1)
8 through 136(c)(24) and 136(c)(26).

9 (c) Building Permit Application Review for Compliance and Notification. Upon
10 acceptance of any application subject to this Section, the Planning Department
11 shall review the proposed project for compliance with the Planning Code and any
12 applicable design guidelines approved by the Planning Commission. Applications
13 determined not to be in compliance with the standards of Articles 1.2, 1.5, 2 and
14 2.5 of the Planning Code, Residential Design Guidelines, including design
15 guidelines for specific areas adopted by the Planning Commission, or with any
16 applicable conditions of previous approvals regarding the project, shall be held
17 until either the application is determined to be in compliance, is disapproved or a
18 recommendation for cancellation is sent to the Department of Building Inspection.

19 (1) Residential Design Guidelines. The construction of new residential buildings
20 and alteration of existing residential buildings in R Districts shall be consistent
21 with the design policies and guidelines of the General Plan and with the
22 "Residential Design Guidelines" as adopted and periodically amended for
23 specific areas or conditions by the City Planning Commission. The design for new
24 buildings with residential uses in RTO Districts shall also be consistent with the design
25 standards and guidelines of the "Ground Floor Residential Units Design Guidelines" as

1 adopted and periodically amended by the Planning Commission. The Planning Director
2 may require modifications to the exterior of a proposed new residential building
3 or proposed alteration of an existing residential building in order to bring it into
4 conformity with the "Residential Design Guidelines" and with the General Plan.
5 These modifications may include, but are not limited to, changes in siting,
6 building envelope, scale texture and detailing, openings, and landscaping.

7 (2) Notification. Upon determination that an application is in compliance with the
8 development standards of the Planning Code, the Planning Department shall
9 cause a notice to be posted on the site pursuant to rules established by the
10 Zoning Administrator and shall cause a written notice describing the proposed
11 project to be sent in the manner described below. This notice shall be in addition
12 to any notices required by the Building Code and shall have a format and content
13 determined by the Zoning Administrator. It shall include a description of the
14 proposal compared to any existing improvements on the site with dimensions of
15 the basic features, elevations and site plan of the proposed project including the
16 position of any adjacent buildings, exterior dimensions and finishes, and a
17 graphic reference scale. The notice shall describe the project review process and
18 shall set forth the mailing date of the notice and the expiration date of the
19 notification period.

20 Written notice shall be mailed to the notification group which shall include
21 the project sponsor, relevant neighborhood organizations as described in
22 Subparagraph 311(c)(2)(C) below, all individuals having made a written request
23 for notification for a specific parcel or parcels pursuant to Planning Code Section
24 351 and all owners and, to the extent practical, occupants, of properties in the
25 notification area.

1 (A) The notification area shall be all properties within 150 feet of the subject lot
2 in the same Assessor's Block and on the block face across from the subject lot.
3 When the subject lot is a corner lot, the notification area shall further include all
4 property on both block faces across from the subject lot, and the corner property
5 diagonally across the street.

6 (B) The latest City-wide Assessor's roll for names and addresses of owners
7 shall be used for said notice.

8 (C) The Planning Department shall maintain a list, available for public review, of
9 neighborhood organizations which have indicated an interest in specific
10 properties or areas. The organizations having indicated an interest in the subject
11 lot or its area shall be included in the notification group for the proposed project.

12 (3) Notification Period. All building permit applications shall be held for a period
13 of 30 calendar days from the date of the mailed notice to allow review by
14 residents and owners of neighboring properties and by neighborhood groups.

15 (4) Elimination of Duplicate Notice. The notice provisions of this Section may be
16 waived by the Zoning Administrator for building permit applications for projects
17 that have been, or before approval will be, the subject of a duly noticed public
18 hearing before the Planning Commission or Zoning Administrator, provided that
19 the nature of work for which the building permit application is required is both
20 substantially included in the hearing notice and is the subject of the hearing.

21 (5) Notification Package. The notification package for a project subject to notice
22 under this Section 311 shall include:

23 (A) A description of the proposal compared to any existing improvements on the
24 site with dimensions of the basic features, elevations and site plan of the
25

1 proposed project including exterior dimensions and finishes, and a graphic
2 reference scale.

3 (B) Information stating whether the proposed project includes horizontal,
4 vertical, or both horizontal and vertical additions.

5 (C) Information showing the relationship of the project to adjacent properties,
6 including the position and height of any adjacent building and location of windows
7 facing the subject property.

8 (D) 11 by 17 drawings at a measurable scale with all dimensions legible that
9 shows (i) both existing and proposed floor plans, (ii) specific dimensional
10 changes to the building, including parapets, penthouses, and other proposed
11 building extensions and (iii) the location and amount of removal of exterior walls.

12 (E) Floor plans where there is a new building, building expansion, or change in
13 the floor plans of an existing building.

14 (F) The name and telephone number of the project planner at the Planning
15 Department assigned to review the application.

16 (G) A description of the project review process, information on how to obtain
17 additional information about the project, and information about the recipient's
18 rights to request additional information, to request discretionary review by the
19 Planning Commission, and to appeal to other boards or commissions.

20 (d) Requests for Planning Commission Review. A request for the Planning
21 Commission to exercise its discretionary review powers over a specific building
22 permit application shall be considered by the Planning Commission if received by
23 the Planning Department no later than 5:00 p.m. of the last day of the notification
24 period as described under Subsection (c)(3) above, subject to guidelines adopted
25 by the Planning Commission.

1 The project sponsor of a building permit application may request
2 discretionary review by the Planning Commission to resolve conflicts between
3 the Planning Director and the project sponsor concerning requested
4 modifications to comply with the Residential Design Guidelines.

5 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing
6 requests for discretionary review by the Planning Commission within a
7 reasonable period.

8 (2) Notice. Mailed notice of the discretionary review hearing by the Planning
9 Commission shall be given not less than 10 days prior to the date of the hearing
10 to the notification group as described in Paragraph 311(c)(2) above. Posted
11 notice of the hearing shall be made as provided under Planning Code Section
12 306.8.

13 (e) Demolition of Dwellings, Approval of Replacement Structure Required.
14 Unless the building is determined to pose a serious and imminent hazard as
15 defined in the Building Code an application authorizing demolition in any R
16 District of an historic or architecturally important building or of a dwelling shall not
17 be approved and issued until the City has granted final approval of a building
18 permit for construction of the replacement building. A building permit is finally
19 approved if the Board of Appeals has taken final action for approval on an appeal
20 of the issuance or denial of the permit or if the permit has been issued and the
21 time for filing an appeal with the Board has lapsed with no appeal filed.

22 (1) The demolition of any building whether or not historically and architecturally
23 important may be approved administratively where the Director of the
24 Department of Building Inspection or the Chief of the Bureau of Fire Prevention
25 and Public Safety determines, after consultation with the Zoning Administrator,

1 that an imminent safety hazard exists, and the Director of the Department of
2 Building Inspection determines that demolition or extensive alteration of the
3 structure is the only feasible means to secure the public safety.

4 (f) Wireless Telecommunications Services Facility as Accessory Use,
5 Notification and Review Required. Building permit applications for new
6 construction of a wireless telecommunications services facility as an accessory
7 use under Article 2 of the Planning Code in RH and RM Districts shall be subject
8 to the notification and review procedures required by this Section.

9 **SEC. 312. ~~NEIGHBORHOOD COMMERCIAL PERMIT REVIEW~~**
10 **PROCEDURES FOR ALL NC AND EASTERN NEIGHBORHOODS MIXED USE**
11 **DISTRICTS.**

12 (a) Purpose. The purpose of this Section is to establish procedures for
13 reviewing building permit applications for lots in NC and Eastern Neighborhoods
14 Mixed Use Districts in order to determine compatibility of the proposal with the
15 neighborhood and for providing notice to property owners, occupants and
16 residents neighboring the site of the proposed project and to interested
17 neighborhood organizations, so that concerns about a project may be identified
18 and resolved during the review of the permit.

19 (b) Applicability. Except as indicated herein, all building permit applications for
20 demolition, new construction, changes in use to a formula retail use as defined in
21 Section 703.3 of this Code or alterations which expand the exterior dimensions of
22 a building shall be subject to the notification and review procedures required by
23 Subsection 312(d). Subsection 312(f) regarding demolition permits and approval
24 of replacement structures shall apply to all NC and Eastern Neighborhoods Mixed
25 Use Districts. For the purposes of this Section, addition to a building of the

1 features listed in Section 136(c)(1) through 136(c)(24) and 136(c)(26) shall not
2 be subject to notification under this Section.

3 (c) Changes of Use. *In NC Districts, A*all building permit applications for a
4 change of use to a bar, as defined in Section 790.22, a liquor store, as defined in
5 Section 790.55, a walkup facility, as defined in Section 790.140, other large
6 institutions, as defined in Section 790.50, other small institutions, as defined in
7 Section 790.51, a full-service restaurant, as defined in Section 790.92, a large
8 fast food restaurant, as defined in Section 790.90, a small self-service restaurant,
9 as defined in Section 790.91, a massage establishment, as defined in Section
10 790.60, an outdoor activity, as defined in Section 790.70, an adult or other
11 entertainment use, as defined in Sections 790.36 and 790.38, or a fringe financial
12 service use, as defined in Section 790.111, shall be subject to the provisions of
13 Subsection 312(d). *In all Eastern Neighborhoods Mixed Use Districts all building*
14 *permit applications for a change of use from any one land use category to another land*
15 *use category shall be subject to the provisions of Subsection 312(d). For the purposes of*
16 *this Subsection, 'land use category' shall mean those categories used to organize the*
17 *individual land uses which appear in the use tables in Article 8, immediately preceding a*
18 *group of individual land uses, and include the following: residential use, institutional*
19 *use, retail sales and service use, assembly, recreation and entertainment use, office use,*
20 *motor vehicle services use, industrial home and business service use, or other use.*

21 (d) Building Permit Application Review for Compliance and Notification. Upon
22 acceptance of any application subject to this Section, the Planning Department
23 shall review the proposed project for compliance with the Planning Code and any
24 applicable design guidelines approved by the Planning Commission. Applications
25 determined not to be in compliance with the standards of Articles 1.2, 1.5, 2 and

1 2.5 of the Planning Code, including design guidelines for specific areas adopted
2 by the Planning Commission, or with any applicable conditions of previous
3 approvals regarding the project, shall be held until either the application is
4 determined to be in compliance, is disapproved or a recommendation for
5 cancellation is sent to the Department of Building Inspection.

6 (1) Neighborhood Commercial Design Guidelines. The construction of new
7 buildings and alteration of existing buildings in NC Districts shall be consistent
8 with the design policies and guidelines of the General Plan as adopted and
9 periodically amended for specific areas or conditions by the Planning
10 Commission. The Director of Planning may require modifications to the exterior
11 of a proposed new building or proposed alteration of an existing building in order
12 to bring it into conformity with the General Plan. These modifications may
13 include, but are not limited to, changes in siting, building envelope, scale texture
14 and detailing, openings, and landscaping.

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

1 business name, if known. The notice shall describe the project review process
2 and shall set forth the mailing date of the notice and the expiration date of the
3 notification period.

4 Written notice shall be mailed to the notification group which shall include the
5 project sponsor, relevant neighborhood organizations as described in
6 Subparagraph 312(d)(2)(C) below, all individuals having made a written request
7 for notification for a specific parcel or parcels pursuant to Planning Code Section
8 351 and all owners and, to the extent practical, occupants, of properties in the
9 notification area.

10 (A) The notification area shall be all properties within 150 feet of the subject lot
11 in the same Assessor's Block and on the block face across from the subject lot.
12 When the subject lot is a corner lot, the notification area shall further include all
13 property on both block faces across from the subject lot, and the corner property
14 diagonally across the street.

15 (B) The latest City-wide Assessor's roll for names and addresses of owners
16 shall be used for said notice.

17 (C) The Planning Department shall maintain a list, updated every six months
18 with current contact information, available for public review, and kept at the
19 Planning Department's Planning Information Counter, and reception desk, as well
20 as the Department of Building Inspection's Building Permit Counter, of
21 neighborhood organizations which have indicated an interest in specific
22 properties or areas. The organizations having indicated an interest in the subject
23 lot or its area shall be included in the notification group for the proposed project.
24 Notice to these groups shall be verified by a declaration of mailing signed under
25 penalty of perjury. In the event that such an organization is not included in the

1 notification group for a proposed project as required under this subsection, the
2 proposed project must be re-noticed.

3 (3) Notification Period. All building permit applications shall be held for a period
4 of 30 calendar days from the date of the mailed notice to allow review by
5 residents, occupants, owners of neighboring properties and by neighborhood
6 groups.

7 (4) Elimination of Duplicate Notice. The notice provisions of this Section may be
8 waived by the Zoning Administrator for building permit applications for projects
9 that have been, or before approval will be, the subject of a duly noticed public
10 hearing before the Planning Commission or Zoning Administrator, provided that
11 the nature of work for which the building permit application is required is both
12 substantially included in the hearing notice and is the subject of the hearing.

13 (e) Requests for Planning Commission Review. A request for the Planning
14 Commission to exercise its discretionary review powers over a specific building
15 permit application shall be considered by the Planning Commission if received by
16 the Planning Department no later than 5:00 p.m. of the last day of the notification
17 period as described under Subsection (d)(3) above, subject to guidelines
18 adopted by the Planning Commission.

19 The project sponsor of a building permit application may request discretionary
20 review by the Planning Commission to resolve conflicts between the Director of
21 Planning and the project sponsor concerning requested modifications to comply
22 with relevant design guidelines of the General Plan.

23 (1) Scheduling of Hearing. The Zoning Administrator shall set a time for hearing
24 requests for discretionary review by the Planning Commission within a
25 reasonable period.

1 (2) Notice. Mailed notice of the discretionary review hearing by the Planning
2 Commission shall be given not less than 10 days prior to the date of the hearing
3 to the notification group as described in Paragraph 312(d)(2) above. Posted
4 notice of the hearing shall be made as provided under Planning Code Section
5 306.8.

6 (f) Demolition of Dwellings, Approval of Replacement Structure Required.
7 Unless the building is determined to pose a serious and imminent hazard as
8 defined in the Building Code an application authorizing demolition in any NC *or*
9 Eastern Neighborhoods Mixed Use District of an historic or architecturally important
10 building or of a dwelling shall not be approved and issued until the City has
11 granted final approval of a building permit for construction of the replacement
12 building. A building permit is finally approved if the Board of Appeals has taken
13 final action for approval on an appeal of the issuance or denial of the permit or if
14 the permit has been issued and the time for filing an appeal with the Board has
15 lapsed with no appeal filed.

16 (1) The demolition of any building whether or not historically and architecturally
17 important may be approved administratively where the Director of the
18 Department of Building Inspection or the Chief of the Bureau of Fire Prevention
19 and Public Safety determines, after consultation with the Zoning Administrator,
20 that an imminent safety hazard exists, and the Director of the Department of
21 Building Inspection determines that demolition or extensive alteration of the
22 structure is the only feasible means to secure the public safety.

23 (g) Wireless Telecommunications Services Facility as Accessory Use,
24 Notification and Review Required. Building permit applications for new
25 construction of a wireless telecommunications services facility as an accessory

1 use under Article 7 or 8 of the Planning Code in all NC or Eastern Neighborhoods
2 Mixed Use Districts shall be subject to the notification and review procedures
3 required by this Section.

4 **SEC. 315.1. DEFINITIONS.**

5 The following definitions shall govern interpretation of this ordinance:

6 (1) "Affordable housing project" shall mean a housing project containing units
7 constructed to satisfy the requirements of Sections 315.4 or 315.5.

8 (2) "Affordable to a household" shall mean a purchase price that a household
9 can afford to pay based on an annual payment for all housing costs, as defined in
10 California Code of Regulations ("CCR") Title 25, Section 6920, as amended from
11 time to time, of 33 percent of the combined household annual gross income,
12 assuming a down payment recommended by the Mayor's Office of Housing in the
13 Procedures Manual, and available financing, or a rent that does not exceed 30
14 percent of a household's combined annual gross income. Where applicable, the
15 purchase price or rent may be adjusted to reflect the absence or existence of a
16 parking space(s), subject to the Department's policy on unbundled parking for
17 affordable housing units as specified in the Procedures Manual and amended
18 from time to time.

19 (3) "Affordable to qualifying households" shall mean:

20 (A) With respect to owned units, the average purchase price on the initial sale of
21 all affordable owned units in an affordable housing project shall not exceed the
22 allowable average purchase price and all units must be sold only to households
23 with annual gross incomes up to and including 120 percent of median income for
24 the City and County of San Francisco. In addition, each unit shall be sold:

25

1 (i) Only to households with an annual gross income equal to or less than the
2 qualifying limits for a household of moderate income, adjusted for household
3 size;

4 (ii) On the initial sale, at or below the maximum purchase price; and

5 (iii) On subsequent sales at or below the prices to be determined by the Director
6 Mayor's Office of Housing in the Conditions of Approval or Notice of Special
7 Restrictions according to the formula specified in the Procedures Manual, as
8 amended from time to time, such that the units remain affordable to qualifying
9 households. The formula in the Procedures Manual may permit the seller to
10 include certain allowable capital improvements in the sales price.

11 (B) With respect to rental units in an affordable housing project, the average
12 annual rent, including the cost utilities paid by the tenant according to HUD utility
13 allowance established by the San Francisco Housing Authority, shall not exceed
14 the allowable average annual rent. Each unit shall be rented:

15 (i) Only to households with an annual gross income equal to or less than the
16 qualifying limits for a household of low income as defined in this Section;

17 (ii) At or less than the maximum annual rent.

18 (4) "Allowable average purchase price" shall mean a price for all affordable
19 owned units of the size indicated below that are affordable to a household of
20 median income as defined in this Section, adjusted for the household size
21 indicated below as of the date of the close of escrow, and, where applicable,
22 adjusted to reflect the Department's policy on unbundled parking for affordable
23 housing units as specified in the Procedures Manual and amended from time to
24 time:
25 TABLE INSET:

1	Number of Bedrooms (or, for live/work units square	Number of Persons in
2	foot equivalency)	Household
3	0 (Less than 600 square feet)	1
4	1 (601 to 850 square feet)	2
5	2 (851 to 1,100 square feet)	3
6	3 (1,101 to 1,300 square feet)	4
7	4 (More than 1,300 square feet)	5

8 (5) "Allowable average annual rent" shall mean annual rent for an affordable
9 rental unit of the size indicated below that is 30 percent of the annual gross
10 income of a household of median income as defined in this Section, adjusted for
11 the household size indicated below, and, where applicable, adjusted to reflect the
12 Department's policy on unbundled parking for affordable housing units as
13 specified in the Procedures Manual and amended from time to time:

14 TABLE INSET:

15	Number of Bedrooms	Number of
16	(or, for live/work units	Persons in
17	square foot equivalency)	Household
18	0 (Less than 600 square feet)	1
19	1 (601 to 850 square feet)	2
20	2 (851 to 1,100 square feet)	3
21	3 (1,101 to 1,300 square feet)	4
22	4 (More than 1,300 square feet)	5

23
24 (6) "Annual gross income" shall mean gross income as defined in CCR Title 25,
25 Section 6914, as amended from time to time, except that the Mayor's Office of

1 Housing may, in order to promote consistency with the procedures of the San
2 Francisco Redevelopment Agency, develop an asset test that differs from the
3 State definition if it publishes that test in the Procedures Manual.

4 (7) "Average annual rent" shall mean the total annual rent for the calendar year
5 charged by a housing project for all affordable rental units in the project of an
6 equal number of bedrooms divided by the total number of affordable units in the
7 project with that number of bedrooms.

8 (8) "Average purchase price" shall mean the purchase price for all affordable
9 owned units in an affordable housing project of an equal number of bedrooms
10 divided by the total number of affordable units in the project with that number of
11 bedrooms.

12 (9) "Community apartment" shall be as defined in San Francisco Subdivision
13 Code Section 1308(b).

14 (9a) "Conditional use" for purposes of this Ordinance means a conditional use
15 authorization which, pursuant to the Planning Code, is required for the residential
16 component of a project.

17 (10) "Conditions of approval" shall be a set of written conditions imposed by the
18 Planning Commission or another permit-issuing City agency or appellate body to
19 which a project applicant agrees to adhere and fulfill when it receives a
20 conditional use or planned unit development permit for the construction of a
21 principal project or other housing project subject to this Program.

22 (11) "Condominium" shall be as defined in California Civil Code Section 783.

23 (12) "Director" shall mean the Director of City Planning or his or her designee,
24 including other City agencies or departments.

25

1 (13) "First certificate of occupancy" shall mean either a temporary certificate of
2 occupancy or a Certificate of Final Completion and Occupancy as defined in San
3 Francisco Building Code Section 109, whichever is issued first.

4 (14) Intentionally Left Blank.

5 (15) "Household" shall mean any person or persons who reside or intend to
6 reside in the same housing unit.

7 (16) "Household of low income" shall mean a household whose combined
8 annual gross income for all members does not exceed 60 percent of median
9 income for the City and County of San Francisco, as calculated by the Mayor's
10 Office of Housing using data from the United States Department of Housing and
11 Urban Development (HUD) and adjusted for household size or, if data from HUD
12 is unavailable, calculated by the Mayor's Office of Housing using other publicly
13 available and credible data and adjusted for household size.

14 (17) "Household of median income" shall mean a household whose combined
15 annual gross income for all members does not exceed 100 percent of the median
16 income for the City and County of San Francisco, as calculated by the Mayor's
17 Office of Housing using data from the United States Department of Housing and
18 Urban Development (HUD) and adjusted for household size or, if data from HUD
19 is unavailable, calculated by the Mayor's Office of Housing using other publicly
20 available and credible data and adjusted for household size.

21 (17A) "Household of moderate income" shall mean a household whose
22 combined annual gross income for all members does not exceed 120 percent of
23 the median income for the City and County of San Francisco, as calculated by
24 the Mayor's Office of Housing using data from the United States Department of
25 Housing and Urban Development (HUD) and adjusted for household size or, if

1 data from HUD is unavailable, calculated by the Mayor's Office of Housing using
2 other publicly available and credible data and adjusted for household size.

3 (18) "Housing project" shall mean any development which has residential units
4 as defined in the Planning Code, including but not limited to dwellings, group
5 housing, independent living units, and other forms of development which are
6 intended to provide long-term housing to individuals and households. "Housing
7 project" shall not include that portion of a development that qualifies as an
8 Institutional Use under the Planning Code. "Housing project" for purposes of this
9 Program shall also include the development of live/work units as defined by
10 Planning Code Section 102.13. Housing project for purposes of this Program
11 shall mean all phases or elements of a multi-phase or multiple lot residential
12 development.

13 (19) "Housing unit" or "unit" shall mean a dwelling unit as defined in San
14 Francisco Housing Code Section 401.

15 (20) "Live/work unit" shall be as defined in San Francisco Planning Code
16 Section 102.13.

17 (21) "Live/work project" shall mean a housing project containing more than one
18 live/work unit.

19 (22) "Long term housing" shall mean housing intended for occupancy by a
20 person or persons for 32 consecutive days or longer.

21 (23) "Market rate housing" shall mean housing constructed in the principal
22 project that is not subject to sales or rental restrictions.

23 (24) "Maximum annual rent" shall mean the maximum rent that a housing
24 developer may charge any tenant occupying an affordable unit for the calendar
25 year. The maximum annual rent for an affordable housing unit of the size

1 indicated below shall be no more than 30 percent of the annual gross income for
 2 a household of low income as defined in this Section, as adjusted for the
 3 household size indicated below as of the first date of the tenancy:

4 TABLE INSET:

5 Number of Bedrooms (or, for live/work units square 6 foot equivalency)	Number of Persons in Household
7 0 (Less than 600 square feet)	1
8 1 (601 to 850 square feet)	2
9 2 (851 to 1100 square feet)	3
10 3 (1101 to 1300 square feet)	4
11 4 (More than 1300 square feet)	5

13 (25) "Maximum purchase price" shall mean the maximum purchase price for an
 14 affordable owned unit of the size indicated below that is affordable to a
 15 household of moderate income, adjusted for the household size indicated below,
 16 assuming an annual payment for all housing costs of 33 percent of the combined
 17 household annual gross income, a down payment recommended by MOH and
 18 set forth in the Procedures Manual, and available financing:

19 TABLE INSET:

20 Number of Bedrooms 21 (or, for live/work units 22 square foot equivalency)	Number of Persons in Household
23 0 (Less than 600 square feet)	1
24 1 (601 to 850 square feet)	2
25 2 (851 to 1100 square feet)	3

1	3 (1101 to 1300 square feet)	4
2	4 (More than 1300 square feet)	5

3 (25A) "Mayor's Office of Housing" shall mean the Mayor's Office of Housing or
4 its successor.

5 (26) "Notice of Special Restrictions" shall mean a document recorded with the
6 San Francisco Recorder's Office for any unit subject to this Program detailing the
7 sale and resale or rental restrictions and any restrictions on purchaser or tenant
8 income levels included as a Condition of Approval of the principal project relating
9 to the unit.

10 (27) "Off-site unit" shall mean a unit affordable to qualifying households
11 constructed pursuant to this Ordinance on a site other than the site of the
12 principal project.

13 (28) "On-site unit" shall mean a unit affordable to qualifying households
14 constructed pursuant to this Ordinance on the site of the principal project.

15 (29) "Ordinance" shall mean Planning Code Sections 315.1 through 315.9.

16 (30) "Owned unit" shall mean a unit affordable to qualifying households which is
17 a condominium, stock cooperative, community apartment, or detached single-
18 family home. The owner or owners of an owned unit must occupy the unit as their
19 primary residence.

20 (31) "Owner" shall mean the record owner of the fee or a vendee in possession.

21 (32) "Principal project" shall mean a housing development on which a
22 requirement to provide affordable housing units is imposed.

23 (33) "Procedures Manual" shall mean the City and County of San Francisco
24 Affordable Housing Monitoring Procedures Manual issued by the San Francisco
25 Department of City Planning, as amended.

1 (34) "Program" shall mean the Residential Inclusionary Affordable Housing
2 Program.

3 (35) "Project applicant" shall mean an applicant for a building permit or a site
4 permit or an applicant for a conditional use permit or planned unit development
5 permit, seeking approval from the Planning Commission or Planning Department
6 for construction of a housing project subject to this Section, such applicant's
7 successors and assigns.

8 (36) "Rent" or "rental" shall mean the total charges for rent, utilities, and related
9 housing services to each household occupying an affordable unit.

10 (37) "Rental unit" shall mean a unit affordable to qualifying households which is
11 not a condominium, stock cooperative, or community apartment.

12 (38) "Student housing" shall mean a building where 100 percent of the residential uses
13 are affiliated with and operated by an accredited post-secondary educational institution.
14 This housing shall providing lodging or both meals and lodging, by prearrangement for
15 one week or more at a time. This definition only applies in the Eastern Neighborhoods
16 Mixed Use Districts and the PDR-1-D District.

17 **SEC. 315.3. APPLICATION.**

18 (a) This Ordinance shall apply to any housing project that consists of five or
19 more units where an individual project or a phased project is to be undertaken
20 and where the total undertaking comprises a project with five or more units, even
21 if the development is on separate but adjacent lots; and

22 (1) Does not require Planning Commission approval as a conditional use or
23 planned unit development;

24 (2) Requires Planning Commission approval as a conditional use or planned
25 unit development;

1 (3) Consists of live/work units as defined by Planning Code Section 102.13; or
2 (4) Requires Planning Commission approval of replacement housing destroyed
3 by earthquake, fire or natural disaster only where the destroyed housing included
4 units restricted under the Residential Inclusionary Housing Program or the City's
5 predecessor inclusionary housing policy, condominium conversion requirements,
6 or other affordable housing program.

7 (b) This Ordinance shall apply to all housing projects that have not received a
8 first site or building permit on or before the effective date of this ordinance with
9 the following exceptions. Until these application dates take effect as described
10 below, the provisions of the Ordinance as it exists on July 18, 2006 shall govern.

11 (1) The amendments to the off-site requirements in Section 315.5(c) and (d)
12 relating to location and type of off-site housing, and Section 315.4(e) relating to
13 when a developer shall declare whether it will choose an alternative to the on-site
14 requirement shall apply only to projects that receive their Planning Commission
15 or Department approval on or after the effective date of this legislation.

16 (2) The amendments to the percentage-requirements of this Ordinance that
17 govern the number of affordable units a housing project is required to provide in
18 Section 315.4(a) and 315.5(a) apply only to housing projects that submit their
19 first application, including an environmental evaluation application or any other
20 Planning Department or Building Department application, on or after July 18,
21 2006. Notwithstanding the foregoing, the amendments to the percentage-
22 requirements of this Ordinance also apply to any project that has not received its
23 final Planning Commission or Department approvals before July 18, 2006 for
24 housing projects that receive a Zoning Map amendment or Planning Code text
25 amendment related to their project approvals that (A) results in a net increase in

1 the number of permissible residential units, or (B) results in a material increase in
2 the net permissible residential square footage. For purposes of subsection B
3 above a material increase shall mean an increase of 5 percent or more, or an
4 increase in 10,000 square feet or more, whichever is less.

5 (3) The amendments in Section 315.1 to the way median income is calculated
6 apply to any housing project that has not received a first site or building permit by
7 the effective date of this Ordinance. (4) This Ordinance shall apply to all housing
8 projects of 5 to 9 units that filed their first application, including an environmental
9 evaluation application or any other Planning Department application on or after
10 July 18, 2006.

11 (c) This Ordinance shall not apply to:

12 (1) That portion of a housing project located on property owned by the United
13 States or any of its agencies or leased by the United States or any of its agencies
14 for a period in excess of 50 years, with the exception of such property not used
15 exclusively for a governmental purpose;

16 (2) That portion of a housing project located on property owned by the State of
17 California or any of its agencies, with the exception of such property not used
18 exclusively for a governmental or educational purpose; ~~or~~

19 (3) That portion of a housing project located on property under the jurisdiction of
20 the San Francisco Redevelopment Agency or the Port of San Francisco where
21 the application of this Ordinance is prohibited by California or local law;

22 (4) That portion of a housing project for which a project applicant can
23 demonstrate that an impact fee under the Jobs-Housing Linkage Program,
24 commencing with Planning Code Section 313, has been paid. ; or

25

1 ~~(5) Student housing, as defined in Section 315.1.38. However, any change of use~~
2 ~~from student housing to another kind of dwelling unit will require full compliance~~
3 ~~with the inclusionary housing requirements of Section 315.~~

4 (d) Waiver or Reduction:

5 (1) A project applicant of any project subject to the requirements in this Program
6 may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of
7 the requirements based upon the absence of any reasonable relationship or
8 nexus between the impact of development and either the amount of the fee
9 charged or the inclusionary requirement.

10 (2) A project applicant subject to the requirements of this Program who has
11 received an approved building permit, conditional use permit or similar
12 discretionary approval and who submits a new or revised building permit,
13 conditional use permit or similar discretionary approval for the same property
14 may appeal for a reduction, adjustment or waiver of the requirements with
15 respect to the number of lots or square footage of construction previously
16 approved.

17 (3) Any such appeal shall be made in writing and filed with the Clerk of the
18 Board no later than 15 days after the date the Planning Department sends notice
19 to the project applicant of the number of affordable units required as provided in
20 Section 315.4(a) and 315.5(a). The appeal shall set forth in detail the factual and
21 legal basis for the claim of waiver, reduction, or adjustment. The Board of
22 Supervisors shall consider the appeal at the hearing within 60 days after the filing
23 of the appeal. The appellant shall bear the burden of presenting substantial
24 evidence to support the appeal, including comparable technical information to
25 support appellant's position. The decision of the Board shall be by a simple

1 majority vote and shall be final. If a reduction, adjustment, or waiver is granted,
2 any change in use within the project shall invalidate the waiver, adjustment, or
3 reduction of the fee or inclusionary requirement. If the Board grants a reduction,
4 adjustment or waiver, the Clerk of the Board shall promptly transmit the nature
5 and extent of the reduction, adjustment or waiver to the Treasurer.

6 (e) For projects that have received a first site or building permit prior to the
7 effective date of this legislation, the requirements in effect prior to the effective
8 date of this Ordinance shall apply.

9 **SEC. 315.4. ON-SITE HOUSING REQUIREMENT AND BENEFITS.**

10

11 Except as provided in Section 315.4(e), all housing projects subject to this
12 Program through the application of Section 315.3 shall be required to construct
13 on-site units subject to the following requirements:

14

15 (a) *Number of Units:*

16 (1) (A) For any housing development of any height that is located in an area
17 with a specific inclusionary housing requirement, the more specific inclusionary
18 housing requirement shall apply. In addition, the following provisions shall apply
19 only to the following Area Plans as provided below:

20

21 (i) Market and Octavia Area Plan: The requirements of Sections 315 through
22 315.9 shall apply in the Plan Area subject to the following:

23 An additional affordable housing requirement shall apply in the Market and
24 Octavia Plan Area as follows:

25 Definitions. The definitions in Section 326.2 and 318.2 shall apply.

1 Amount of fee: All projects that have not received Planning Department or
2 Commission approval as of the effective date of this legislation and that are
3 subject to the Residential Inclusionary Affordable Housing Program shall pay an
4 additional affordable housing fee per square foot of Residential Space Subject to
5 the Community Improvements Impact Fee as follows; \$8.00 in the Van Ness
6 Market Special Use District; \$4.00 in the NCT District; and \$0.00 in the RTO
7 District. A project applicant shall not pay a fee for any square foot of space
8 designated as a below market rate unit under this inclusionary affordable housing
9 program or any other unit that is designated as an affordable housing unit under
10 a Federal, State, or local restriction in a manner that maintains affordability for a
11 term no less than 50 years.

12 Timing of payment: The fee shall be paid before the City issues a first
13 certificate of occupancy for the project.

14 Use of Fee: The additional affordable housing requirement specified in this
15 Section for the Market and Octavia Plan Area shall be paid into the Citywide
16 Affordable Housing Fund, but the funds shall be separately accounted for. MOH
17 shall expend the funds according to the following priorities: First, to increase the
18 supply of housing affordable to qualifying households in the Market and Octavia
19 Plan Area; second, to increase the supply of housing affordable to qualifying
20 households within 1 mile of the boundaries of the Plan Area; third, to increase the
21 supply of housing affordable to qualifying households in the City and County of
22 San Francisco. The funds may also be used for monitoring and administrative
23 expenses subject to the process described in Section 315.6(e).

24 Other fee provisions: This additional affordable housing fee shall be
25 subject to the following provisions of Sections 326 et seq.; the inflation

1 adjustment provisions of Section 326.3(d); the waiver and reduction provisions of
2 Section 326.3(h); the lien proceedings in Section 326.4; and the refund
3 provisions of Section 326.5. This additional affordable housing fee may not be
4 met through the in-kind provision of community improvements or Community
5 Facilities (Mello Roos) financing options of Sections 326.3(e) and (f).

6 Findings: The Board of Supervisors hereby finds that the additional
7 affordable housing requirements of this Section are supported by the Nexus
8 Study performed by Keyser Marston and Associates referenced in Section
9 315.2(12) and found in Board File No. _____. The Board of Supervisors has
10 reviewed the study and staff analysis and report of the study and, on that basis
11 finds that the study supports the current inclusionary housing requirements
12 combined with the additional affordable housing fee. Specifically, the Board finds
13 that the study: identifies the purpose of the additional fee to mitigate impacts on
14 the demand for affordable housing in the City; identifies the use to which the
15 additional fee is to be put as being to increase the City's affordable housing
16 supply; and establishes a reasonable relationship between the use of the
17 additional fee for affordable housing and the need for affordable housing and the
18 construction of new market rate housing. Moreover, the Board finds that the
19 current inclusionary requirements combined with the additional fee are less than
20 the cost of mitigation and do not include the costs of remedying any existing
21 deficiencies. The Board also finds that the study establishes that the current
22 inclusionary requirements and additional fee do not duplicate other City
23 requirements or fees.

24 Furthermore, the Board finds that generally an account has been
25 established, funds appropriated, and a construction schedule adopted for

1 affordable housing projects funded through the Inclusionary Housing program
2 and the additional fee or that the in lieu fees and the additional fee will reimburse
3 the City for expenditures on affordable housing that have already been made.

4 Furthermore, the Board finds that a major Market and Octavia Area Plan
5 objective is to direct new market rate housing development to the area. That new
6 market rate development will greatly out number both the number of units and
7 potential new sites within the plan area for permanently affordable housing
8 opportunities. The City and County of San Francisco has adopted a policy in its
9 General Plan to meet the affordable housing needs of its general population and
10 to require new housing development to produce sufficient affordable housing
11 opportunities for all income groups, both of which will not be met by the projected
12 housing development in the plan area. In addition, the "Draft Residential Nexus
13 Analysis City and County of San Francisco" of December 2006 indicates that
14 market rate housing itself generates additional lower income affordable housing
15 needs for the workforce needed to serve the residents of the new market rate
16 housing proposed for the plan area. In order to meet the demand created for
17 affordable housing by the specific policies of the Plan and to be consistent with
18 the policy of the City and County of San Francisco it is found that an additional
19 affordable housing fee need be included on all market rate housing development
20 in the Plan Area with priority for its use being given to the Plan area.

21 (ii) Eastern Neighborhoods Project Area: The requirements of Sections 315 through
22 315.9 and 319 shall apply in the Eastern Neighborhoods Plan Area subject to the
23 following and subject to any stated exceptions elsewhere in this Code, including the
24 specific provisions in Section 319:

25 Definitions:

1 "Gross square footage" shall have the meaning set forth in Section 102.9.
2 "Development Application" shall have the meaning set forth in Section 175.6.
3 "Eastern Neighborhood Controls" shall have the meaning set forth in Section 175.6.
4 Application. The option described in this subsection (ii) shall only be provided to
5 development projects that are subject to the Eastern Neighborhood Controls as defined in
6 Section 175.6 (e), and consist of 20 units or less or less than 25,000 gross square feet.
7 Amount of Fee. All projects subject to this subsection may choose to pay a square foot in
8 lieu fee instead of the in lieu fee provided for in Section 315.6 as follows. If this option is
9 selected, the project applicant shall pay \$40.00 per gross square foot of net new
10 residential development. The calculation of gross square feet shall not include
11 nonresidential uses, including any retail, commercial, or PDR uses, and all other space
12 used only for storage and services necessary to the operation or maintenance of the
13 building itself.
14 Timing of Payment. The project applicant shall pay the fee prior to issuance by DBI of
15 the first site or building permit for the project. At the project applicant's option, it may
16 choose to pay only 50% of the fee prior to issuance by DBI of the first site or building
17 permit and, prior to issuance of the first site or building permit, the City shall impose a
18 lien on the property for the remaining 50% of the fee through the procedures set forth in
19 Section 315.6(f) except that no interest will accrue for the first twelve months from the
20 issuance of the first site or building permit for the project. The project applicant shall pay
21 the remaining 50% of the fee prior to issuance by DBI of a first certificate of occupancy.
22 When 100% of the fee is paid, including interest if applicable, the City shall remove the
23 lien.
24 Use of Fee. The fee shall be paid into the Citywide Affordable Housing Fund, but the
25 funds shall be separately accounted for. MOH shall expend the funds according to the

1 following priorities: First, to increase the supply of housing affordable to qualifying
2 households in the Eastern Neighborhoods Project Areas; second, to increase the supply
3 of housing affordable to qualifying households within 1 mile of the boundaries of the
4 Eastern Neighborhoods Project Areas; third, to increase the supply of housing affordable
5 to qualifying households in the City and County of San Francisco. The funds may also be
6 used for monitoring and administrative expenses subject to the process described in
7 Section 315.6(e).

8 Findings. The Board of Supervisors hereby finds that the fee provisions of this Section
9 are equivalent to or less than the fees for developments of over 20 units previously
10 adopted by the Board in Ordinance No. 051685 and 060529 and are also supported by
11 the Nexus Study performed by Keyser Marston and Associates referenced in Section
12 315.2(12) and found in Board File No. _____ . The Board of Supervisors has
13 reviewed the study and staff analysis prepared by the Mayor's Office of Housing dated ---
14 ---, 2008 in Board File No. _____ and on that basis finds that the study supports
15 the current proposed changes to the inclusionary housing requirements for projects of 20
16 units or less in the Eastern Neighborhood Area Plan. Specifically, the Board finds that
17 the study and staff memo: identifies the purpose of the additional fee to mitigate impacts
18 on the demand for affordable housing in the City; identifies the use to which the
19 additional fee is to be put as being to increase the City's affordable housing supply; and
20 establishes a reasonable relationship between the use of the additional fee for affordable
21 housing and the need for affordable housing and the construction of new market rate
22 housing. Moreover, the Board finds that the new inclusionary requirements are less than
23 the cost of mitigation and do not include the costs of remedying any existing deficiencies.
24 The Board also finds that the study establishes that the inclusionary requirements do not
25 duplicate other City requirements or fees.

1 Furthermore, the Board finds that generally an account has been established, funds
2 appropriated, and a construction schedule adopted for affordable housing projects
3 funded through the Inclusionary Housing program and the in lieu fees will reimburse the
4 City for expenditures on affordable housing that have already been made.
5 Furthermore, the Board finds that small scale development faces a number of challenges
6 in the current development climate, including limited access to credit and often, a higher
7 land cost per unit for the small sites on which they develop. Because of these and other
8 variations from larger-scale development, they operate under a somewhat unique
9 development model which cannot be fully encapsulated within the constraints of the
10 Eastern Neighborhoods Financial Analysis, prepared to assess the financial feasibility of
11 increasing housing requirements and impact fees in the Plan Areas. To address these
12 challenges, the Board finds that a number of slight modifications to the affordable
13 housing requirements of the Eastern Neighborhoods, to apply to small projects (defined
14 as 20 units or fewer, or less than 25,000 gross square feet) are appropriate.

15 **SEC. 316. PROCEDURES FOR CONDITIONAL USE AUTHORIZATION**
16 **IN NEIGHBORHOOD COMMERCIAL, EASTERN NEIGHBORHOODS MIXED**
17 **USE DISTRICTS, AND SOUTH OF MARKET MIXED USE DISTRICTS AND**
18 **FOR LIVE/WORK UNITS IN RH AND RM DISTRICTS.**

19 In addition to the provisions of Sections 306.1, 306.4, and 306.5 of this
20 Code, the following procedures set forth in this and the following sections shall
21 govern applications for conditional use authorization where this authorization is
22 required pursuant to Sections 178, 179, 181(f) or (g), 209.9(f), 209.9(h),
23 260(b)(2)(P) or 263.11 of this Code; zoning categories .10, .11, .21, .24 through
24 .27, .38 through .90, and .95 of Sections 710 through 729 of this Code for each
25 Neighborhood Commercial District; ~~or~~ Sections 813 through 818 for the South of

1 Market Mixed Use Districts; or Section 840 through 843 for the Eastern
2 Neighborhoods Mixed Use Districts. The criteria for determinations on such
3 applications are set forth in Section 303(c) of this Code. Additional criteria for
4 determinations on applications pursuant to zoning categories .10, .11, and .21 of
5 Article 7 are set forth in the Section of this Code containing the control. Additional
6 criteria for determinations on certain applications within Mixed Use South of Market
7 Districts are set forth in Sections 263.11 and 803.5 through 803.9 of this Code.

8 **SEC. 319. HOUSING REQUIREMENTS FOR RESIDENTIAL**
9 **DEVELOPMENT PROJECTS IN THE UMU ZONING DISTRICTS OF THE**
10 **EASTERN NEIGHBORHOODS.**

11 **SEC. 319.1. FINDINGS.**

12 (a) Need for New Housing and Other Land Uses. San Francisco is experiencing a
13 severe shortage of housing available to people at all income levels. In addition, San
14 Francisco has an ongoing affordable housing crisis. Many future San Francisco workers
15 will be earning below 80% of the area's median income, and even those earning
16 moderate or middle incomes, above the City's median, are likely to need assistance to
17 continue to live in San Francisco. In 2007, the median income for a family of four in the
18 city was about \$86,000. Yet median home prices suggest that nearly twice that income is
19 needed to be able to a dwelling suitable for a family that size. Only an estimated 10% of
20 households in the city can afford a median-priced home.

21 The Association of Bay Area Governments' (ABAG) Regional Housing Needs
22 Determination (RHND) forecasts that San Francisco must produce over 31,000 new units
23 in the next five years, or over 6,000 new units of housing annually, to meet projected
24 needs. At least 60%, or over 18,000, of these new units should be available to
25 households of very low, low, and moderate incomes. With land in short supply in the City,

1 it is increasingly clear that the City's formerly industrial areas offer a critical source of
2 land where this great need for housing, particularly affordable housing, can be partially
3 addressed.

4 (b) Target Area For New Housing. San Francisco's Housing Element establishes the
5 Eastern Neighborhoods as a target area for development of new housing to meet San
6 Francisco's identified housing targets. The release of some of the area's formerly
7 industrial lands, no longer needed to meet current industrial or PDR needs, offers an
8 opportunity to achieve higher affordability, and meet a greater range of need. The
9 Mission, Showplace Square – Potrero Hill, East SoMa and Central Waterfront Area
10 Plans of the General Plan (Eastern Neighborhoods Plans) thereby call for creation of
11 new zoning intended specifically to meet San Francisco's housing needs, through higher
12 affordability requirements and through greater flexibility in the way those requirements
13 can be met.

14 New affordable units are currently funded through a variety of sources, including
15 inclusionary housing and in lieu fees leveraged by new market rate residential
16 development pursuant to Sections 313 and 315; as well as City, State, and federal
17 funding. Using these existing sources, the Planning Department projects that
18 approximately 1,000 to 1,500 new units of affordable housing will be developed in the
19 Eastern Neighborhoods.

20 Recognizing that this number of affordable units is not sufficient, the Plans call
21 for further measures beyond the existing inclusionary requirements and Citywide
22 funding, including new funding sources for affordable housing programs such as an
23 impact fee; and new zoning districts in formerly industrial areas which require deeper
24 affordability.

25

1 (c) Requirements for New Development To Contribute Towards Housing Objectives.
2 A key policy goal of the Eastern Neighborhoods Plans is to provide a significant amount
3 of new housing affordable to low, moderate and middle income families and individuals,
4 along with “complete neighborhoods” that provide appropriate amenities for these new
5 residents. The Plans obligate all new development within the Eastern Neighborhoods to
6 contribute towards these goals, by providing a contribution towards affordable housing
7 needs and by paying for a reasonable share of their impact on the neighborhood’s
8 infrastructure. They further require new development in transitioning formerly industrial
9 areas to contribute a higher share towards the City’s exponentially high affordability
10 needs.

11 To address the full range of housing needs of all income categories, including
12 low, moderate and middle income families and individuals, the Plans provide programs
13 which address all of these income levels, as follows:

14 (1) Low: Current housing programs funded by federal and State funds, private equity
15 raised through Low-Income Housing Tax Credits, and local funds such as inclusionary
16 in-lieu and Jobs-Housing Linkage fees and run by the Mayor’s Office of Housing and the
17 San Francisco Redevelopment Agency fund affordable housing primarily at very low and
18 low income levels, to households making below 80% of the area median income; but due
19 to the low supply and high costs of land in the City, are at a disadvantage for sites upon
20 which to provide such housing. An alternative to the city’s Inclusionary Housing
21 Program will allow developers to dedicate sites for very low and low income level units.

22 (2) Moderate: The City’s Inclusionary Housing Program funds affordable housing
23 primarily at the moderate income levels through on-site provision of below-market rate
24 units, to households making between 80% and 120% of the San Francisco median
25

1 income. Continuation and expansion of the Inclusionary Housing Program will allow
2 provision of these moderate income units to increase.

3 (3) Middle: The City has no current programs to fund affordable housing to those at
4 “middle” income levels, below the 200% area median income level estimated to be
5 required to purchase market rate housing yet above the 120% threshold required for the
6 City’s Inclusionary Housing Program. An alternative to the city’s Inclusionary Housing
7 Program will allow developers to provide “middle” income level units.

8 The Eastern Neighborhoods Plans structure requirements and fees by tiers to
9 ensure feasibility. This feasibility amount remains below the nexus established in the
10 Residential Nexus Analysis, April 2007, on file with the Planning Department. The
11 following housing requirement tiers are created in the UMU Zoning Districts of the
12 Eastern Neighborhoods, and included as a notation on each parcel in the Planning
13 Department’s Parcel Information System:

- 14 • Tier A. Sites within the UMU which do not receive zoning changes that
15 increase heights, as compared to allowable height prior to the rezoning (May
16 2008).
- 17 • Tier B. Sites within the UMU which receive zoning changes that increase
18 heights by one to two stories.
- 19 • Tier C. Sites within the UMU which receive zoning changes that increase
20 heights by three or more stories.

21 Within these districts, new development of market-rate housing will be required to meet
22 affordable housing requirements above the City’s ordinary affordable housing
23 requirements for Residential And Live/Work Development Projects (Section 315), as
24 described in Sections 319.2-319.4. These housing requirements may be met through
25

1 increased inclusionary requirements under the City's traditional Inclusionary Program,
2 or through alternative methods contained herein.

3 **SEC. 319.2. DEFINITIONS.**

4 The following definitions shall supplement the definitions contained within Section 315.1,
5 and shall govern interpretation of this ordinance:

6 (a) "Middle Income Household" shall mean a household whose combined annual gross
7 income for all members is between 120 percent and 150 percent of the local median
8 income for the City and County of San Francisco, as calculated by the Mayor's Office of
9 Housing using data from the United States Department of Housing and Urban
10 Development (HUD) and adjusted for household size or, if data from HUD is
11 unavailable, as calculated by the Mayor's Office of Housing using other publicly
12 available and credible data and adjusted for household size.

13 (b) "Total developable site area" shall mean that part of the site that can be feasibly
14 developed as residential development, excluding land already substantially developed,
15 parks, required open spaces, streets, alleys, walkways or other public infrastructure.

16 (c) "Dedicated" shall mean legally transferred to the City and County of San Francisco,
17 including all relevant legal documentation, at no cost to the City.

18 (d) "Dedicated site" shall mean the portion of site proposed to be legally transferred at
19 no cost to the City and County of San Francisco under the requirements of this section.

20 (e) "Principal site" shall mean the total site proposed for development, including the
21 portion of site proposed to be legally transferred to the City and County of San Francisco
22 under the requirements of this section.

23 (f) "Affordable to qualifying middle income households" shall mean:

24 (1) With respect to owned units, the average purchase price on the initial sale of all
25 qualifying middle income units shall not exceed the allowable average purchase price

1 deemed acceptable for households with an annual gross income equal to or less than the
2 qualifying limits for a household of middle income, adjusted for household size. This
3 purchase price shall be based on household spending of 35% of income for housing, and
4 shall only apply to initial sale, and not for the life of the unit.

5 (2) With respect to rental units, the average annual rent-- including the cost of utilities
6 paid by the tenant according to the HUD utility allowance established by the San
7 Francisco Housing Authority -- for qualifying middle income units shall not exceed the
8 allowable average purchase price deemed acceptable for households with an annual
9 gross income equal to or less than the qualifying limits for a household of middle income,
10 adjusted for household size. This price restriction shall exist for the life of the unit.

11 **SEC. 319.3. APPLICATION.**

12 Section 319.3 of this Ordinance shall apply to any housing project located in the UMU
13 Zoning District of the Eastern Neighborhoods, that is subject to the requirements of
14 Section 315 et seq.

15 **SEC. 319.4. HOUSING REQUIREMENTS FOR UMU DISTRICTS.**

16 (a) Requirements for the Inclusionary Housing Component. The requirements
17 of Sections 315 through 315.9 shall apply subject to the following exceptions:

18 (1) For all project sites designated as Tier A, a minimum of 18 percent of the total units
19 constructed shall be affordable to and occupied by qualifying persons and families as
20 defined elsewhere in this Code, so that a project applicant must construct .18 times the
21 total number of units produced in the principal project beginning with the construction of
22 the fifth unit. If the total number of units is not a whole number, the project applicant
23 shall round up to the nearest whole number for any portion of .5 or above.

24 (A) If the project applicant elects pursuant to Section 315.4(e), to build off-site
25 units to satisfy the requirements of this program, the project applicant shall construct 23

1 percent so that a project applicant must construct .23 times the total number of units
2 produced in the principal project beginning with the construction of the fifth unit. If the
3 total number of units is not a whole number, the project applicant shall round up to the
4 nearest whole number for any portion of .5 or above.

5 (B) If the project applicant elects pursuant to Section 315.4(e)(2) to pay an in lieu
6 fee to satisfy the requirements of this program, the applicant shall meet the requirements
7 of Section 315 according to the number of units required above if the project applicant
8 were to elect to meet the requirements of this section by off-site housing development.
9 For the purposes of this section, the City shall calculate the fee using the direct fractional
10 result of the total number of units multiplied by the percentage of off-site housing
11 required, rather than rounding up the resulting figure as required by Section 315.5(a).

12 (2) For all project sites designated Tier B, a minimum of 20 percent of the total units
13 constructed shall be affordable to and occupied by qualifying persons and families as
14 defined elsewhere in this Code, so that a project applicant must construct .20 times the
15 total number of units produced in the principal project beginning with the construction of
16 the fifth unit. If the total number of units is not a whole number, the project applicant
17 shall round up to the nearest whole number for any portion of .5 or above.

18 (A) If the project applicant elects pursuant to Section 315.4(e), to build off-site
19 units to satisfy the requirements of this program, the project applicant shall construct 25
20 percent so that a project applicant must construct .25 times the total number of units
21 produced in the principal project beginning with the construction of the fifth unit. If the
22 total number of units is not a whole number, the project applicant shall round up to the
23 nearest whole number for any portion of .5 or above.

24 (B) If the project applicant elects pursuant to Section 315.4(e)(2) to pay an in lieu
25 fee to satisfy the requirements of this program, the project applicant shall meet the

1 requirements of Section 315 according to the number of units required above if the
2 project applicant were to elect to meet the requirements of this section by off-site housing
3 development. For the purposes of this section, the City shall calculate the fee using the
4 direct fractional result of the total number of units multiplied by the percentage of off-site
5 housing required, rather than rounding up the resulting figure as required by Section
6 315.5(a).

7 (3) For all project sites designated Tier C, a minimum of 22 percent of the total units
8 constructed shall be affordable to and occupied by qualifying persons and families as
9 defined elsewhere in this Code, so that a project applicant must construct .22 times the
10 total number of units produced in the principal project beginning with the construction of
11 the fifth unit. If the total number of units is not a whole number, the project applicant
12 shall round up to the nearest whole number for any portion of .5 or above.

13 (A) If the project applicant elects pursuant to Section 315.4(e), to build off-site
14 units to satisfy the requirements of this program, the project applicant shall construct 27
15 percent so that a project applicant must construct .27 times the total number of units
16 produced in the principal project beginning with the construction of the fifth unit. If the
17 total number of units is not a whole number, the project applicant shall round up to the
18 nearest whole number for any portion of .5 or above.

19 (B) If the project applicant elects pursuant to Section 315.4(e)(2) to pay an in lieu
20 fee to satisfy the requirements of this program, the project applicant shall meet the
21 requirements of Section 315 according to the number of units required above if the
22 project applicant were to elect to meet the requirements of this section by off-site housing
23 development. For the purposes of this section, the City shall calculate the fee using the
24 direct fractional result of the total number of units multiplied by the percentage of off-site
25

1 housing required, rather than rounding up the resulting figure as required by Section
2 315.5(a).

3 (b) Alternatives to the Inclusionary Housing Component. In addition to the alternatives
4 specified in Section 315.4 (e), (and further described above and in Section 315.5.
5 Compliance Through Off-Site Housing Development, and Section 315.6. Compliance
6 Through In-Lieu Fee), and described further above, the project sponsor may elect to
7 satisfy the requirements of Section 315.4 by one of the alternatives specified in this
8 Section. The project sponsor has the choice between the alternatives and the Planning
9 Commission may not require a specific alternative. The project sponsor must elect an
10 alternative before it receives project approvals from the Planning Commission or
11 Planning Department and that alternative will be a condition of project approval. The
12 alternatives are as follows:

13 (1) Middle Income Alternative. On sites with less than 50,000 square feet of total
14 developable area, applicants may provide units as affordable to qualifying “middle
15 income” households as follows:

16 (A) A minimum percent of the total units constructed shall be affordable to and
17 occupied affordable to qualifying “middle income” households upon initial sale,
18 according the schedule in Table 319.4. If the total number of units is not a whole number,
19 the project applicant shall round up to the nearest whole number for any portion of .5 or
20 above. Units shall be affordable to households between 120 percent and 150 percent of
21 the San Francisco Area Median Income, with an average affordability level of 135
22 percent for all units provided through this alternative.

23 (B) Where market rate sales prices exceed restricted sales prices, the difference
24 between the market rate sales prices and the restricted sales prices shall be held by the
25 Mayor’s Office of Housing as a silent second mortgage according to the Procedures

1 Manual. The City shall hold a deed of trust and promissory note for the second mortgage.
2 The Mayor's Office of Housing shall hold this mortgage shall release it when the original
3 note and proportional share of the appreciation are paid in full to the City.

4 (C) Units shall initially be sold at or below prices to be determined by the
5 Mayor's Office of Housing in the Conditions of Approval or Notice of Special
6 Restrictions according to the formula specified in the Procedures Manual to make them
7 affordable to middle income households. Upon resale, the seller shall be permitted to
8 sell the units at their market price. The City will waive its right of first refusal to the
9 seller when the promissory note and deed of trust are paid, along with the City's share of
10 the appreciation of the unit. The promissory note shall accrue no interest and shall
11 require no monthly payments.

12 (D) Upon first resale, the seller shall have a right to keep a percentage of the
13 total appreciation of the unit proportional to every year the original seller owns the unit
14 as an owner occupant. The remainder of the proceeds of the sale, after the 1st mortgage,
15 the second mortgage, and any other subordinate financing is paid off, shall be repaid to
16 the Mayor's Office of Housing. Detailed resale procedures shall be specified in the
17 Middle Income Housing Procedures Manual published by the Mayor's Office of Housing
18 and approved by the Planning Commission. The Director of the Mayor's Office of
19 Housing shall amend the Procedures Manual as needed with the Planning Commission's
20 approval.

21 (E) The City shall monitor units provided under this option during the 2 and 5-
22 year Monitoring Report specified in Planning Code Section 342 and in separate
23 resolution. Should this monitoring report indicate that units constructed under this
24 program do not meet the programs stated goals of providing affordable housing to
25

1 Middle Income Households, the Planning Department and Mayor's Office of Housing
2 shall consider changes to this program, including, but not limited to, legislative changes.

3 (F) If the project sponsor elects to satisfy the requirements of Section 315.4 and of
4 this Section by the alternative specified above, the requirement that 40 percent of the
5 total number of proposed dwelling units shall contain at least two bedrooms may be
6 waived provided the minimum percent of total units affordable to qualifying "middle
7 income" as required by Table 319.4 is increased by 10%.

8
9 (2) Land Dedication Alternative. Applicants may dedicate a portion of the total
10 developable area of the principal site to the City and County of San Francisco for the
11 purpose of constructing units affordable to qualifying households. A minimum percentage
12 of developable area, representing an equivalent percent of total potential units to be
13 constructed, shall be dedicated to the City according the schedule in Table 319.4. To
14 meet the requirements of this alternative, the developer must convey title to land in fee
15 simple absolute to the Mayor's Office of Housing according to the Procedures Manual,
16 provided the dedicated site is deemed of equivalent or greater value to the principal site
17 per those procedures and is in line with the following requirements:

18 (A) The dedicated site will result in a total amount of inclusionary units not less
19 than forty (40) units. The Mayor's Office of Housing may conditionally approve and
20 accept dedicated sites which result in no less than twenty five (25) units at its discretion.

21 (B) The dedicated site will result in a total amount of inclusionary units that is
22 equivalent or greater than the minimum percentage of the units that will be provided on
23 the principal site, as required by Table 319.4. The Mayor's Office of Housing may also
24 accept dedicated sites that represent the equivalent of or greater than the required
25 percentage of units for all units be provided on a collective of sites within a one-mile

1 radius, provided the total amount of inclusionary units provided on the dedicated site is
2 equivalent to or greater than the total requirements for all principal sites participating in
3 the collective, according to the requirements of Table 319.4.

4 (C) The dedicated site is suitable from the perspective of size, configuration,
5 physical characteristics, physical and environmental constraints, access, location,
6 adjacent use, and other relevant planning criteria. The site must allow development of
7 affordable housing that is sound, safe and acceptable.

8 (D) The dedicated site includes infrastructure necessary to serve the inclusionary
9 units, including sewer, utilities, water, light, street access and sidewalks.

10 (E) The developer must submit full environmental clearance for the dedicated site
11 before the land can be considered for conveyance, and before a first site or building
12 permit may be conferred upon the principal project.

13 (F) The City may accept dedicated sites that vary from the minimum threshold
14 provided such a dedication is deemed generally equivalent to the original requirement by
15 the Mayor's Office of Housing.

16 (G) The City may accept dedicated sites that meet the above requirements in
17 accordance with the Procedures Manual, in combination with in-lieu fees or on-site
18 units, provided such a combination is deemed generally equivalent by the Mayor's Office
19 of Housing to the original requirement.

20 (H) The project applicant has a letter from the Mayor's Office of Housing
21 verifying acceptance of site before it receives project approvals from the Planning
22 Commission or Planning Department, which shall be used to verify dedication as a
23 condition of approval.

24 (I) If the project sponsor elects to satisfy the requirements of Section 315.4 and of
25 this Section by the alternative specified above, the requirement that 40 percent of the

1 total number of proposed dwelling units shall contain at least two bedrooms may be
2 waived.

3 TABLE 319.4

4 HOUSING REQUIREMENTS FOR THE UMU DISTRICT

5

	<u>On-Site Housing</u>	<u>Off-Site/ In-Lieu</u>	<u>Middle Income</u>	<u>Land</u>
<u>Tier</u>	<u>Requirement</u>	<u>Requirement</u>	<u>Alternative*</u>	<u>Dedication</u>
				<u>Alternative</u>
6 <u>A</u>	<u>18%</u>	<u>23%</u>	<u>30%</u>	<u>35%</u>
7 <u>B</u>	<u>20%</u>	<u>25%</u>	<u>35%</u>	<u>40%</u>
8 <u>C</u>	<u>22%</u>	<u>27%</u>	<u>40%</u>	<u>45%</u>

9

10

11 *Requirement increases by 5% if two-bedroom requirement is waived.

12 (c) Adjustments to Requirements for the Inclusionary Housing Component. This
13 Section is intended to incorporate, rather than supersede, any changes made to Planning
14 Code Sections 315. In the instance that the base requirements of Section 315 are
15 amended, the above-noted requirements shall be reviewed, and if appropriate, amended
16 and/or increased accordingly.

17 **SEC. 327. EASTERN NEIGHBORHOODS PUBLIC BENEFIT FUND.**

18 Sections 327.1 to 327.6 set forth the requirements and procedures for the Eastern
19 Neighborhoods Public Benefit Fund.

20 **SEC. 327.1. FINDINGS.**

21 (a) New Housing and Other Land Uses. San Francisco is experiencing a severe
22 shortage of housing available to people at all income levels. In addition, San Francisco
23 has an ongoing affordable housing crisis. Many future San Francisco workers will be
24 earning below 80% of the area's median income, and even those earning moderate or
25 middle incomes, above the City's median, are likely to need assistance to continue to live

1 in San Francisco. In 2007, the median income for a family of four in the city was about
2 \$86,000. Yet median home prices suggest that nearly twice that income is needed to be
3 able to a dwelling suitable for a family that size. Only an estimated 10% of households
4 in the city can afford a median-priced home.

5 The Association of Bay Area Governments' (ABAG) Regional Housing Needs
6 Determination (RHND) forecasts that San Francisco must produce over 31,000 new units
7 in the next five years, or over 6,000 new units of housing annually, to meet projected
8 needs. At least 60%, or over 18,000, of these new units should be available to
9 households of very low, low, and moderate incomes. With land in short supply in the City,
10 it is increasingly clear that the City's formerly industrial areas offer a critical source of
11 land where this great need for housing, particularly affordable housing, can be partially
12 addressed.

13 San Francisco's Housing Element establishes the Eastern Neighborhoods as a
14 target area for development of new housing to meet San Francisco's identified housing
15 targets. The release of some of the area's formerly industrial lands, no longer needed to
16 meet current industrial or PDR needs, offer an opportunity to achieve higher
17 affordability, and meet a greater range of need. The Mission, Showplace Square –
18 Potrero Hill, East SoMa and Central Waterfront Area Plans of the General Plan
19 (Eastern Neighborhoods Plans) thereby call for creation of new zoning intended
20 specifically to meet San Francisco's housing needs, through higher affordability
21 requirements and through greater flexibility in the way those requirements can be met, as
22 described in Section 319. To support this new housing, other land uses, including PDR
23 businesses, retail, office and other workplace uses will also grow in the Eastern
24 Neighborhoods.

1 (b) Need for Public Improvements to Accompany New Uses. The amendments to the
2 General Plan, Planning Code, and Zoning Maps that correspond to this ordinance will
3 permit an increased amount of new housing and other uses, as noted above. The
4 Planning Department anticipates an increase of at least 7,365 new housing units within
5 the next 20 years, and over 13,000 new jobs, as estimated under Option B of the Eastern
6 Neighborhoods Draft Environmental Impact Report. This new development will have an
7 extraordinary impact on the Plan Area’s already deficient neighborhood infrastructure.
8 New development will generate needs for a significant amount of public open space and
9 recreational facilities; transit and transportation, including streetscape and public realm
10 improvements; community facilities and services, including library materials and child
11 care; and other amenities, as described in the Eastern Neighborhoods Public Benefits
12 Program, on file with the Clerk of the Board in File No. _____.

13 The Eastern Neighborhoods Area Plans addresses existing deficiencies and new
14 impacts, through a comprehensive package of public benefits described in the Eastern
15 Neighborhoods Public Benefits Program. This Program will enable the City and County
16 of San Francisco to provide necessary public infrastructure to new residents while
17 increasing neighborhood livability and investment in the district.

18 (c) Requirements for New Development To Contribute Towards Plan Objectives. A
19 key policy goal of the Eastern Neighborhoods Plans is to provide a significant amount of
20 new housing affordable to low, moderate and middle income families and individuals,
21 along with “complete neighborhoods” that provide appropriate amenities for these new
22 residents. The Plans obligate all new development within the Eastern Neighborhoods to
23 contribute towards these goals, by providing a contribution towards affordable housing
24 needs and by paying an Eastern Neighborhoods Impact Fee.

25

1 However, due to the high cost of land within the City, it has been determined that
2 the imposition of requirements and fees based on the full impact of new development
3 would be overly burdensome to new development, and hinder the City's policy goal of
4 providing a significant amount of new housing. Therefore, fee rates have been set at a
5 level that will not hinder this policy goal overall. The Plans structure requirements and
6 fees by tiers to ensure feasibility. The following fee tiers are created in the Eastern
7 Neighborhoods Plan Areas, and included as a notation on each parcel in the Planning
8 Department/s Parcel Information System:

- 9 1. Tier 1. Sites which do not receive zoning changes that increase heights, as
10 compared to allowable height prior to the rezoning (May 2008), all 100%
11 affordable housing projects, and all housing projects within the Urban Mixed Use
12 (UMU) district.
- 13 2. Tier 2. All other sites which receive zoning changes that increase heights by one
14 to two stories.
- 15 3. Tier 3. All other sites which receive zoning changes that increase heights by three
16 or more stories, and designated affordable housing zones (e.g. the Mission NCT
17 and Mixed Use Residential Districts).

18 (d) Programmed Improvements. General public improvements and amenities needed
19 to meet the needs of both existing residents, as well as those needs generated by new
20 development, have been identified through the community planning processes of the Area
21 Plans, based on the standards-based analysis contained in the Eastern Neighborhoods
22 Needs Assessment, San Francisco Planning Department, Case No. _____ on file
23 with the Clerk of the Board in File No. _____, and on community input during the
24 Plan adoption process. The Planning Department developed generalized cost estimates,
25 based on similar project types implemented by the City in the relevant time period, to

1 provide reasonable approximates for the eventual cost of providing necessary Public
2 Benefits in the Plan Areas (information on these cost estimates is located in the Eastern
3 Neighborhoods Public Benefits Program Document). However specific public
4 improvements are still under development and will be further clarified through
5 interdepartmental efforts with input from the Interagency Plan Implementation
6 Committee, the Citizens Advisory Committee, and other stakeholders. Specific project
7 identification, design work, engineering, and environmental review will still be required
8 and may alter the nature of the improvements, as well as the sum total of the cost for
9 these improvements.

10 (e) Eastern Neighborhoods Impact Fee. Development impact fees are an effective
11 approach to mitigate impacts associated with growth in population. The proposed
12 Eastern Neighborhoods Eastern Neighborhoods Impact Fee would be dedicated to
13 infrastructure improvements in the Plan Area, directing benefits of the fund clearly to
14 those who pay into the fund, by providing necessary infrastructure improvements and
15 housing needed to serve new development. The net increases in individual property
16 values in these areas due to the enhanced neighborhood amenities financed with the
17 proceeds of the fee are expected to exceed the payments of fees by project sponsors.

18 The fee rate has been calculated by the Planning Department based on accepted
19 professional methods for the calculation of such fees, and described fully in the Eastern
20 Neighborhoods Nexus Studies, San Francisco Planning Department, Case No.

21 _____ on file with the Clerk of the Board in File No. _____. The Eastern
22 Neighborhoods Public Benefits Program Document contains a full discussion of impact
23 fee rationale.

24 The proposed fee would cover less than the full nexus as calculated by the Eastern
25 Neighborhoods Nexus Studies. The proposed fees only cover impacts caused by new

1 development and are not intended to remedy existing deficiencies. Those costs will be
2 paid for by public, community, and other private sources as described in the Eastern
3 Neighborhoods Public Benefits Program. Residential and non-residential impact fees are
4 only one of many revenue sources necessary to create the “complete neighborhoods”
5 that will provide appropriate amenities for residents of the Eastern Neighborhoods.

6 **SEC. 327.2. DEFINITIONS.**

7 The following definitions shall govern this ordinance:

8 (a) Definitions from section 318.2 shall apply unless otherwise noted in this Section.

9 (b) “Designated affordable housing zones”, for the purposes of this section, shall mean
10 the Mission NCT defined in Section 736 and the Mixed Use Residential District defined in
11 Section 841.

12 (c) “Community facilities” shall mean all uses as defined under Section 209.4(a) and
13 209.3(d) of this Code.

14 (d) “Eastern Neighborhoods Impact Fee” shall refer to the fee collected by the City to
15 mitigate impacts of new development as described in Findings, above.

16 (e) “Eastern Neighborhoods Public Benefit Fund” shall refer to the fund into which all
17 fee revenue collected by the City from the Eastern Neighborhoods Impact Fee.

18 (f) “In-kind Agreement” shall mean an agreement acceptable in form and substance to
19 the City Attorney and the Planning Director between a project sponsor and the Planning
20 Department subject to the approval of the Planning Commission in its sole discretion to
21 provide a specific set of public benefits, at a specific phase of construction, in lieu of
22 monetary contribution to the Eastern Neighborhoods Public Benefit Fund.

23 (g) “Net addition of gross square feet of non-residential space” shall mean gross floor
24 area as defined in Planning Code Section 102.9 to be occupied by, or primarily serving,
25 any non-residential use, less the gross floor area in any structure demolished or

1 rehabilitated as part of the proposed development project space used primarily and
2 continuously for the same non-residential use within the same economic activity
3 category; and not accessory to any use other than that same non-residential use for five
4 years prior to Planning Commission approval of the development project subject to this
5 Section, or for the life of the structure demolished or rehabilitated, whichever is shorter.
6 (h) "Net addition of gross square feet of residential space" shall mean gross floor area as
7 defined in Planning Code Section 102.9 to be occupied by, or primarily serving,
8 residential use, less the gross floor area in any structure demolished or rehabilitated as
9 part of the proposed residential development project space used primarily and
10 continuously for residential use and not accessory to any use other than residential use
11 for five years prior to Planning Commission approval of the development project subject
12 to this Section, or for the life of the structure demolished or rehabilitated, whichever is
13 shorter.
14 (i) "Non-residential use" shall mean any structure or portion thereof intended for
15 occupancy by retail, office, commercial or other nonresidential uses defined in Section
16 217, 218, 219 and 221, and also in 209.3 and 209.8 of the Planning Code; including
17 uses referenced in the Eastern Neighborhoods Nexus Study. For the purposes of this
18 section it shall not include industrial uses, including those contained in Sections 220,
19 222, 223, 224, 225, and 226 of the Planning Code, or uses that qualify as an accessory
20 use, as defined and regulated in Sections 204 through 204.5. Non-residential uses shall
21 include the economic activity categories of Cultural/ Institution/ Education;
22 Management, Information & Professional Service; Medical & Health Service; Retail/
23 Entertainment; and Visitor Services.
24 (j) "Non-residential development project" shall mean any new construction, addition,
25 extension, conversion or enlargement, or combination thereof, of an existing structure

1 which includes any occupied floor area of non-residential use; provided, however, that
2 for projects that solely comprise an addition to an existing structure which would add
3 occupied floor area in an amount less than 20 percent of the occupied floor area of the
4 existing structure, the provisions of this Section shall only apply to the new occupied
5 square footage.

6 (k) "Non-residential Space Subject to the Eastern Neighborhoods Impact Fee" means
7 each net addition of net square feet within the Project Area which contributes to a 20
8 percent increase in non-residential capacity of an existing structure.

9 (l) "Project Area" shall mean the Eastern Neighborhoods Plan Area in Map 1 (Land
10 Use Plan) of the Eastern Neighborhoods Area Plan of the San Francisco General Plan.

11 (m) "Residential" shall mean any type of use containing dwellings as defined in Section
12 209.1, 790.88, and 890.88 of the Planning Code as relevant for the subject zoning
13 district or containing group housing as defined in Section 209.2(a)– (c) of the Planning
14 Code.

15 (n) "Residential Space Subject to the Eastern Neighborhoods Impact Fee" means each
16 net addition of net square feet within the Project Area which results in a net new
17 residential unit.

18 (o) "Waiver Agreement" means an agreement acceptable in form and substance to the
19 Planning Department and the City Attorney, under which the City agrees to waive all or
20 a portion of the Eastern Neighborhoods Impact Fee, provided the sponsor has
21 demonstrated a hardship in achieving those objectives as well as all the requirements of
22 the Plan. Such a waiver may also be granted as a part of a signed covenant to make a
23 good faith effort to secure the formation of a Community Facilities (Mello-Roos) District.

24 **SEC. 327.3. APPLICATION.**

1 (a) Project Area. The Eastern Neighborhoods Public Benefits Fund is hereby
2 established. It shall be implemented in part through district-specific Eastern
3 Neighborhoods Impact Fee which applies to the Project Area and includes properties
4 identified as part of the Eastern Neighborhoods Plan Areas in Map 1 (Land Use Plan) of
5 the San Francisco General Plan. Fees shall be charged on net additions of gross square
6 feet which result in a net new residential unit, or contribute to a 20 percent increase of
7 non-residential space in an existing structure. Fees shall be assessed on residential use,
8 and on non-residential use within each use category of Cultural/ Institution/ Education;
9 Management, Information & Professional Service; Medical & Health Service; Retail/
10 Entertainment; and Visitor Services; with no substitutions across uses. Fees shall not be
11 required for uses contained in Sections 220, 222, 223, 224, 225, and 226 of the Planning
12 Code. Fees shall be assessed on mixed use projects according to the gross square feet of
13 each use in the project.

14 (b) Prior to the issuance by the Department of Building Inspection (DBI) of
15 the first site or building permit for a residential development project, or residential
16 component of a mixed use project within the Project Area, the sponsor of any project
17 containing residential space subject to the Eastern Neighborhoods Impact Fee shall pay
18 to the Treasurer according to the schedule in Table 327.3.

19 (c) Prior to the issuance by DBI of the first site or building permit for a non-
20 residential development project, or non-residential component of a mixed use project
21 within the Project Area, the sponsor of any project containing non-residential space
22 subject to the Eastern Neighborhoods Impact Fee shall pay to the Treasurer according to
23 the schedule in Table 327.3.

24 TABLE 327.3

25 FEE SCHEDULE FOR EASTERN NEIGHBORHOODS PLAN AREAS

1	<u>Tier</u>	<u>Residential</u>	<u>Non-</u>
2		<u>1</u>	<u>residential</u>
3			<u>*</u>
4	<u>1</u>	<u>\$8/gsf</u>	<u>\$16/gsf</u>
5	<u>2</u>	<u>\$12/gsf</u>	<u>\$20/gsf</u>
6	<u>3</u>	<u>\$16/gsf</u>	<u>\$24/gsf</u>

7 *Please note that nonresidential uses are subject to the Transit Impact Development Fee,
8 Administrative Code Chapter 38, and therefore eligible for a waiver or reduction. See
9 Section 327.3(g)(2)(B) (i) below)

10 (d) Upon request of the sponsor and upon payment of the Eastern
11 Neighborhoods Impact Fee in full to the Treasurer, the execution of a Waiver Agreement
12 or In-Kind agreement approved as described herein, the Treasurer shall issue a
13 certification that the obligations of this section of the Planning Code have been met. The
14 sponsor shall present such certification to the Planning Department and DBI prior to the
15 issuance by DBI of the first site or building permit for the development project. DBI shall
16 not issue the site or building permit without the Treasurer's certification that the fees
17 required by this Section have been paid or otherwise satisfied. Any failure of the
18 Treasurer, DBI, or the Planning Department to give notice of requirements under this
19 Section shall not relieve a sponsor from compliance with this Section. Where DBI
20 inadvertently issues a site or building permit without payment of the fee, Planning and
21 DBI shall not issue any further permits or a certificate of occupancy for the project
22 without certification from the Treasurer. The procedure set forth in this Subsection is not
23 intended to preclude enforcement of the provisions of this Section under any other section
24 of this Code, or other authority under the laws of the City or State of California.

1 (e) Fee Adjustments. In conjunction with the five-year Monitoring Program
2 required by the Administrative Code Section (note: section number to be determined),
3 the City may review the amount of the Eastern Neighborhoods Impact Fee, should such
4 an increase in fees be warranted according to an increase in construction costs
5 according to changes published in the Construction Cost Index published by the
6 Engineering News Record, or according to another similar cost index should there be
7 one more appropriate. The City may also adjust fees based on changes in estimated costs
8 of the underlying improvements to be funded through the Eastern Neighborhoods Impact
9 Fee as listed in the Eastern Neighborhoods Program. Revision of the fee should be done
10 in coordination with revision to other like fees whenever possible. The Planning
11 Department shall provide notice of any fee adjustment including the formula used to
12 calculate the adjustment on its website and to any interested party who has requested
13 such notice at least 30 days prior to the adjustment taking effect.

14 (f) Option for In-Kind Provision of Public Benefits. The Planning
15 Commission may reduce the Eastern Neighborhoods Impact Fee described in (b) above
16 for specific development proposals in cases where the Planning Director recommends
17 such an In-kind provision, and the project sponsor has entered into an In-Kind
18 Agreement with the City. In-kind improvements may only be recommended where said
19 improvements have been prioritized in the plan, where they meet an identified community
20 need as analyzed in the Eastern Neighborhoods Needs Assessment, and where they
21 substitute for improvements to be provided by fee revenue such as public open spaces and
22 recreational facilities, transportation and transit service, streetscapes or the public
23 realm, and community facility space . No proposal for In-kind improvements shall be
24 accepted if it is not recommended by the Planning Director according to the criteria

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1 above. Project sponsors that pursue an in-kind waiver are responsible for all additional
2 administrative costs.

3 (1) The value of the improvements provided through the In-kind agreement shall
4 be equivalent to the portion of the Eastern Neighborhoods Impact Fee that is waived. For
5 the purposes of calculating the total value, the project sponsor shall provide the Planning
6 Department with a cost estimate for the proposed in-kind Public Benefits from two
7 independent sources or, if relevant, real estate appraisers. If the City has completed a
8 detailed site-specific cost estimate for a planned improvement this may serve as one of
9 the cost estimates provided it is indexed to current cost of construction. Based on these
10 estimates, the Planning Director shall determine their appropriate value and the
11 Planning Commission may reduce the Eastern Neighborhoods Impact Fee assessed to
12 that project proportionally. Open space or streetscape improvements proposed to satisfy
13 the usable open space requirements of Section 135 are not eligible for credit toward the
14 contribution as In-Kind improvements. No credit toward the contribution may be made
15 for land value unless ownership of the land is transferred to the City or a permanent
16 public easement is granted, the acceptance of which is at the sole discretion of the City.

17 (2) The agreement shall also mandate a covenant of the project sponsor to
18 reimburse all city agencies for their administrative and staff costs in negotiating,
19 drafting, and monitoring compliance with the In-Kind agreement. The City also shall
20 require the project sponsor to provide a letter of credit or other instrument, acceptable in
21 form and substance to the Planning Department and the City Attorney, to secure the
22 City's right to receive improvements as described above.

23 (g) Waiver or Reduction.

24 (1) Waiver or Reduction Based on Hardship or Absence of Reasonable
25 Relationship

1 (A) A project applicant of any project subject to the requirements in this Section
2 may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the
3 requirements based upon the absence of any reasonable relationship or nexus between
4 the impact of development and the amount of the fee charged or for the reasons set forth
5 in subsection (2) below, a project applicant may request a waiver from the Board of
6 Supervisors.

7 (B) Any appeal of waiver requests under this clause shall be made in writing and
8 filed with the Clerk of the Board no later than 15 days after the date the sponsor is
9 required to pay and has paid to the Treasurer the fee as required in Section 327.3(b).
10 The appeal shall set forth in detail the factual and legal basis for the claim of waiver,
11 reduction, or adjustment. The Board of Supervisors shall consider the appeal at the
12 hearing within 60 days after the filing of the appeal. The appellant shall bear the burden
13 of presenting substantial evidence to support the appeal, including comparable technical
14 information to support appellant's position. If a reduction, adjustment, or waiver is
15 granted, any change of use or scope of the project shall invalidate the waiver,
16 adjustment, or reduction of the fee. If the Board grants a reduction, adjustment or
17 waiver, the Clerk of the Board shall promptly transmit the nature and extent of the
18 reduction, adjustment or waiver to the Treasurer and Planning Department.

19 (2) Waiver or Reduction Based on Duplication of Fees. This Section details
20 waivers and reductions available by right for project sponsors that fulfill the
21 requirements below.

22 (A) A project applicant subject to the requirements of this Section who has
23 received an approved building permit, conditional use permit or similar discretionary
24 approval and who submits a new or revised building permit, conditional use permit or
25 similar discretionary approval for the same property shall be granted a reduction,

1 adjustment or waiver of the requirements of Section 327 of the Planning Code with
2 respect to the square footage of construction previously approved.

3 (B) The City shall not to assess duplicative fees on new development. In general
4 project sponsors are only eligible for fee waivers under this clause if a contribution to
5 another fee program would result in a duplication of charges for a particular type of
6 community infrastructure. Therefore applicants may only receive a waiver for the portion
7 of the Eastern Neighborhoods Public Benefits Fund that addresses that infrastructure
8 type. Requirements under Section 135 do not qualify for waiver or reductions. Should
9 future fees pose a duplicative charge, the same methodology shall apply and the Planning
10 Department shall update the schedule of waivers or reductions accordingly.

11 (i) Applicants that are subject to the Transit Impact Development Fee (TIDF),
12 Administrative Code Chapter 38, can reduce their contribution to the Eastern
13 Neighborhoods Public Benefits Fund by one dollar for every dollar that they contribute
14 to the TIDF. Reductions shall be made according to economic activity categories as
15 defined in the Administrative Code Chapter 38, and based on the gross square footage
16 (gsf) of new development for each economic activity category.

17 **SEC. 327.4. LIEN PROCEEDINGS.**

18 (a) A sponsor's failure to comply with the requirements of Sections 327.3,
19 shall constitute cause for the City to record a lien against the development project in the
20 sum of the fees required under this ordinance. The fee required by Section 327.3(b) of
21 this ordinance is due and payable to the Treasurer prior to issuance of the first building
22 or site permit for the development project unless a Waiver Agreement has been executed.
23 If, for any reason, the fee remains unpaid following issuance of the permit and no Waiver
24 Agreement has been executed, any amount due shall accrue interest at the rate of one and

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1 one-half percent per month, or fraction thereof, from the date of issuance of the permit
2 until the date of final payment.

3 (b) If, for any reason, the fee imposed pursuant to this ordinance remains
4 unpaid following issuance of the permit, the Treasurer shall initiate proceedings in
5 accordance with Article XX of Chapter 10 of the San Francisco Administrative Code to
6 make the entire unpaid balance of the fee, including interest, a lien against all parcels
7 used for the development project and shall send all notices required by that Article to the
8 owner of the property as well as the sponsor. The Treasurer shall also prepare a
9 preliminary report notifying the sponsor of a hearing to confirm such report by the Board
10 of Supervisors at least 10 days before the date of the hearing. The report to the sponsor
11 shall contain the sponsor's name, a description of the sponsor's development project, a
12 description of the parcels of real property to be encumbered as set forth in the Assessor's
13 Map Books for the current year, a description of the alleged violation of this ordinance,
14 and shall fix a time, date, and place for hearing. The Treasurer shall cause this report to
15 be mailed to the sponsor and each owner of record of the parcels of real property subject
16 to lien. Except for the release of lien recording fees authorized by Administrative Code
17 Section 10.237, all sums collected by the Tax Collector pursuant to this ordinance shall
18 be held in trust by the Treasurer and deposited in the Eastern Neighborhoods Public
19 Benefits Fund established in Section 327.6.

20 (c) Any notice required to be given to a sponsor or owner shall be sufficiently
21 given or served upon the sponsor or owner for all purposes hereunder if personally
22 served upon the sponsor or owner or if deposited, postage prepaid, in a post office
23 letterbox addressed in the name of the sponsor or owner at the official address of the
24 sponsor or owner maintained by the Tax Collector for the mailing of tax bills or, if no
25

1 such address is available, to the sponsor at the address of the development project, and
2 to the applicant for the site or building permit at the address on the permit application.

3 **SEC. 327.5. EASTERN NEIGHBORHOODS IMPACT FEE REFUND**
4 **WHEN BUILDING PERMIT IS MODIFIED OR EXPIRES PRIOR TO**
5 **COMPLETION OF WORK AND COMMENCEMENT OF OCCUPANCY.**

6 In the event a building permit is modified to expand or reduce project size, the
7 obligation to comply with this ordinance shall be modified accordingly. In the event a
8 building expires prior to completion of the work on and commencement of occupancy of a
9 residential or non-residential development project so that it will be necessary to obtain a
10 new permit to carry out any development, the obligation to comply with this ordinance
11 shall be cancelled, and any Eastern Neighborhoods Impact Fee previously paid to the
12 Treasurer shall be refunded. If and when the sponsor applies for a new permit, the
13 procedures set forth in this ordinance regarding payment of the Eastern Neighborhoods
14 Impact Fee shall be followed.

15 **SEC. 327.6. FUND.**

16 (a) There is hereby established a separate fund set aside for a special purpose
17 entitled the Eastern Neighborhoods Public Benefits Fund ("Fund"). All monies collected
18 by the Treasurer pursuant to Section 327.3(b) shall be deposited in a special fund
19 maintained by the Controller. The receipts in the Fund to be used solely to fund Public
20 Benefits subject to the conditions of this Section.

21 (b) Expenditures from the Fund shall be recommended by the Planning
22 Commission, and administered by the Board of Supervisors.

23 (1) All monies deposited in the Fund shall be used to design, engineer,
24 acquire, and develop and improve public open space and recreational facilities; transit,
25 streetscape and public realm improvements; and community facilities including child

1 care and library materials, as defined in the Eastern Neighborhoods Nexus Studies; or
2 housing preservation and development within the Eastern Neighborhoods Plan Area.
3 Funds may be used for childcare facilities that are not publicly owned or “publicly-
4 accessible”. Funds generated for ‘library resources’ should be used for materials in
5 branches that directly service Eastern Neighborhoods residents. Monies from the Fund
6 may be used by the Planning Commission to commission economic analyses for the
7 purpose of revising the fee pursuant to Section 327.3(d) above, to complete an updated
8 nexus study to demonstrate the relationship between development and the need for public
9 facilities if this is deemed necessary.

10 (2) Funds may be used for administration and accounting of fund assets, for
11 additional studies as detailed in the Eastern Neighborhoods Public Benefits Program
12 Document, and to defend the Community Stabilization fee against legal challenge,
13 including the legal costs and attorney's fees incurred in the defense. Administration of
14 this fund includes time and materials associated with reporting requirements, facilitating
15 the Eastern Neighborhoods Citizens Advisory Committee meetings, and maintenance of
16 the fund. All interest earned on this account shall be credited to the Eastern
17 Neighborhoods Public Benefits Fund.

18 (c) Funds shall be deposited into specific accounts according to the improvement
19 type for which they were collected. Funds from a specific account may be used
20 towards a different improvement type, provided said account or fund is reimbursed over
21 a five-year period of fee collection. Funds shall be allocated to accounts by improvement
22 type as described below:

23 (1) Funds collected from all zoning districts in the Project Area, excluding
24 Designated Affordable Housing Zones shall be allocated to accounts by
25 improvement type accordording to ~~in~~ Table 327.6₇.

1 (2) Funds collected in ~~except for~~ designated affordable housing zones
 2 (Mission NCT and MUR (as defined in 327.2(b)), shall be allocated to accounts by
 3 improvement type as ~~which are~~ described in Table 327.6A. The revenue devoted to
 4 affordable housing preservation and development shall be deposited into a
 5 specific amount to be held by the Mayor's Office of Housing.

6 A. All funds collected from projects in the Mission NCT that are
 7 earmarked for affordable housing preservation and development shall be
 8 expended on housing programs and projects within the Mission Area Plan
 9 boundaries.

10 B. All funds collected from projects in the MUR that are earmarked for
 11 affordable housing preservation and development shall be expended on housing
 12 programs and projects shall be expended within the boundaries of 5th to 10th
 13 Streets/ Howard to Harrison Streets.

14 (3) All funds~~These fund~~ are supported by the Eastern Neighborhoods Nexus
 15 Studies, San Francisco Planning Department, Case No. _____, and monitored
 16 according to the Eastern Neighborhoods Area Plans Monitoring Program required by
 17 the Administrative Code Section (note: section number to be determined) and detailed by
 18 separate resolution.

19 TABLE 327.6
 20 BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND BY
 21 IMPROVEMENT TYPE*

<u>Improvement Type</u>	<u>Residentia</u>	<u>Non-</u>
	<u>l</u>	<u>residential</u>
<u>Open space and</u>	<u>50%</u>	<u>7%</u>
<u>recreational facilities</u>		

<u>Transit, streetscape and public realm improvements</u>	<u>42%</u>	<u>90%</u>
<u>Community facilities (child care and library materials)</u>	<u>8%</u>	<u>3%</u>

*Does not apply to Designated Affordable Housing Zones, which are addressed in Table 327.6A.

TABLE 327.6A

BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND BY IMPROVEMENT TYPE FOR DESIGNATED AFFORDABLE HOUSING ZONES

<u>Improvement Type</u>	<u>Residential</u>	<u>Non-residential</u>
<u>Affordable Housing preservation and development</u>	<u>5075%</u>	<u>n/a</u>
<u>Open space and recreational facilities</u>	<u>2513%</u>	<u>7%</u>
<u>Transit, streetscape and public realm improvements</u>	<u>2410%</u>	<u>90%</u>
<u>Community facilities (child care and library materials)</u>	<u>4%2%</u>	<u>3%</u>

(d) With full participation by the Planning Department and related implementing agencies, the Controller's Office shall file a report with the Board of Supervisors

1 beginning 180 days after the last day of the fiscal year of the effective date of this
2 ordinance that shall include the following elements: (1) a description of the type of fee in
3 each account or fund; (2) amount of fee collected; (3) beginning and ending balance of
4 the accounts or funds including any bond funds held by an outside trustee; (4) amount of
5 fees collected and interest earned; (5) identification of each public improvement on
6 which fees or bond funds were expended and amount of each expenditure; (6) an
7 identification of the approximate date by which the construction of public improvements
8 will commence; (7) a description of any inter-fund transfer or loan and the public
9 improvement on which the transferred funds will be expended; and (8) amount of refunds
10 made and any allocations of unexpended fees that are not refunded.

11 (e) Approximately every fifth fiscal year following the first deposit into the
12 account, as coordinated with other planning efforts monitoring activity, the following
13 account reporting shall be made by the Controller's office in coordination with the
14 Planning Department: (1) purpose to which the fee is to be put; (2) demonstrate a
15 reasonable relationship between the fee and the purpose for which it is charged; (3)
16 identify all sources and amounts of funding anticipated to complete financing in
17 incomplete improvements identified in this ordinance and subsequent reporting; and (4)
18 designate the approximate dates on which the sources and amounts of funding is
19 expected to be deposited into the appropriate account or fund. The reporting
20 requirements detailed in this section refer to the current requirements under State law,
21 Government Code 66000, and are detailed here to insure that this fund fulfills all legal
22 obligations as detailed by the State of California. Any applicable amendments to State
23 law, Government Code 66000, automatically apply to the reporting requirements of this
24 ordinance and the ordinance should be amended accordingly.

25

1 (f) A public hearing shall be held by the Recreation and Parks Commissions to
2 elicit public comment on proposals for the acquisition of property using monies in the
3 Fund that will ultimately be maintained by the Department of Recreation and Parks.
4 Notice of public hearings shall be published in an official newspaper at least 20 days
5 prior to the date of the hearing, which notice shall set forth the time, place, and purpose
6 of the hearing. The Parks Commissions may vote to recommend to the Board of
7 Supervisors that it appropriate money from the Fund for acquisition and development of
8 property acquired for park use.

9 (g) The Planning Commission shall work with other City agencies and
10 commissions, specifically the Department of Recreation and Parks, Department of Public
11 Works, and the Municipal Transportation Authority, to develop agreements related to the
12 administration of the improvements to existing public facilities and development of new
13 public facilities within public rights-of-way or on any acquired public property, using
14 such monies as have been allocated for that purpose at a hearing of the Board of
15 Supervisors.

16 (h) The Planning Commission, based on findings from the Interagency Planning
17 & Implementation Committee (IPIC), shall make recommendations to the Board
18 regarding allocation of funds.

19 ~~SEC. 327.7 EASTERN NEIGHBORHOODS CITIZENS ADVISORY~~
20 ~~COMMITTEE~~

21 ~~(a) Within 6 months of adoption of the Eastern Neighborhoods Area Plan~~
22 ~~and related planning code changes, the Board of Supervisors shall establish a~~
23 ~~Citizens Advisory Committee (CAC) for the purposes of providing input on the~~
24 ~~prioritization of Public Benefits, updating the Public Benefits program, and~~
25 ~~providing input to plan area monitoring efforts as appropriate. The CAC shall be~~

1 advisory, as appropriate, to the Planning Department, the Interagency Planning &
2 Implementation Committee (IPIC), the Planning Commission and the Board of
3 Supervisors. The CAC may perform the following functions as needed:

4 (1) Collaborate with the Planning Department and the Interagency Plan
5 Implementation

6 Committee on prioritizing the community improvement projects and
7 identifying implementation details as part of annual expenditure program that is
8 adopted by the Board of Supervisors;

9 (2) Provide an advisory a role in a report-back process from the Planning
10 Department on enforcement of individual projects' compliance with the Area
11 Plans standards and on specific conditions of project approvals so that those
12 agreements will be more effectively implemented;

13 (3) Collaborate with the Planning Department and relevant city agencies in
14 the monitoring of the Plans' implementation program at approximately every fifth
15 year, in coordination with the Monitoring Program required by the Administrative
16 Code Section 10.E; and provide input to Plan area monitoring efforts for required
17 time-series reporting.

18 (b) Representation: The Board of Supervisors shall appoint 2/3 of the
19 committee members and the Mayor shall appoint 1/3 of the committee members
20 of the CAC, making appointments that represent the diversity of the plan area.. It
21 shall include, at a minimum, two representatives from each of these four
22 geographic areas of the Plan Area (the neighborhoods of Eastern SoMa, Central
23 Waterfront, Mission and Showplace Square Potrero Hill); and other members
24 shall represent citywide interests, including residential and business
25 perspectives. The Citizens Advisory Committee shall be comprised of 9-12

1 community members from varying geographic, socio-economic, ethnic, racial,
2 gender, and sexual orientations living or working within the plan area.. The CAC
3 should adequately represent key stakeholders including resident renters, resident
4 homeowners, low-income residents, local merchants, established neighborhood
5 groups within the plan area, and other groups identified through refinement of the
6 CAC process. Each member shall be appointed by the Board and will serve for
7 two-year terms, but those terms shall be staggered such that, of the initial
8 membership, some members will be randomly selected to serve four year terms
9 and some will serve two year terms. The Board of Supervisors may renew a
10 member's term.

11 (c) Staffing for Eastern Neighborhoods Citizens Advisory Committee: The
12 Planning Department or Interagency Plan Implementation Committee shall
13 designate necessary staffing from relevant agencies to the CAC, as needed to
14 complete the CAC's responsibilities functions of the CAC described in this code.
15 To the extent permitted by law, staffing and administrative costs for the CAC
16 shall be funded through the Eastern Neighborhoods Public Benefits Fund. Staff
17 shall participate in the Interagency Planning and Implementation Committee as
18 set forth in Administrative Code Section 36.

19 **SEC. 328 – INTEGRATED PDR FEE DISCOUNT PROGRAM**

20 (a) **Purpose.** The purpose of the Integrated PDR Fee Discount Program is
21 to encourage the hiring of disadvantaged workers by existing or future business
22 tenants and/or occupants in newly permitted Integrated PDR space. Owners of
23 buildings with Integrated PDR space are given the option of deferring up to fifty
24 percent of development impact fees that would otherwise be owed, to encourage
25 their Integrated PDR tenants and/or occupants to register their respective

1 business with the Office of Economic and Workforce Development's (OEWD)
2 Integrated PDR Program. At the end of a five-year period commencing upon
3 issuance of the first site or building permit, owners of Integrated PDR buildings
4 will be responsible for payment of the full deferred amount unless they can
5 demonstrate to the Planning Department, based on registration records
6 submitted to OEWD, that a certain percentage of the employees occupying
7 Integrated PDR space qualify as "disadvantaged workers." The greater the
8 percentage of disadvantaged workers, the higher the fee waiver.

9 (b) **Definitions.**

10 (1) Applicant. For purposes of this section, the owner of a building
11 that contains permitted Integrated PDR space.

12 (2) Integrated PDR. This is defined in Section 890.49.

13 (3) Disadvantaged worker. Any employee who qualifies for the
14 California State (4) Enterprise Zone hiring credit for the San Francisco
15 Enterprise Zone.

16 (5) Discount-eligible worker. a disadvantaged worker who lives
17 within the City and County of San Francisco

18 (6) Discount-program fees. The fees that are subject to this
19 discount program are the Eastern Neighborhoods Fees (per Sec. 327), the
20 Transit Impact Development Fee (TIDF) (per Chapter 38 of the Administrative
21 Code), and the Jobs-Housing Linkage Fee (per Section 313).

22 (7) Integrated PDR Registration Record. A dated receipt
23 acknowledging that the subject Integrated PDR business has newly registered or
24 updated their existing registration with the Office of Economic and Workforce
25 Development (OEWD).

1 (8) Outstanding Discount-Program fees. The 50% of Discount-
2 program fees that are not paid at the issuance of the first site or building permit.

3 (c) **Controls.**

4 (1) Any project involving the establishment of net new Integrated
5 PDR space may choose to avail itself of the fee discounts described below in this
6 Subsection.

7 (2) Initial fee reduction and payment:

8 (A) At the issuance of the first site or building permit, the
9 Applicant will pay 50% of discount-program fees.

10 (B) An Integrated PDR Notice of Special Restrictions (NSR)
11 will be placed on the property stating the following:

12 (i) The amount of Outstanding Discount-Program fees.

13 (ii) That the Outstanding Discount-Program fees, adjusted
14 for the cost of living as defined by the Controller's Office, will be paid within 30
15 days of notification of the applicant by the Planning Department of the amount of
16 payment due. A reduction or waiver of these outstanding fees is available only if
17 the conditions of subsection (c)(3) of this Section are met.

18 (3) Outstanding Discount-Program fee determination and payment:

19 (A) After five years from the issuance of the first site or
20 building permit for any Integrated PDR space, the Applicant must pay the
21 Outstanding Discount-Program fees.

22 (B) An Applicant may seek to waive or reduce any
23 Outstanding Discount-Program fees by providing sufficient evidence in the form
24 of Integrated PDR Registration Records to demonstrate to the Planning
25

1 Department that they have satisfied the workforce goals of the Integrated PDR
2 program as of the date of the filing of an application for such a waiver.

3 (C) Outstanding Discount-Program fees may be waived or
4 forgiven under the following circumstances:

5 (i) If 10% to 14.9% of the total workforce currently employed
6 in space that is permitted as Integrated PDR is discount-eligible workers, then
7 50% of the outstanding fees will be waived.

8 (ii) If 15% to 19.9% of the total workforce currently
9 employed in space that is permitted as Integrated PDR is discount-eligible
10 workers, then 60% of the outstanding fees will be waived.

11 (iii) If 20% to 24.9% of the total workforce currently
12 employed in space that is permitted as Integrated PDR is discount-eligible
13 workers, then 70% of the outstanding fees will be waived.

14 (iv) If 25% to 29.9% of the total workforce currently
15 employed in space that is permitted as Integrated PDR is discount-eligible
16 workers, then 80% of the outstanding fees will be waived.

17 (v) If 30% to 34.9% of the total workforce currently
18 employed in space that is permitted as Integrated PDR is discount-eligible
19 workers, then 90% of the outstanding fees will be waived.

20 (vi) If 35% or more of the total workforce currently employed
21 in space that is permitted as Integrated PDR is discount-eligible workers, then
22 100% of the outstanding fees will be waived.

23 (D) Applicants who cannot provide sufficient evidence in the
24 form of Integrated PDR Registration records to demonstrate to the Planning
25 Department that tenants and/or occupants of any Integrated PDR space have

1 satisfied the annual reporting requirements of the Office of Economic and
2 Workforce Development (OEWD), or its successor, will not be eligible for any
3 waivers or reductions of Outstanding Discount-Program Fees, and will owe the
4 full amount of any Outstanding Discount-Program Fees five years after the
5 issuance of the first site or building permit. These annual reporting requirements
6 are stated contained in the City's Administrative Code Sec. 10E.7.

7 _____ (E) Applicants must apply to the Planning Department for
8 Outstanding Discount-Program Fee reduction or waiver. This application must be
9 submitted within three months before or after the five-year anniversary of the
10 issuance of the first site or building permit. The Planning Department shall
11 transmit the application to the Office of Economic and Workforce Development
12 (OEWD), or its successor, for verification of relevant employment statistics, and
13 the Director of OEWD shall subsequently submit its findings to the Planning
14 Department.

15 _____ (F) Payment of outstanding fees is due within 30 days of
16 notification of the applicant by the Planning Department of the amount of
17 payment due.

18 _____ (G) Failure to pay shall be deemed a violation of the
19 Planning Code and result in an enforcement action by the Department, which
20 may include, referral to the Bureau of Delinquent Revenue and a lien on the
21 subject property. Any enforcement action also may result in additional charges or
22 penalties to cover the City's costs in the enforcement action, including, but not
23 limited to City Attorney's fees.

24 **SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN**
25 **NEIGHBORHOODS MIXED USE DISTRICTS.**

1 (a) Purpose. The purpose of this Section is to ensure that all large projects
2 proposed in the Eastern Neighborhoods Mixed Use Districts are reviewed by the
3 Planning Commission, in an effort to achieve the objectives and policies of the
4 General Plan, the applicable Design Guidelines, and the purposes of this Code.

5 (b) Applicability. This Section applies to all new construction and proposed
6 alterations of existing buildings in the Eastern Neighborhoods Mixed Use
7 Buildings that meet at least one of the following criteria:

8 (1) The project includes the construction of a new building greater than 75
9 feet in height (excluding any exceptions permitted per Section 260(b)), or
10 includes a vertical addition to an existing building resulting in a total building
11 height greater than 75 feet; or

12 (2) The project involves a net addition or new construction of more than
13 25,000 gross square feet; or

14 (3) The project has 200 or more linear feet of contiguous street frontage
15 on any public right of way.

16 (c) Planning Commission Design Review: As set forth in Subsection (e),
17 below, the Planning Commission shall review and evaluate all physical aspects
18 of a proposed project at a public hearing. At such hearing, the Director of
19 Planning shall present any recommended project modifications or conditions to
20 the Planning Commission, including those which may be in response to any
21 unique or unusual locational, environmental, topographical or other relevant
22 factors. The Commission may subsequently require these or other modifications
23 or conditions, or disapprove a project, in order to achieve the objectives and
24 policies of the General Plan or the purposes of this Code. This review shall
25 address physical design issues including but not limited to the following:

- 1 (1) Overall building massing and scale;
- 2 (2) Architectural treatments, facade design and building materials;
- 3 (3) The design of lower floors, including building setback areas,
4 commercial space, townhouses, entries, utilities, and the design and siting of
5 rear yards, parking and loading access;
- 6 (4) The provision of required open space, both on- and off-site. In the
7 case of off-site publicly accessible open space, the design, location, access, size,
8 and equivalence in quality with that otherwise required on-site;
- 9 (5) The provision of mid-block alleys and pathways on frontages between
10 200 and 300 linear feet per the criteria of Section 270, and the design of mid-
11 block alleys and pathways as required by and pursuant to the criteria set forth in
12 Section 270.2
- 13 (6) Streetscape and other public improvements, including tree planting,
14 street furniture, and lighting;
- 15 (7) Circulation, including streets, alleys and mid-block pedestrian
16 pathways;
- 17 (8) Bulk limits;
- 18 (9) Other changes necessary to bring a project into conformance with
19 any relevant design guidelines, Area Plan or Element of the General Plan.
- 20 (d) Exceptions. As a component of the review process under this Section
21 329, projects may seek specific exceptions to the provisions of this Code as
22 provided for below:
- 23 (1) Exceeding the principally permitted accessory residential parking ratio
24 described in Section 151.1 and pursuant to the criteria therein;

25

1 (2) Exception from residential usable open space requirements. In
2 circumstances where such exception is granted, a fee shall be required pursuant
3 to the standards in Sections 135(j), pursuant to the criteria of Section 305(c).

4 (3) Modification of the horizontal massing breaks required by Section
5 270.1 in light of any equivalent reduction of horizontal scale, equivalent volume of
6 reduction, and unique and superior architectural design, pursuant to the criteria
7 of Section 270.1(d).

8 (4) Exception from satisfaction of loading requirements per Section 152.1
9 pursuant to the criteria contained therein.

10 (5) Exception to height limits for vertical non-habitable architectural
11 elements described in Section 263.21 and pursuant to the criteria therein:

12 (6) Provision of the required minimum dwelling unit mix, as set forth in
13 Section 207.6, pursuant to the criteria of Section 305(c):

14 (7) Exception for rear yards, pursuant to the requirements of Section
15 134(f):

16 (8) The number of Designated Office Stories for projects which are subject
17 to vertical office controls pursuant to 219.1 or 803.9(h) and contain more than
18 one building on the project site, so long as

19 (A) an increase in the number of Designated Office Stories would
20 result in a total square footage of office space no greater than that which would
21 otherwise be permitted by the project,

22 (B) office uses are consolidated within a lesser number of buildings
23 than would otherwise be the case, and

24 (C) the resulting location and mix of uses increases the project's
25 consistency with nearby land uses;

1 (9) Where not specified elsewhere in this Subsection (d), modification of
2 other Code requirements which could otherwise be modified as a Planned Unit
3 Development (as set forth in Section 304), irrespective of the zoning district in
4 which the property is located.

5 (e) Hearing and Decision.

6 (1) Hearing. The Planning Commission shall hold a public hearing for all
7 projects that are subject to this Section.

8 (2) Notice of Hearing. Notice of such hearing shall be provided pursuant
9 to the same requirements for Conditional Use requests, as set forth in Section
10 306.3 and 306.8.

11 (3) Director's Recommendations on Modifications and Exceptions. At the
12 hearing, the Planning Director shall review for the Commission key issues related
13 to the project based on the review of the project pursuant to Subsection (c) and
14 recommend to the Commission modifications, if any, to the project and conditions
15 for approval as necessary. The Director shall also make recommendations to the
16 Commission on any proposed exceptions pursuant to Subsection (d).

17 (4) Decision and Imposition of Conditions. The Commission, after public
18 hearing and, after making appropriate findings, may approve, disapprove or
19 approve subject to conditions, the project and any associated requests for
20 exception. As part of its review and decision, the Planning Commission may
21 impose additional conditions, requirements, modifications, and limitations on a
22 proposed project in order to achieve the objectives, policies, and intent of the
23 General Plan or of this Code.

24 (5) Appeal. The decision of the Planning Commission may be appealed
25 to the Board of Appeals by any person aggrieved within 15 days after the date of

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

(6) Discretionary Review. No requests for discretionary review shall be accepted by the Planning Department or heard by the Planning Commission for projects subject to this Section.

(7) Change of Conditions. Once a project is approved, authorization of a change in any condition previously imposed by the Planning Commission shall require approval by the Planning Commission subject to the procedures set forth in this Section.

SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.

(a) Conditional Use (Section 303), Planned Unit Development (Section 304), and Eastern Neighborhoods Commission Review (Section 329).

TABLE INSET:

Estimated Construction Cost	Initial Fee
No construction cost, excluding extension of hours	\$700.00
No construction cost, extension of hours	\$1,075.00
Estimated Construction Cost	Initial Fee
\$1.00 to \$9,999.00	\$1,075.00
\$10,000.00 to \$999,999.00	\$1,075.00 plus .497% of cost over \$10,000.00
\$1,000,000.00 to \$4,999,999.00	\$5,995.00 plus .593% of cost over

	\$1,000,000.00
\$5,000,000.00 to \$9,999,999.00	\$29,715.00 plus .497% of cost over \$5,000,000.00
\$10,000,000.00 to \$19,999,999.00	\$54,565.00 plus .259% of cost over \$10,000,000.00
\$20,000,000.00 or more	\$80,465.00

(b) Variance (Section 305)

TABLE INSET:

Estimated Construction Cost	Initial Fee
\$0.00---\$9,999.00	\$680.00
\$10,000.00--\$19,999.00	\$1,515.00
\$20,000.00 and greater	\$3,025.00

Variance fees are subject to additional time and material charges, as set forth in Section 350c.

(c) Downtown (C-3) District Review (Section 309) and Coastal Zone Permit (Section 330) Applications Commission Hearing Fee Schedule:

TABLE INSET:

Estimated Construction Cost	Initial Fee
\$0.00 to \$9,999.00	\$217.00
\$10,000.00 to \$999,999.00	\$217.00 plus .0994% of cost over \$10,000.00
\$1,000,000.00 to	\$1,201.00 plus .119% of cost over

1	\$4,999,999.00	\$1,000,000.00
2	\$5,000,000.00 to	\$5,961.00 plus .099% of cost over
3	\$9,999,999.00	\$5,000,000.00
4	\$10,000,000.00 to	\$10,911.00 plus .052% of cost over
5	\$19,999,999.00	\$10,000,000.00
6	\$20,000,000.00 or more	\$16,111.00

7 (1) Applications with Verified Violations of this Code: The Planning
8 Department shall charge \$170.00 as an initial fee, plus time and materials as set
9 forth in Section 350(c).

10 (2) Where an applicant requests two or more approvals involving a
11 conditional use, planned unit development, variance, Downtown (C-3) District
12 Section 309 review, certificate of appropriateness, permit to alter a significant or
13 contributory building both within and outside of Conservation Districts, or a
14 coastal zone permit review, the amount of the second and each subsequent
15 initial fees of lesser value shall be reduced to 50 percent.

16 (3) Minor project modifications requiring a public hearing to amend
17 conditions of approval of a previously authorized project, not requiring a
18 substantial reevaluation of the prior authorization: \$800.00

19 (4) The applicant shall be charged for any time and materials beyond the
20 initial fee in Section 352(a), as set forth in Section 350(c).

21 (5) An applicant proposing significant revisions to a project for which an
22 application is on file with the Planning Department shall be charged time and
23 materials to cover the full costs in excess of the initial fee.

1 (6) For agencies or departments of the City and County of San
2 Francisco, the initial fee for applications shall be based upon the construction
3 cost as set forth above.

4 (d) Discretionary Review Request: \$300.00; provided, however, that the
5 fee shall be waived if the discretionary review request is filed by a neighborhood
6 organization that: (1) has been in existence for 24 months prior to the filing date
7 of the request, (2) is on the Planning Department's neighborhood organization
8 notification list, and (3) can demonstrate to the Planning Director or his/her
9 designee that the organization is affected by the proposed project. Such fee shall
10 be refunded to the individual or entity that requested discretionary review in the
11 event the Planning Commission denies the Planning Department's approval or
12 authorization upon which the discretionary review was requested. Mandatory
13 discretionary reviews: \$2,805.00.

14 (e) Institutional Master Plan (Section 304.5).

15 (1) Full Institutional Master Plan or Substantial Revision: \$10,000.00 plus
16 time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

17 (2) Abbreviated Institutional Master Plan: \$1,830.00 plus time and
18 materials if the cost exceeds the initial fee as set forth in Section 350(c).

19 (f) Land Use Amendments and Related Plans and Diagrams of the San
20 Francisco General Plan: Fee based on the Department's estimated actual costs
21 for time and materials required to review and implement the requested
22 amendment, according to a budget prepared by the Director of Planning, in
23 consultation with the sponsor of the request.

24 (g) General Plan Referrals: \$2,700.00 plus time and materials if the cost
25 exceeds the initial fee as set forth in Section 350(c).

1 (h) Redevelopment Plan Review: The Director of Planning shall prepare
2 a budget to cover actual time and materials expected to be incurred, in
3 consultation with the Redevelopment Agency. A sum equal to 1/2 the expected
4 cost will be submitted to the Department, prior to the commencement of the
5 review. The remainder of the costs will be due at the time the initial payment is
6 depleted.

7 (i) Reclassify Property or Impose Interim Zoning Controls: \$6,115.00.

8 (1) The applicant shall be charged for any time and materials as set forth
9 in Section 350(c).

10 (2) Applications with Verified Violations of this Code: The Planning
11 Department shall charge time and materials as set forth in Section 350(c).

12 (j) Setback Line, Establish, Modify or Abolish: \$2,325.00.

13 (k) Temporary Use Fees \$340.00 as an initial fee, plus time and
14 materials if the cost exceeds the initial fee, as set forth in Section 350(c).

15 (l) Amendments to Text of the Planning Code: \$11,495.00 as an initial
16 fee, plus time and materials if the cost exceeds the initial fee as set forth in
17 Section 350(c).

18 (m) Zoning Administrator Conversion Determinations Related to Service
19 Station Conversions: \$2,270.00 as an initial fee, plus time and materials if the
20 cost exceeds the initial fee. (Section 228.4):

21 (n) Conditional Use Appeals to the Board of Supervisors:

22 (1) \$400.00 for the appellant of a conditional use authorization decision
23 to the Board of Supervisors; provided, however, that the fee shall be waived if the
24 appeal is filed by a neighborhood organization that: (1) has been in existence for
25 24 months prior to the appeal filing date, (2) is on the Planning Department's

1 neighborhood organization notification list, and (3) can demonstrate to the
2 Planning Director or his/her designee that the organization is substantially
3 affected by the proposed project.

4 (2) Such fees shall be used to defray the cost of an appeal to the
5 Planning Department. At the time of filing an appeal, the Clerk of the Board of
6 Supervisors shall collect such fee and forward the fee amount to the Planning
7 Department.

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11 **SEC. 603. EXEMPTED SIGNS.**

12 Nothing in this Article 6 shall apply to any of the following signs:

- 13 (a) Official public notices, and notices posted by public officers in performance
14 of their duties;
- 15 (b) Governmental signs for control of traffic and other regulatory purposes,
16 street signs, danger signs, railroad crossing signs, and signs of public service
17 companies indicating danger and aids to service or safety;
- 18 (c) Temporary display posters, without independent structural support, in
19 connection with political campaigns and with civic noncommercial health, safety
20 and welfare campaigns, provided that in R districts such posters shall be
21 removed within 60 days following the conclusion of the campaign;
- 22 (d) Flags, emblems, insignia and posters of any nation or political subdivision,
23 and temporary displays of a patriotic, religious, charitable or other civic character;
- 24 (e) House numbers, whether illuminated or not, "no trespassing," "no parking,"
25 and other warning signs;

- 1 (f) Commemorative plaques placed by recognized historical agencies;
- 2 (g) Signs within a stadium, open-air theater or arena which are designed
3 primarily to be viewed by patrons within such stadium, open-air theater or arena;
- 4 (h) Religious symbols attached to buildings if not projecting beyond any street
5 property line or building setback line;
- 6 (i) Flags indicating weather conditions, and single flags which are emblems of
7 business firms, enterprises and other organizations;
- 8 (j) Two general advertising signs each not exceeding 24 square feet in area on
9 either a transit shelter or associated advertising kiosk furnished by contract with
10 the Municipal Transportation Agency or predecessor agency for the Municipal
11 Railway in RTO, RTO-M, RM-2, RM-3, RM-4, RC, NC, C, M, PDR, Eastern
12 Neighborhoods Mixed Use Districts, and South of Market Mixed Use Districts, and in
13 those P Districts where such signs would not adversely affect the character,
14 harmony or visual integrity of the district as determined by the City Planning
15 Commission; eight general advertising signs each not exceeding 24 square feet
16 in area on transit shelters located on publicly owned property on a high level
17 Municipal Railway boarding platform in an RH-1D District adjacent to a C-2
18 District, provided that such advertising signs solely face the C-2 District; up to
19 three double-sided general advertising signs each not exceeding 24 square feet
20 in area on or adjacent to transit shelters on publicly owned high level Municipal
21 Railway boarding platforms along The Embarcadero south of the Ferry Building,
22 up to six double-sided panels at 2nd and King Streets, and up to four double-
23 sided panels at 4th and King Streets; up to two double-sided panels not
24 exceeding 24 square feet in area on each low-level boarding platform at the
25 following E-Line stops: Folsom Street and The Embarcadero, Brannan Street and

1 The Embarcadero, 2nd and King Streets, and 4th and King Streets; and a total of
2 71 double-sided general advertising signs each not exceeding 24 square feet in
3 area on or adjacent to transit shelters on 28 publicly owned high level Municipal
4 Railway boarding platforms serving the Third Street Light Rail Line. Each
5 advertising sign on a low-level or high level boarding platform shall be designed
6 and sited in such a manner as to minimize obstruction of public views from
7 pedestrian walkways and/or public open space.

8 Notwithstanding the above, no sign shall be placed on any transit shelter
9 or associated advertising kiosk located on any sidewalk which shares a common
10 boundary with any property under the jurisdiction of the Recreation and Park
11 Commission, with the exception of Justin Herman Plaza; on any sidewalk on Zoo
12 Road; on Skyline Boulevard between Sloat Boulevard and John Muir Drive; on
13 John Muir Drive between Skyline Boulevard and Lake Merced Boulevard; or on
14 Lake Merced Boulevard on the side of Harding Park Municipal Golf Course, or on
15 any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced
16 Boulevard; on any sidewalk on Legion of Honor Drive; or in the Civic Center
17 Special Sign Districts as established in Section 608.3 of this Code;

18 The provisions of this subsection shall be subject to the authority of the
19 San Francisco Port Commission under Sections 4.114 and B3.581 of the City
20 Charter and under State law.

21 (k) Information plaques or signs which identify to the public open space
22 resources, architectural features, creators of artwork, or otherwise provide
23 information required by this Code or by other City agencies, or an identifying sign
24 which directs the general public and/or patrons of a particular establishment to
25 open space or parking resources, provided that such sign shall not project more

1 than three inches from the wall and that its dimensions shall be no greater than
2 one by two feet;

3 (l) Nonilluminated art murals within the South of Market Mixed Use Base-District
4 and Eastern Neighborhoods Mixed Use Districts, with the exception of the UMU District,
5 if they project no more than 18 inches from the pre-existing surface of a
6 structure;

7 (m) Two general advertising signs each not exceeding 52 square feet in area on
8 a public service kiosk furnished by contract with the Department of Public Works
9 which contract also provides for the installation and maintenance of automatic
10 public toilets. Each such public service kiosk shall be divided into three sections,
11 one of which shall provide a public service, such as a newsstand, newsrack,
12 map, public telephone, vending machine, display of public service information, or
13 interactive video terminal;

14 (n) Advertising placed on fixed pedestal newsrack units in accordance with
15 Section 184.12 of the Public Works Code.

16 **SEC. 607. COMMERCIAL AND INDUSTRIAL DISTRICTS.**

17 Signs in C₁, ~~and~~ M₁, and PDR Districts, other than those signs exempted by
18 Section 603 of this Code, shall conform to the following provisions:

19 (a) General Advertising Signs. No general advertising sign shall be permitted in
20 any C-1 District or within 200 feet of the park known as Union Square and visible
21 from said park, except that a replacement sign of the same size or smaller, of the
22 same type as defined in this Code or as interpreted by the Zoning Administrator,
23 and at the same approximate location as an existing sign would be allowed within
24 200 feet of said park provided that the sign is otherwise permitted by the
25 Planning Code, would cast no additional shadow upon Union Square, has no

1 intensification of lighting as determined by the Zoning Administrator, and is not
2 internally lighted or backlighted. Use of neon is not precluded by this provision.
3 Temporary general advertising signs determined by the Zoning Administrator to
4 be at pedestrian level and less than 50 square feet in size are not precluded by
5 this provision.

6 (b) Roof Signs. Roof signs shall be permitted in all ~~C₂~~ ~~and M~~, and PDR Districts
7 other than C-1 only if Subsections (1) through (3) below are satisfied; except that
8 a roof sign that is designated historic pursuant to Sections 303 and 608.14 of this
9 Code may be permitted without regard to Subsections (1) through (3) below:

10 (1) The sign does not extend more than 25 feet above the roofline of the
11 building on or over which the sign is placed; and

12 (2) All parts of the sign are within 25 feet of, and the sign is mounted at not
13 more than a 45-degree angle from, a wall of a building the roofline of which is at
14 least as high as the top of the sign; and

15 (3) Such wall forms a complete backdrop for the sign, as the sign is viewed from
16 all points from which the sign is legible from a public street or alley.

17 (c) Wind Signs. No wind sign shall be permitted in any C or M District.

18 (d) Moving Parts. No sign shall have or consist of any moving, rotating, or
19 otherwise physically animated part (as distinguished from lights that give the
20 appearance of animation by flashing, blinking or fluctuating), except as follows:

21 (1) Moving or rotating or otherwise physically animated parts may be used for
22 the rotation of barber poles and the indication of time of day and temperature.

23 (2) In the case of a general advertising sign in C-2, C-3, C-M, M-1, ~~and M-2~~, and
24 PDR Districts, except for signs located within 200 feet of the park known as Union
25 Square and visible from said park and signs located so as to be primarily viewed

1 by persons traveling on any portion of a freeway, moving or otherwise physically
2 animated parts may be used if such parts do not exceed a velocity of one
3 complete cycle in a four-second period where such parts constitute less than 30
4 percent of the area of the sign or if, where such parts constitute a greater area of
5 the sign, they do not exceed a velocity of one complete cycle in a four-second
6 period and are stationary at least half of each eight-second period; except that
7 signs designated historic pursuant to Sections 303 and 608.14 of this Code may
8 have such moving features otherwise prohibited for signs located so as to be
9 primarily viewed by persons traveling on any portion of a freeway.

10 (3) Notwithstanding the type of signs permissible under Subparagraph (d), a
11 video sign is prohibited.

12 (4) Notwithstanding the type of signs permissible under Subparagraph (d)(2), a
13 sign that rotates is prohibited.

14 (e) Illumination. Any sign may be nonilluminated or indirectly or directly
15 illuminated. Signs in PDR, C-3, C-M, M-1 and M-2 Districts shall not be limited in
16 any manner as to type of illumination, but no sign in a C-1 or C-2 District shall
17 have or consist of any flashing, blinking, fluctuating or otherwise animated light
18 except in each of the following special sign districts, all as specifically designated
19 as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning
20 Map of the City and County of San Francisco, described in Section 608 of this
21 Code:

- 22 (1) In the C-2 area consisting of five blocks in the vicinity of Fisherman's Wharf;
23 (2) In the C-2 area in the vicinity of Van Ness Avenue from Golden Gate
24 Avenue and Eddy Street to Sacramento Street, and Polk Street from Eddy Street
25 to Geary Street, also known as the Automotive Special Use District;

1 (3) In the C-2 area in the vicinity of Stockton, Washington and Kearny Streets
2 and Broadway, also known as Washington-Broadway Special Use District
3 Number 1.

4 (4) Notwithstanding the type of signs permissible under subparagraph (e), a
5 video sign is prohibited in the districts described in subparagraphs (1)--(3).

6 (f) Projection. No sign shall project more than 75 percent of the horizontal
7 distance from the street property line to the curblineline and in no case shall a sign
8 project more than 10 feet beyond the street property line or building setback line
9 in C-1 Districts, or 12 feet beyond the street property line or building setback line
10 in any other C, ~~M~~, and PDR District.

11 (g) Height and Extension Above Roofline.

12 (1) Signs Attached to Buildings. Except as provided in Section 260 for historic
13 signs in historic districts, no sign attached to a building shall extend or be located
14 above the roofline of the building to which it is attached; except that up to 1/2 the
15 area of a business sign attached to the street wall of a building may extend
16 above the roofline, up to the maximum height permitted for freestanding signs in
17 the same district or 10 feet above the roofline, whichever is the lesser. In
18 addition, no sign attached to a building shall under any circumstances exceed the
19 following maximum heights:

20 In C-1: 40 feet;

21 In C-3: 100 feet;

22 In all other C and M Districts: 60 feet.

23 The 100-foot height limitation stated herein shall not apply to the
24 modification or replacement of any currently existing wall signs so long as such
25 modified or replacement sign is generally in the same location and not larger in

1 surface area and projection than existing signs being modified or replaced. Such
2 signs may contain letters, numbers, a logo, service mark and/or trademark and
3 may be nonilluminated or indirectly illuminated.

4 (2) Freestanding Signs. The maximum height for freestanding signs shall be as
5 follows:

6 In C-1: 24 feet;

7 In C-2: 36 feet;

8 In all other ~~C~~, ~~and M~~, and PDR Districts: 40 feet.

9 (h) Special Standards for Automobile Service Stations. For automobile service
10 stations, only the following signs are permitted, subject to the standards in this
11 Subsection (h) and to all other standards in this Section 607.

12 (1) A maximum of two oil company signs, which shall not extend more than 10
13 feet above the roofline if attached to a building, or exceed the maximum height
14 permitted for freestanding signs in the same district if freestanding. The area of
15 any such sign shall not exceed 180 square feet, and along each street frontage
16 all parts of such a sign or signs that are within 10 feet of the street property line
17 shall not exceed 80 square feet in area. No such sign shall project more than five
18 feet beyond any street property line or building setback line. The areas of other
19 permanent and temporary signs as covered in Paragraph 607(h)(2) below shall
20 not be included in the calculation of the areas specified in this paragraph.

21 (2) Other permanent and temporary business signs, not to exceed 30 square
22 feet in area for each such sign or a total of 180 square feet for all such signs on
23 the premises. No such sign shall extend above the roofline if attached to a
24 building, or in any case project beyond any street property line or building
25 setback line.

1 (3) General advertising signs meeting the provisions of this Section 607.

2 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL DISTRICTS.**

3 Signs located in Neighborhood Commercial Districts shall be regulated as
4 provided herein, except for those signs which are exempted by Section 603 of
5 this Code. In the event of conflict between the provisions of Section 607.1 and
6 other provisions of Article 6, the provisions of Section 607.1 shall prevail in
7 Neighborhood Commercial Districts, provided that with respect to properties also
8 located in the Upper Market Special Sign District, the provisions of Section
9 608.10 of this Code shall prevail.

10 (a) Purposes and Findings. In addition to the purposes stated in Sections 101
11 and 601 of this Code, the following purposes apply to Neighborhood Commercial
12 Districts. These purposes constitute findings that form a basis for regulations and
13 provide guidance for their application.

14 (1) As Neighborhood Commercial Districts change, they need to maintain their
15 attractiveness to customers and potential new businesses alike. Physical
16 amenities and a pleasant appearance will profit both existing and new
17 enterprises.

18 (2) The character of signs and other features projecting from buildings is an
19 important part of the visual appeal of a street and the general quality and
20 economic stability of the area. Opportunities exist to relate these signs and
21 projections more effectively to street design and building design. These
22 regulations establish a framework that will contribute toward a coherent
23 appearance of Neighborhood Commercial Districts.

24 (3) Neighborhood Commercial Districts are typically mixed use areas with
25 commercial units on the ground or lower stories and residential uses on upper

1 stories. Although signs and other advertising devices are essential to a vital
2 commercial district, they should not be allowed to interfere with or diminish the
3 livability of residential units within a Neighborhood Commercial District or in
4 adjacent residential districts.

5 (4) The scale of most Neighborhood Commercial Districts as characterized by
6 building height, bulk, and appearance, and the width of streets and sidewalks
7 differs from that of other commercial and industrial districts. Sign sizes should
8 relate and be compatible with the surrounding district scale.

9 (b) Signs or Sign Features Not Permitted in NC Districts. Roof signs as defined
10 in Section 602.16 of this Code, wind signs as defined in Section 602.22 of this
11 Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are
12 not permitted in NC Districts. No sign shall have or consist of any moving,
13 rotating, or otherwise physically animated part, or lights that give the appearance
14 of animation by flashing, blinking, or fluctuating, except as permitted by Section
15 607.1(i) of this Code. In addition signs or sign features not otherwise
16 specifically regulated in this Section 607.1 shall be prohibited.

17 (c) Identifying Signs. Identifying signs, as defined in Section 602.10, shall be
18 permitted in all Neighborhood Commercial Districts subject to the limits set forth
19 below.

20 (1) One sign per lot shall be permitted and such sign shall not exceed 20 square
21 feet in area. The sign may be a freestanding sign, if the building is recessed from
22 the street property line, or may be a wall sign or a projecting sign. The existence
23 of a freestanding identifying sign shall preclude the erection of a freestanding
24 business sign on the same lot. A wall or projecting sign shall be mounted on the
25

1 first-story level; a freestanding sign shall not exceed 15 feet in height. Such sign
2 may be nonilluminated, indirectly illuminated, or directly illuminated.

3 (2) One sign identifying a shopping center or shopping mall shall be permitted
4 subject to the conditions in Paragraph (1), but shall not exceed 30 square feet in
5 area. Any sign identifying a permitted use listed in zoning categories .40 through
6 .70 in Section 703.2(a) in an NC District shall be considered a business sign and
7 subject to Section 607.1(f) of this Code. Such signs may be nonilluminated,
8 indirectly illuminated, or directly illuminated during the hours of operation of the
9 businesses in the shopping center or shopping mall.

10 (d) Nameplates. One nameplate, as defined in Section 602.12 of this Code, not
11 exceeding an area of two square feet, shall be permitted for each noncommercial
12 use in NC Districts.

13 (e) General Advertising Signs. General advertising signs, as defined in Section
14 602.7, shall be permitted in Neighborhood Commercial Districts, except in the
15 Inner Sunset Neighborhood Commercial District where they are not permitted, as
16 provided for below. In NC Districts where such signs are permitted, general
17 advertising signs may be either a wall sign or freestanding, provided that the
18 surface of any freestanding sign shall be parallel to and within three feet of an
19 adjacent building wall. In either case, the building wall shall form a complete
20 backdrop for the sign, as the sign is viewed from all points from a street or alley
21 from which it is legible. No general advertising sign shall be permitted to cover
22 part or all of any windows. Any extension of the copy beyond the rectangular
23 perimeter of the sign shall be included in the calculation of the sign, as defined in
24 Section 602.1(a) of this Code.
25

1 (1) NC-2, NCT-2, and NC-S Districts. No more than one general advertising sign
2 shall be permitted per lot or in NC-S Districts, per district. Such sign shall not
3 exceed 72 square feet in area nor exceed 12 feet in height. Such sign may be
4 either nonilluminated or indirectly illuminated.

5 (2) NC-3, NCT-3, *District* and Broadway Districts. No more than one general
6 advertising sign not exceeding 300 square feet or two general advertising signs
7 of 72 square feet each shall be permitted per lot. The height of any such sign
8 shall not exceed 24 feet, or the height of the wall to which it is attached, or the
9 height of the lowest of any residential windowsills on the wall to which it is
10 attached, whichever is lower, if a wall sign, or the adjacent wall or the top of the
11 adjacent wall if a freestanding sign, whichever is lower.

12 (A) NC-3 and NCT-3 Districts. Signs may be either nonilluminated or indirectly
13 illuminated.

14 (f) Business Signs. Business signs, as defined in Section 602.3 shall be
15 permitted in all Neighborhood Commercial Districts subject to the limits set forth
16 below.

17 (1) NC-1 Districts.

18 (A) Window Signs. The total area of all window signs, as defined in Section
19 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
20 located. Such signs may be nonilluminated, indirectly illuminated, or directly
21 illuminated.

22 (B) Wall Signs. The area of all wall signs shall not exceed one square foot per
23 square foot of street frontage occupied by the business measured along the wall
24 to which the signs are attached, or 50 square feet for each street frontage,
25 whichever is less. The height of any wall sign shall not exceed 15 feet or the

1 height of the wall to which it is attached. Such signs may be nonilluminated or
2 indirectly illuminated; or during business hours, may be directly illuminated.

3 (C) Projecting Signs. The number of projecting signs shall not exceed one per
4 business. The area of such sign, as defined in Section 602.1(a), shall not exceed
5 24 square feet. The height of such sign shall not exceed 15 feet or the height of
6 the wall to which it is attached. No part of the sign shall project more than 75
7 percent of the horizontal distance from the street property line to the curblin, or
8 six feet six inches, whichever is less. The sign may be nonilluminated or
9 indirectly illuminated, or during business hours, may be directly illuminated.

10 (D) Signs on Awnings. Sign copy may be located on permitted awnings in lieu of
11 wall signs and projecting signs. The area of such sign copy as defined in Section
12 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated
13 or indirectly illuminated.

14 (2) NC-2, NCT-2, NC-S, Broadway, Castro Street, Inner Clement Street, Outer
15 Clement Street, Upper Fillmore Street, Inner Sunset, Haight Street, Hayes-
16 Gough, Upper Market Street, North Beach, Polk Street, Sacramento Street,
17 Union Street, Valencia Street, 24th Street-Mission, 24th Street--Noe Valley, and
18 West Portal Avenue Neighborhood Commercial Districts.

19 (A) Window Signs. The total area of all window signs, as defined in Section
20 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
21 located. Such signs may be nonilluminated, indirectly illuminated, or directly
22 illuminated.

23 (B) Wall Signs. The area of all wall signs shall not exceed two square feet per
24 foot of street frontage occupied by the use measured along the wall to which the
25 signs are attached, or 100 square feet for each street frontage, whichever is less.

1 The height of any wall sign shall not exceed 24 feet, or the height of the wall to
2 which it is attached, or the height of the lowest of any residential windowsill on
3 the wall to which the sign is attached, whichever is lower. Such signs may be
4 nonilluminated, indirectly, or directly illuminated.

5 (C) Projecting Signs. The number of projecting signs shall not exceed one per
6 business. The area of such sign, as defined in Section 602.1(a), shall not exceed
7 24 square feet. The height of such sign shall not exceed 24 feet, or the height of
8 the wall to which it is attached, or the height of the lowest of any residential
9 windowsill on the wall to which the sign is attached, whichever is lower. No part
10 of the sign shall project more than 75 percent of the horizontal distance from the
11 street property line to the curblineline, or six feet six inches, whichever is less. Such
12 signs may be nonilluminated or indirectly illuminated; or during business hours,
13 may be directly illuminated.

14 (D) Signs on Awnings and Marquees. Sign copy may be located on permitted
15 awnings or marquees in lieu of projecting signs. The area of such sign copy as
16 defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may
17 be nonilluminated or indirectly illuminated; except that sign copy on marquees for
18 movie theaters or places of entertainment may be directly illuminated during
19 business hours.

20 (E) Freestanding Signs and Sign Towers. With the exception of automotive gas
21 and service stations, which are regulated under Paragraph 607.1(f)(4), one
22 freestanding sign or sign tower per lot shall be permitted in lieu of a projecting
23 sign, if the building or buildings are recessed from the street property line. The
24 existence of a freestanding business sign shall preclude the erection of a
25 freestanding identifying sign on the same lot. The area of such freestanding sign

1 or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor
2 shall the height of the sign exceed 24 feet. No part of the sign shall project more
3 than 75 percent of the horizontal distance from the street property line to the
4 curblineline, or six feet, whichever is less. Such signs may be nonilluminated or
5 indirectly illuminated; or during business hours, may be directly illuminated.

6 (3) NC-3 and NCT-3 Neighborhood Commercial Districts.

7 (A) Window Signs. The total area of all window signs, as defined in Section
8 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
9 located. Such signs may be nonilluminated, indirectly illuminated, or directly
10 illuminated.

11 (B) Wall Signs. The area of all wall signs shall not exceed three square feet per
12 foot of street frontage occupied by the use measured along the wall to which the
13 signs are attached, or 150 square feet for each street frontage, whichever is less.
14 The height of any wall sign shall not exceed 24 feet, or the height of the wall to
15 which it is attached, or the height of the lowest of any residential windowsill on
16 the wall to which the sign is attached, whichever is lower. Such signs may be
17 nonilluminated, indirectly, or directly illuminated.

18 (C) Projecting Signs. The number of projecting signs shall not exceed one per
19 business. The area of such sign, as defined in Section 602.1(a), shall not exceed
20 32 square feet. The height of the sign shall not exceed 24 feet, or the height of
21 the wall to which it is attached, or the height of the lowest of any residential
22 windowsill on the wall to which the sign is attached, whichever is lower. No part
23 of the sign shall project more than 75 percent of the horizontal distance from the
24 street property line to the curblineline, or six feet six inches, whichever is less. Such
25 signs may be nonilluminated, indirectly, or directly illuminated.

1 (D) Sign Copy on Awnings and Marquees. Sign copy may be located on
2 permitted awnings or marquees in lieu of projecting signs. The area of such sign
3 copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign
4 copy may be nonilluminated or indirectly illuminated; except that sign copy on
5 marquees for movie theaters or places of entertainment may be directly
6 illuminated during business hours.

7 (E) Freestanding Signs and Sign Towers. With the exception of automotive gas
8 and service stations, which are regulated under Paragraph 607.1(f)(4) of this
9 Code, one freestanding sign or sign tower per lot shall be permitted in lieu of a
10 projecting sign if the building or buildings are recessed from the street property
11 line. The existence of a freestanding business sign shall preclude the erection of
12 a freestanding identifying sign on the same lot. The area of such freestanding
13 sign or sign tower, as defined in Section 602.1(a), shall not exceed 30 square
14 feet nor shall the height of the sign exceed 24 feet. No part of the sign shall
15 project more than 75 percent of the horizontal distance from the street property
16 line to the curblineline, or six feet, whichever is less. Such signs may be
17 nonilluminated or indirectly illuminated, or during business hours, may be directly
18 illuminated.

19 (4) Special Standards for Automotive Gas and Service Stations. For automotive
20 gas and service stations in Neighborhood Commercial Districts, only the
21 following signs are permitted, subject to the standards in this Paragraph (f)(4)
22 and to all other standards in this Section 607.1.

23 (A) A maximum of two oil company signs, which shall not extend more than 10
24 feet above the roofline if attached to a building, or exceed the maximum height
25 permitted for freestanding signs in the same district if freestanding. The area of

1 any such sign shall not exceed 180 square feet, and along each street frontage,
2 all parts of such a sign or signs that are within 10 feet of the street property line
3 shall not exceed 80 square feet in area. No such sign shall project more than five
4 feet beyond any street property line. The areas of other permanent and
5 temporary signs as covered in Subparagraph (B) below shall not be included in
6 the calculation of the areas specified in this Subparagraph.

7 (B) Other permanent and temporary business signs, not to exceed 30 square
8 feet in area for each such sign or a total of 180 square feet for all such signs on
9 the premises. No such sign shall extend above the roofline if attached to a
10 building, or in any case project beyond any street property line or building
11 setback line.

12 (g) Temporary Signs. One temporary nonilluminated or indirectly illuminated
13 sale or lease sign or nonilluminated sign of persons and firms connected with
14 work on buildings under actual construction or alteration, giving their names and
15 information pertinent to the project per lot, shall be permitted. Such sign shall not
16 exceed 50 square feet and shall conform to all regulations of Subsection 607.1(f)
17 for business signs in the respective NC District in which the sign is to be located.
18 All temporary signs shall be promptly removed upon completion of the activity to
19 which they pertain.

20 (h) Special Sign Districts. Additional controls apply to certain Neighborhood
21 Commercial Districts that are designated as Special Sign Districts. Special Sign
22 Districts are described within Sections 608.1 through 608.11 of this Code and
23 with the exception of Sections 608.1, 608.2 and 608.11, their designations,
24 locations and boundaries are provided on Sectional Map SSD of the Zoning Map
25 of the City and County of San Francisco.

1 (i) Restrictions on Illumination. Signs in Neighborhood Commercial Districts
2 shall not have nor consist of any flashing, blinking, fluctuating or otherwise
3 animated light except those moving or rotating or otherwise physically animated
4 parts used for rotation of barber poles and the indication of time of day and
5 temperature, and in the following special districts, all specifically designated as
6 "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map
7 of the City and County of San Francisco.

8 (1) Broadway Neighborhood Commercial District. Along the main commercial
9 frontage of Broadway between west of Columbus Avenue and Osgood Place.

10 (2) NC-3. NC-3 District along Lombard Street from Van Ness Avenue to
11 Broderick Street.

12 (3) Notwithstanding the type of signs permissible under subparagraph (i), a
13 video sign is prohibited in the districts described in subparagraphs (1) and (2).

14 (j) Other Sign Requirements. Within Neighborhood Commercial Districts, the
15 following additional requirements shall apply:

16 (1) Public Areas. No sign shall be placed upon any public street, alley, sidewalk,
17 public plaza or right-of-way, or in any portion of a transit system, except such
18 projecting signs as are otherwise permitted by this Code and signs, structures,
19 and features as are specifically approved by the appropriate public authorities
20 under applicable laws and regulations not inconsistent with this Code and under
21 such conditions as may be imposed by such authorities.

22 (2) Maintenance. Every sign pertaining to an active establishment shall be
23 adequately maintained in its appearance. When the activity for which the
24 business sign has been posted has ceased operation for more than 90 days
25

1 within the Chinatown Mixed Use Districts, all signs pertaining to that business
2 activity shall be removed after that time.

3 (3) Temporary Signs. The provisions of Section 607.1(g) of this Code shall
4 apply.

5 (4) Special Standards for Automotive Gas and Service Stations. The provisions
6 of Section 607.1(f)(4) of this Code shall apply.

7 **SEC. 607.2. MIXED USE DISTRICTS.**

8 Signs located in Mixed Use Districts shall be regulated as provided herein,
9 except for those signs which are exempted by Section 603. Signs not specifically
10 regulated in this Section 607.2 shall be prohibited. In the event of conflict
11 between the provisions of Section 607.2 and other provisions of Article 6, the
12 provisions of Section 607.2 shall prevail in Mixed Use Districts.

13 (a) Purposes and Findings. In addition to the purposes stated in Sections 101
14 and 601 of this Code, the following purposes apply to Mixed Use Districts. These
15 purposes constitute findings that form a basis for regulations and provide
16 guidance for their application.

17 (1) As Mixed Use Districts change, they need to maintain their attractiveness to
18 customers and potential new businesses alike. Physical amenities and a
19 pleasant appearance will profit both existing and new enterprises.

20 (2) The character of signs and other features projecting from buildings is an
21 important part of the visual appeal of a street and the general quality and
22 economic stability of the area. Opportunities exist to relate these signs and
23 projections more effectively to street design and building design. These
24 regulations establish a framework that will contribute toward a coherent
25 appearance of Mixed Use Districts.

1 (3) Mixed Use Districts are typically mixed use areas with commercial units on
2 the ground or lower stories and residential uses on upper stories or have housing
3 and commercial and industrial activities interspersed. Although signs and other
4 advertising devices are essential to a vital commercial district, they should not be
5 allowed to interfere with or diminish the livability of residential units within a
6 Mixed Use District or in adjacent residential districts.

7 (4) The scale of most Mixed Use Districts as characterized by building height,
8 bulk, and appearance, and the width of streets and sidewalks differs from that of
9 other commercial and industrial districts. Sign sizes should relate and be
10 compatible with the surrounding district scale.

11 (b) Signs or Sign Features Not Permitted in Mixed Use Districts. General
12 advertising signs are not permitted in the Eastern Neighborhoods and South of
13 Market Mixed Use districts, except in the South of Market General Advertising
14 Special Sign District. Roof signs as defined in Section 602.16 of this Code, wind
15 signs as defined in Section 602.21 of this Code, and signs on canopies, as
16 defined in Section 136.1(b) of this Code, are not permitted in Mixed Use Districts.
17 No sign shall have or consist of any moving, rotating, or otherwise physically
18 animated part, or lights that give the appearance of animation by flashing,
19 blinking, or fluctuating. In addition, all signs or sign features not otherwise
20 specifically regulated in this Section 607.2 shall be prohibited.

21 (c) Identifying Signs. Identifying signs, as defined in Section 602.10, shall be
22 permitted in all Mixed Use Districts subject to the limits set forth below.

23 (1) One sign per lot shall be permitted and such sign shall not exceed 20 square
24 feet in area. The sign may be a freestanding sign, if the building is recessed from
25 the street property line, or may be a wall sign or a projecting sign. The existence

1 of a freestanding identifying sign shall preclude the erection of a freestanding
2 business sign on the same lot. A wall or projecting sign shall be mounted on the
3 first-story level; a freestanding sign shall not exceed 15 feet in height. Such sign
4 may be nonilluminated, indirectly illuminated, or directly illuminated.

5 (2) One sign identifying a shopping center or shopping mall shall be permitted
6 subject to the conditions in Paragraph (1), but shall not exceed 30 square feet in
7 area. Such signs may be nonilluminated, indirectly illuminated, or directly
8 illuminated during the hours of operation of the businesses in the shopping
9 center or shopping mall.

10 (d) Nameplate. One nameplate, as defined in Section 602.12 of this Code, not
11 exceeding an area of two square feet, shall be permitted for each noncommercial
12 use in Mixed Use Districts.

13 (e) General Advertising Signs. General advertising signs, as defined in Section
14 602.7, shall be permitted in Mixed Use Districts as provided for below. General
15 advertising signs are not allowed in the Eastern Neighborhoods and South of
16 Market Mixed Use Districts, except in the South of Market General Advertising
17 Special Sign District or where a permit was approved by the City prior to January
18 1, 2001. In Mixed Use Districts where such signs are permitted, general
19 advertising signs may be either a wall sign or freestanding, provided that the
20 surface of any freestanding sign shall be parallel to and within three feet of an
21 adjacent building wall. In either case, the building wall shall form a complete
22 backdrop for the sign, as the sign is viewed from all points from a street or alley
23 from which it is legible. No general advertising sign shall be permitted to cover
24 part or all of any windows. Any extension of the copy beyond the rectangular
25

1 perimeter of the sign shall be included in the calculation of the sign area, as
2 defined in Section 602.1(a) of this Code.

3 (1) Chinatown Residential Neighborhood Commercial District. No more than
4 one general advertising sign shall be permitted per lot. Such sign shall not
5 exceed 72 square feet in area nor exceed 12 feet in height. Such sign may be
6 either nonilluminated or indirectly illuminated.

7 (2) Chinatown Visitor Retail and Chinatown Community Business Districts. No
8 more than one general advertising sign not exceeding 300 square feet in area or
9 two general advertising signs of 72 square feet each shall be permitted per lot.
10 The height of any such wall sign shall not exceed 24 feet, or the height of the wall
11 to which it is attached, or the height of the lowest of any residential windowsills
12 on the wall to which it is attached, whichever is lower. If the advertising sign is a
13 freestanding sign, the height shall not exceed 24 feet or the height of the
14 adjacent wall, whichever is lower.

15 (A) Signs may be either nonilluminated or indirectly or directly illuminated.

16 (3) South of Market General Advertising Special Sign District. Within the area
17 designated as a South of Market General Advertising Special Sign District, as
18 described in Section 821 of this Code and shown on Sectional Map SSD of the
19 Zoning Map, the following provisions shall apply to general advertising signs: (1)
20 No more than two general advertising signs not to exceed 300 square feet in
21 area or one general advertising sign not to exceed 672 square feet in area shall
22 be permitted per lot; (2) No more than one double-sided or multiple-sided sign
23 shall be permitted per lot; and (3) Roof signs shall be permitted and shall not
24 exceed the standards established by Section 607(b) of this Code for roof signs
25 lying within M Districts.

1 (f) Business Signs. Business signs, as defined in Section 602.3 shall be
2 permitted in all Mixed Use Districts subject to the limits set forth below.

3 (1) Chinatown Residential Neighborhood Commercial District.

4 (A) Window Signs. The total area of all window signs, as defined in Section
5 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
6 located. Such signs may be nonilluminated, indirectly illuminated, or directly
7 illuminated.

8 (B) Wall Signs. The area of all wall signs shall not exceed one square foot per
9 foot of street frontage occupied by the business measured along the wall to
10 which the signs are attached, or 50 square feet for each street frontage,
11 whichever is less; provided, however, that in no case shall the wall sign or
12 combination of wall signs cover more than 75 percent of the surface of any wall,
13 excluding openings. The height of any wall sign shall not exceed 15 feet or the
14 height of the wall to which it is attached. Such signs may be nonilluminated or
15 indirectly illuminated; or during business hours, may be directly illuminated.

16 (C) Projecting Signs. The number of projecting signs shall not exceed one per
17 business. The area of such sign or signs combined when there are multiple
18 signs, as defined in Section 602.1(a), shall not exceed 24 square feet. The height
19 of such sign shall not exceed 15 feet or the height of the wall to which it is
20 attached. No part of the sign shall project more than 75 percent of the horizontal
21 distance from the street property line to the curblineline, or six feet six inches,
22 whichever is less. The sign may be nonilluminated or indirectly illuminated, or
23 during business hours, may be directly illuminated.

24 (D) Signs on Awnings. Sign copy may be located on permitted awnings in lieu of
25 wall signs and projecting signs. The area of such sign copy as defined in Section

1 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated
2 or indirectly illuminated.

3 (2) Chinatown Visitor Retail District.

4 (A) Window Signs. The total area of all window signs, as defined in Section
5 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
6 located. Such signs may be nonilluminated, indirectly illuminated, or directly
7 illuminated.

8 (B) Wall Signs. The area of all wall signs shall not exceed two square feet per
9 foot of street frontage occupied by the use measured along the wall to which the
10 signs are attached, or 100 square feet for each street frontage, whichever is less.
11 The height of any wall sign shall not exceed 24 feet, or the height of the wall to
12 which it is attached, or the height of the lowest of any residential windowsill on
13 the wall to which the sign is attached, whichever is lower. Such signs may be
14 nonilluminated, indirectly, or directly illuminated.

15 (C) Projecting Signs. The number of projecting signs shall not exceed one per
16 business. The area of such sign, as defined in Section 602.1(a), shall not exceed
17 24 square feet. The height of such sign shall not exceed 24 feet, or the height of
18 the wall to which it is attached, or the height of the lowest of any residential
19 windowsill on the wall to which the sign is attached, whichever is lower. No part
20 of the sign shall project more than 75 percent of the horizontal distance from the
21 street property line to the curblineline, or six feet six inches, whichever is less. Such
22 signs may be nonilluminated or indirectly illuminated; or during business hours,
23 may be directly illuminated.

24 (D) Signs on Awnings and Marquees. Sign copy may be located on permitted
25 awnings or marquees in lieu of projecting signs. The area of such sign copy as

1 defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may
2 be nonilluminated or indirectly illuminated, except that sign copy on marquees for
3 movie theaters or places of entertainment may be directly illuminated during
4 business hours.

5 (E) Freestanding Signs and Sign Towers. One freestanding sign or sign tower
6 per lot shall be permitted in lieu of a projecting sign, if the building or buildings
7 are recessed from the street property line. The existence of a freestanding
8 business sign shall preclude the erection of a freestanding identifying sign on the
9 same lot. The area of such freestanding sign or sign tower, as defined in Section
10 602.1(a), shall not exceed 20 square feet nor shall the height of the sign exceed
11 24 feet. No part of the sign shall project more than 75 percent of the horizontal
12 distance from the street property line to the curblineline, or six feet, whichever is
13 less. Such signs may be nonilluminated or indirectly illuminated; or during
14 business hours, may be directly illuminated.

15 (3) Chinatown Community Business District, Eastern Neighborhoods and South of
16 Market Mixed Use Mixed Use Districts.

17 (A) Window Signs. The total area of all window signs, as defined in Section
18 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
19 located. Such signs may be nonilluminated, indirectly illuminated, or directly
20 illuminated.

21 (B) Wall Signs. The area of all wall signs shall not exceed three square feet per
22 foot of street frontage occupied by the use measured along the wall to which the
23 signs are attached, or 150 square feet for each street frontage, whichever is less;
24 provided, however, that in no case shall the wall sign or combination of wall signs
25 cover more than 75 percent of the surface of any wall, excluding openings. The

1 height of any wall sign shall not exceed 24 feet, or the height of the wall to which
2 it is attached, or the height of the lowest of any residential windowsill on the wall
3 to which the sign is attached, whichever is lower. Such signs may be
4 nonilluminated, indirectly, or directly illuminated.

5 (C) Projecting Signs. The number of projecting signs shall not exceed one per
6 business. The area of such sign or signs combined when there are multiple
7 signs, as defined in Section 602.1(a), shall not exceed 32 square feet. The height
8 of the sign shall not exceed 24 feet, or the height of the wall to which it is
9 attached, or the height of the lowest of any residential windowsill on the wall to
10 which the sign is attached, whichever is lower. No part of the sign shall project
11 more than 75 percent of the horizontal distance from the street property line to
12 the curblineline, or six feet six inches, whichever is less. Such signs may be
13 nonilluminated, indirectly, or directly illuminated.

14 (D) Sign Copy on Awnings and Marquees. Sign copy may be located on
15 permitted awnings or marquees in lieu of projecting signs. The area of such sign
16 copy, as defined in Section 602.1(c), shall not exceed 40 square feet. Such sign
17 copy may be nonilluminated or indirectly illuminated; except that sign copy on
18 marquees for movie theaters or places of entertainment may be directly
19 illuminated during business hours.

20 (E) Freestanding Signs and Sign Towers. One freestanding sign or sign tower
21 per lot shall be permitted in lieu of a projecting sign if the building or buildings are
22 recessed from the street property line. The existence of a freestanding business
23 sign shall preclude the erection of a freestanding identifying sign on the same lot.
24 The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
25 shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet.

1 No part of the sign shall project more than 75 percent of the horizontal distance
2 from the street property line to the curblineline, or six feet, whichever is less. Such
3 signs may be nonilluminated or indirectly illuminated, or during business hours,
4 may be directly illuminated.

5 (g) Special Sign Districts. Additional controls apply within certain Mixed Use
6 Districts that are designated as Special Sign Districts. The designations,
7 locations, and boundaries of these Special Sign Districts are provided on
8 Sectional Map SSD of the Zoning Map of the City and County of San Francisco,
9 and are described within Sections 608.1 through 608.10 of this Code.

10 (h) Special Districts for Sign Illumination. Signs in Mixed Use Districts shall not
11 have nor consist of any flashing, blinking, fluctuating or otherwise animated light
12 except in the following special districts, all specifically designated as "Special
13 Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the
14 City and County of San Francisco, and described in Section 607(e) of this Code.

15 (1) Broadway District. Along the main commercial frontage of Broadway
16 between Wayne and Osgood.

17 (i) Other Sign Requirements. Within Mixed Use Districts, the following additional
18 requirements shall apply:

19 (1) Public Areas. No sign shall be placed upon any public street, alley, sidewalk,
20 public plaza or right-of-way, or in any portion of a transit system, except such
21 projecting signs as are otherwise permitted by this Code and signs, structures,
22 and features as are specifically approved by the appropriate public authorities
23 under applicable laws and regulations not inconsistent with this Code and under
24 such conditions as may be imposed by such authorities or posted pursuant to the
25 Police Code.

1 (2) Maintenance. Every business sign pertaining to an active establishment
2 shall be adequately maintained in its appearance. When the activity for which the
3 business sign has been posted has ceased operation for more than 90 days
4 within the Chinatown Mixed Use Districts, all signs pertaining to that business
5 activity shall be removed after that time.

6 (3) Temporary Signs. The provisions of Section 607.1(g) of this Code shall
7 apply.

8 (4) Special Standards for Automotive Gas and Service Stations. The provisions
9 of Section 607.1(f)(4) of this Code shall apply.

10 **SEC. 608.1. NEAR R DISTRICTS.**

11 No general advertising sign, and no other sign exceeding 100 square feet
12 in area, shall be located in an NC, C, M, PDR, Eastern Neighborhoods Mixed Use
13 District or South of Market Mixed Use District within 100 feet of any R District in
14 such a manner as to be primarily viewed from residentially zoned property or
15 from any street or alley within an R District; any sign of which the face is located
16 parallel to a street property line and lies for its entire width opposite an NC, C, M,
17 PDR, MUR, or South of Market SLR District shall be deemed prima facie not to be
18 primarily so viewed. No sign of any size within 100 feet of any R District shall
19 project beyond the street property line or building setback line of any street or
20 alley leading off the main commercial frontage into the R District.

21 **SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.**

22 (a) The following districts are established for the purpose of
23 implementing the Commerce and Industry element and other elements of the
24 Master-General Plan, according to the objective and policies stated therein.
25 Description and Purpose Statements outline the main functions of each

1 Neighborhood Commercial (NC) District in the Zoning Plan for San Francisco,
 2 supplementing the statements of purpose contained in Section 101 of this Code.

3 The description and purpose statements and land use controls applicable
 4 to each of the general and individual area districts are set forth in Sections 710.1
 5 through 784 of this Code for each district class. The boundaries of the various
 6 Neighborhood Commercial Districts are shown on the Zoning Map referred to in
 7 Sections 105 and 106 of this Code, subject to the provisions of that Section.

Neighborhood Commercial General Area Districts	Section Number
NC-1 -- Neighborhood Commercial Cluster District	§ 710
NC-2 -- Small-Scale Neighborhood Commercial District	§ 711
NC-3 -- Moderate-Scale Neighborhood Commercial District	§ 712
NC-S -- Neighborhood Commercial Shopping Center District	§ 713
<i>NCT-2 Small Scale Neighborhood Commercial Transit District</i>	§ 734
NCT-3 Moderate-Scale Neighborhood Commercial Transit District	§ 731

Neighborhood Commercial Section	
Individual Area Districts Number	
Broadway Neighborhood Commercial District	§ 714
Castro Street Neighborhood Commercial District	§ 715
Inner Clement Street Neighborhood Commercial District	§ 716
Outer Clement Street Neighborhood Commercial District	§ 717
Upper Fillmore Street Neighborhood Commercial District	§ 718
Haight Street Neighborhood Commercial District	§ 719
Hayes-Gough Neighborhood Commercial Transit District	§ 720
Upper Market Street Neighborhood Commercial District	§ 721

1	North Beach Neighborhood Commercial District	§ 722
2	Polk Street Neighborhood Commercial District	§ 723
3	Sacramento Street Neighborhood Commercial District	§ 724
4	Union Street Neighborhood Commercial District	§ 725
5	Valencia Street Neighborhood Commercial <i>Transit</i> District	§ 726
6	24th Street-Mission Neighborhood Commercial <i>Transit</i> District	§ 727
7	24th Street-Noe Valley Neighborhood Commercial District	§ 728
8	West Portal Avenue Neighborhood Commercial District	§ 729
9	Inner Sunset Neighborhood Commercial District	§ 730
10	Upper Market Street Neighborhood Commercial Transit District	§ 732
11	<i>SoMa Neighborhood Commercial Transit District</i>	<u>§ 735</u>
12	<i>Mission Street Neighborhood Commercial Transit District</i>	<u>§ 736</u>

(b) The following districts are Neighborhood Commercial Transit (NCT) Districts, including both general area districts and individual area districts identified by street or area name. These districts are a subset of the Neighborhood Commercial (NC) Districts.

Neighborhood Commercial Transit Districts	Section Number
Hayes-Gough Neighborhood Commercial Transit District	§ 720
<i>Valencia Street Neighborhood Commercial Transit District</i>	<u>§ 726</u>
<i>24th Street – Mission Neighborhood Commercial Transit District</i>	<u>§ 727</u>
NCT-3 Moderate-Scale Neighborhood Commercial Transit District	§ 731
Upper Market Street Neighborhood Commercial Transit District	§ 732
<i>NCT-2 Small Scale Neighborhood Commercial Transit District</i>	<u>§ 734</u>
<i>SoMa Neighborhood Commercial Transit District</i>	<u>§ 735</u>

2
3 NCT districts are transit-oriented moderate- to high-density mixed-use
4 neighborhoods of varying scale concentrated near transit services. The NCT
5 districts are mixed use districts that support neighborhood-serving commercial
6 uses on lower floors and housing above. These districts are well-served by
7 public transit and aim to maximize residential and commercial opportunities on or
8 near major transit services. The district’s form can be either linear along transit-
9 priority corridors, concentric around transit stations, or broader areas where
10 transit services criss-cross the neighborhood. Housing density is limited not by lot
11 area, but by the regulations on the built envelope of buildings, including height,
12 bulk, setbacks, and lot coverage, and standards for residential uses, including
13 open space and exposure, and urban design guidelines. Residential parking is
14 not required and generally limited. Commercial establishments are discouraged
15 or prohibited from building accessory off-street parking in order to preserve the
16 pedestrian-oriented character of the district and prevent attracting auto traffic.
17 There are prohibitions on access (i.e. driveways, garage entries) to off-street
18 parking and loading on critical stretches of commercial and transit streets to
19 preserve and enhance the pedestrian-oriented character and transit function.

20 **SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL**
21 **DISTRICTS.**

22 A use is the specific purpose for which a property or building is used, occupied,
23 maintained, or leased. Whether or not a use is permitted in a specific district is
24 set forth or summarized and cross-referenced in Sections 710.1 through 730.95
25 of this Code for each district class.

1 (a) Use Categories. The uses, functions, or activities, which are permitted in
 2 each Neighborhood Commercial District class include those listed below by
 3 zoning control category and number and cross-referenced to the Code Section
 4 containing the definition.

5 TABLE INSET:

6

Section		
	Zoning Control	Number
Categories of Use		
No.	for Uses	Definition
.24	Outdoor Activity Area	§ 790.70
.25	Drive-Up Facility	§ 790.30
.26	Walk-Up Facility	§ 790.140
.27	Hours of Operation	§ 790.48
.38	Residential Conversion	§ 790.84
.39	Residential Demolition	§ 790.86
.40	Other Retail Sales and Services	§ 790.102
.41	Bar	§ 790.22
.42	Full-Service Restaurant	§ 790.92
.43	Large Fast-Food Restaurant	§ 790.90
.44	Small Self-Service Restaurant	§ 790.91
.45	Liquor Store	§ 790.55
.46	Movie Theater	§ 790.64
.47	Adult Entertainment	§ 790.36
.48	Other Entertainment	§ 790.38

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1	.49	Financial Service	§ 790.110
2	.50	Limited Financial Service	§ 790.112
3	.51	Medical Service	§ 790.114
4	.52	Personal Service	§ 790.116
5	.53	Business or Professional Service	§ 790.108
6	.54	Massage Establishment	§ 790.60
7	.55	Tourist Hotel	§ 790.46
8	.56	Automobile Parking	§ 790.8
9	.57	Automotive Gas Station	§ 790.14
10	.58	Automotive Service Station	§ 790.17
11	.59	Automotive Repair	§ 790.15
12	.60	Automotive Wash	§ 790.18
13	.61	Automobile Sale or Rental	§ 790.12
14	.62	Animal Hospital	§ 790.6
15	.63	Ambulance Service	§ 790.2
16	.64	Mortuary	§ 790.62
17	.65	Trade Shop	§ 790.124
18	.66	Storage	§ 790.117
19	.67	Video Store	§ 790.135
20	.68	Fringe Financial Service	§ 790.111
21	.70	Administrative Service	§ 790.106
22	.80	Hospital or Medical Center	§ 790.44
23	.81	Other Institutions, Large	§ 790.50
24	.82	Other Institutions, Small	§ 790.51
25			

1	.83	Public Use	§ 790.80
2	.90	Residential Use	§ 790.88
3	.95	Community Residential Parking	§ 790.10

4 (b) Use Limitations. The uses permitted in Neighborhood Commercial Districts
5 are either principal, conditional, accessory, or temporary uses as stated in this
6 Section, and include those uses set forth or summarized and cross-referenced in
7 the zoning control categories as listed in Paragraph (a) in Sections 710.1 through
8 729.95 of this Code for each district class.

9 (1) Permitted Uses. All permitted uses shall be conducted within an enclosed
10 building in Neighborhood Commercial Districts, unless otherwise specifically
11 allowed in this Code. Exceptions from this requirement are: uses which, when
12 located outside of a building, qualify as an outdoor activity area, as defined in
13 Section 790.70 of this Code; accessory off-street parking and loading and other
14 uses listed below which function primarily as open-air uses, or which may be
15 appropriate if located on an open lot, outside a building, or within a partially
16 enclosed building, subject to other limitations of this Article 7 and other sections
17 of this Code.

18 TABLE INSET:

19	No.	Zoning Control Category
20	.56	Automobile Parking
21	.57	Automotive Gas Station
22	.58	Automotive Service Station
23	.60	Automotive Wash
24	.61	Automobile Sale or Rental
25		

1	.81	Other Institutions, Large (selected)
2	.83	Public Use (selected)
3	.95	Community Residential Parking

4 If there are two or more uses in a structure and none is classified below under
5 Section 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be
6 considered separately as independent principal, conditional or temporary uses.

7 (A) Principal Uses. Principal uses are permitted as of right in a Neighborhood
8 Commercial District, when so indicated in Sections 710.1 through 729.95 of this
9 Code for each district class.

10 (B) Conditional Uses. Conditional uses are permitted in a Neighborhood
11 Commercial District when authorized by the Planning Commission; whether a
12 use is conditional in a given district is indicated in Sections 710.10 through
13 729.95. Conditional uses are subject to the provisions set forth in Sections 178,
14 179, 303, and 316 through 316.8 of this Code.

15 (i) An establishment which sells beer or wine with motor vehicle fuel is a
16 conditional use, and shall be governed by Section 229.

17 (ii) Notwithstanding any other provision of this Article, a change in use or
18 demolition of a movie theater use, as set forth in Section 790.64, shall require
19 conditional use authorization. This Subsection shall not authorize a change in
20 use if the new use or uses are otherwise prohibited.

21 (iii) Notwithstanding any other provision of this Article, a change in use or
22 demolition of a general grocery store use, as defined in Section 790.102(a), shall
23 require conditional use authorization. This Subsection shall not authorize a
24 change in use if the new use or uses are otherwise prohibited.

1 (C) Accessory Uses. Except as prohibited in Section 728 and subject to the
2 limitations set forth below and in Sections 204.1 (Accessory Uses for Dwelling
3 Units in R and NC Districts), 204.4 (Dwelling Units Accessory to Other Uses),
4 and 204.5 (Parking and Loading as Accessory Uses) of this Code, a related
5 minor use which is either necessary to the operation or enjoyment of a lawful
6 principal use or conditional use, or is appropriate, incidental and subordinate to
7 any such use, shall be permitted as an accessory use when located on the same
8 lot. Any use which does not qualify as an accessory use shall be classified as a
9 principal or conditional use, unless it qualifies as a temporary use under Sections
10 205 through 205.2 of this Code.

11 No use will be considered accessory to a permitted principal or conditional use
12 which involves or requires any of the following:

- 13 (i) The use of more than 1/3 of the total floor area occupied by such use and
14 the principal or conditional use to which it is accessory, except in the case of
15 accessory off-street parking and loading;
- 16 (ii) Any bar, restaurant, other entertainment, or any retail establishment which
17 serves liquor for consumption on-site;
- 18 (iii) Any take-out food use, as defined in Section 790.122, except for a take-out
19 food use which occupies 100 square feet or less (including the area devoted to
20 food preparation and service and excluding storage and waiting areas) in a
21 general grocery or specialty grocery store;
- 22 (iv) Any take-out food use, as defined in Section 790.122, except for a take-out
23 food use operating as a minor and incidental use within a full-service restaurant;
- 24 (v) The wholesaling, manufacturing or processing of foods, goods, or
25 commodities on the premises of an establishment which does not also use or

1 provide for primarily retail sale of such foods, goods or commodities at the same
2 location where such wholesaling, manufacturing or processing takes place.

3 Except in the SoMa NCT, where these uses are permitted accessory uses.

4 **SEC. 726.1. VALENCIA STREET NEIGHBORHOOD COMMERCIAL**
5 **TRANSIT DISTRICT.**

6 The Valencia Street Commercial Transit District is located near the center
7 of San Francisco in the Mission District. It lies along Valencia Street between
8 14th and Cesar Chavez (Army) Street, and includes a portion of 16th Street
9 extending west towards Dolores Street. The commercial area provides a limited
10 selection of convenience goods for the residents of sections of the Mission and
11 Dolores Heights. Valencia Street also serves a wider trade area with its retail and
12 wholesale home furnishings and appliance outlets. The commercial district also
13 has several automobile-related businesses ~~and large light manufacturing~~
14 ~~operations~~. Eating and drinking establishments contribute to the street's mixed-
15 use character and activity in the evening hours. A number of upper-story
16 professional and business offices are located in the district, some in converted
17 residential units.

18 The Valencia Street District has a pattern of large lots and businesses, as
19 well as a sizable number of upper-story residential units. Controls are designed
20 to permit moderate-scale buildings and uses, protecting rear yards above the
21 ground story and at residential levels. New neighborhood-serving commercial
22 development is encouraged mainly at the ground story. While offices and general
23 retail sales uses may locate at the second story of new buildings under certain
24 circumstances, most commercial uses are prohibited above the second story. In
25 order to protect the balance and variety of retail uses and the livability of adjacent

1 uses and areas, most eating and drinking and entertainment uses at the ground
 2 story are limited. Continuous retail frontage is promoted by prohibiting drive-up
 3 facilities, some automobile uses, and new nonretail commercial uses. Parking is
 4 not required, and any new parking is required to be set back or below ground. Active,
 5 pedestrian-oriented ground floor uses are required.

6 Housing development in new buildings is encouraged above the ground
 7 story. Housing density is not controlled by the size of the lot but by requirements to
 8 supply a high percentage of larger units and by physical envelope controls. Existing
 9 residential units are protected by prohibitions on upper-story conversions and
 10 limitations on demolitions, mergers, and subdivisions. Given the area's central location
 11 and accessibility to the City's transit network, accessory parking for residential uses is
 12 not required.

13
 14 SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL DISTRICT
 15 ZONING CONTROL TABLE

			Valencia Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
726.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, <u>263.18</u> , 270, 271	40-X, 50-X. See Zoning Map. <u>Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X</u>
726.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 9,999 sq. ft. C 10,000 sq. ft. & above §

1			121.1
2	726.12	Rear Yard	Required at the second
3			story and above and at
4		§§ 130, 134, 136	all residential levels §
5			134(a) (e)
6	726.13 a	<u>Street Frontage, Above-Grade</u>	Required - § 145.1 <u>Minimum</u>
7		<u>Parking Setback and Active Uses</u>	<u>25 feet on ground floor, 15</u>
8		<u>§ 145.1</u>	<u>feet on floors above § 145.1</u>
9	726.13b	<u>Street Frontage, Required</u>	<u>Requirements apply. See §</u>
10		<u>Ground Floor Commercial</u>	<u>145.4</u>
11	726.13c	<u>Street Frontage, Parking and</u>	<u>Requirements apply. See §</u>
12		<u>Loading access restrictions</u>	<u>155(r)</u>
13	726.14	Awning	P§ 136.1(a)
14	726.15	Canopy	P § 136.1(b)
15	726.16	Marquee	P § 136.1(c)
16	726.17	Street Trees	Required § 143
17	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES		
18	726.20	Floor Area Ratio	2.5 to 1 § 124(a) (b)
19	726.21	Use Size <i>[Non-Residential]</i>	P up to 2,999 sq. ft.; C
20		§ 790.130	3,000 sq. ft. & above §
21			121.2
22	726.22	Off-Street Parking, Commercial/Institutional	Generally, none required if
23		§§ 150, <u>151.1</u> , 153-	occupied floor area is less
24		-157, 159--160,	than 5,000 sq.-ft. None
25		<u>166</u> , 204.5	required. Limits set forth in

1			<i>Section 151.1</i>
2			§§ 151, 161(g)
3	726.23	Off-Street Freight Loading	§§ 150, 153--155, 204.5
4			Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
5	726.24	Outdoor Activity Area	§ 790.70
6			P if located in front; C if located elsewhere § 145.2(a)
7	726.25	Drive-Up Facility	§ 790.30
8	726.26	Walk-Up Facility	§ 790.140
9			P if recessed 3 ft.; C if not recessed § 145.2(b)
10	726.27	Hours of Operation	§ 790.48
11			P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
12	726.30	General Advertising Sign	§§ 262, 602--604, 608, 609
13	726.31	Business Sign	§§ 262, 602--604, 608, 609
14			P § 607.1(f) 2
15	726.32	Other Signs	§§ 262, 602--604, 608, 609
16			P § 607.1(c) (d) (g)

TABLE INSET:

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

1	726.37 8	Residential Conversion	§§ 790.84, <u>207.7</u>	<u>PC</u>		
2						
3	726.38 9	Residential Demolition	§§ 790.86, <u>207.7</u>	<u>PC</u>	C	C
4						
5	<u>726.39</u>	<u>Residential Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
6	Retail Sales and Services					
7						
8	726.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	C	
9						
10	726.41	Bar	§ 790.22	C		
11	726.42	Full-Service Restaurant	§ 790.92	P		
12						
13	726.43	Large Fast Food Restaurant	§ 790.90	C		
14						
15	726.44	Small Self-Service Restaurant	§ 790.91	P		
16	726.45	Liquor Store	§ 790.55			
17	726.46	Movie Theater	§ 790.64	P		
18						
19	726.47	Adult Entertainment	§ 790.36			
20						
21	726.48	Other Entertainment	§ 790.38	C		
22	726.49	Financial Service	§ 790.110	P		
23						
24	726.50	Limited Financial Service	§ 790.112	P		
25	726.51	Medical Service	§ 790.114	P	C	

1	726.52	Personal Service	§ 790.116	P	C	
2	726.53	Business or	§ 790.108	P	C	
3		Professional				
4		Service				
5	726.54	Massage	§ 790.60, § 1900	C		
6		Establishment	Health Code			
7	726.55	Tourist Hotel	§ 790.46	C	C	
8	726.56	Automobile Parking	§§ 790.8, <u>158.1</u> ,	C	C	C
9			<u>160, 166,</u>			
10	726.57	Automotive Gas	§ 790.14			
11		Station				
12	726.58	Automotive Service	§ 790.17			
13		Station				
14	726.59	Automotive Repair	§ 790.15	C		
15	726.60	Automotive Wash	§ 790.18			
16	726.61	Automobile Sale or	§ 790.12			
17		Rental				
18	726.62	Animal Hospital	§ 790.6	C		
19	726.63	Ambulance Service	§ 790.2			
20	726.64	Mortuary	§ 790.62	C	C	
21	726.65	Trade Shop	§ 790.124	P	C	
22	726.66	Storage	§ 790.117			
23	726.67	Video Store	§ 790.135	C	C	
24	726.68	Fringe Financial	§ 790.111	#	#	#
25	Institutions and Non-Retail Sales and Services					

1	726.70	Administrative Service	§ 790.106			
2						
3	726.80	Hospital or Medical Center	§ 790.44			
4						
5	726.81	Other Institutions, Large	§ 790.50	P	C	C
6						
7	726.82	Other Institutions, Small	§ 790.51	P	P	P
8						
9	726.83	Public Use	§ 790.80	C	C	C
10	726.84	Medical Cannabis Dispensary	§ 790.141	P		
11	RESIDENTIAL STANDARDS AND USES					
12						
13	726.90	Residential Use	§§ <u>145.4</u> , 790.88	<i>P, except NP for frontages listed in <u>145.4</u></i>	P	P
14						
15	726.91	Residential Density, Dwelling Units	§§ 207, 207.1, <u>207.4</u> , <u>207.6</u> , 790.88(a)	<i>Generally, 1 unit per 400 sq. ft. lot area §207.4 <u>No density limit.</u></i>		
16						
17						
18	726.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	<i>Generally, 1 bedroom per 140 sq. ft. lot area §208 <u>No density limit.</u></i>		
19						
20	726.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
21						
22						
23	726.94	Off-Street Parking, Residential	§§ <u>145.1</u> , 150, <u>151.1</u> , 153--157, 159--160, <u>166</u> , <u>167</u> 204.5	<i>Generally, 1 space for each dwelling unit <u>None required.</u> P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit.</i>		
24						
25						

			<u>§§ 151.1, 166, 167, 145.1</u>		
726.95	Community Residential Parking	<u>§§ 145.1, 151.1(f), 155(r), 166, 790.10</u>	C	C	C

SPECIFIC PROVISIONS FOR THE VALENCIA STREET DISTRICT

TABLE INSET:

Article 7 Code Section	Other Code Section	Zoning Controls
§ 726.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the Valencia Street Neighborhood Commercial <u>Transit</u> District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

SEC. 727.1. 24TH STREET -- MISSION NEIGHBORHOOD

COMMERCIAL TRANSIT DISTRICT.

The 24th Street -- Mission Neighborhood Commercial Transit District is situated in the Inner Mission District on 24th Street between Bartlett Street and San Bruno Avenue. This mixed-use district provides convenience goods to its immediate neighborhood as well as comparison shopping goods and services to

1 a wider trade area. The street has a great number of Latin American restaurants,
2 grocery stores, and bakeries as well as other gift and secondhand stores. Most
3 commercial businesses are open during the day while the district's bars and,
4 ~~restaurants, and movie theater~~ are also active in the evening. Dwelling units are
5 frequently located above the ground-story commercial uses.

6 The 24th Street -- Mission Neighborhood Commercial Transit District
7 controls are designed to provide potential for new development consistent with
8 the existing scale and character. Small-scale buildings and neighborhood-serving
9 uses are encouraged, and rear yard corridors above the ground story and at
10 residential levels are protected. Most commercial uses are encouraged at the
11 ground story, while service uses are permitted with some limitations at the
12 second story. Special controls are necessary to preserve the unique mix of
13 convenience and specialty commercial uses. In order to maintain convenience
14 stores and protect adjacent livability, new bars and fast-food restaurants are
15 prohibited, and limitations apply to the development and operation of ground-
16 story full-service restaurants, take-out food and entertainment uses. Continuous
17 retail frontage is maintained and encouraged by prohibiting most automobile and
18 drive-up uses, banning curb cuts, and requiring active, pedestrian-oriented ground
19 floor uses. Parking is not required, and any new parking required to be set back or below
20 ground.

21 Housing development in new buildings is encouraged above the ground
22 story. Housing density is not controlled by the size of the lot but by requirements to
23 supply a high percentage of larger units and by physical envelope controls. Existing
24 housing units are protected by prohibitions on upper-story conversions and
25 limitations on demolitions-, mergers, and subdivisions. Given the area's central

1 location and accessibility to the City's transit network, accessory parking for residential
 2 uses is not required.

3 **SEC. 727. 24TH STREET -- MISSION NEIGHBORHOOD COMMERCIAL**
 4 **TRANSIT DISTRICT**

5 ZONING CONTROL TABLE
 6

			24th Street -- Mission
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
727.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250--252, 260, 270, 271	40-X, 50-X, 105-E See Zoning Map. <u>Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X.</u>
727.11	Lot Size <i>[Per Development]</i>	§§ 790.56, 121.1	P up to 4,999 sq. ft.; C 5,000 sq. ft. & above § 121.1
727.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a) (e)
727.13a	<u>Street Frontage, Above-Grade Parking Setback and Active Uses</u>	<u>§ 145.1</u>	Required § 145.1 <u>Minimum 25 feet on ground floor, 15 feet on floors above § 145.1</u>
727.13b	<u>Street Frontage, Required Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>Requirements apply. See § 145.4</u>

1	727.13c	<i>Street Frontage, Parking and Loading access restrictions</i>	<i>§ 155(r)</i>	<i>Requirements apply. See § 155(r)</i>
2				
3	727.14	Awning	§ 790.20	P § 136.1(a)
4	727.15	Canopy	§ 790.26	P § 136.1(b)
5	727.16	Marquee	§ 790.58	P § 136.1(c)
6	727.17	Street Trees		Required § 143
7	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
8	727.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) (b)
9				
10	727.21	Use Size <i>[Non-Residential]</i>	§ 790.130	P up to 2,499 sq. ft.; C 2,500 sq. ft. & above § 121.2
11				
12				
13	727.22	Off-Street Parking, Commercial/Institutional	§§ 150, <u>151.1</u> , 153--157, 159--160, <u>166</u> , 204.5	<i>Generally, none required if occupied floor area is less than 5,000 sq. ft. None required. Limits set forth in Section 151.1</i> §§ 151, 161(g)
14				
15				
16				
17				
18	727.23	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
19				
20				
21				
22	727.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
23				
24	727.25	Drive-Up Facility	§ 790.30	
25	727.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if

			not recessed § 145.2 (b)
727.27	Hours of Operation	§ 790.48	P 6 a.m.--2 a.m. C 2 a.m.--6 a.m.
727.30	General Advertising Sign	§§ 262, 602--604, 608, 609	
727.31	Business Sign	§§ 262, 602--604, 608, 609	P § 607.1(f)2
727.32	Other Signs	§§ 262, 602--604, 608, 609	P § 607.1(c) (d) (g)

TABLE INSET:

No.	Zoning Category	§ References	24th Street-- Mission		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
727.37 8	Residential Conversion	§§ 790.84, 207.7	<u>P</u> <u>C</u>		
727.38 9	Residential Demolition	§§ 790.86, 207.7	<u>P</u> <u>C</u>	C	C
<u>726.39</u>	<u>Residential Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
Retail Sales and Services					
727.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P		
727.41	Bar	§ 790.22			
727.42	Full-Service	§ 790.92	C		

1		Restaurant				
2	727.43	Large Fast Food Restaurant	§ 790.90			
3						
4	727.44	Small Self-Service Restaurant	§ 790.91	C		
5						
6	727.45	Liquor Store	§ 790.55			
7	727.46	Movie Theater	§ 790.64	P		
8	727.47	Adult Entertainment	§ 790.36			
9						
10	727.48	Other Entertainment	§ 790.38	C		
11	727.49	Financial Service	§ 790.110	P		
12						
13	727.50	Limited Financial Service	§ 790.112	P		
14	727.51	Medical Service	§ 790.114	P	C	
15	727.52	Personal Service	§ 790.116	P	C	
16						
17	727.53	Business or Professional Service	§ 790.108	P	C	
18						
19						
20	727.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
21						
22	727.55	Tourist Hotel	§ 790.46	C	C	
23	727.56	Automobile Parking	§§ 790.8, <u>158.1</u> , <u>160</u> , <u>166</u> ,	C	C	C
24						
25	727.57	Automotive Gas	§ 790.14			

1		Station				
2	727.58	Automotive Service Station	§ 790.17			
3						
4	727.59	Automotive Repair	§ 790.15	C		
5	727.60	Automotive Wash	§ 790.18			
6	727.61	Automobile Sale or Rental	§ 790.12			
7						
8	727.62	Animal Hospital	§ 790.6	C		
9	727.63	Ambulance Service	§ 790.2			
10	727.64	Mortuary	§ 790.62			
11	727.65	Trade Shop	§ 790.124	P		
12	727.66	Storage	§ 790.117			
13	727.67	Video Store	§ 790.135	C		
14	727.68	Fringe Financial Service	§ 790.111	#	#	#
15						
16	Institutions and Non-Retail Sales and Services					
17	727.70	Administrative Service	§ 790.106			
18						
19	727.80	Hospital or Medical Center	§ 790.44			
20						
21	727.81	Other Institutions, Large	§ 790.50	P	C	C
22						
23	727.82	Other Institutions, Small	§ 790.51	P	P	P
24	727.83	Public Use	§ 790.80	C	C	C
25						

1	727.84	Medical Cannabis Dispensary	§ 790.141	P		
2	RESIDENTIAL STANDARDS AND USES					
3	727.90	Residential Use	§§ <u>145.4</u> , 790.88	<i>P, except NP for frontages listed in §145.4</i>	P	P
4	727.91	Residential Density, Dwelling Units	§§ 207, 207.1, 207.4, 207.6, 790.88(a)	<i>Generally, 1 unit per 600 sq. ft. lot area §207.4 No density limit.</i>		
5	727.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	<i>Generally, 1 bedroom per 210 sq. ft. lot area §208 No density limit.</i>		
6	727.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
7	727.94	Off-Street Parking, Residential	§§ 150, 153--157, 159--160, 204.5	<i>Generally, 1 space for each dwelling unit None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit.</i> §§ 151, 161(a) (g), <u>166, 167, 145.1</u>		
8	727.95	Community Residential Parking	§§ <u>145.1</u> , <u>151.1(f)</u> , <u>155(r)</u> , <u>166</u> , 790.10	C	C	C

21 SPECIFIC PROVISIONS FOR THE 24TH STREET-MISSION DISTRICT

22 TABLE INSET:

23	Article 7 Code	Other Code	Zoning Controls
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1 2 3 4 5 6 7 8 9	Section	Section
§ 727.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)Boundaries: The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the 24th Street-Mission Neighborhood Commercial <u>Transit</u> District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

10
11
12 **SEC. 734.1. NCT-2 -- SMALL-SCALE NEIGHBORHOOD COMMERCIAL**
13 **TRANSIT DISTRICT.**

14 *NCT-2 Districts are transit-oriented mixed-use neighborhoods with small scale*
15 *commercial uses near transit services. The NCT-2 Districts are mixed use districts that*
16 *support neighborhood-serving commercial uses on lower floors and housing above.*
17 *These Districts are well-served by public transit and aim to maximize residential and*
18 *commercial opportunities on or near major transit services. The District's form is*
19 *generally linear along transit-priority corridors, though may be concentric around*
20 *transit stations or in broader areas where multiple transit services criss-cross the*
21 *neighborhood. Housing density is limited not by lot area, but by the regulations on the*
22 *built envelope of buildings, including height, bulk, setbacks, and lot coverage, and*
23 *standards for residential uses, including open space and exposure, and urban design*
24 *guidelines. There are prohibitions on access (e.g., driveways, garage entries) to off-street*
25 *parking and loading on critical stretches of commercial and transit street frontages to*

1 preserve and enhance the pedestrian-oriented character and transit function. Residential
2 parking is not required and generally limited. Commercial establishments are
3 discouraged from building excessive accessory off-street parking in order to preserve the
4 pedestrian-oriented character of the district and prevent attracting auto traffic.

5 NCT-2 Districts are intended to provide convenience goods and services to the
6 surrounding neighborhoods as well as limited comparison shopping goods for a wider
7 market. The range of comparison goods and services offered is varied and often includes
8 specialty retail stores, restaurants, and neighborhood-serving offices. The small-scale
9 district controls provide for mixed-use buildings, which approximate or slightly exceed
10 the standard development pattern. Rear yard requirements above the ground story and at
11 residential levels preserve open space corridors of interior blocks.

12 Most new commercial development is permitted at the ground and second stories.
13 Neighborhood-serving businesses are strongly encouraged. Eating and drinking and
14 entertainment uses, however, are confined to the ground story. The second story may be
15 used by some retail stores, personal services, and medical, business and professional
16 offices. Parking and hotels are monitored at all stories. Limits on late-night activity,
17 drive-up facilities, and other automobile uses protect the livability within and around the
18 district, and promote continuous retail frontage.

19 Housing development in new buildings is encouraged above the ground story.
20 Existing residential units are protected by limitations on demolition and upper-story
21 conversions.

22 **SEC. 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NCT-2**
23 **ZONING CONTROL TABLE**

	<u>NCT-2</u>
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No.	Zoning Category	§ References	Controls
<u>BUILDING STANDARDS</u>			
734.10	<u>Height and Bulk Limit</u>	§§ 102.12, 105, 106, 250--252, 260, 263.18, 270, 271	<u>See Zoning Map. Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X</u>
734.11	<u>Lot Size [Per Development]</u>	§§ 790.56, 121.1	<u>P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1</u>
734.12	<u>Rear Yard</u>	§§ 130, 134, 136	<u>Required at the second story and above and at all residential levels § 134(a) (e)</u>
734.13	<u>Street Frontage</u>	§§ 145.1, 145.4	<u>Required §§ 145.1, 145.4</u>
734.13a	<u>Street Frontage, Above-Grade Parking Setback and Active Uses</u>	§ 145.1	<u>Minimum 25 feet on ground floor, 15 feet on floors above § 145.1</u>
734.13b	<u>Street Frontage, Required Ground Floor Commercial</u>	§ 145.4	<u>Requirements apply</u>
734.13c	<u>Street Frontage, Parking and Loading access restrictions</u>	§ 155(r)	<u>Requirements apply</u>
734.14	<u>Awning</u>	§ 790.20	<u>P § 136.1(a)</u>
734.15	<u>Canopy</u>	§ 790.26	<u>P § 136.1(b)</u>
734.16	<u>Marquee</u>	§ 790.58	<u>P § 136.1(c)</u>
734.17	<u>Street Trees</u>	—	<u>Required § 143</u>
<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
734.20	<u>Floor Area Ratio</u>	§§ 102.9, 102.11, 123	<u>2.5 to 1 § 124(a) and (b)</u>

1	<u>734.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u>	<u>P up to 3,999 sq. ft.; C 4,000</u>
2				<u>sq. ft. & above § 121.2</u>
3	<u>734.22</u>	<u>Off-Street Parking,</u>	<u>§§ 150, 151.1, 153-</u>	<u>None required. Limits set</u>
4		<u>Commercial/Institutional</u>	<u>157, 159-160, 204.5</u>	<u>forth in Section 151.1.</u>
5	<u>734.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153--155,</u>	<u>Generally, none required if</u>
6			<u>204.5</u>	<u>gross floor area is less than</u>
7				<u>10,000 sq. ft. §§ 152, 161(b)</u>
8	<u>734.24</u>	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>	<u>P if located in front; C if</u>
9				<u>located elsewhere § 145.2(a)</u>
10	<u>734.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	
11	<u>734.26</u>	<u>Walk-Up Facility</u>	<u>§ 790.140</u>	<u>P if recessed 3 ft.; C if not</u>
12				<u>recessed § 145.2(b)</u>
13	<u>734.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>P 6 a.m.--2 a.m.; C 2 a.m.--6</u>
14				<u>a.m.</u>
15	<u>734.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602--604,</u>	<u>NP § 607.1(e)(1)</u>
16			<u>608, 609</u>	
17	<u>734.31</u>	<u>Business Sign</u>	<u>§§ 262, 602--604,</u>	<u>P § 607.1(f)(2)</u>
18			<u>608, 609</u>	
19	<u>734.32</u>	<u>Other Signs</u>	<u>§§ 262, 602--604,</u>	<u>P § 607.1(c),(d),(g)</u>
20			<u>608, 609</u>	

21	<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>NCT-2</u>		
22				<u>Controls by Story</u>		
23			<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
24	<u>734.37</u>	<u>Residential</u>	<u>§§ 790.84,</u>	<u>C</u>	<u>C</u>	
25		<u>Conversion</u>	<u>207.7</u>			

1	<u>734.38</u>	<u>Residential</u>	<u>\$\$ 790.86,</u>	<u>C</u>	<u>C</u>	<u>C</u>
2		<u>Demolition</u>	<u>207.7</u>			
3	<u>731.39</u>	<u>Residential</u>	<u>\$ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
4		<u>Division</u>				
5	<u>Retail Sales and Services</u>					
6	<u>734.40</u>	<u>Other Retail Sales</u>	<u>\$ 790.102</u>	<u>P</u>	<u>P</u>	
7		<u>and Services [Not</u>				
8		<u>Listed Below]</u>				
9	<u>734.41</u>	<u>Bar</u>	<u>\$ 790.22</u>	<u>P</u>		
10	<u>734.42</u>	<u>Full-Service</u>	<u>\$ 790.92</u>	<u>P</u>		
11		<u>Restaurant</u>				
12	<u>734.43</u>	<u>Large Fast Food</u>	<u>\$ 790.90</u>	<u>C</u>		
13		<u>Restaurant</u>				
14	<u>734.44</u>	<u>Small Self-Service</u>	<u>\$ 790.91</u>	<u>P</u>		
15		<u>Restaurant</u>				
16	<u>734.45</u>	<u>Liquor Store</u>	<u>\$ 790.55</u>	<u>P</u>		
17	<u>734.46</u>	<u>Movie Theater</u>	<u>\$ 790.64</u>	<u>P</u>		
18	<u>734.47</u>	<u>Adult</u>	<u>\$ 790.36</u>			
19		<u>Entertainment</u>				
20	<u>734.48</u>	<u>Other</u>	<u>\$ 790.38</u>	<u>P</u>		
21		<u>Entertainment</u>				
22	<u>734.49</u>	<u>Financial Service</u>	<u>\$ 790.110</u>	<u>P</u>	<u>C</u>	
23	<u>734.50</u>	<u>Limited Financial</u>	<u>\$ 790.112</u>	<u>P</u>		
24		<u>Service</u>				
25	<u>734.51</u>	<u>Medical Service</u>	<u>\$ 790.114</u>	<u>P</u>	<u>P</u>	
	<u>734.52</u>	<u>Personal Service</u>	<u>\$ 790.116</u>	<u>P</u>	<u>P</u>	
	<u>734.53</u>	<u>Business or</u>	<u>\$ 790.108</u>	<u>P</u>	<u>P</u>	
		<u>Professional</u>				

1		<u>Service</u>				
2	<u>734.54</u>	<u>Massage</u>	<u>\$ 790.60, \$</u>	<u>C</u>		
3		<u>Establishment</u>	<u>1900 Health</u>			
4			<u>Code</u>			
4	<u>734.55</u>	<u>Tourist Hotel</u>	<u>\$ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
5	<u>734.56</u>	<u>Automobile</u>	<u>\$\$ 790.8, 156,</u>	<u>C</u>	<u>C</u>	<u>C</u>
6		<u>Parking</u>	<u>160</u>			
7	<u>734.57</u>	<u>Automotive Gas</u>	<u>\$ 790.14</u>	<u>C</u>		
8		<u>Station</u>				
9	<u>734.58</u>	<u>Automotive Service</u>	<u>\$ 790.17</u>	<u>C</u>		
10		<u>Station</u>				
11	<u>734.59</u>	<u>Automotive Repair</u>	<u>\$ 790.15</u>	<u>C</u>		
12	<u>734.60</u>	<u>Automotive Wash</u>	<u>\$ 790.18</u>			
13	<u>734.61</u>	<u>Automobile Sale or</u>	<u>\$ 790.12</u>			
14		<u>Rental</u>				
15	<u>734.62</u>	<u>Animal Hospital</u>	<u>\$ 790.6</u>	<u>C</u>		
16	<u>734.63</u>	<u>Ambulance Service</u>	<u>\$ 790.2</u>			
17						
17	<u>734.64</u>	<u>Mortuary</u>	<u>\$ 790.62</u>			
18	<u>734.65</u>	<u>Trade Shop</u>	<u>\$ 790.124</u>	<u>P</u>	<u>C</u>	
19	<u>734.66</u>	<u>Storage</u>	<u>\$ 790.117</u>			
20	<u>734.67</u>	<u>Video Store</u>	<u>\$ 790.135</u>	<u>C</u>	<u>C</u>	
21	<u>Institutions and Non-Retail Sales and Services</u>					
22	<u>734.70</u>	<u>Administrative</u>	<u>\$ 790.106</u>			
23		<u>Service</u>				
24	<u>734.80</u>	<u>Hospital or</u>	<u>\$ 790.44</u>			
25		<u>Medical Center</u>				

1	<u>734.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>C</u>	<u>C</u>
2						
3	<u>734.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
4	<u>734.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
5	<u>734.84</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>		
6						
7	<u>RESIDENTIAL STANDARDS AND USES</u>					
8	<u>734.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except C for frontages listed in 145.4</u>	<u>P</u>	<u>P</u>
9						
10				<u>No residential density limit by lot area. Density</u>		
11				<u>restricted by physical envelope controls of</u>		
12				<u>height, bulk, setbacks, open space, exposure and</u>		
13	<u>734.91</u>	<u>Residential Density, Dwelling Units</u>	<u>§§ 207, 207.1, 790.88(a)</u>	<u>other applicable controls of this and other</u>		
14				<u>Codes, as well as by applicable design</u>		
15				<u>guidelines, applicable elements and area plans</u>		
16				<u>of the General Plan, and design review by the</u>		
17				<u>Planning Department.</u>		
18				<u>§§ 207.4, 207.6</u>		
19				<u>No group housing density limit by lot area.</u>		
20				<u>Density restricted by physical envelope controls</u>		
21	<u>734.92</u>	<u>Residential Density, Group Housing</u>	<u>§§ 207.1, 790.88(b)</u>	<u>of height, bulk, setbacks, open space, exposure</u>		
22				<u>and other applicable controls of this and other</u>		
23				<u>Codes, as well as by applicable design</u>		
24				<u>guidelines, applicable elements and area plans</u>		
25				<u>of the General Plan, and design review by the</u>		
				<u>Planning Department.</u>		
				<u>§ 208</u>		
	<u>734.93</u>	<u>Usable Open</u>	<u>§§ 135, 136</u>	<u>Generally, either 100 sq. ft. if private, or 133 sq.</u>		

1	<u>Space [Per</u>		<u>ft. if common § 135(d)</u>		
2	<u>Residential Unit]</u>				
3					
4	<u>734.94</u>	<u>Off-Street Parking,</u>	<u>§§ 150, 153--</u>	<u>None required. P up to 0.5 parking spaces per</u>	
5		<u>Residential</u>	<u>157, 159--160,</u>	<u>unit; C up to 0.75 parking spaces per unit..</u>	
6			<u>204.5</u>	<u>§§ 151.1, 166, 167, 145.1</u>	
7	<u>734.95</u>	<u>Community</u>			
8		<u>Residential</u>	<u>§ 790.10</u>	<u>C</u>	<u>C</u>
		<u>Parking</u>			

9 SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS

10

11 TABLE INSET:

13	<u>Article 7 Code</u>	<u>Other Code</u>	<u>Zoning Controls</u>
14	<u>Section</u>	<u>Section</u>	
15	<u>§§ 734.84,</u>	<u>Health Code §</u>	<u>Medical cannabis dispensaries in NCT-2 District may only</u>
16	<u>790.141</u>	<u>3308</u>	<u>operate between the hours of 8 a.m. and 10 p.m.</u>

17 **SEC. 735.1. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT**

18 **DISTRICT.**

19 The SoMa Neighborhood Commercial Transit District (SoMa NCT) is located

20 along the 6th Street and Folsom Street corridors in the South of Market. The commercial

21 area provides a limited selection of convenience goods for the residents of the South of

22 Market. Eating and drinking establishments contribute to the street's mixed-use character

23 and activity in the evening hours. A number of upper-story professional and business

24 offices are located in the district, some in converted residential units.

1 The SoMa NCT has a pattern of ground floor commercial and upper story
 2 residential units. Controls are designed to permit moderate-scale buildings and uses,
 3 protecting rear yards above the ground story and at residential levels. Active,
 4 neighborhood-serving commercial development is required at the ground story, curb cuts
 5 are prohibited and ground floor transparency and fenestration adds to the activation of
 6 the ground story. While offices and general retail sales uses may locate on the second
 7 story or above of new buildings, most commercial uses are prohibited above the second
 8 story. In order to protect the balance and variety of retail use, bars and liquor stores are
 9 allowed with a conditional use. Continuous retail frontage is promoted by prohibiting
 10 drive-up facilities, some automobile uses, and new non-retail commercial uses. Above-
 11 ground parking is required to be setback or below ground. Active, pedestrian-oriented
 12 ground floor uses are required.

13 Housing development in new buildings is encouraged above the ground story.
 14 Housing density is not controlled by the size of the lot or by density controls, but by
 15 bedroom counts. Given the area's central location and accessibility to the City's transit
 16 network, parking for residential and commercial uses is not required.

17 **SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 18 **ZONING CONTROL TABLE**

			<u>SOMA</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<u>735.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250--252, 260, 270, 271</u>	<u>See Zoning Map.</u>

1	<u>735.11</u>	<u>Lot Size [Per Development]</u>	<u> §§ 790.56, 121.1</u>	<u>P up to 9,999 sq. ft.; C</u>
2				<u>10,000 sq. ft. & above §</u>
3				<u>121.1</u>
4	<u>735.12</u>	<u>Rear Yard</u>	<u> §§ 130, 134, 136</u>	<u>Required at the second story</u>
5				<u>and above and at all</u>
6				<u>residential levels §</u>
7	<u>735.13</u>	<u>Street Frontage</u>	<u> §§ 145.1, 145.4</u>	<u>Required §§ 145.1, 145.4</u>
8	<u>735.13a</u>	<u>Street Frontage, Above-Grade</u>		<u>Minimum 25 feet on ground</u>
9		<u>Parking Setback and Active Uses</u>		<u>floor, 15 feet on floors above</u>
10				<u>§ 145.1</u>
11	<u>735.13b</u>	<u>Street Frontage, Required Ground</u>	<u> § 145.4</u>	<u>Requirements apply</u>
12		<u>Floor Commercial</u>		
13	<u>735.13c</u>	<u>Street Frontage, Parking and</u>	<u> § 155(r)</u>	<u>Requirements apply</u>
14		<u>Loading access restrictions</u>		
15	<u>735.14</u>	<u>Awning</u>	<u> § 790.20</u>	<u>P § 136.1(a)</u>
16	<u>735.15</u>	<u>Canopy</u>	<u> § 790.26</u>	<u>P § 136.1(b)</u>
17	<u>735.16</u>	<u>Marquee</u>	<u> § 790.58</u>	<u>P § 136.1(c)</u>
18	<u>735.17</u>	<u>Street Trees</u>	<u>—</u>	<u>Required § 143</u>
19	<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
20	<u>735.20</u>	<u>Floor Area Ratio</u>	<u> §§ 102.9, 102.11,</u>	<u>2.5 to 1 § 124(a), (b)</u>
21			<u>123</u>	
22	<u>735.21</u>	<u>Use Size [Non-Residential]</u>	<u> § 790.130</u>	<u>P up to 3,999 sq. ft.; C</u>
23				<u>4,000 sq. ft. & above §</u>
24				<u>121.2</u>
25	<u>735.22</u>	<u>Off-Street Parking,</u>	<u> §§ 150, 153-157,</u>	<u>None required. Limits set</u>
		<u>Commercial/Institutional</u>	<u>159-160, 204.5</u>	<u>forth in Section 151.1.</u>
	<u>735.23</u>	<u>Off-Street Freight Loading</u>	<u> §§ 150, 153--155,</u>	<u>Generally, none required if</u>

1		<u>204.5</u>	<u>gross floor area is less than</u>
2			<u>10,000 sq. ft. §§ 152,</u>
3			<u>161(b)</u>
4	<u>735.24</u>	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>
5			<u>P if located in front; C if</u>
6			<u>located elsewhere §</u>
7			<u>145.2(a)</u>
8	<u>735.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>
9			<u>—</u>
10	<u>735.26</u>	<u>Walk-Up Facility</u>	<u>§ 790.140</u>
11			<u>P if recessed 3 ft.; C if not</u>
12			<u>recessed § 145.2(b)</u>
13	<u>735.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>
14			<u>P 6 a.m.--2 a.m.; C 2 a.m.--</u>
15			<u>6 a.m.</u>
16	<u>735.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602--604,</u>
17			<u>608, 609</u>
18			<u>NP § 607.1(e)(1)</u>
19	<u>735.31</u>	<u>Business Sign</u>	<u>§§ 262, 602--604,</u>
20			<u>608, 609</u>
21			<u>P § 607.1(f)(2)</u>
22	<u>735.32</u>	<u>Other Signs</u>	<u>§§ 262, 602--604,</u>
23			<u>608, 609</u>
24			<u>P § 607.1(c), (d), (g)</u>

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>SoMa</u>		
			<u>Controls by Story</u>		
			<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
		<u>§ 790.118</u>			
<u>735.37</u>	<u>Residential Conversion</u>	<u>§§ 790.84, 207.7</u>	<u>C</u>	<u>C</u>	<u>—</u>
<u>735.38</u>	<u>Residential Demolition</u>	<u>§§ 790.86, 207.7</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>731.39</u>	<u>Residential Division</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>Retail Sales and Services</u>					
<u>735.40</u>	<u>Other Retail Sales and</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	<u>—</u>

1		<i>Services [Not Listed</i>				
2		<i>Below]</i>				
3	<u>735.41</u>	<u>Bar</u>	<u>\$ 790.22</u>	<u>C</u>		
4	<u>735.42</u>	<u>Full-Service Restaurant</u>	<u>\$ 790.92</u>	<u>P</u>		
5	<u>735.43</u>	<u>Large Fast Food</u> <u>Restaurant</u>	<u>\$ 790.90</u>	<u>C</u>		
6	<u>735.44</u>	<u>Small Self-Service</u> <u>Restaurant</u>	<u>\$ 790.91</u>	<u>P</u>		
7						
8	<u>735.45</u>	<u>Liquor Store</u>	<u>\$ 790.55</u>	<u>C</u>		
9	<u>735.46</u>	<u>Movie Theater</u>	<u>\$ 790.64</u>	<u>P</u>		
10	<u>735.47</u>	<u>Adult Entertainment</u>	<u>\$ 790.36</u>			
11	<u>735.48</u>	<u>Other Entertainment</u>	<u>\$ 790.38</u>	<u>NP</u>		
12	<u>735.49</u>	<u>Financial Service</u>	<u>\$ 790.110</u>	<u>P</u>	<u>C</u>	
13	<u>735.50</u>	<u>Limited Financial Service</u>	<u>\$ 790.112</u>	<u>P</u>		
14	<u>735.51</u>	<u>Medical Service</u>	<u>\$ 790.114</u>	<u>P</u>	<u>P</u>	
15	<u>735.52</u>	<u>Personal Service</u>	<u>\$ 790.116</u>	<u>P</u>	<u>P</u>	
16	<u>735.53</u>	<u>Business or Professional</u> <u>Service</u>	<u>\$ 790.108</u>	<u>P</u>	<u>P</u>	
17						
18	<u>735.54</u>	<u>Massage Establishment</u>	<u>\$ 790.60, \$ 1900</u> <u>Health Code</u>	<u>C</u>		
19	<u>735.55</u>	<u>Tourist Hotel</u>	<u>\$ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
20	<u>735.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 156,</u> <u>160</u>	<u>C</u>	<u>C</u>	<u>C</u>
21						
22	<u>735.57</u>	<u>Automotive Gas Station</u>	<u>\$ 790.14</u>	<u>C</u>		
23	<u>735.58</u>	<u>Automotive Service</u> <u>Station</u>	<u>\$ 790.17</u>	<u>C</u>		
24						
25	<u>735.59</u>	<u>Automotive Repair</u>	<u>\$ 790.15</u>	<u>C</u>		

1	<u>735.60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>			
2	<u>735.61</u>	<u>Automobile Sale or</u> <u>Rental</u>	<u>§ 790.12</u>			
3	<u>735.62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>		
4	<u>735.63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>			
5	<u>735.64</u>	<u>Mortuary</u>	<u>§ 790.62</u>			
6	<u>735.65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	
7	<u>735.66</u>	<u>Storage</u>	<u>§ 790.117</u>			
8	<u>735.67</u>	<u>Video Store</u>	<u>§ 790.135</u>	<u>P</u>	<u>P</u>	
9	<u>Institutions and Non-Retail Sales and Services</u>					
10	<u>735.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>			
11	<u>735.80</u>	<u>Hospital or Medical</u> <u>Center</u>	<u>§ 790.44</u>			
12	<u>735.81</u>	<u>Assembly and Social</u> <u>Service</u>	<u>§ 790.50(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>
13	<u>735.82</u>	<u>Other Institutions, Large,</u> <u>except Assembly and</u> <u>Social Service</u>	<u>§ 790.50(b) –(e)</u>	<u>C</u>	<u>C</u>	<u>C</u>
14	<u>735.83</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>	<u>P</u>
15	<u>735.84</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>P</u>	<u>P</u>	<u>P</u>
16	<u>735.85</u>	<u>Medical Cannabis</u> <u>Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>		
17	<u>RESIDENTIAL STANDARDS AND USES</u>					
18	<u>735.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except C for</u> <u>frontages listed in</u> <u>145.4</u>	<u>P</u>	<u>P</u>
19	<u>735.90A</u>	<u>Single-Room Occupancy</u> <u>(SRO) Unit</u>	<u>§ 890.88</u>	<u>P</u>	<u>P</u>	<u>P</u>

1	<u>735.91</u>	<u>Residential Density,</u> <u>Dwelling Units</u>	<u>§§ 207, 207.1,</u> <u>790.88(a)</u>	<u>No density limit.</u>		
2						
3	<u>735.92</u>	<u>Residential Density,</u> <u>Group Housing</u>	<u>§§ 207.1,</u> <u>790.88(b)</u>	<u>No density limit</u>		
4						
5	<u>735.93</u>	<u>Usable Open Space [Per</u> <u>Residential Unit]</u>	<u>§§ 135, 136</u>	<u>Generally, either 80 sq. ft. if private,</u> <u>or 100 sq. ft. if common § 135(d)</u>		
6						
7	<u>735.94</u>	<u>Off-Street Parking,</u> <u>Residential</u>	<u>§§ 150, 153--157,</u> <u>159--160, 204.5</u>	<u>None required. P up to 0.5 parking</u> <u>spaces per unit; C up to 0.75 parking</u> <u>spaces per unit.</u> <u>§§ 151.1, 166, 167, 145.1</u>		
8						
9						
10	<u>735.95</u>	<u>Community Residential</u> <u>Parking</u>	<u>§ 790.10</u>	<u>C</u>	<u>C</u>	<u>C</u>
11						

12 SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS

13 TABLE INSET:

<u>Article 7 Code</u> <u>Section</u>	<u>Other Code</u> <u>Section</u>	<u>Zoning Controls</u>
<u>§§ 735.84,</u> <u>790.141</u>	<u>Health Code §</u> <u>3308</u>	<u>Medical cannabis dispensaries in the SoMa NCT District</u> <u>may only operate between the hours of 8 a.m. and 10 p.m.</u>

19 SEC. 736.1 MISSION STREET NEIGHBORHOOD COMMERCIAL
20 TRANSIT DISTRICT.

21 The Mission Street Commercial Transit District is located near the center of San
22 Francisco in the Mission District. It lies along Mission Street between 15th and Cesar
23 Chavez (Army) Street, and includes adjacent portions of 17th Street, 21st Street, 22nd
24 Street, and Cesar Chavez Street. The commercial area of this District provides a
25 selection of goods serving the day-to-day needs of the residents of the Mission District.

1 Additionally, this District serves a wider trade area with its specialized retail outlets.
2 Eating and drinking establishments contribute to the street's mixed-use character and
3 activity in the evening hours.
4 The District is extremely well-served by transit, including regional-serving BART stations
5 at 16th Street and 24th Street, major buses running along Mission Street, and both cross-
6 town and local-serving buses intersecting Mission along the length of this district. Given
7 the area's central location and accessibility to the City's transit network, accessory
8 parking for residential uses is not required. Any new parking is required to be set back or
9 be below ground.
10 This District has a mixed pattern of larger and smaller lots and businesses, as well as a
11 sizable number of upper-story residential units. Controls are designed to permit
12 moderate-scale buildings and uses, protecting rear yards above the ground story and at
13 residential levels. New neighborhood-serving commercial development is encouraged
14 mainly at the ground story. While offices and general retail sales uses may locate at the
15 second story of new buildings under certain circumstances, most commercial uses are
16 prohibited above the second story. Continuous retail frontage is promoted by requiring
17 ground floor commercial uses in new developments and prohibiting curb cuts.
18 Housing development in new buildings is encouraged above the ground story. Housing
19 density is not controlled by the size of the lot but by requirements to supply a high
20 percentage of larger units and by physical envelope controls. Existing residential units
21 are protected by prohibitions on upper-story conversions and limitations on demolitions,
22 mergers, and subdivisions.

23
24
25

SEC. 736 MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE

1				<u>Mission Street</u>
2	<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
3	<u>BUILDING STANDARDS</u>			
4	<u>736.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106,</u> <u>250-252, 260,</u> <u>261.1, 263.18, 270,</u> <u>271</u>	<u>Varies</u>
5				<u>See Zoning Map</u>
6				<u>Height Sculpting on Alleys;</u>
7				<u>§ 261.1</u>
8				<u>Additional 5' Height</u>
9				<u>Allowed for Ground Floor</u>
10				<u>Active Uses in 40-X and 50-</u>
11				<u>X; § 263.18</u>
12	<u>736.11</u>	<u>Lot Size [Per Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 9,999 sq. ft.;</u>
13				<u>C 10,000 sq. ft. & above</u>
14				<u>§ 121.1</u>
15	<u>736.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at residential</u>
16				<u>levels only</u>
17				<u>§ 134(a)(e)</u>
18	<u>736.13</u>	<u>Street Frontage</u>		<u>Required</u>
19				<u>§ 145.1</u>
20	<u>736.13a</u>	<u>Street Frontage, Above-Grade</u> <u>Parking Setback and Active Uses</u>		<u>Minimum 25 feet on ground</u>
21				<u>floor, 15 feet on floors</u>
22				<u>above</u>
23				<u>§ 145.1(c), (e)</u>
24	<u>736.13b</u>	<u>Street Frontage, Required</u> <u>Ground Floor Commercial</u>		<u>Required along Mission St.</u>
25				

1			<u>§ 145.1(d)</u>
2	<u>736.13c</u>	<u>Street Frontage, Parking and</u>	<u>NP along Mission St.</u>
3		<u>Loading access restrictions</u>	<u>§ 155(r)</u>
4			
5	<u>736.14</u>	<u>Awning</u>	<u>§ 790.20</u> <u>P</u> <u>§ 136.1(a)</u>
6			
7	<u>736.15</u>	<u>Canopy</u>	<u>§ 790.26</u> <u>P</u> <u>§ 136.1(b)</u>
8			
9	<u>736.16</u>	<u>Marquee</u>	<u>§ 790.58</u> <u>P</u> <u>§ 136.1(c)</u>
10			
11	<u>736.17</u>	<u>Street Trees</u>	<u>Required</u> <u>§ 143</u>
12			
13	<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>		
14	<u>736.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123</u> <u>3.6 to 1</u> <u>§ 124(a) (b)</u>
15			
16			
17	<u>736.21</u>	<u>Use Size [Non-Residential]</u>	<u>§ 790.130</u> <u>P up to 5,999 sq. ft.;</u> <u>C 6,000 sq. ft. & above</u> <u>§ 121.2</u>
18			
19			
20	<u>736.22</u>	<u>Off-Street Parking,</u> <u>Commercial/Institutional</u>	<u>§§ 150, 151.1, 153-</u> <u>157, 159-160, 204.5</u> <u>None required. Limits set</u> <u>forth in Section 151.1</u> <u>§§ 151.1, 166, 145.1</u>
21			
22			
23			
24	<u>736.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 153-155,</u> <u>204.5</u> <u>Generally, none required if</u> <u>gross floor area is less than</u>
25			

1			<u>10,000 sq. ft.</u>
2			<u>§§ 152, 161(b)</u>
3	<u>736.24</u>	<u>Outdoor Activity Area</u>	<u>§ 790.70</u>
4			<u>P if located in front;</u>
5			<u>C if located elsewhere</u>
6			<u>§ 145.2(a)</u>
7	<u>736.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>
8			<u>NP</u>
9	<u>736.26</u>	<u>Walk-Up Facility</u>	<u>§ 790.140</u>
10			<u>P if recessed 3 ft.;</u>
11			<u>C if not recessed</u>
12			<u>§ 145.2(b)</u>
13	<u>736.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>
14			<u>No Limit</u>
15	<u>736.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602-604, 608,</u>
16			<u>P</u>
17			<u>609</u>
18			<u>§ 607.1(e)2</u>
19	<u>736.31</u>	<u>Business Sign</u>	<u>§§ 262, 602-604, 608,</u>
20			<u>P</u>
21			<u>609</u>
22			<u>§ 607.1(f)3</u>
23	<u>736.32</u>	<u>Other Signs</u>	<u>§§ 262, 602-604, 608,</u>
24			<u>P</u>
25			<u>609</u>
			<u>§ 607.1(c),(d),(g)</u>

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Mission Street</u>		
			<u>Controls by Story</u>		
		<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<u>736.37</u>	<u>Residential</u>	<u>§§ 790.84,</u>	<u>C</u>	<u>C</u>	<u>C</u>
	<u>Conversion</u>	<u>207.7</u>			
<u>736.38</u>	<u>Residential</u>	<u>§§ 790.86,</u>	<u>C</u>	<u>C</u>	<u>C</u>
	<u>Demolition</u>	<u>207.7</u>			

1	<u>731.39</u>	<u>Residential</u>	<u>§ 207.8</u>	<u>P</u>	<u>P</u>	<u>P</u>
2		<u>Division</u>				
3	<u>Retail Sales and Services</u>					
4	<u>736.40</u>	<u>Other Retail Sales</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	<u>P</u>
5		<u>and Services [Not</u>				
6		<u>Listed Below]</u>				
7	<u>736.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>	<u>P</u>	
8	<u>736.42</u>	<u>Full-Service</u>	<u>§ 790.92</u>	<u>P</u>	<u>P</u>	
9		<u>Restaurant</u>				
10	<u>736.43</u>	<u>Large Fast Food</u>	<u>§ 790.90</u>	<u>-</u>	<u>-</u>	<u>-</u>
11		<u>Restaurant</u>				
12	<u>736.44</u>	<u>Small Self-Service</u>	<u>§ 790.91</u>	<u>C</u>	<u>-</u>	<u>-</u>
13		<u>Restaurant</u>				
14	<u>736.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>-</u>	<u>-</u>	<u>-</u>
15	<u>736.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>	<u>P</u>	<u>P</u>	
16	<u>736.47</u>	<u>Adult</u>	<u>§ 790.36</u>	<u>C</u>	<u>C</u>	
17		<u>Entertainment</u>				
18	<u>736.48</u>	<u>Other</u>	<u>§ 790.38</u>	<u>P</u>	<u>P</u>	
19		<u>Entertainment</u>				
20	<u>736.49</u>	<u>Financial Service</u>	<u>§ 790.110</u>	<u>P</u>	<u>P</u>	
21	<u>736.50</u>	<u>Limited Financial</u>	<u>§ 790.112</u>	<u>P</u>	<u>P</u>	
22		<u>Service</u>				
23	<u>736.51</u>	<u>Medical Service</u>	<u>§ 790.114</u>	<u>P</u>	<u>P</u>	<u>P</u>
24	<u>736.52</u>	<u>Personal Service</u>	<u>§ 790.116</u>	<u>P</u>	<u>P</u>	<u>P</u>
25	<u>736.53</u>	<u>Business or</u>	<u>§ 790.108</u>	<u>P</u>	<u>P</u>	<u>P</u>
		<u>Professional</u>				

1		<u>Service</u>				
2	736.54	<u>Massage</u>	<u>§ 790.60,</u>	<u>C</u>	<u>C</u>	-
3		<u>Establishment</u>	<u>§ 2700 Police</u>			
4			<u>Code</u>			
5	736.55	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>C</u>	<u>C</u>	<u>C</u>
6	736.56	<u>Automobile</u>	<u>§§ 790.8, 156,</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
7		<u>Parking</u>	<u>158.1, 160</u>			
8	736.57	<u>Automotive Gas</u>	<u>§ 790.14</u>	<u>C</u>		
9		<u>Station</u>				
10	736.58	<u>Automotive Service</u>	<u>§ 790.17</u>	<u>C</u>		
11		<u>Station</u>				
12	736.59	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C</u>	<u>C</u>	
13						
14	736.60	<u>Automotive Wash</u>	<u>§ 790.18</u>	<u>C</u>		
15	736.61	<u>Automobile Sale or</u>	<u>§ 790.12</u>	<u>C</u>		
16		<u>Rental</u>				
17	736.62	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>C</u>	<u>C</u>	
18	736.63	<u>Ambulance Service</u>	<u>§ 790.2</u>	<u>C</u>		
19						
20	736.64	<u>Mortuary</u>	<u>§ 790.62</u>	<u>C</u>	<u>C</u>	<u>C</u>
21	736.65	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	<u>C</u>
22	736.66	<u>Storage</u>	<u>§ 790.117</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
23						
24	736.67	<u>Video Store</u>	<u>§ 790.135</u>	<u>C</u>	<u>C</u>	<u>C</u>
25	737.68	<u>Fringe Financial</u>	<u>§ 790.111</u>	<u>#</u>	<u>#</u>	<u>#</u>

<u>Institutions and Non-Retail Sales and Services</u>					
1					
2	<u>736.70</u>	<u>Administrative Service</u>	<u>§ 790.106</u>	<u>C</u>	<u>C</u>
3					
4	<u>736.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	<u>C</u>	<u>C</u>
5					
6	<u>736.81</u>	<u>Other Institutions, Large</u>	<u>§ 790.50</u>	<u>P</u>	<u>P</u>
7					
8	<u>736.82</u>	<u>Other Institutions, Small</u>	<u>§ 790.51</u>	<u>P</u>	<u>P</u>
9					
10	<u>736.83</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>
11					
12	<u>736.84</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 790.141</u>	<u>P #</u>	<u>-</u>
<u>RESIDENTIAL STANDARDS AND USES</u>					
13	<u>736.90</u>	<u>Residential Use</u>	<u>§ 790.88</u>	<u>P, except C for frontages listed in 145.4</u>	<u>P</u>
14					
15	<u>736.90A</u>	<u>Single-Room Occupancy (SRO) Unit</u>	<u>§ 890.88</u>	<u>P</u>	<u>P</u>
16					
17					
18			<u>§§ 207, 207.1, 790.88(a)</u>	<u>No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.</u>	
19					
20		<u>Residential Density, Dwelling Units</u>			
21	<u>736.91</u>				
22					
23					
24					
25				<u>§ 207.4, 207.6</u>	

1		<u>§§ 207.1,</u>	<u>No group housing density limit by lot area.</u>		
2		<u>790.88(b)</u>	<u>Density restricted by physical envelope controls</u>		
3			<u>of height, bulk, setbacks, open space, exposure</u>		
4	<u>736.92</u>	<u>Residential</u>	<u>and other applicable controls of this and other</u>		
5		<u>Density, Group</u>	<u>Codes, as well as by applicable design</u>		
6		<u>Housing</u>	<u>guidelines, applicable elements and area plans</u>		
7			<u>of the General Plan, and design review by the</u>		
8			<u>Planning Department.</u>		
9			<u>§ 208</u>		
10	<u>736.93</u>	<u>Usable Open</u>	<u>§§ 135, 136</u>	<u>Generally, either 80 sq. ft. if private, or</u>	
11		<u>Space [Per</u>		<u>100 sq. ft. if common</u>	
12		<u>Residential Unit]</u>		<u>§ 135(d)</u>	
13	<u>736.94</u>	<u>Off-Street Parking,</u>	<u>§§ 150, 151.1,</u>	<u>None required. P up to 0.5 parking spaces per</u>	
14		<u>Residential</u>	<u>153-157, 159-</u>	<u>unit; C up to 0.75 parking spaces per unit.</u>	
15			<u>160, 204.5</u>	<u>§§ 151.1, 166, 167, 145.1</u>	
16	<u>736.95</u>	<u>Community</u>	<u>§ 790.10,</u>	<u>C</u>	<u>C</u>
17		<u>Residential</u>	<u>145.1, 166</u>		<u>C</u>
18		<u>Parking</u>			

SPECIFIC PROVISIONS FOR THE MISSION NCT DISTRICT

<u>Article 7 Code</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
<u>Section</u>		
<u>§ 726.68</u>	<u>§ 249.35</u>	<u>FRINGE FINANCIAL SERVICE RESTRICTED</u> <u>USE DISTRICT (FFSRUD) Boundaries: The</u> <u>FFSRUD and its 1/4 mile buffer includes, but is</u> <u>not limited to, the Mission Street Neighborhood</u>

		<u>Commercial Transit District. Controls: Within the FFSRUD and its 1/4 mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its 1/4 mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).</u>
<u>§ 736.84</u> <u>§ 790.141</u>	<u>Health Code § 3308</u>	<u>Medical cannabis dispensaries in the Mission NCT District may only operate between the hours of 8 am and 10 pm.</u>

SEC. 801.1. PURPOSE OF ARTICLE 8.

This Article is intended to provide a comprehensive and flexible zoning system for Mixed Use Districts which is consistent with the objectives and policies set forth in the San Francisco ~~Master General~~ Plan. More specifically, the purposes of this Article are:

- (a) To provide in one article a complete listing of or cross-reference to all of the zoning categories, definitions, control provisions, and review procedures which are applicable to properties or uses in Mixed Use Districts ~~in the vicinity of Downtown;~~
- (b) To establish a zoning system which will accommodate all classes of Mixed Use Districts including individual districts which are tailored to the unique characteristics of specific areas;
- (c) To provide zoning control categories which embrace the full range of land use issues in mixed-use neighborhoods ~~in the vicinity of Downtown~~, in order that

1 controls can be applied individually to each district to address particular land use
2 concerns in that district.

3 **SEC. 802.1. MIXED USE DISTRICTS.**

4 The following districts are established for the purpose of implementing the
5 Residence Element, the Commerce and Industry Element, the Downtown Plan,
6 the Chinatown Plan, the Rincon Hill Plan, ~~and~~ the South of Market Plan, *the East*
7 *SoMa Plan, the Mission Plan, the Showplace Square/Potrero Hill Plan, and the Central*
8 *Waterfront Plan,* all of which are parts of the ~~Master-General~~ Plan. Description and
9 Purpose Statements outline the main functions of each Mixed Use District in this
10 Article, supplementing the statements of purpose contained in Section 101 of this
11 Code.

12 Description and purpose statements applicable to each district are set
13 forth in Sections 810 through ~~843~~ 820 of this Code. The boundaries of the various
14 Mixed Use Districts are shown on the Zoning Map referred to in Section 105 of
15 this Code, subject to the provisions of that Section. The following Districts are
16 hereby established as Mixed Use Districts.

17

Districts	Section Number
Chinatown -- Community Business District	§ 810
Chinatown -- Visitor Retail District	§ 811
Chinatown -- Residential Neighborhood Commercial District	§ 812
RED -- Residential Enclave District	§ 813
SPD -- South Park District	§ 814

1	RSD -- Residential/Service District	§ 815
2	SLR -- Service/Light Industrial/ Residential District	§ 816
3	SLI – Service/Light Industrial District	§ 817
4	SSO -- Service/Secondary Office District	§ 818
5		
6	RH-DTR -- Rincon Hill Downtown Residential District	§ 827
7	<u>SB-DTR – South Beach Downtown Residential District</u>	<u>§ 829</u>
8	<u>MUG -- Mixed Use-General District</u>	<u>§ 840</u>
9	<u>MUR -- Mixed Use-Residential District</u>	<u>§ 841</u>
10	<u>MUO -- Mixed Use-Office District</u>	<u>§ 842</u>
11		
12	<u>UMU -- Urban Mixed Use District</u>	<u>§ 843</u>

13 **SEC. 802.3. CHINATOWN MIXED USE DISTRICTS.**

14 Throughout the Planning Code, the term “Chinatown Mixed Use Districts” refers
15 to the following districts: Chinatown Community Business (CCB), Chinatown Visitor
16 Retail (CVR), and Chinatown Residential/Neighborhood Commercial (CNRC).

17 **SEC. 802.4. EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

18 Throughout the Planning Code, the term “Eastern Neighborhoods Mixed Use
19 Districts” refers to the following districts: Mixed Use – General (MUG), Mixed Use –
20 Office (MUO), Mixed Use – Residential (MUR), South Park District (SPD), and Urban
21 Mixed Use (UMU).

22 **SEC. 802.5. SOUTH OF MARKET MIXED USE DISTRICTS.**

23 Throughout the Planning Code, the term “South of Market Mixed Use Districts”
24 refers to the following districts: Residential Enclave District (RED), Residential/Service
25

1 District (RSD), Service/Light Industrial (SLI), Service/Light Industrial/Residential (SLR),
2 and Service/Secondary Office (SSO).

3 **SEC. 802.6. DOWNTOWN RESIDENTIAL DISTRICTS**

4 Throughout the Planning Code, the term “Downtown Residential Districts” or
5 “DTR Districts” refers to the following districts: Rincon Hill Downtown Residential
6 District (RH-DTR) and South Beach Downtown Residential District (SB-DTR).

7 **SEC. 803. MIXED USE DISTRICT REQUIREMENTS.**

8 The Mixed Use District zoning control categories are listed in Sections
9 803.2, 803.3 and 825.1 of this Code. Related building standards and permitted
10 uses are generally stated, summarized or cross-referenced in those Sections or
11 Sections 810.1 through 819 and 827 through 843 of this Code, for each of the
12 district classes listed in Section 802.1, or referenced in Section 899 of this Code.

13 **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS**

14 **MIXED USE DISTRICTS AND SOUTH OF MARKET USE MIXED USE**
15 **DISTRICTS.**

16 (a) **Use Categories.** A use is the specified purpose for which a property or
17 building is used, occupied, maintained, or leased. Whether or not a use is
18 permitted in a specific Eastern Neighborhood Mixed Use District and South of
19 Market Mixed Use District is generally set forth, summarized or cross-referenced
20 in Sections 813.3 through 818 and 840 through 843 of this Code for each district
21 class.

22 (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts and South
23 of Market Mixed Use Districts are either permitted, conditional, accessory,
24 temporary or are not permitted.

1 (1) **Permitted Uses.** If there are two or more uses in a structure, any use not
2 classified below under Section 803.3(b)(1)(C) of this Code as accessory will be
3 considered separately as an independent permitted, conditional, temporary or not
4 permitted use.

5 (A) **Principal Uses.** Principal uses are permitted as of right in *an Eastern*
6 *Neighborhood Mixed Use District and South of Market Mixed Use District*, when so
7 indicated in Sections 813 through 818 *and 840 through 843* of this Code for the
8 district. Additional requirements and conditions may be placed on particular uses
9 as provided pursuant to Section 803.5 *through 803.9* and other applicable
10 provisions of this Code.

11 (B) **Conditional Uses.** Conditional uses are permitted in *an Eastern*
12 *Neighborhoods Mixed Use District and South of Market Mixed Use District*, when
13 authorized by the Planning Commission; whether a use is conditional in a given
14 district is generally indicated in Sections 813 through 818 *and 840 through 843* of
15 this Code. Conditional uses are subject to the applicable provisions set forth in
16 Sections 178, 179, 263.11, 303, 316.8, and 803.5 *through 803.9* of this Code.

17 (i) An establishment which sells beer or wine with motor vehicle fuel is a
18 conditional use, and shall be governed by Section 229.

19 (ii) Notwithstanding any other provision of this Article, a change in use or
20 demolition of a movie theater use, as set forth in Section 890.64, shall require
21 conditional use authorization. This Section shall not authorize a change in use if
22 the new use or uses are otherwise prohibited.

23 (iii) Notwithstanding any other provision of this Article, a change in use or
24 demolition of a general grocery store use, as set forth in Section 890.102(a) and
25 as further defined in Section 790.102(a), shall require conditional use

1 authorization. This Subsection shall not authorize a change in use if the new use
2 or uses are otherwise prohibited.

3 (C) **Accessory Uses.** Subject to the limitations set forth below and in Sections
4 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2
5 (Accessory Uses for Uses Other Than Dwellings in R Districts), 204.4 (Dwelling
6 Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory
7 Uses) of this Code, an accessory use is a related minor use which is either
8 necessary to the operation or enjoyment of a lawful principal use or conditional
9 use, or is appropriate, incidental and subordinate to any such use, and shall be
10 permitted as an accessory use in an Eastern Neighborhoods Mixed Use District and
11 South of Market Mixed Use District. In order to accommodate a principal use
12 which is carried out by one business in multiple locations within the same general
13 area, such accessory use need not be located in the same structure or lot as its
14 principal use provided that (1) the accessory use is located within 1,000 feet of
15 the principal use; and (2) the multiple locations existed on April 6, 1990 (the
16 effective date of this amendment); ~~and (3) the existence of the multiple locations is~~
17 ~~acknowledged in writing by the Zoning Administrator within 60 days after the effective~~
18 ~~date of this amendment.~~ Accessory uses to non-office uses (as defined in Section 890.70)
19 may occupy space which is non-contiguous or on a different story as the principal use so
20 long as the accessory use is located in the same building as the principal use and
21 complies with all other restrictions applicable to such accessory uses. Any use which
22 does not qualify as an accessory use shall be classified as a principal use.

23 No use will be considered accessory to a principal use which involves or
24 requires any of the following:

25

- 1 (i) The use of more than one-third of the total occupied floor area which is
2 occupied by both the accessory use and principal use to which it is accessory,
3 combined, except in the case of accessory off-street parking or loading which
4 shall be subject to the provisions of Sections 151, 156 and 157 of this Code;
- 5 (ii) A hotel, motel, inn, hostel, nighttime entertainment, adult entertainment,
6 massage establishment, large fast food restaurant, or movie theater use in a
7 RED, SPD, RSD, SLR, SLI, ~~SSO~~, DTR, MUG, MUR, MUO, or UMU District;
- 8 (iii) Any take-out food use, except for a take-out food use which occupies 100
9 square feet or less (including the area devoted to food preparation and service
10 and excluding storage and waiting areas) in a restaurant, bar, catering
11 establishment, bakery, retail grocery or specialty food store.
- 12 (iv) Any sign not conforming to the limitations of Section 607.2(f)(3).
- 13 (D) **Temporary Uses.** Temporary uses not otherwise permitted are permitted in
14 Eastern Neighborhoods Mixed Use Districts and South of Market Mixed Use
15 Districts to the extent authorized by Sections 205 through 205.3 of this
16 Code.

17

18 **SEC. 803.4. USES PROHIBITED IN SOUTH OF MARKET AND**

19 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

- 20 (a) Uses which are not specifically listed in this Article or Article 6 are not
21 permitted in South of Market Mixed Use Districts unless they qualify as a
22 nonconforming use pursuant to Sections 180 through 186.1 of this Code or are
23 determined by the Zoning Administrator to be permitted uses in accordance with
24 Section 307(a) of this Code. Uses not permitted in any South of Market District
25 include, but are not limited to, the following: Adult entertainment, bookstore or

1 theater; amusement game arcade or similar enterprise; shooting gallery; general
2 advertising signs, except in the South of Market General Advertising Special Sign
3 District; animal kennel, riding academy or livery stable; automobile, truck, van,
4 recreational vehicle/trailer or camper sales, lease or rental; auto tow of
5 inoperable vehicles; auto wrecking operation; drive-up facility; hotel (except as
6 permitted as a conditional use as provided in Planning Code Section 818,
7 Service/Secondary Office District), motel, hostel, inn, or bed and breakfast
8 establishment; heavy industry subject to Section 226(e) through (w) of this Code;
9 junkyard; landing field for aircraft; massage establishment subject to Section
10 218.1 of this Code; mortuary; movie theater and sports stadium or arena.

11 (b) No use, even though listed as a permitted use or otherwise allowed, shall be
12 permitted in a South of Market District or Eastern Neighborhood Mixed Use District
13 which, by reason of its nature or manner of operation, creates conditions that are
14 hazardous, noxious, or offensive through the emission of odor, fumes, smoke,
15 cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive
16 noise.

17 (c) The establishment of a use that sells alcoholic beverages, other than beer
18 and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed
19 by Section 229.

20 **SEC. 803.5. GOOD NEIGHBOR POLICIES ~~ADDITIONAL PROVISIONS~~**
21 **GOVERNING USES IN MIXED USE DISTRICTS.**

22 (a) **Bars and Restaurants in the Eastern Neighborhoods Mixed Use Districts and**
23 **South of Market Mixed Use Districts.** Within the Eastern Neighborhoods Mixed Use
24 Districts and South of Market Mixed Use Districts, bars and restaurants, permitted
25 pursuant to ~~zoning categories .32, .33 and .35~~ of Sections 813 through 818, and 840

1 through 843 of this Code, shall not be allowed except on conditions which, in the
2 judgment of the City agency, board or commission which last exercises
3 jurisdiction to apply this Code to a proposed such use, are reasonably calculated
4 to insure that: (1) the quiet, safety and cleanliness of the premises and its
5 adjacent area are maintained; (2) adequate off-street parking is provided, for
6 which purpose the agency, board or commission may require parking in excess
7 of that required under the provisions of Section 150(c) of this Code and may
8 include participation in a South of Market Parking Management Program if and
9 when such a program exists (3) proper and adequate storage and disposal of
10 debris and garbage is provided; (4) noise and odors are contained within the
11 premises so as not to be a nuisance to neighbors; and (5) sufficient toilet facilities
12 are made accessible to patrons, including persons waiting to enter the
13 establishment.

14 ~~(b) Demolition or Conversion of Group Housing or Dwelling Units in South of~~
15 ~~Market Districts. Demolition, or conversion to any other use, of a group housing unit or~~
16 ~~dwelling unit or any portion thereof, in any South of Market District shall be allowed~~
17 ~~only subject to Section 233(a) and only if approved as a conditional use pursuant to~~
18 ~~Sections 303 and 316 of this Code, notwithstanding any other provision of this Code.~~
19 ~~This provision shall extend to any premises whose current use is, or last use prior to a~~
20 ~~proposed conversion or demolition was, in fact as a group housing unit or dwelling unit~~
21 ~~as well as any premises whose legal use as shown in the records of the Bureau of~~
22 ~~Building Inspection is that of a group housing or dwelling unit.~~

23 ~~(c) Preservation of Landmark Buildings, Significant or Contributory Buildings~~
24 ~~Within the Extended Preservation District and/or Contributory Buildings Within~~
25 ~~Designated Historic Districts within the South of Market Base District. Within the South~~

1 ~~of Market Base District, any use which is permitted as a principal or conditional use~~
2 ~~within the SSO District, excluding nighttime entertainment use, may be permitted as a~~
3 ~~conditional use in (a) a landmark building located outside a designated historic district,~~
4 ~~(b) a contributory building which is proposed for conversion to office use of an aggregate~~
5 ~~gross square footage of 25,000 or more per building and which is located outside the~~
6 ~~SSO District yet within a designated historic district, or (c) a building designated as~~
7 ~~significant or contributory pursuant to Article 11 of this Code and located within the~~
8 ~~Extended Preservation District. For all such buildings the following conditions shall~~
9 ~~apply: (1) the provisions of Sections 316 through 318 of this Code must be met; (2) in~~
10 ~~addition to the conditional use criteria set out in Sections 303(c)(6) and 316 through~~
11 ~~316.8, it must be determined that allowing the use will enhance the feasibility of~~
12 ~~preserving the landmark, significant or contributory building; and (3) the landmark,~~
13 ~~significant or contributory building will be made to conform with the San Francisco~~
14 ~~Building Code standards for seismic loads and forces which are in effect at the time of~~
15 ~~the application for conversion of use.~~

16 ~~A contributory building which is in a designated historic district outside the SSO~~
17 ~~District may be converted to any use which is a principal use within the SSO District~~
18 ~~provided that: (1) such use does not exceed an aggregate square footage of 25,000 per~~
19 ~~building; and (2) prior to the issuance of any necessary permits the Zoning Administrator~~
20 ~~(a) determines that allowing the use will enhance the feasibility of preserving the~~
21 ~~contributory building; and (b) the contributory building will be made to conform with the~~
22 ~~San Francisco Building Code standards for seismic loads and forces which are in effect~~
23 ~~at the time of the application for conversion of use.~~

24 ~~(d) Automated Bank Teller Machines Within South of Market Districts. All~~
25 ~~automated bank teller machines (ATMs), whether freestanding structures or walk up~~

1 ~~facilities associated with retail banking operations, shall have adequate lighting, waste~~
2 ~~collection facilities and parking resources and shall be set back three feet from the front~~
3 ~~property line.~~

4 ~~(e) Open Air Sales. Flea markets, farmers markets, crafts fairs and all other~~
5 ~~open air sales of new or used merchandise except vehicles, within South of Market~~
6 ~~Districts, where permitted, shall be subject to the following requirements: (1) the sale of~~
7 ~~goods and the presence of booths or other accessory appurtenances shall be limited to~~
8 ~~weekend and/or holiday daytime hours; (2) sufficient numbers of publicly accessible~~
9 ~~toilets and trash receptacles shall be provided on site and adequately maintained; and~~
10 ~~(3) the site and vicinity shall be maintained free of trash and debris.~~

11 ~~(f) Low Income Affordable Housing Within the Service/Light Industrial District.~~
12 ~~Dwelling units may be authorized in the SLI District as a conditional use pursuant to~~
13 ~~Sections 303, 316 and 817.14 of this Code provided that such dwellings units shall be~~
14 ~~rented, leased or sold at rates or prices affordable to a household whose income is no~~
15 ~~greater than 80 percent of the median income for households in San Francisco ("lower~~
16 ~~income household"), as determined by Title 25 of the California Code of Regulations~~
17 ~~Section 6932 and implemented by the Mayor's Office of Housing.~~

18 ~~(1) "Affordable to a household" shall mean a purchase price that a lower income~~
19 ~~household can afford to pay based on an annual payment for all housing costs of 33~~
20 ~~percent of the combined household annual net income, a 10 percent down payment, and~~
21 ~~available financing, or a rent that a household can afford to pay, based on an annual~~
22 ~~payment for all housing costs of 30 percent of the combined annual net income.~~

23 ~~(2) The size of the dwelling unit shall determine the size of the household in~~
24 ~~order to calculate purchase price or rent affordable to a household, as follows:~~

25 ~~(A) For a one bedroom unit, a household of two persons;~~

1 ~~(B) For a two bedroom unit, a household of three persons;~~

2 ~~(C) For a three bedroom unit, a household of four persons;~~

3 ~~(D) For a four bedroom unit, a household of five persons.~~

4 ~~(3) No conditional use permit will be approved pursuant to this Subsection~~
5 ~~803.5(f) unless the applicant and City have agreed upon enforcement mechanisms for the~~
6 ~~provisions of this Subsection which are acceptable to the City Attorney. Such~~
7 ~~enforcement mechanisms may include, but not be limited to, a right of first refusal in~~
8 ~~favor of the City, or a promissory note and deed of trust.~~

9 ~~(4) The owner(s) of dwelling units authorized pursuant to this Subsection shall~~
10 ~~submit an annual enforcement report to the City, along with a fee whose amount shall be~~
11 ~~determined periodically by the City Planning Commission to pay for the cost of~~
12 ~~enforcement of this Subsection. The fee shall not exceed the amount of such costs. The~~
13 ~~annual report shall provide information regarding rents, mortgage payments, sales price~~
14 ~~and other housing costs, annual household income, size of household in each dwelling~~
15 ~~unit, and any other information the City may require to fulfill the intent of this~~
16 ~~Subsection.~~

17 **(bg) Good Neighbor Policies for Nighttime Entertainment Activities in**
18 **Eastern Neighborhoods Mixed Use Districts, South of Market Mixed Use Districts**
19 **and Downtown Residential Districts.** Within Eastern Neighborhoods Mixed Use
20 Districts, South of Market Mixed Use Districts, and Downtown Residential Districts
21 where nighttime entertainment activities, as defined by Section 102.17 of this
22 Code, are permitted as a principal or conditional use shall not be allowed except
23 on conditions which, in the judgment of the Zoning Administrator or City Planning
24 Commission, as applicable, are reasonably calculated to insure that the quiet,
25

1 safety and cleanliness of the premises and vicinity are maintained. Such
2 conditions shall include, but not be limited to, the following:

3 (1) Notices shall be well-lit and prominently displayed at all entrances to and
4 exits from the establishment urging patrons to leave the establishment and
5 neighborhood in a quiet, peaceful, and orderly fashion and to please not litter or
6 block driveways in the neighborhood; and

7 (2) Employees of the establishment shall be posted at all the entrances and
8 exits to the establishment during the period from 10:00 p.m. to such time past
9 closing that all patrons have left the premises. These employees shall insure that
10 patrons waiting to enter the establishment and those existing in the premises are
11 urged to respect the quiet and cleanliness of the neighborhood as they walk to
12 their parked vehicle or otherwise leave the area; and

13 (3) Employees of the establishment shall walk a 100-foot radius from the
14 premises some time between 30 minutes after closing time and 8:00 a.m. the
15 following morning, and shall pick up and dispose of any discarded beverage
16 containers and other trash left by area nighttime entertainment patrons; and

17 (4) Sufficient toilet facilities shall be made accessible to patrons within the
18 premises, and toilet facilities shall be made accessible to prospective patrons
19 who may be lined up waiting to enter the establishment; and

20 (5) The establishment shall provide outside lighting in a manner than would
21 illuminate outside street and sidewalk areas and adjacent parking, as
22 appropriate; and

23 (6) The establishment shall provide adequate parking for patrons free of charge
24 or at a rate or manner that would encourage use of parking by establishment
25 patrons. Adequate signage shall be well-lit and prominently displayed to

1 advertise the availability and location of such parking resources for establishment
2 patrons; and

3 (7) The establishment shall provide adequate ventilation within the structures
4 such that doors and/or windows are not left open for such purposes resulting in
5 noise emission from the premises; and

6 (8) Any indoor and/or outdoor activity allowed as a principal or conditional use
7 and located within 100 feet of a residential or live/work unit shall, during the
8 period from 10:00 p.m. to 6:00 a.m., insure that sound levels emanating from
9 such activities do not exceed the acceptable noise levels established for
10 residential uses by the San Francisco Noise Ordinance; and

11 (9) The establishment shall implement other conditions and/or management
12 practices, including the prohibition of dancing to recorded music (disco dancing),
13 as determined by the Zoning Administrator, in consultation with Police
14 Department and other appropriate public agencies, to be necessary to insure that
15 management and/or patrons of the establishments maintain the quiet, safety, and
16 cleanliness of the premises and the vicinity of the use, and do not block
17 driveways of neighboring residents or businesses.

18 **(c#) Good Neighbor Policies for Programs Serving Indigent Transient and**
19 **Homeless Populations Within the Eastern Neighborhoods Mixed Use Districts**
20 **and South of Market Mixed Use Base-Districts**. Within the Eastern Neighborhoods
21 Mixed Use Districts and South of Market Mixed Use Base- dDistricts where social
22 service and shelter/housing programs serving indigent transient and/or homeless
23 populations are allowed as a Conditional Use pursuant to Sections 813.15
24 through ~~816.15~~ 843.15 (Group Housing) and Sections 813.21 through ~~818.21~~
25 843.21 (Social Services), some or all of the following conditions shall, when

1 appropriate for specific cases, be placed upon any applicable City permits for the
2 proposed establishment:

3 (1) Service providers shall maintain sufficient monetary resources to enable
4 them to satisfy the following "good neighbor" conditions and shall demonstrate to
5 the Department prior to approval of the conditional use application that such
6 funds shall be available for use upon first occupancy of the proposed project and
7 shall be available for the life of the project; and

8 (2) Representatives of the Southern, Mission, and Bayview Stations of the San
9 Francisco Police Department shall be apprised of the proposed project in a timely
10 fashion so that the Department may respond to any concerns they may have
11 regarding the proposed project, including the effect the project may have on
12 Department resources; and

13 (3) Service providers shall provide adequate waiting areas within the premises
14 for clients and prospective clients such that sidewalks are not used as queuing or
15 waiting areas; and

16 (4) Service providers shall provide sufficient numbers of male and female
17 toilets/restrooms for clients and prospective clients to have access to use on a
18 24-hour basis. For group housing and other similar shelter programs, adequate
19 private male and female showers shall be provided along with lockers for clients
20 to temporarily store their belongings; and

21 (5) Service providers shall maintain up-to-date information and referral sheets to
22 give clients and other persons who, for any reason, cannot be served by the
23 establishment; and

24 (6) Service providers shall continuously monitor waiting areas to inform
25 prospective clients whether they can be served within a reasonable time. If they

1 cannot be served by the provider because of time or resource constraints, the
2 monitor shall inform the client of alternative programs and locations where s/he
3 may seek similar services; and

4 (7) Service providers shall maintain the side-walks in the vicinity in a clean and
5 sanitary condition and, when necessary, shall steam clean the sidewalks within
6 the vicinity of the project. Employees or volunteers of the project shall walk a
7 100-foot radius from the premises each morning or evening and shall pick up and
8 properly dispose of any discarded beverage and/or food containers, clothing, and
9 any other trash which may have been left by clients; and

10 (8) Notices shall be well-lit and prominently displayed at all entrances to and
11 exits from the establishment urging clients leaving the premises and
12 neighborhood to do so in a quiet, peaceful and orderly fashion and to please not
13 loiter or litter; and

14 (9) Service providers shall provide and maintain adequate parking and freight
15 loading facilities for employees, clients and other visitors who drive to the
16 premises; and

17 (10) The establishment shall implement other conditions and/or measures as
18 determined by the Zoning Administrator, in consultation with other City agencies
19 and neighborhood groups, to be necessary to insure that management and/or
20 clients of the establishment maintain the quiet, safety and cleanliness of the
21 premises and the vicinity of the use.

22 ~~(i) Housing Requirement in the Residential/Service District.~~

23 ~~(1) Amount Required. Nonresidential uses subject to Sections 815.26, 815.28,~~
24 ~~815.30, 815.31 through 815.47, and 815.59 through 815.65 of this Code shall be~~
25 ~~permitted in new construction in the Residential/Service District only if the ratio between~~

1 *the amount of occupied floor area for residential use to the amount of occupied floor*
2 *area of the above referenced nonresidential use is three to one or greater.*

3 *(2) Means of Satisfying the Housing Requirement. (A) Live/work units may*
4 *satisfy the residential requirement pursuant to this Subsection and, when applicable,*
5 *shall be subject to Sections 124(j) and/or 263.11(c)(3) of this Code; or (B) The*
6 *residential space required pursuant to this Subsection may be satisfied by payment of a*
7 *one time in lieu fee equal to \$30 per square foot of residential space required by this*
8 *Subsection and not provided on site payable to the City's Affordable Housing Fund*
9 *administered by the Mayor's Office of Housing; or (C) The residential space requirement*
10 *may be satisfied by providing the required residential space elsewhere within the South*
11 *of Market Base District where housing is permitted or conditional and is approved as a*
12 *conditional use.*

13 *(j) Legal and Government Office Uses in the Vicinity of the Hall of Justice.*
14 *Within an approximately 300 foot radius of the 800 Bryant Street entrance to the Hall of*
15 *Justice, and Assessor's Block 3780, Lots 1 and 2, as shown on Sectional Map 8SU of the*
16 *Zoning Map, the offices of attorneys, bail and services, government agencies, union halls,*
17 *and other criminal justice activities and services directly related to the criminal justice*
18 *functions of the Hall of Justice shall be permitted as a principal use. There shall be a*
19 *Notice of Special Restriction placed on the property limiting office activities to uses*
20 *permitted by this Subsection.*

21 *(k) Work Space of Design Professionals. The work space of design professionals,*
22 *as defined in Section 890.28 of this Code, shall be permitted as a principal use within the*
23 *SLR, RSD and SLI Districts provided that, as a condition of issuance of any necessary*
24 *permits, the owner(s) of the building shall agree to comply with the following provisions:*
25 *(1) The occupied floor area devoted to this use per building is limited to the third story or*

1 ~~above; (2) The gross floor area devoted to this use per building does not exceed 3,000~~
2 ~~square feet per design professional establishment; (3) The space within the building~~
3 ~~subject to this provision has not been in residential use within a legal dwelling unit at any~~
4 ~~time within a five year period prior to application for conversion under this Subsection;~~
5 ~~and (4) The owner(s) of the building comply with the following enforcement and~~
6 ~~monitoring procedures: (i) The owner(s) of any building with work space devoted to~~
7 ~~design professional use as authorized pursuant to this Subsection shall submit an annual~~
8 ~~enforcement report to the Department of City Planning with a fee in an amount to be~~
9 ~~determined periodically by the City Planning Commission to pay for the cost of~~
10 ~~enforcement of this Subsection. The fee shall not exceed the amount of such costs. The~~
11 ~~report shall provide information regarding occupants of such space, the amount of~~
12 ~~square footage of the space used by each design professional establishment, amount of~~
13 ~~vacant space, compliance with all relevant City codes, and any other information the~~
14 ~~Zoning Administrator may require to fulfill the intent of this Subsection; (ii) The owner(s)~~
15 ~~of any building containing work space of design professionals authorized pursuant to this~~
16 ~~Subsection shall permit inspection of the premises by an authorized City official to~~
17 ~~determine compliance with the limitations of this Subsection. The City shall provide~~
18 ~~reasonable notice to owners prior to inspecting the premises; (iii) The owner(s) of any~~
19 ~~building containing work space of design professionals authorized pursuant to this~~
20 ~~Subsection shall record a Notice of Special Restriction, approved by the City Planning~~
21 ~~Department prior to recordation, on the property setting forth the limitations required by~~
22 ~~this Subsection. The Department of City Planning shall keep a record available for public~~
23 ~~review of all space for design professionals authorized by this Subsection.~~

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1 **SEC. 803.6. FORMULA RETAIL USES IN THE MUG DISTRICT, UMU**
2 **DISTRICT, AND THE WESTERN SOMA PLANNING AREA SPECIAL USE**
3 **DISTRICT.**

4 **(a) Findings.**

5 (1) San Francisco is a City of diverse and distinct neighborhoods identified in
6 large part by the character of their commercial areas.

7 (2) San Francisco needs to protect its vibrant small business sector and create
8 a supportive environment for new small business innovations. One of the eight
9 Priority Policies of the City's General Plan resolves that "existing neighborhood-
10 serving retail uses be preserved and enhanced and future opportunities for
11 resident employment in and ownership of such businesses enhanced."

12 (3) Retail uses are the land uses most critical to the success of the City's
13 commercial districts.

14 (4) Formula retail businesses are increasing in number in San Francisco, as
15 they are in cities and towns across the country.

16 (5) Money earned by independent businesses is more likely to circulate within
17 the local neighborhood and City economy than the money earned by formula
18 retail businesses which often have corporate offices and vendors located outside
19 of San Francisco.

20 (6) Formula retail businesses can have a competitive advantage over
21 independent operators because they are typically better capitalized and can
22 absorb larger startup costs, pay more for lease space, and commit to longer
23 lease contracts. This can put pressure on existing businesses and potentially
24 price out new startup independent businesses.

25

1 (7) San Francisco is one of a very few major urban centers in the State in which
2 housing, shops, work places, schools, parks and civic facilities intimately co-exist
3 to create strong identifiable neighborhoods. The neighborhood streets invite
4 walking and bicycling and the City's mix of architecture contributes to a strong
5 sense of neighborhood community within the larger City community.

6 (8) Notwithstanding the marketability of a retailer's goods or services or the
7 visual attractiveness of the storefront, the standardized architecture, color
8 schemes, decor and signage of many formula retail businesses can detract from
9 the distinctive character of certain neighborhood commercial districts.

10 (9) The increase of formula retail businesses in the City's neighborhood
11 commercial areas, if not monitored and regulated, will hamper the City's goal of a
12 diverse retail base with distinct neighborhood retailing personalities comprised of
13 a mix of businesses. Specifically, the unregulated and unmonitored
14 establishment of additional formula retail uses may unduly limit or eliminate
15 business establishment opportunities for smaller or medium-sized businesses,
16 many of which tend to be non-traditional or unique, and unduly skew the mix of
17 businesses towards national retailers in lieu of local or regional retailers, thereby
18 decreasing the diversity of merchandise available to residents and visitors and
19 the diversity of purveyors of merchandise.

20 (b) **Formula Retail Uses; Permitted as a Conditional Use.** Formula retail
21 uses are permitted in the MUG, UMU, and the Western SoMa Planning Area
22 Special Use District only as a conditional use.

23 (c) **Formula Retail Use Defined.** Formula retail use is hereby defined as a type
24 of retail sales activity or retail sales establishment which, along with eleven or
25 more other retail sales establishments located in the United States, maintains

1 two or more of the following features: a standardized array of merchandise, a
2 standardized facade, a standardized decor and color scheme, a uniform apparel,
3 standardized signage, a trademark or a servicemark.

4 (1) Standardized array of merchandise shall be defined as 50% or more of in-
5 stock merchandise from a single distributor bearing uniform markings.

6 (2) Trademark shall be defined as a word, phrase, symbol or design, or a
7 combination of words, phrases, symbols or designs that identifies and
8 distinguishes the source of the goods from one party from those of others.

9 (3) Servicemark shall be defined as word, phrase, symbol or design, or a
10 combination of words, phrases, symbols or designs that identifies and
11 distinguishes the source of a service from one party from those of others.

12 (4) Decor shall be defined as the style of interior finishings, which may include
13 but is not limited to, style of furniture, wallcoverings or permanent fixtures.

14 (5) Color Scheme shall be defined as selection of colors used throughout, such
15 as on the furnishings, permanent fixtures, and wallcoverings, or as used on the
16 facade.

17 (6) Facade shall be defined as the face or front of a building, including awnings,
18 looking onto a street or an open space.

19 (7) Uniform Apparel shall be defined as standardized items of clothing including
20 but not limited to standardized aprons, pants, shirts, smocks or dresses, hat, and
21 pins (other than name tags) as well as standardized colors of clothing.

22 (8) Signage shall be defined as business sign pursuant to Section 602.3 of the
23 Planning Code.

24 (9) "Retail sales activity or retail sales establishment" shall include the following
25 uses, as defined in Article 8 of this Code: "bar," "drive-up facility," "eating and

1 drinking use," "restaurant, large fast-food," "restaurant, small fast-food,"
2 "restaurant, full-service," "sales and services, other retail," "sales and services,
3 nonretail," "movie theater," "amusement game arcade," and "take-out food."

4 (d) **Determination of Formula Retail Use.** If the City determines that a building
5 permit application or building permit subject to this section of the Code is for a
6 "formula retail use," the building permit applicant or holder bears the burden of
7 proving to the City that the proposed or existing use is not a "formula retail use."

8 (e) **Permit Application Processing.** After the effective date of this Ordinance,
9 any building permit application determined by the City to be for a "formula retail
10 use" that does not identify the use as a "formula retail use" is incomplete and
11 cannot be processed until the omission is corrected.

12 **SEC. 803.8 HOUSING IN MIXED USE DISTRICTS.**

13 **(a) Demolition or Conversion of Group Housing or Dwelling Units in South of**
14 **Market Mixed Use Districts. Demolition, or conversion to any other use, of a group**
15 **housing unit or dwelling unit or any portion thereof, in any South of Market Mixed Use**
16 **District shall be allowed only subject to Section 233(a) and only if approved as a**
17 **conditional use pursuant to Sections 303 and 316 of this Code, notwithstanding any other**
18 **provision of this Code. This provision shall extend to any premises whose current use is,**
19 **or last use prior to a proposed conversion or demolition was, in fact as a group housing**
20 **unit or dwelling unit as well as any premises whose legal use as shown in the records of**
21 **the Bureau of Building Inspection is that of a group housing or dwelling unit.**

22 **(b) Low-Income Affordable Housing Within the Service/Light Industrial District.**
23 **Dwelling units and SRO units may be authorized in the SLI District as a conditional use**
24 **pursuant to Sections 303, 316, 817.14, and 817.16 of this Code provided that such**
25 **dwelling units shall be rented, leased or sold at rates or prices affordable to a household**

1 whose income is no greater than 80 percent of the median income for households in San
2 Francisco ("lower income household"), as determined by Title 25 of the California Code
3 of Regulations Section 6932 and implemented by the Mayor's Office of Housing.
4 (1) "Affordable to a household" shall mean a purchase price that a lower income
5 household can afford to pay based on an annual payment for all housing costs of 33
6 percent of the combined household annual net income, a 10-percent down payment, and
7 available financing, or a rent that a household can afford to pay, based on an annual
8 payment for all housing costs of 30 percent of the combined annual net income.
9 (2) The size of the dwelling unit shall determine the size of the household in order to
10 calculate purchase price or rent affordable to a household, as follows:
11 (A) For a one-bedroom unit, a household of two persons;
12 (B) For a two-bedroom unit, a household of three persons;
13 (C) For a three-bedroom unit, a household of four persons;
14 (D) For a four-bedroom unit, a household of five persons.
15 (3) No conditional use permit will be approved pursuant to this Subsection 803.8(b)
16 unless the applicant and City have agreed upon enforcement mechanisms for the
17 provisions of this Subsection which are acceptable to the City Attorney. Such
18 enforcement mechanisms may include, but not be limited to, a right of first refusal in
19 favor of the City, or a promissory note and deed of trust.
20 (4) The owner(s) of dwelling units authorized pursuant to this Subsection shall submit
21 an annual enforcement report to the City, along with a fee whose amount shall be
22 determined periodically by the City Planning Commission to pay for the cost of
23 enforcement of this Subsection. The fee shall not exceed the amount of such costs. The
24 annual report shall provide information regarding rents, mortgage payments, sales price
25 and other housing costs, annual household income, size of household in each dwelling

1 unit, and any other information the City may require to fulfill the intent of this
2 Subsection.

3 **(c) Housing Requirement in the Residential/Service District.**

4 (1) Amount Required. Nonresidential uses subject to Sections 815.26, 815.28, 815.30,
5 815.31 through 815.47, and 815.59 through 815.65, of this Code shall be permitted in
6 new construction in the Residential/Service District only if the ratio between the amount
7 of occupied floor area for residential use to the amount of occupied floor area of the
8 above-referenced nonresidential use is three to one or greater.

9 (2) Means of Satisfying the Housing Requirement. (A) Live/work units may satisfy the
10 residential requirement pursuant to this Subsection and, when applicable, shall be
11 subject to Sections 124(j) and/or 263.11(c)(3) of this Code; or (B) The residential space
12 required pursuant to this Subsection may be satisfied by payment of a one-time in-lieu fee
13 equal to \$30 per square foot of residential space required by this Subsection and not
14 provided on-site payable to the City's Affordable Housing Fund administered by the
15 Mayor's Office of Housing; or (C) The residential space requirement may be satisfied by
16 providing the required residential space elsewhere within the South of Market Mixed Use
17 District where housing is permitted or conditional and is approved as a conditional use.

18 **(d) Housing Requirement in the Mixed Use – Residential (MUR) District.**

19 In the MUR District, three square feet of gross floor area for residential use is required
20 for every one gross square foot of permitted nonresidential use, subject to Section 841 of
21 this Code.

22 **SEC. 803.9 COMMERCIAL USES IN MIXED USE DISTRICTS.**

23 **(a) Preservation of Landmark Buildings, Significant or Contributory Buildings**
24 **Within the Extended Preservation District and/or Contributory Buildings Within**
25 **Designated Historic Districts within the South of Market Mixed Use Districts.**

1 Within the South of Market Mixed Use District, any use which is permitted as a principal
2 or conditional use within the SSO District, excluding nighttime entertainment use, may be
3 permitted as a conditional use in (a) a landmark building located outside a designated
4 historic district, (b) a contributory building which is proposed for conversion to office
5 use of an aggregate gross square footage of 25,000 or more per building and which is
6 located outside the SSO District yet within a designated historic district, or (c) a building
7 designated as significant or contributory pursuant to Article 11 of this Code and located
8 within the Extended Preservation District. For all such buildings the following conditions
9 shall apply: (1) the provisions of Sections 316 through 318 of this Code must be met; (2)
10 in addition to the conditional use criteria set out in Sections 303(c)(6) and 316 through
11 316.8, it must be determined that allowing the use will enhance the feasibility of
12 preserving the landmark, significant or contributory building; and (3) the landmark,
13 significant or contributory building will be made to conform with the San Francisco
14 Building Code standards for seismic loads and forces which are in effect at the time of
15 the application for conversion of use.

16 A contributory building which is in a designated historic district outside the SSO District
17 may be converted to any use which is a principal use within the SSO District provided
18 that: (1) such use does not exceed an aggregate square footage of 25,000 per building;
19 and (2) prior to the issuance of any necessary permits the Zoning Administrator (a)
20 determines that allowing the use will enhance the feasibility of preserving the
21 contributory building; and (b) the contributory building will be made to conform with the
22 San Francisco Building Code standards for seismic loads and forces which are in effect
23 at the time of the application for conversion of use.

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1 (b) Preservation of Historic Buildings within the MUG, MUO, and MUR Districts.

2 The following controls are intended to support the economic viability of buildings of
3 historic importance within the MUG, MUO, and MUR Districts.

4 (1) This subsection applies only to buildings that are a designated landmark building or a
5 contributory building within a designated historic district per Article 10 of the Planning
6 Code, or a building listed on or determined eligible for the California Register of
7 Historical Resources by the State Office of Historic Preservation.

8 (2) All uses are permitted as of right, provided that:

9 (A) The project does not contain office uses of 25,000 square foot or more per lot, or
10 nighttime entertainment.

11 (B) Prior to the issuance of any necessary permits, the Zoning Administrator, with the
12 advice of the Landmarks Preservation Advisory Board, determines that allowing the use
13 will enhance the feasibility of preserving the building.

14 (C) Residential uses meet the affordability requirements of the Residential Inclusionary
15 Affordable Housing Program set forth in Section 315.1 through 315.9.

16 (3) Projects containing office use of 25,000 square foot or more per lot may be permitted
17 as a conditional use. In addition to the conditional use criteria set forth in Section 303,
18 and with the advice of the Landmarks Preservation Advisory Board, the Planning
19 Commission must find that allowing the use will enhance the feasibility of preserving the
20 building.

21 (4) The Landmarks Preservation Advisory Board shall review the proposed project for
22 compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and
23 any applicable provisions of the Planning Code.

1 (c) **Preservation of Historic Buildings within and UMU Districts.** The following rules
2 are intended to support the economic viability of buildings of historic importance within
3 the UMU District.

4 (1) This subsection applies only to buildings that are a designated landmark building, or
5 a building listed on or determined eligible for the California Register of Historical
6 Resources by the State Office of Historic Preservation.

7 (2) All uses are permitted as of right, provided that:

8 (A) The project does not contain office uses of 25,000 square foot or more per lot, or
9 nighttime entertainment.

10 (B) Prior to the issuance of any necessary permits, the Zoning Administrator, with the
11 advice of the Landmarks Preservation Advisory Board, determines that allowing the use
12 will enhance the feasibility of preserving the building.

13 (C) Residential uses meet the affordability requirements of the Residential Inclusionary
14 Affordable Housing Program set forth in Section 315.1 through 315.9.

15 (3) Projects containing office use of 25,000 square foot or more per lot may be permitted
16 as a conditional use. In addition to the conditional use criteria set forth in Section 303,
17 with the advice of the Landmarks Preservation Advisory Board, the Planning
18 Commission must find that allowing the use will enhance the feasibility of preserving the
19 building.

20 (4) The Landmarks Preservation Advisory Board shall review the proposed project for
21 compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and
22 any applicable provisions of the Planning Code.

23 (d) **Automated Bank Teller Machines Within South of Market Districts.** All automated
24 bank teller machines (ATMs), whether freestanding structures or walk-up facilities
25 associated with retail banking operations, shall have adequate lighting, waste collection

1 facilities and parking resources and shall be set back three feet from the front property
2 line.

3 (e) **Open Air Sales.** Flea markets, farmers markets, crafts fairs and all other open air
4 sales of new or used merchandise except vehicles, within South of Market Mixed Use and
5 Eastern Neighborhoods Mixed Use Districts, where permitted, shall be subject to the
6 following requirements: (1) the sale of goods and the presence of booths or other
7 accessory appurtenances shall be limited to weekend and/or holiday daytime hours; (2)
8 sufficient numbers of publicly-accessible toilets and trash receptacles shall be provided
9 on-site and adequately maintained; and (3) the site and vicinity shall be maintained free
10 of trash and debris.

11 (f) **Legal and Government Office Uses in the Vicinity of the Hall of Justice.** Within an
12 approximately 300-foot radius of the 800 Bryant Street entrance to the Hall of Justice, and
13 Assessor's Block 3780, Lots 1 and 2, as shown on Sectional Map 8SU of the Zoning Map, the
14 offices of attorneys, bail and services, government agencies, union halls, and other criminal
15 justice activities and services directly related to the criminal justice functions of the Hall of
16 Justice shall be permitted as a principal use. There shall be a Notice of Special Restriction placed
17 on the property limiting office activities to uses permitted by this Subsection.

18 (g) **Work Space of Design Professionals.** The work space of design professionals, as
19 defined in Section 890.28 of this Code, shall be permitted as a principal use within the
20 SLR, RSD and SLI Districts provided that, as a condition of issuance of any necessary
21 permits, the owner(s) of the building shall agree to comply with the following provisions:
22 (1) The occupied floor area devoted to this use per building is limited to the third story or
23 above; (2) The gross floor area devoted to this use per building does not exceed 3,000
24 square feet per design professional establishment; (3) The space within the building
25 subject to this provision has not been in residential use within a legal dwelling unit at any

1 time within a five-year period prior to application for conversion under this Subsection;
2 and (4) The owner(s) of the building comply with the following enforcement and
3 monitoring procedures: (i) The owner(s) of any building with work space devoted to
4 design professional use as authorized pursuant to this Subsection shall submit an annual
5 enforcement report to the Department of City Planning with a fee in an amount to be
6 determined periodically by the City Planning Commission to pay for the cost of
7 enforcement of this Subsection. The fee shall not exceed the amount of such costs. The
8 report shall provide information regarding occupants of such space, the amount of
9 square footage of the space used by each design professional establishment, amount of
10 vacant space, compliance with all relevant City codes, and any other information the
11 Zoning Administrator may require to fulfill the intent of this Subsection; (ii) The owner(s)
12 of any building containing work space of design professionals authorized pursuant to this
13 Subsection shall permit inspection of the premises by an authorized City official to
14 determine compliance with the limitations of this Subsection. The City shall provide
15 reasonable notice to owners prior to inspecting the premises; (iii) The owner(s) of any
16 building containing work space of design professionals authorized pursuant to this
17 Subsection shall record a Notice of Special Restriction, approved by the City Planning
18 Department prior to recordation, on the property setting forth the limitations required by
19 this Subsection. The Department of City Planning shall keep a record available for public
20 review of all space for design professionals authorized by this Subsection.

21 **(h) Vertical Controls for Office Uses.**

22 (1) Purpose. In order to preserve ground floor space for production, distribution, and
23 repair uses and to allow the preservation and enhancement of a diverse mix of land uses,
24 including limited amounts of office space on upper stories, additional vertical zoning
25 controls shall govern office uses as set forth in this Section.

1 (2) **Applicability.** This Section shall apply to all office uses in the MUG and UMU
2 Districts, where permitted.

3 (3) **Definitions.** Office use shall be as defined in Section 890.70 of this Code.

4 (4) **Controls.**

5 (A) **Designated Office Story or Stories.** Office uses are not permitted on the ground
6 floor. Office uses may be permitted on stories above the ground floor if they are
7 designated as office stories. On any designated office story, office uses are permitted,
8 subject to any applicable use size limitations. On any story not designated as an office
9 story, office uses are not permitted.

10 (B) **Timing of designation.** In the case of new construction, any designated office story
11 or stories shall be established prior to the issuance of a first building permit or along
12 with any associated Planning Commission action, whichever occurs first. In the case of
13 buildings that were constructed prior to the effective date of this Section, any such story
14 or stories shall be designated prior to the issuance of any building permit for new or
15 expanded office uses or along with any associated Planning Commission action,
16 whichever occurs first.

17 (C) **Recordation of designation.** Notice of the designation of office stories shall be
18 recorded as a restriction on the deed of the property along with plans clearly depicting
19 the designated story or stories in relation to the balance of the building. A designated
20 office story may only be re-allocated when the designated office story is first returned to
21 a permitted non-office use and associated building modifications to the designated office
22 story are verified by the Zoning Administrator.

23 (D) **Maximum Number of Designated Stories.** The maximum number of designated
24 office stories shall correspond to the total number of stories in a given building, as set
25 forth in the table below. The designation of a particular story shall apply to the total

1 floor area of that story and no partial designation, split designation, or other such
 2 subdivision of designated floors shall be permitted. For the purposes of the following
 3 table, the total number of stories in a given building shall be counted from grade level at
 4 curb and shall exclude any basements or below-grade stories.

5 Table 803.9(h)

<u>Total Number of Stories</u>	<u>Maximum Number of Designated Office Stories</u>
<u>1-story</u>	<u>0 stories (office use NP)</u>
<u>2-4 stories</u>	<u>1-story</u>
<u>5-7 stories</u>	<u>2-stories</u>
<u>8 or more stories</u>	<u>3-stories</u>

12 (E) For projects with multiple buildings, consolidation of permitted office stories may be
 13 permitted, pursuant to the controls set forth in ~~309.2329~~(d)(8).

14 (i) Retail Controls in the MUG, MUO, and UMU Districts. In the MUG, MUO, and
 15 UMU District, up to 25,000 gross square feet of retail use (as defined in Section 890.114
 16 of this Code) is permitted per lot. Above 25,000 gross square feet, three gross square feet
 17 of other uses permitted in that District are required for every one gross square foot of
 18 retail. In the UMU District, gyms, as defined in Sec. 218(d), are exempt from this
 19 requirement.

20 **SEC. 809. GUIDE TO UNDERSTANDING THE MIXED USE DISTRICT**
 21 **ZONING CONTROLS.**

22 Mixed Use District controls are set forth in the Zoning Control Tables in
 23 Sections 810 through 818, and in Sections 825, 827 through 843 or referenced in
 24 Section 899 of this Code.

25 (a) The first column in the Zoning Control Table, titled "No." provides a category number for each zoning control category.

1 (b) The second column in the table, titled "Zoning Control Category," lists
 2 zoning control categories for the district in question.

3 (c) The third column, titled "§ References," contains numbers of other sections
 4 in the Planning Code and other City Codes, in which additional relevant
 5 provisions are contained.

6 (d) In the fourth column, the controls applicable to the various Mixed Use
 7 Districts are indicated either directly or by reference to other Code Sections
 8 which contain the controls.

9 The following symbols are used in this table:

10 P --	Permitted as a principal use.
11 C --	Permitted as a conditional use, subject to the provisions set forth in this Code.
12 --	A blank space on the tables in Sections 810 through 812 indicates that the use 13 or feature is not permitted within the Chinatown Mixed Use Districts. Unless a 14 use or feature is permitted or required in the Chinatown Mixed Use Districts as 15 set forth in the Zoning Control Tables or in those sections referenced in 16 Section 899 of this Code, such use or feature is prohibited, unless determined 17 by the Zoning Administrator to be a permitted use.
18 NP --	Not Permitted. Section 803.4 lists certain uses not permitted in any South of 19 Market District. NP in the Article 8 control column of Tables 813 through 818 20 and also indicates that the use or feature is not permitted in the applicable 21 South of Market District
22 # --	See specific provisions listed by section and zoning category number at the 23 end of the table.
24 1st --	1st story and below, where applicable.
25 2nd --	2nd story, where applicable.

3rd+ --	3rd story and above, where applicable.

SEC. 813. RED -- RESIDENTIAL ENCLAVE DISTRICT.

Residential Enclave Districts (RED) encompass the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the ~~South of Market~~ SLR and MUR ~~and~~ Districts. Within these predominantly residential enclaves lie a number of vacant parcels, parking lots and other properties in open storage use. These properties are undeveloped or underdeveloped and are viewed as opportunity sites for new, moderate-income, in-fill housing.

The zoning controls for this district are tailored to the design needs and neighborhood characteristics of these enclaves and are intended to encourage and facilitate the development of attractive, compatible and economically feasible in-fill housing while providing adequate residential amenities to the site and neighborhood.

Dwelling units are permitted as a principal use. Social services and institutional uses are permitted as conditional uses. Group housing, retail, entertainment, general commercial and services light industrial uses are not permitted. Existing commercial activities in nonresidential structures may continue as nonconforming uses subject to the termination requirements of Sections 185 and 186. Live/work units limited to arts activities are permitted within the district as a principal use. Existing live/work units with other nonresidential uses may continue as nonconforming uses.

Table 813

RED -- RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
813.01	Height	See Zoning Map	Generally 40 feet See Sectional Zoning Maps 1 and 7
813.02	Bulk	§ 270	See Sectional Zoning Maps 1 and 7
USE STANDARDS			
813.03	Residential Density	§§ 124(b), 207.5,208	1:400 for dwelling units; 1 bedroom for each 140 sq. ft. of lot area for group housing
813.04	Non-Residential Density	§§ 102.9, 123, 124, 127	Generally, 1.0 to 1 floor area ratio
813.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	60 sq. ft. per unit, if private, 80 sq. ft. if common
813.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
813.07	Usable Open Space for Other	§ 135.3	Varies by use

1		Uses		
2	813.09	Outdoor Activity Area	§ 890.71	P
3		Walk-up Facility, except		
4	813.10	Automated Bank Teller Machine	§ 890.140	P
5				
6	813.11	Automated Bank Teller Machine	§ 803. 95 (d)	NP
7				
8	813.12	Residential Conversion	§ 803. 8(a)5(b)	C
9	813.13	Residential Demolition	§ 803. 8(a)5(b)	C
10	USES			
11	Residential Use			
12	813.14	Dwelling Units	§ 102.7	P
13	813.15	Group Housing	§ 890.88(b)	NP
14	813.16	SRO Units	§ 890.88(c)	P
15	Institutions			
16	813.17	Hospital, Medical Centers	§ 890.44	NP
17	813.18	Residential Care	§ 890.50(e)	C
18	813.19	Educational Services	§ 890.50(c)	C
19	813.20	Religious Facility	§ 890.50(d)	C
20		Assembly and Social Service,		
21	813.21	except Open Recreation or	§ 890.50(a)	C
22		Horticulture		
23	813.22	Child Care	§ 890.50(b)	P
24	813.23	Medical Cannabis Dispensary	§ 890.133	P#
25				

1	Vehicle Parking			
2	813.25	Automobile Parking Lot, Community Residential	§ 890.7	P
3				
4	813.26	Automobile Parking Garage, Community Residential	§ 890.8	C
5				
6	813.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
7				
8	813.28	Automobile Parking Garage, Community Commercial	§ 890.10	C
9				
10	813.29	Automobile Parking Lot, Public	§ 890.11	P
11	813.30	Automobile Parking Garage, Public	§ 890.12	C
12				
13	Retail Sales and Service			
14	813.31	All Retail Sales and Service except per § 813.32	§ 890.104	NP
15				
16	813.32	Retail Sales and Service Use in a Landmark Building or a Contributory Building in an Historic District	§ 803. 9(e) 5(e)	C
17				
18				
19				
20	Assembly, Recreation, Arts and Entertainment			
21	813.37	Nighttime Entertainment	§ 102.17, 803.5(b)	NP
22				
23	813.38	Meeting Hall, not within § 813.21	§ 221(c)	NP
24				
25	813.39	Recreation Building, not within §	§ 221(e)	NP

1		813.21		
2	813.40	Pool Hall, Card Club, not within § 813.21	§§ 221(f), 803.4	NP
3				
4	813.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	NP
5				
6	Home and Business Service			
7	813.42	Trade Shop	§ 890.124	NP
8	813.43	Catering Services	§ 890.25	NP
9	813.45	Business Goods and Equipment Repair Service	§ 890.23	NP
10				
11	813.46	Arts Activities, except within a Live/Work Unit	§ 102.2	NP
12				
13	813.47	Business Services	§ 890.111	NP
14	Office			
15	813.48	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. 9(a)5(e)	C
16				
17				
18	813.53	All Other Office Uses	§ 890.70	NP
19	Live/Work Units			
20	813.54	Live/Work Unit where the Work Activity is an Arts Activity	§§ 102.2, 102.13, 209.9(f), (g), 233	P
21				
22				
23	813.55	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803. 9(a)5(e)	C
24				
25				

1	813.56	All Other Live/Work Units	§§ 102.13, 233	NP
2	Automotive Services			
3	813.57	Vehicle Storage--Open Lot	§ 890.131	NP
4	813.58	Vehicle Storage--Enclosed Lot	§ 890.132	P
5		or Structure		
6	813.59	Motor Vehicle Service Station,	§§ 890.18,	NP
7		Automotive Wash	890.20	
8	813.60	Motor Vehicle Repair	§ 890.15	NP
9	813.61	Motor Vehicle Tow Service	§ 890.19	NP
10	813.62	Non-Auto Vehicle Sales or	§ 890.69	NP
11		Rental		
12	813.63	Public Transportation Facility	§ 890.80	NP
13	Industrial			
14	813.64	Wholesaling, Storage,		
15		Distribution and Open Air		
16		Handling of Materials and	§§ 225, 890.54	NP
17		Equipment, Manufacturing and		
18		Processing		
19	Other Uses			
20	813.65	Animal Service	§ 224	NP
21	813.66	Open Air Sales	§§ 890.38, 803.	NP
22			9(c)5(e)	
23	813.67	Ambulance Service	§ 890.2	NP
24	813.68	Open Recreation and	§ 209.5	P
25				

1		Horticulture		
2	813.69	Public Use, except Public Transportation Facility	§ 890.80	C
3				
4	813.70	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
5				
6				
7	813.71	Greenhouse or Plant Nursery	§ 227(a)	NP
8	813.72	Mortuary Establishment	§ 227(c)	NP
9	813.73	General Advertising Sign	§ 607.2(b) & (e)	NP

10

11 **SPECIFIC PROVISIONS FOR RED DISTRICTS**

12

13 Article Code Section	14 Other Code Section	15 Zoning Controls
16 § 813.23 20 § 890.133		17 -- Only those medical cannabis dispensaries that can 18 demonstrate to the Planning Department they were in 19 operation as of April 1, 2005 and have remained in 20 continuous operation or that were not in continuous 21 operation since April 1, 2005, but can demonstrate to the 22 Planning Department that the reason for their lack of 23 continuous operation was not closure due to an actual 24 violation of federal, State or local law, may apply for a 25 medical cannabis dispensary permit in an RED District.

SEC. 814. SPD -- SOUTH PARK DISTRICT.

1 South Park is an attractive affordable mixed-use neighborhood. The South
 2 Park District (SPD) is intended to preserve the scale, density and mix of
 3 commercial and residential activities within this unique neighborhood. The district
 4 is characterized by small-scale, continuous-frontage warehouse, retail and
 5 residential structures built in a ring around an oval-shaped, grassy park.
 6 Retention of the existing structures is encouraged, as is a continued mix of uses,
 7 *family-sized housing units*, and in-fill development which contributes positively to
 8 the neighborhood scale and use mix.

9 Most retail, general commercial, office, service/light industrial, arts,
 10 live/work and residential activities are permitted. Group housing, social services,
 11 and other institutional uses are conditional uses. Hotels, motels, movie theaters,
 12 adult entertainment and nighttime entertainment are not permitted.

13 **Table 814**

14 **SPD -- SOUTH PARK DISTRICT ZONING CONTROL TABLE**

			South Park District
No.	Zoning Category	§ References	Controls
18 814.01	Height	§§ 260 - 263	See Sectional Zoning Map 1
19 814.02	Bulk	§§ 270 - 272	See Sectional Zoning Map 1
20 814.03	<i>Dwelling Unit Residential</i> Density Limit	§§ 124, 207.5, 208	<i>1:600 for dwelling units; 1 bedroom for each 210 sq. ft. of lot area for group housing No density limit</i>
24 814.04	<i>Dwelling Unit Mix</i>	§ 207.6	At least 40% of all dwelling units must contain two or

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			<p>more bedrooms (a) <u>No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units; or</u></p> <p>(b) <u>No less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.</u></p>
814.05	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally 1.8 to 1 floor area ratio
814.06 5	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq. ft. per unit, if private, <u>106 sq. ft. if common, 54 sq. ft. per unit if publicly accessible</u>
814.06	Usable Open Space for Live/Work Units in Newly	§ 135.2	36 sq. ft. per unit

1		Constructed Buildings or		
2		Additions		
3	814.07	Usable Open Space for Other Uses	§ 135.3	Varies by use <u>Required;</u> <u>amount varies based on use;</u> <u>may also pay in-lieu fee</u>
6	814.08	Setbacks	§§ 136, 136.2,	Generally required
7			144, 145.1	
8	814.09	Outdoor Activity Area	§ 890.71	P
9		Walk Up Facility, except		
10	814.10	Automated Bank Teller	§ 890.140	P
11		Machine		
12	814.11	Automated Bank Teller	§ 803.9(b)5(d)	NP
13		Machine		
14	814.10	Off-Street Parking, Residential	§ 151.1	None required. Limits set forth
15				in Section 151.1
16	814.11	Off-Street Parking, Non-	150, 151, 151.1,	None required. Limits set forth
17		Residential	153-157, 204.5	in Section 151.1
18	814.12	Residential Conversion	§ 803.8(a)5(b)	C
19				
20	814.13	Residential Demolition	§ 803.8(a)5(b)	C
21	Residential Use			
22	814.14	Dwelling Units	§ 102.7	P
23	814.15	Group Housing	§ 890.88(b)	C
24	814.16	SRO Units	§ 890.88(c)	P
25	814.16(a)	Student Housing	§ 315.1(38)	C

1	Institutions		
2	814.17	Hospital, Medical Centers	§ 890.44 NP
3	814.18	Residential Care	§ 890.50(e) C
4	814.19	Educational Services	§ 890.50(c) NP
5	Institutions		
6	814.20	Religious Facility	§ 890.50(d) C
7	814.21	Assembly and Social	§ 890.50(a) C
8		Service, except Open	
9		Recreation and Horticulture	
10			
11	814.22	Child Care	§ 890.50(b) P
12	814.23	Medical Cannabis	§ 890.133 P #
13		Dispensary	
14	Vehicle Parking		
15	814.25	Automobile Parking Lot,	§ 890.7 P - <u>NP</u>
16		Community Residential	
17	814.26	Automobile Parking Garage,	§ 890.8 C - <u>NP</u>
18		Community Residential	
19	814.27	Automobile Parking Lot,	§ 890.9 P - <u>NP</u>
20		Community Commercial	
21	814.28	Automobile Parking Garage,	§ 890.10 C - <u>NP</u>
22		Community Commercial	
23	814.29	Automobile Parking Lot,	§ 890.11 P - <u>NP</u>
24		Public	
25			

1	814.30	Automobile Parking Garage, Public	§ 890.12	C <u>NP</u>
2				
3	Retail Sales and Services			
4	814.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services All Retail, Except for Bars and Liquor Stores-	§ 890.104	P <u>up to 5,000 sf per lot</u>
5				
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7				
8				
9				
10				
11				
12	<u>814.32</u>	<u>Bars</u>	<u>§ 890.22</u>	<u>C up to 5,000 sf per lot</u>
13	<u>814.33</u>	<u>Liquor Stores</u>	<u>§ 790.55</u>	<u>C up to 5,000 sf per lot</u>
14	Assembly, Recreation, Arts and Entertainment			
15	814.37	Nighttime Entertainment	§ 102.17, <u>803.5(b)</u>	NP
16				
17	814.38	Meeting Hall, <u>not falling within Category 814.21</u>	§ 221(c)	C
18				
19	814.39	Recreation Building, not falling within Category 814.21	§ 221(e)	C
20				
21				
22	814.40	Pool Hall, Card Club, not falling within Category <u>890.50(a)-814.21</u>	§§ 221(f); 803.4	NP
23				
24				
25	814.41	Theater, falling within § 221(d),	§§ 221(d),	NP

1		except Movie Theater	§ 890.64	
2	Home and Business Service			
3	814.42	Trade Shop	§ 890.124	P
4	814.43	Catering Services	§ 890.25	P
5	814.45	Business Goods and	§ 890.23	P
6		Equipment Repair Service		
7	814.46	Arts Activities, other than	§ 102.2	P
8		Theaters		
9	814.47	Business Services	§ 890.111	P
10	Office			
11	814.49	Work Space of Design	§ 890.28	P
12		Professionals		
13	<u>814.49</u>	<u>Offices in historic buildings</u>	<u>§ 803.9(a)</u>	<u>P</u>
14	814.50	All Other Office Uses	§§ 890.70, <u>890.118</u>	NP <u>P</u>
15				
16	Live/Work Units			
17	814.55	All types of Live/Work Units	§§ 102.2, 102.13, 209.9(f), (g)	P <u>NP</u>
18				
19				
20	Automotive			
21	814.57	Vehicle Storage--Open Lot	§ 890.131	NP
22	814.58	Vehicle Storage--Enclosed Lot or Structure	§ 890.132	NP
23	814.59	Motor Vehicle Service	§§ 890.18,	NP
24				
25				

1		Station, Automotive	890.20	
2		Washing		
3	814.60	Motor Vehicle Repair	§ 890.15	NP
4	814.61	Motor Vehicle Tow Service	§ 890.19	NP
5	814.62	Non-Auto Vehicle Sales or	§ 890.69	P
6		Rental		
7	814.63	Public Transportation	§ 890.80	NP
8		Facilities		
9	Industrial			
10	814.64	Wholesale Sales	§ 890.54(b)	P
11	814.65	Light Manufacturing	§ 890.54(a)	P
12	814.66	All Other Wholesaling,		
13		Storage, Distribution and		
14		Open Air Handling of		
15		Materials and Equipment,	§§ 225, 226	NP
16		and Manufacturing and		
17		Processing Uses		
18	814.67	Storage	§ 890.54(c)	P NP
19	<u>814.67(a)</u>	<u>Laboratory</u>	<u>§ 890.52</u>	<u>NP</u>
20	Other Uses			
21	814.68	Animal Services	§ 224	NP
22	814.69	Open Air Sales	§§ 803. 9(e) 5(f),	P
23			890.38	
24	814.70	Ambulance Service	§ 890.2	NP
25				

1	814.71	Open Recreation and Horticulture	§ 209.5	P
2				
3	814.72	Public Use, except Public Transportation Facility	§ 890.80	C
4				
5	814.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
6				
7				
8	814.74	Greenhouse or Plant Nursery	§ 227(a)	NP
9				
10	814.75	Mortuary Establishment	§ 227(c)	NP
11	814.76	General Advertising Sign	§ 607.2(b) & (e) <i>and 611</i>	NP
12				
13		<i>Walk-Up Facility, except</i>		
14	<u>814.78</u>	<i>Automated Bank Teller Machine</i>	<u>§ 890.140</u>	<u>P</u>
15				
16	<u>814.79</u>	<i>Automated Bank Teller Machine</i>	<u>§ 803.9(d)</u>	<u>NP</u>
17				
18	<u>814.80</u>	<i>Integrated PDR</i>	<u>§ 890.49</u>	<u>P in applicable buildings</u>

19

20 **SPECIFIC PROVISIONS FOR SPD DISTRICTS**

21

22	Article	Other Code	Zoning Controls
23	Code	Section	
24	Section		
25	§ 814.23	§	-- Only those medical cannabis dispensaries that can

1 2 3 4 5 6 7 8 9	890.133	demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of Federal, State or local law, may apply for a medical cannabis dispensary permit in <u>the</u> # South Park District.
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SEC. 815. RSD -- RESIDENTIAL/SERVICE MIXED USE DISTRICT.

The Residential/Service Mixed Use District (RSD) runs along Harrison St. between 4th St. and 5th St. serves as a buffer between the higher density, predominantly commercial area of Yerba Buena Center to the east and the low-scale, predominantly service/industrial area west of Sixth Street. The RSD serves as a ~~major~~ housing opportunity area within the South of Market Mixed Use Districts. The district controls are intended to facilitate the development of high-density, mid-rise housing, including residential hotels and live/work units, while also encouraging the expansion of retail, business service and commercial and cultural arts activities.

Residential hotels are subject to flexible standards for parking, rear yard/open space and density. Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged.

1 General office, hotels, nighttime entertainment, adult entertainment,
 2 massage establishment, movie theaters and heavy industrial uses are not
 3 permitted.

4 **Table 815**

5 **RSD -- RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL**

6 **TABLE**

			Residential/Service Mixed Use Districts
No.	Zoning Category	§ References	Controls
815.01	Height		Map, generally ranges from 40 to 85 feet See Sectional Zoning Map 1
815.02	Bulk	§ 270	See Sectional Zoning Map 1
815.03	Residential Density Limit	§§ 124(b), 207.5, 208	1:200 for dwellings in projects below 40 ft., above 40 ft. density to be determined as part of Conditional Use process; 1 bedroom for each 70 sq. ft. of lot area for group housing
815.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 1.8 to 1 floor area ratio subject to § 803.8.c5(j)
815.05	Usable Open Space for Dwelling Units and Group	§ 135	36 sq. ft. per unit if private, 48 sq. ft. if common

1		Housing		
2	815.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
3				
4	815.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
5				
6	815.09	Outdoor Activity Area	§ 890.71	P
7				
8	815.10	Walk-Up Facility, except Automated Bank Teller Machine	§ 890.140	P
9				
10	815.11	Automated Bank Teller Machine	§ 803. 9(b)5(d)	P
11				
12	815.12	Residential Conversion	§ 803. 8(a)5(b)	C
13	815.13	Residential Demolition	§ 803. 8(a)5(b)	C
14				
15	Residential Use			
16	815.14	Dwelling Units	§ 102.7	P
17	815.15	Group Housing	§ 890.88(b)	C
18	815.16	SRO Units	§ 890.88(c)	P
19				
20	Institutions			
21	815.17	Hospital, Medical Centers	§ 890.44	NP
22	815.18	Residential Care	§ 890.50(e)	C
23	815.19	Educational Services	§ 890.50(c)	P
24	815.20	Religious Facility	§ 890.50(d)	C
25				

1		Assembly and Social		
2	815.21	Service, except Open	§ 890.50(a)	C
3		Recreation and		
4		Horticulture		
5	815.22	Child Care	§ 890.50(b)	P
6	815.23	Medical Cannabis	§ 890.133	P#
7		Dispensary		
8	Vehicle Parking			
9	815.25	Automobile Parking Lot,	§ 890.7	P
10		Community Residential		
11	815.26	Automobile Parking	§ 890.8	C, pursuant to § 803. 8(c)5(i)
12		Garage, Community		
13		Residential		
14	815.27	Automobile Parking Lot,	§ 890.9	P
15		Community Commercial		
16	815.28	Automobile Parking	§ 890.10	C, pursuant to § 803. 8(c)5(i)
17		Garage, Community		
18		Commercial		
19	815.29	Automobile Parking Lot,	§ 890.11	P
20		Public		
21	815.30	Automobile Parking	§ 890.12	C, pursuant to § 803. 8(c)5(i)
22		Garage, Public		
23	Retail Sales and Services			
24	815.31	All Retail Sales and	§ 890.104	P, pursuant to § 803. 8(c)5(i)
25		Services which are not		

1		Office Uses or prohibited		
2		by § 803.4, including Bars,		
3		Full Service and Fast Food		
4		Restaurants, Take Out		
5		Food Services, and		
6		Personal Services		
7	Assembly, Recreation, Arts and Entertainment			
8	815.37	Nighttime Entertainment	§§ 102.17, 181(f), <u>803.5(b)</u>	NP
9				
10	815.38	Meeting Hall, not falling within Category 815.21	§ 221(c)	C, pursuant to § 803. <u>8(c)5(i)</u>
11				
12	815.39	Recreation Building, not falling within Category 815.21	§ 221(e)	C, pursuant to § 803. <u>8(c)5(i)</u>
13				
14				
15	815.40	Pool Hall, Card Club, not falling within Category 815.21	§§ 221(f), 803.4	P, pursuant to § 803. <u>8(c)5(i)</u>
16				
17				
18	815.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P, pursuant to § 803. <u>8(c)5(i)</u>
19				
20				
21	Home and Business Service			
22	815.42	Trade Shop	§ 890.124	P, pursuant to § 803. <u>8(c)5(i)</u>
23	815.43	Catering Services	§ 890.25	P, pursuant to § 803. <u>8(c)5(i)</u>
24	815.45	Business Goods and Equipment Repair Service	§ 890.23	P, pursuant to § 803. <u>8(c)5(i)</u>
25				

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2	815.46	Arts Activities, other than	§ 102.2	P, pursuant to § 803. 8(c)5(i)
3		Theaters		
4	815.47	Business Services	§ 890.111	P, pursuant to § 803. 8(c)5(i)
5	Office			
6	815.48	Office Uses in Landmark	§ 803. 9(a)5(e)	C
7		Buildings or Contributory		
8		Buildings in Historic		
9		Districts		
10	815.49	Work Space of Design	§§ 890.28,	P, subject to § 803. 9(g)5(k)
11		Professionals	803. 9(g)5(k)	
12	815.50	All Other Office Uses	§ 890.70	NP
13	Live/Work Units			
14	815.51	Live/Work Units where the	§§ 102.2,	P
15		work activity is an Arts		
16		Activity	and (g), 233	
17	815.52	Live/Work Units where all	§§ 102.13, 233	P
18		the work activity is		
19		otherwise permitted as a		
20		Principal Use		
21	815.53	Live/Work Units where the	§ 233	C
22		work activity is otherwise		
23		permitted as a Conditional		
24		Use		
25	815.54	Live/Work Units in	§ 803. 9(a)5(e)	C

1		Landmark Buildings or		
2		Contributory Buildings in		
3		Historic Districts		
4	815.55	All other Live/Work Units		NP
5	Motor Vehicle Services			
6	815.57	Vehicle Storage--Open Lot	§ 890.131	NP
7				
8	815.58	Vehicle Storage--Enclosed	§ 890.132	P
9		Lot or Structure		
10	815.59	Motor Vehicle Service	§§ 890.18,	P, pursuant to § 803. <u>8(c)5(i)</u>
11		Station, Automotive Wash	890.20	
12				
13	815.60	Motor Vehicle Repair	§ 890.15	P, pursuant to § 803. <u>8(c)5(i)</u>
14	815.61	Motor Vehicle Tow Service	§ 890.19	C, § 803. <u>8(c)5(i)</u>
15				
16	815.62	Non-Auto Vehicle Sales or	§ 890.69	P, § 803. <u>8(c)5(i)</u>
17		Rental		
18	815.63	Public Transportation	§ 890.80	C, pursuant to § 803. <u>8(c)5(i)</u>
19		Facilities		
20	Industrial			
21	815.64	Wholesale Sales	§ 890.54(b)	P, pursuant to § 803. <u>8(c)5(i)</u>
22	815.65	Light Manufacturing	§ 890.54(a)	P, pursuant to § 803. <u>8(c)5(i)</u>
23	815.66	Storage	§ 890.54(c)	P
24	815.67	All Other Wholesaling,	§ 225	P
25		Storage, Distribution and		

1		Open Air Handling of		
2		Materials and Equipment		
3	Other Uses			
4	815.68	Animal Services	§ 224	NP
5	815.69	Open Air Sales	§§ 803. 95 (e),	P
6			890.38	
7	815.70	Ambulance Service	§ 890.2	NP
8	815.71	Open Recreation and		
9		Horticulture	§ 209.5	P
10	815.72	Public Use, except Public		
11		Transportation Facility	§ 890.80	C
12	815.73	Commercial Wireless		
13		Transmitting, Receiving or	§ 227(h)	C
14		Relay Facility		
15	815.74	Greenhouse or Plant		
16		Nursery	§ 227(a)	NP
17	815.75	Mortuary Establishment	§ 227(c)	NP
18	815.76	General Advertising Sign	§ 607.2(b) & (e)	NP

21 **SPECIFIC PROVISIONS FOR RSD DISTRICTS**

23	Article	Other Code Section	Zoning Controls
24	Code		
25	Section		

<p>1</p> <p>2</p> <p>3</p> <p>4</p> <p>5</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>§ 815.23 § 890.133</p>	<p>-- Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an RSD District.</p>
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10 **SEC. 816. SLR -- SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED**
 11 **USE DISTRICT.**

12 The Service/Light Industrial/Residential (SLR) Mixed Use District is
 13 designed to maintain and facilitate the growth and expansion of small-scale light
 14 industrial, home and business service, wholesale distribution, arts production and
 15 performance/exhibition activities, live/work use, general commercial and
 16 neighborhood-serving retail and personal service activities while protecting
 17 existing housing and encouraging the development of housing and live/work
 18 space at a scale and density compatible with the existing neighborhood.

19 Housing and live/work units are encouraged over ground floor
 20 commercial/service/light industrial activity. New residential or mixed use
 21 developments are encouraged to provide as much mixed-income rental housing
 22 as possible. Existing group housing and dwelling units would be protected from
 23 demolition or conversion to nonresidential use by requiring conditional use
 24 review.

25

1 General office, hotels, nighttime entertainment, movie theaters, adult
 2 entertainment and heavy industrial uses are not permitted.

3 **Table 816**

4 **SLR -- SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USED DISTRICT**
 5 **ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Controls
816.01	Height Limit Designation	See Zoning Map	Service/Light Industrial/ Residential Mixed Use District As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 40 to 65 feet
816.02	Bulk Limit Designation	See Zoning Map, § 270	As shown on Sectional Maps 1 and 7 of the Zoning Map
816.03	Residential Density Limit	§§ 124, 207.5, 208	1:200 for dwelling units; 1 bedroom for each 70 sq. ft. of lot area for group housing
816.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 2.5 to 1 floor area ratio

1				
2	816.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	60 sq. ft. per unit if private, 80 sq. ft. if common
3				
4		Usable Open Space for Live/Work		
5	816.06	Units in Newly Constructed	§ 135.2	36 sq. ft. per unit
6		Buildings or Additions		
7		Usable Open Space for Other		
8	816.07	Uses	§ 135.3	Varies by use
9	816.09	Outdoor Activity Area	§ 890.71	P
10		Walk-up Facility, including	§§ 890.140,	
11	816.10	Automated Bank Teller Machine	803. 95 (d)	P
12	816.12	Residential Conversion	§ 803. 8(a)5(b)	C
13	816.13	Residential Demolition	§ 803. 8(a)5(b)	C
14	Residential Use			
15	816.14	Dwelling Units	§ 102.7	P
16	816.15	Group Housing	§ 890.88(b)	C
17	816.16	SRO Units	§ 890.88(c)	P
18	Institutions			
19	816.17	Hospital, Medical Centers	§ 890.44	NP
20	816.18	Residential Care	§ 890.50(e)	C
21	816.19	Educational Services	§ 890.50(c)	P
22	816.20	Religious Facility	§ 890.50(d)	P
23		Assembly and Social Service,		
24	816.21	except Open Recreation and	§ 890.50(a)	C
25				

1		Horticulture		
2	816.22	Child Care	§ 890.50(b)	P
3	816.23	Medical Cannabis Dispensary	§ 890.133	P#
4	Vehicle Parking			
5	816.25	Automobile Parking Lot, Community Residential	§ 890.7	P
6				
7	816.26	Automobile Parking Garage, Community Residential	§ 890.8	P
8				
9	816.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
10				
11	816.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
12				
13	816.29	Automobile Parking Lot, Public	§ 890.11	P
14	816.30	Automobile Parking Garage, Public	§ 890.12	C
15				
16	Retail Sales and Services			
17	816.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services	§ 890.104	P
18				
19				
20				
21				
22				
23	Assembly, Recreation, Arts and Entertainment			
24	816.36	Arts Activity, other than Theater	§ 102.2	P
25	816.37	Nighttime Entertainment	§§ 102.17, 181(f)	NP

1			<u>803.5(b)</u>	
2	816.38	Meeting Hall, not falling within	§ 221(c)	C
3		Category 816.21		
4	816.39	Recreation Building, not falling	§ 221(e)	C
5		within Category 816.21		
6	816.40	Pool Hall, Card Club, not falling	§§ 221(f), 803.4	P
7		within Category 816.21		
8	816.41	Theater, falling within § 221(d),	§§ 221(d),	P
9		except Movie Theater	890.64	
10	Home and Business Service			
11	816.42	Trade Shop	§ 890.124	P
12	816.43	Catering Service	§ 890.25	P
13	816.45	Business Goods and Equipment	§ 890.23	P
14		Repair Service		
15	816.47	Business Service	§ 890.111	P
16	Office			
17	816.48	Office Uses in Landmark Buildings	§ 803. 9(a)5(e)	C
18		or Contributory Buildings in		
19		Historic Districts		
20	816.49	Work Space of Design	§§ 890.28,	P, subject to §
21		Professionals	803. 9.(g)5(k)	803. 9.(g)5(k)
22	816.50	All Other Office Uses	§ 890.70	NP
23	Live/Work Units			
24	816.51	Live/Work Units where the work	§§ 102.2, 102.13,	P
25				

1		activity is an Arts Activity	209.9(f) and (g),	
2			233	
3		Live/Work Units where all the work		
4	816.52	activity is otherwise permitted as a	§§ 102.13, 233	P
5		Principal Use		
6		Live/Work Units where the work		
7	816.53	activity is otherwise permitted as a	§ 233	C
8		Conditional Use		
9		Live/Work Units in Landmark		
10	816.54	Buildings or Contributory Buildings	§ 803. <u>9(a)</u> 5(e)	C
11		in Historic Districts		
12	816.55	All Other Live/Work Units		NP
13	Motor Vehicle Services			
14	816.57	Vehicle Storage--Open Lot	§ 890.131	NP
15		Vehicle Storage--Enclosed Lot or		
16	816.58	Structure	§ 890.132	P
17		Motor Vehicle Service Station,		
18	816.59	Automotive Wash	§§ 890.18, 890.20	P
19	816.60	Motor Vehicle Repair	§ 890.15	P
20	816.61	Automobile Tow Service	§ 890.19	C
21		Non-Auto Vehicle Sales or Rental		
22	816.62		§ 890.69	P
23	816.63	Public Transportation Facilities	§ 890.80	P
24	Industrial			
25	816.64	Wholesale Sales	§ 890.54(b)	P

1	816.65	Light Manufacturing	§ 890.54(a)	P
2	816.66	Storage	§ 890.54(c)	P
3		All Other Wholesaling, Storage,		
4	816.67	Distribution and Open Air Handling	§ 255	P
5		of Materials and Equipment		
6	Other Uses			
7	816.68	Animal Services	§ 224	NP
8			§§ 803. <u>95(e)</u> ,	
9	816.69	Open Air Sales	890.38	P
10	816.70	Ambulance Service	§ 890.2	NP
11		Open Recreation and Horticulture		
12	816.71		§ 209.5	P
13		Public Use, except Public		
14	816.72	Transportation Facility	§ 890.80	C
15		Commercial Wireless		
16		Transmitting, Receiving or Relay	§ 227(h)	
17	816.73	Facility		C
18	816.74	Greenhouse or Plant Nursery	§ 227(a)	NP
19	816.75	Mortuary Establishment	§ 227(c)	NP
20				
21				P in South of Market
22	816.76	General Advertising Sign	§ 607.2(b) & (e)	General Advertising
23				Special Sign District,
24				Otherwise NP

SPECIFIC PROVISIONS FOR SLR DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
§ 816.23 § 890.133		-- Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an SLR District.

SEC. 817. SLI -- SERVICE/LIGHT INDUSTRIAL DISTRICT.

The Service/Light Industrial (SLI) District is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, live/work use, arts uses, light industrial activities and small design professional office firms. Existing group housing and dwelling units are protected from demolition or conversion to nonresidential use and development of group housing and low-income affordable dwelling units are permitted as a conditional use. General office, hotels, movie theaters, nighttime entertainment and adult entertainment uses are not permitted.

Table 817

SLI -- SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

	Service/Light Industrial District
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No.	Zoning Category	§ References	Controls
817.01	Height		As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranges from 30 to 65 feet; See Zoning Sectional Maps 1 and 7
817.02	Bulk	§ 270	See Zoning Sectional Maps 1 and 7
817.03	Residential Density Limit	§ 208	1:200 for dwelling units; 1 bedroom for each 70 sq. ft. of lot area for group housing
817.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	Generally, 2.5 to 1 floor area ratio
817.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit
817.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
817.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
817.09	Outdoor Activity Area	§ 890.71	P
817.10	Walk-Up Facility,	§§ 890.140,	P

1		including Automated Bank	803.95(d)	
2		Teller Machine		
3	817.12	Residential Conversion	§ 803.8(a)5(b)	C
4	817.13	Residential Demolition	§ 803.8(a)5(b)	C
5	Residential Use			
6	817.14	Dwelling Units	§§ 102.7, 803.8(b)5(f)	C, if low-income pursuant to § 803.8(b)5(f); otherwise NP
7				
8	817.15	Group Housing	§ 890.88(b)	C
9	817.16	SRO Units	§§ 890.88(c), 803.8(b)	C, if low-income pursuant to § 803. 8(b); otherwise NP
10				
11	Institutions			
12	817.17	Hospital, Medical Centers	§ 890.44	NP
13				
14	817.18	Residential Care	§ 890.50(e)	C
15	817.19	Educational Services	§ 890.50(c)	P
16	817.20	Religious Facility	§ 890.50(d)	P
17	817.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
18				
19				
20				
21	817.22	Child Care	§ 890.50(b)	P
22	817.23	Medical Cannabis Dispensary	§ 890.133	P#
23				
24	Vehicle Parking			
25				

1	817.25	Automobile Parking Lot, Community Residential	§ 890.7	P
2				
3	817.26	Automobile Parking Garage, Community Residential	§ 890.8	P
4				
5				
6	817.27	Automobile Parking Lot, Community Commercial	§ 890.9	P
7				
8	817.28	Automobile Parking Garage, Community Commercial	§ 890.10	P
9				
10				
11	817.29	Automobile Parking Lot, Public	§ 890.11	P
12				
13	817.30	Automobile Parking Garage, Public	§ 890.12	C
14				
15	Retail Sales and Services			
16	817.31	All Retail Sales and Services which are not Office Uses or prohibited by § 803.4, including Bars, Full Service and Fast Food Restaurants, Take Out Food Services, and Personal Services	§ 890.104	P
17				
18				
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23				
24	817.32	Financial Services	§ 890.110	P if gross floor area is up to 4,000 sq. ft. C if gross floor area
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			is equal to or exceeds 4,000 sq. ft. and only then if the location is: (a) within a height district of 65 ft. or greater, (b) on the ground story or below, and (c) was not used within the 12 months prior to the filing of any planning or building application as (1) a residential use as defined in § 817.14 through § 817.16, (2) a neighborhood-serving retail use as defined in § 817.31, or (3) an industrial use as defined in §§ 817.64, 817.65; otherwise NP
Assembly, Recreation, Arts and Entertainment			
817.37	Nighttime Entertainment	§ 102.17, <u>803.5(b)</u>	NP
817.38	Meeting Hall	§ 221(c)	C
817.39	Recreation Building	§ 221(e)	C
817.40	Pool Hall, Card Club, not falling within Category 817.21	§§ 221(f), 803.4	P
817.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	P

1	Home and Business Service			
2	817.42	Trade Shop	§ 890.124	P
3	817.43	Catering Service	§ 890.25	P
4		Business Goods and		
5	817.45	Equipment Repair Service	§ 890.23	P
6				
7		Arts Activities, other than		
8	817.46	Theaters	§ 102.2	P
9	817.47	Business Services	§ 890.111	P
10	Office			
11		Office Uses in Landmark		
12		Buildings or Contributory	§ 803. 9(a)5(e)	
13	817.48	Buildings in Historic		C
14		Districts		
15		Work Space of Design	§§ 890.28,	
16	817.49	Professionals	803.9(g)5(k)	P, subject to § 803. 9(g)5(k)
17		Office Uses Related to the	§§ 803. 9(f)5(j) ,	
18	817.50	Hall of Justice	822	P in Special Use District, pursuant to § 803. 9(f)5(j)
19	817.51	All Other Office Uses	§ 890.70	NP
20	Live/Work Units			
21		Live/Work Units where the	§§ 102.2,	
22		work activity is an Arts	102.13, 209.9(f)	P
23	817.51	Activity	and (g), 233	
24		Live/Work Units where all	§§ 102.13, 233	
25	817.52	the work activity is		P

1		otherwise permitted as a		
2		Principal Use		
3	817.53	Live/Work Units where the	§ 233	C
4		work activity is otherwise		
5		permitted as a Conditional		
6		Use		
7	817.54	Live/Work Units in	§ 803.9(a)5(e)	C
8		Landmark Buildings or		
9		Contributory Buildings in		
10		Historic Districts		
11	817.55	All Other Live/Work Units		NP
12				
13	Automotive Services			
14	817.57	Vehicle Storage--Open	§ 890.131	P
15		Lot		
16	817.58	Vehicle Storage--Enclosed	§ 890.132	P
17		Lot or Structure		
18	817.59	Motor Vehicle Service	§§ 890.18,	P
19		Station, Automotive Wash	890.20	
20				
21	817.60	Motor Vehicle Repair	§ 890.15	P
22	817.61	Motor Vehicle Tow	§ 890.19	C
23		Service		
24	817.62	Non-Auto Vehicle Sale or	§ 890.69	P
25		Rental		

1	817.63	Public Transportation	§ 890.80	P
2		Facilities		
3	Industrial			
4	817.64	Wholesale Sales	§ 890.54(b)	P
5	817.65	Light Manufacturing	§ 890.54(a)	P
6	817.66	Storage	§ 890.54(c)	P
7	817.67	All Other Wholesaling,	§ 255	P
8		Storage, Distribution and		
9		Open Air Handling of		
10		Materials and Equipment		
11	Other Uses			
12	817.68	Animal Services	§ 224	P
13	817.69	Open Air Sales	§§ 803. <u>95(e)</u> ,	P
14			890.38	
15	817.70	Ambulance Service	§ 890.2	P
16	817.71	Open Recreation and	§ 209.5	P
17		Horticulture		
18	817.72	Public Use, except Public	§ 890.80	P
19		Transportation Facility		
20	817.73	Commercial Wireless	§ 227(h)	C
21		Transmitting, Receiving or		
22		Relay Facility		
23	817.74	Greenhouse or Plant	§ 227(a)	P
24		Nursery		
25	817.75	Mortuary Establishment	§ 227(c)	NP

1	817.76	General Advertising Sign	§ 607.2(b) & (e)	P in South of Market General Advertising Special Sign District, Otherwise NP
2	817.77	Internet Services Exchange	§ 209.6(c)	C
3				
4				
5				

6 **SPECIFIC PROVISIONS FOR SLI DISTRICTS**

8 Article Code Section	9 Other Code Section	Zoning Controls
11 § 817.23 § 15 890.133		12 -- Only those medical cannabis dispensaries that can 13 demonstrate to the Planning Department they were in 14 operation as of April 1, 2005 and have remained in 15 continuous operation or that were not in continuous 16 operation since April 1, 2005, but can demonstrate to the 17 Planning Department that the reason for their lack of 18 continuous operation was not closure due to an actual 19 violation of federal, state or local law, may apply for a medical cannabis dispensary permit in an SLI District.

20 **SEC. 818. SSO -- SERVICE/SECONDARY OFFICE DISTRICT.**

21 The Service/Secondary Office District (SSO) is designed to accommodate
22 small-scale light industrial, home and business services, arts activities, live/work
23 units, and small-scale, professional office space and large-floor-plate "back
24 office" space for sales and clerical work forces. Nighttime entertainment is
25 permitted as a conditional use. Dwelling units and group housing are permitted

1 as conditional uses. Demolition or conversion of existing group housing or
 2 dwelling units requires conditional use authorization.

3 Office, general commercial, most retail, service and light industrial uses
 4 are principal permitted uses. Large hotel, movie theater, adult entertainment and
 5 heavy industrial uses are not permitted.

6 Small hotels of 75 rooms or less are permitted in this District only as a
 7 conditional use. Any such conditional use authorization requires a conditional use
 8 finding that disallows project proposals that displace existing Production,
 9 Distribution and Repair (PDR) uses.

10 **Table 818**

11 **SSO -- SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL**

12 **TABLE**

			Service/Secondary Office District
No.	Zoning Category	§ References	Controls
17 18 19 20 21 22	818.01 Height Limit Designation	See Zoning Map	As shown on Sectional Maps 1 and 7 of the Zoning Map; generally ranging from 40 to 130 feet
21 22	818.02 Bulk Limit Designation	See Zoning Map, § 270	As shown on Sectional Maps 1 and 7 of the Zoning Map
23 24 25	818.03 Residential Density	§§ 124(b), 207.5, 208	1:200 for dwellings; 1 bedroom for each 70 sq. ft. of lot area for group housing

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818.04	Non-Residential Density Limit	§§ 102.9, 123, 124, 127	3.0 to 1 floor area ratio in 40 or 50 foot height districts; 4.0 to 1 in 65 or 80 foot height districts, and 4.5 to 1 in 130 foot height districts
818.05	Usable Open Space for Dwelling Units and Group Housing	§ 135	36 sq. ft. per unit
818.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit
818.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
818.09	Outdoor Activity Area	§ 890.71	P
818.10	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.95(d)	P
818.11	Residential Conversion	§ 803.8(a)5(b)	C
818.12	Residential Demolition	§ 803.8(a)5(b)	C
Residential Use			
818.14	Dwelling Units	§ 102.7	C
818.15	Group Housing	§ 890.88(b)	C
818.16	SRO Units	§ 890.88(c)	P
Institutions			

1	818.17	Hospital, Medical Centers	§ 890.44	P
2	818.18	Residential Care	§ 890.50(c)	C
3	818.19	Educational Services	§ 890.50(c)	P
4	818.20	Religious Facility	§ 890.50(d)	P
5	818.21	Assembly and Social Service,	§ 890.50(a)	C
6		except Open Recreation and		
7		Horticulture		
8	818.22	Child Care	§ 890.50(b)	P
9	818.23	Medical Cannabis	§ 890.133	P#
10		Dispensary		
11	Vehicle Parking			
12	818.25	Automobile Parking Lot,	§ 890.7	P
13		Community Residential		
14	818.26	Automobile Parking Garage,	§ 890.8	P
15		Community Residential		
16	818.27	Automobile Parking Lot,	§ 890.9	P
17		Community Commercial		
18	818.28	Automobile Parking Garage,	§ 890.10	P
19		Community Commercial		
20	818.29	Automobile Parking Lot,	§ 890.11	P
21		Public		
22	818.30	Automobile Parking Garage,	§ 890.12	C
23		Public		
24	Retail Sales and Services			
25				

1		All Retail Sales and Services		
2		which are not Office Uses or		
3		prohibited by § 803.4,		
4	818.31	including Bars, Full Service	§ 890.104	P
5		and Fast Food Restaurants,		
6		Take Out Food Services, and		
7		Personal Services		
8	Assembly, Recreation, Arts and Entertainment			
9	818.37	Nighttime Entertainment	§§ 102.17, 803.5(b)	C
10				
11	818.38	Meeting Hall, not falling within	§ 221(c)	P
12		Category 818.21		
13				
14	818.39	Recreation Building, not	§ 221(e)	P
15		falling within Category		
16		818.21		
17	818.40	Pool Hall, Card Club, not	§§ 221(f),	P
18		falling within Category	803.4	
19				
20	818.41	Theater, falling within §	§§ 221(d),	P
21		221(d), except Movie	890.64	
22		Theater		
23	Home and Business Service			
24	818.42	Trade Shop	§ 890.124	P
25	818.43	Catering Service	§ 890.25	P
	818.45	Business Goods and	§ 890.23	P

1		Equipment Repair Service		
2	818.46	Arts Activities, other than	§ 102.2	P
3		Theaters		
4	818.47	Business Services	§ 890.111	P
5	Office			
6		All Office Uses including		
7	818.48	Work Space of Design	§ 890.70	P
8		Professionals		
9	Live/Work Units			
10		Live/Work Units where the	§§ 102.2,	
11	818.54	work activity is an Arts	102.13,	P
12		Activity	209.9(f), (g),	
13			233	
14		Live/Work Units where all the	§§ 102.13, 233	
15	818.55	work activity is otherwise		P
16		permitted		
17	Automobile Services			
18	818.57	Vehicle Storage--Open Lot	§ 890.131	NP
19		Vehicle Storage--Enclosed		
20	818.58	Lot or Structure	§ 890.132	P
21		Motor Vehicle Service	§§ 890.18,	
22	818.59	Station, Automotive Wash	890.20	P
23	818.60	Motor Vehicle Repair	§ 890.15	P
24	818.61	Motor Vehicle Tow Service	§ 890.19	C
25	818.62	Non-Auto Vehicle Sale or	§ 890.69	P

1		Rental		
2	818.63	Public Transportation	§ 890.80	P
3		Facilities		
4	Industrial			
5	818.64	Wholesale Sales	§ 890.54(b)	P
6	818.65	Light Manufacturing	§ 890.54(a)	P
7	818.66	Storage	§ 890.54(c)	P
8	818.67	All Other Wholesaling,	§ 255	P
9		Storage Distribution and		
10		Open Air Handling of		
11		Materials and Equipment		
12	Other Uses			
13	818.68	Animal Services	§ 224	P
14	818.69	Open Air Sales	§§ 803. <u>95(e)</u> ,	P
15			890.38	
16	818.70	Ambulance Service	§ 890.2	P
17	818.71	Open Recreation and	§ 209.5	P
18		Horticulture		
19	818.72	Public Use, except Public	§ 890.80	P
20		Transportation Facility		
21	818.73	Commercial Wireless	§ 227(h)	C
22		Transmitting, Receiving or		
23		Relay Facility		
24	818.74	Greenhouse or Plant Nursery	§ 227(a)	P
25				

1	818.75	Mortuary Establishment	§ 227(c)	NP
2	818.76	General Advertising Sign	§ 607.2(b) & (e)	NP
3				
4	818.77	Internet Services Exchange	§ 209.6(c)	C
5	818.78	Hotel, Tourist if 75 rooms or less	§ 890.46	C
6				

7 **SPECIFIC PROVISIONS FOR SSO DISTRICTS**

9 Article Code Section	10 Other Code Section	Zoning Controls
12 § 818.23 § 16 890.133		13 -- Only those medical cannabis dispensaries that can 14 demonstrate to the Planning Department they were in 15 operation as of April 1, 2005 and have remained in 16 continuous operation or that were not in continuous 17 operation since April 1, 2005, but can demonstrate to the 18 Planning Department that the reason for their lack of 19 continuous operation was not closure due to an actual 20 violation of federal, state or local law, may apply for a 21 medical cannabis dispensary permit in an SSO District.

22 ~~SEC. 820. SOUTH OF MARKET BASE DISTRICT.~~

23 ~~The South of Market Base District encompasses all of the individual South of Market Use~~
24 ~~Districts governed by Sections 813 through 818 of this Code. The South of Market Base~~
25 ~~District is shown on Sectional Map 3SU of the Zoning Map.~~

1 **SEC. 822. SOUTH OF MARKET SPECIAL HALL OF JUSTICE LEGAL**
2 **SERVICES DISTRICT.**

3 The South of Market Special Hall of Justice Legal Services District, as
4 shown on Sectional Map 8SU of the Zoning Map, is governed by Sections
5 803.~~9(f)5(j)~~ and 817.50 of this Code.

6 **SEC. 825. DTR -- DOWNTOWN RESIDENTIAL DISTRICTS.**

7 (a) Description. Downtown Residential (DTR) Districts are transit-oriented,
8 high-density mixed-use residential neighborhoods in and around downtown.
9 These areas are generally transitioning from a variety of commercial and
10 industrial to residential uses. The intent of this district is to enable a mix of new
11 day and nighttime activities, with an emphasis on encouraging new housing
12 within walking distance or a short transit-ride of downtown, supported by a mix of
13 retail, and neighborhood services to meet the needs of residents and the larger
14 downtown community.

15 High-density residential uses, including residential towers in select
16 locations, are allowed and encouraged within the limits set by height and bulk
17 controls. Given the district's proximity to downtown, a range of commercial uses
18 is permitted on the lower stories, with active pedestrian-oriented retail, service,
19 and entertainment uses on the ground floor. Along special streets, pedestrian-
20 oriented uses are required on the first floor. Ground floor entries to individual
21 dwelling units are encouraged on streets that will become primarily residential.

22 There is generally no pattern of mid-block open space or of rear yards.
23 While lot coverage is limited for all levels with residential uses, traditional rear
24 yard open spaces are not required except in the limited instances where there is
25 an existing pattern of them. Specific height and bulk controls establish

1 appropriate heights for both towers and mid-rise development, and ensure
2 adequate spacing between towers and preserve light and air to streets and open
3 spaces. Setbacks are required where necessary to buffer ground floor residential
4 uses or to ensure sunlight access to streets and open spaces. To support the
5 intensification of land uses in these districts, detailed traffic, streetscape and
6 open space improvements will take place over time.

7 Downtown Residential Districts include all of the individual DTR districts
8 governed by ~~Section 827 of this Code, except t~~The Transbay Downtown Residential
9 District (TB-DTR), as set forth in Section 828, is governed by the Transbay
10 Redevelopment Plan and its Development Controls and Design Guidelines.

11 **(b) Building and Development Standards.** In addition to or in-lieu of the requirements
12 and standards elsewhere in this Code, the following building and development standards
13 are applicable in the Downtown Residential Districts.

14 **(1) Street-Facing Use Requirements.** Pedestrian-oriented commercial, residential,
15 institutional uses, and community services are required ground floor uses on all street
16 facing frontages per the standards of Section 145.1 and 145.4, except for the minimum
17 frontage required for fire doors, parking and loading access, and other utilities.

18 **(2) Lot Coverage.** The requirements of Section 134 shall not apply in DTR Districts.
19 Except as more specifically limited in the Section governing an individual DTR district,
20 lot coverage is limited to 80 percent at all residential levels except on levels in which all
21 residential units face onto a public right-of-way or mid-block pedestrian path meeting the
22 minimum standards of this Section. The unbuilt portion of the lot shall be open to the sky
23 except for those obstructions permitted in yards pursuant to Section 136(c). Exceptions to
24 the 20 percent open area requirement may be granted, pursuant to the provisions of
25 Section 309.1, for conversions of existing non-residential structures where it is

1 determined that provision of 20 percent open area would require partial demolition of
2 the existing non-residential structure.

3 (3) **Dwelling Unit Exposure.** The requirements of Section 140 shall apply. Reductions in
4 this requirement may be granted though the procedures of Section 309.1.

5 (4) **Lighting.** Pedestrian-scaled lighting shall be provided as an integral element of all
6 building façades and shall be designed and located to accentuate the uses facing the
7 street. Pedestrian-scaled lighting shall be incorporated into all façades and landscaped
8 setback areas in the form of wall sconces, entry illumination and low-level lighting set
9 into edging features. Lighting should be designed to accentuate ground floor retail and
10 residential entries. Incandescent or color-corrected lighting sources must be used.

11 (5) **Sidewalk Treatment.**

12 (A) To carry out policies contained in the San Francisco General Plan related to
13 sidewalk treatments in an applicable plan area, the Planning Commission may require
14 an applicant to widen or modify sidewalk alignments and to install lighting, decorative
15 paving, seating, bicycle racks, landscaping, and other pedestrian amenities on public
16 sidewalks.

17 (B) The conditions imposed by the Planning Commission and any sidewalk treatments
18 installed by an applicant shall comply with any applicable ordinances, adopted
19 streetscape plans, and with any applicable regulations of the Art Commission, the
20 Department of Public Works and the Bureau of Light, Heat and Power of the Public
21 Utility Commission regarding street lighting, sidewalk paving, seating and sidewalk
22 landscaping.

23 (C) The Commission conditions imposed pursuant to subsection (B) shall require the
24 abutting property owner or owners to hold harmless the City and County of San
25 Francisco, its officers, agents, and employees, from any damage or injury caused by

1 reason of the design, construction, use, or maintenance of the sidewalk treatments that
2 the owner will maintain, and shall require the owner or owners or subsequent owner or
3 owners of the respective property to be solely liable for any damage or loss occasioned
4 by any act or negligence with respect to the design, construction, use, or maintenance of
5 the sidewalk treatments that the owner maintains.

6 (D) Notwithstanding the provisions of this Section, an applicant shall apply for all
7 required permits related to the legislated sidewalk width changes and sidewalk
8 treatments and pay all required fees.

9 (E) The owner of the property is required to maintain all those improvements other than
10 lighting.

11 (6) **Street Trees.** Street trees shall be installed by the owner or developer in the case of
12 construction of a new building, relocation of a building, or addition of gross floor area
13 equal to 20 percent or more of the gross floor area of an existing building. Street trees
14 shall be provided according to the provisions of Section 143(b), (c) and (d).

15 (7) **Off-Street Parking and Loading.** Restrictions on the design and location of off-street
16 parking and loading and access to off-street parking and loading are necessary to reduce
17 their negative impacts on neighborhood quality and the pedestrian environment. Unless
18 specified otherwise in an individual DTR district, the following off-street parking and
19 loading controls shall apply:

20 (A) **Required Below-Grade.** All off-street parking in DTR districts shall be built below
21 street grade. The design of parking on sloping sites must be reviewed through the
22 procedures of Section 309.1, according to the following standards:

23 (i) For sloping sites with a grade change of at least ten feet laterally along the street, no
24 less than 50 percent of the perimeter of all floors with off-street parking shall be below
25 the level of said sloping street; and

1 (ii) For sites that slope upwards from a street, no less than 50 percent of the perimeter of
2 all floors with off-street parking shall be below the average grade of the site; and

3 (iii) Any above-grade parking shall be set back from the street facing façades and
4 wrapped with active uses, as defined by Section 145.1, for a depth of no less than 25 feet
5 at the ground floor and 15 feet on floors above.

6 **(B) Parking and Loading Access.**

7 (i) Width of openings. Any single development is limited to a total of two façade openings
8 of no more than 11 feet wide each or one opening of no more than 22 feet wide for access
9 to off-street parking and one façade opening of no more than 15 feet wide for access to
10 off-street loading. Shared openings for parking and loading are encouraged. The
11 maximum permitted width of a shared parking and loading garage opening is 27 feet.

12 (ii) Sidewalk narrowings or porte cocheres to accommodate passenger loading and
13 unloading are not permitted. For the purpose of this section, a "porte cochere" is defined
14 as an off-street driveway, either covered or uncovered, for the purpose of passenger
15 loading or unloading, situated between the ground floor façade of the building and the
16 sidewalk.

17 (c) Use. A use is the specified purpose for which a property or building is used, occupied,
18 maintained, or leased. Uses in Downtown Residential Districts are either permitted,
19 conditional, accessory, temporary or are not permitted. If there are two or more uses in a
20 structure, any use not classified in Section 825(c)(1)(C) of this Code as accessory will be
21 considered separately as an independent permitted, conditional, temporary or not
22 permitted use.

23 **(1) Permitted Uses.**

24 (A) Principal Uses. All uses are permitted as principal uses as of right in a Downtown
25 Residential district unless otherwise indicated as a Conditional Use or Not Permitted in

1 this Section 825 of this Code or any other Section governing an individual DTR District.
2 Additional requirements and conditions may be placed on particular uses as provided
3 pursuant to Section 803.5 and other applicable provisions of this Code.
4 (B) Conditional Uses. Conditional uses are permitted in a Downtown Residential district,
5 when authorized by the Planning Commission; whether a use is conditional in a given
6 district is indicated in the Section of this Code governing the individual DTR District.
7 Conditional uses are subject to the applicable provisions set forth in Sections 178, 179,
8 263.11, 303, 316.8, and 803.5 of this Code.
9 (i) Notwithstanding any other provision of this Article, a change in use or demolition of a
10 movie theater use, as set forth in Section 890.64, shall require conditional use
11 authorization. This Section shall not authorize a change in use if the new use or uses are
12 otherwise prohibited.
13 (C) Accessory Uses. Subject to the limitations set forth below, in Section 151.1, and
14 elsewhere in this Code, an accessory use is a related minor use which is either necessary
15 to the operation or enjoyment of a lawful principal use or conditional use, or is
16 appropriate, incidental and subordinate to any such use, and shall be permitted as an
17 accessory use in a Downtown Residential district. In order to accommodate a principal
18 use which is carried out by one business in multiple locations within the same general
19 area, such accessory use need not be located in the same structure or lot as its principal
20 use provided that (1) the accessory use is located within 1,000 feet of the principal use,
21 (2) the multiple locations existed on the effective date of this amendment; and (3) the
22 existence of the multiple locations is acknowledged in writing by the Zoning
23 Administrator within 60 days after the effective date of this amendment. Any use, which
24 does not qualify as an accessory use, shall be classified as a principal use. No use will be
25 considered accessory to a principal use, which involves or requires any of the following:

1 (i) The use of more than one-third of the total occupied floor area which is occupied by
2 both the accessory use and principal use to which it is accessory, combined, except in the
3 case of accessory off-street parking or loading which shall be subject to the provisions of
4 Sections 151, 151.1, 156 and 157 of this Code;

5 (ii) Nighttime entertainment, massage establishment, large fast food restaurant, or movie
6 theater use;

7 (iii) Any sign not conforming to the limitations of Section 607.2(f)(3).

8 (D) Temporary Uses. Temporary uses not otherwise permitted are permitted in
9 Downtown Residential districts to the extent authorized by Sections 205 through 205.3 of
10 this Code.

11 (E) Prohibited Uses.

12 (i) Uses which are specifically listed as Not Permitted (NP) in any Section governing an
13 individual DTR District are not permitted. The use provisions of an individual DTR
14 District shall apply in case of conflict with use limitations in Section 825. Signs not
15 specifically permitted in Article 6 are not permitted.

16 (ii) No use, even though listed as a permitted use or otherwise allowed, shall be permitted
17 in a Downtown Residential district which, by reason of its nature or manner of operation,
18 creates conditions that are hazardous, noxious, or offensive through the emission of odor,
19 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or
20 excessive noise.

21 (iii) The establishment of a use that sells alcoholic beverages, other than beer and wine,
22 concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.

23 **(2) Residential Use Controls.**

24 Unless otherwise specified in a Section governing an individual DTR district, the
25 following residential use controls shall apply:

1 (A) Required Residential to Non-Residential Use Ratio. For newly constructed buildings
2 or additions which exceed 20 percent or more of an existing structure's gross floor area,
3 at least six occupiable square feet of residential use shall be provided for each
4 occupiable square foot of non-residential use, excluding accessory parking, on any lot
5 legally existing. Hotels, inns, or hostels as defined under Section 209.2(d) and (e), time-
6 share or fractional-ownership condominiums, and lawfully existing live/work units shall
7 be considered as non-residential uses for the purpose of this section, and do not satisfy
8 the residential requirement. Exemption from the required use ratio for building additions
9 of less than 20 percent may not be granted for any single lot if such an exemption would
10 increase the total square footage of the building to an amount 20 percent greater than
11 existed on the lot since the adoption of this Section.

12 (B) For newly constructed buildings or additions, which exceed 20 percent or more of an
13 existing structure's gross floor area, all building area above 85 feet in height shall be
14 devoted to residential use.

15 (C) Residential Density. There shall be no density limit for residential uses in Downtown
16 Residential districts. The provisions of Sections 207 through 208 related to residential
17 density shall not apply.

18 **(d) Reduction of Ground Level Wind Currents.**

19 (1) Requirement. New buildings and additions to existing buildings shall be shaped, or
20 other wind-baffling measures shall be adopted, so that the developments will not cause
21 ground-level wind currents to exceed, more than 10 percent of the time year-round,
22 between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in
23 areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public
24 seating areas. The term "equivalent wind speed" shall mean an hourly mean wind speed
25 adjusted to incorporate the effects of gustiness or turbulence on pedestrians.

1 (2) When preexisting ambient wind speeds exceed the comfort level, or when a proposed
2 building or addition may cause ambient wind speeds to exceed the comfort level, the
3 building shall be designed to reduce the ambient wind speeds to meet the requirements.

4 (3) Exception. The Zoning Administrator may allow the building or addition to add to the
5 amount of time the comfort level is exceeded by the least practical amount if (i) it can be
6 shown that a building or addition cannot be shaped and other wind-baffling measures
7 cannot be adopted to meet the foregoing requirements without creating an unattractive
8 and ungainly building form and without unduly restricting the development potential of
9 the building site in question, and (ii) the Zoning Administrator concludes that, because of
10 the limited amount by which the comfort level is exceeded, the addition is insubstantial.
11 The Zoning Administrator shall not grant an exception, and, no building or addition shall
12 be permitted that causes equivalent winds speeds to reach or exceed the hazard level of
13 26 miles per hour for a single hour of the year.

14 (4) Procedures. Procedures and methods for implementing this Section shall be specified
15 by the Environmental Review Officer of the Planning Department.

16 **~~SEC. 825.1. USES PERMITTED IN DOWNTOWN RESIDENTIAL DISTRICTS.~~**

17 ~~(a) Use Categories. A use is the specified purpose for which a property or building is~~
18 ~~used, occupied, maintained, or leased. Whether or not a use is permitted in a specific~~
19 ~~Downtown Residential District is generally set forth, summarized or cross referenced in~~
20 ~~Section 827 of this Code for each district class.~~

21 ~~(b) Use Limitations. Uses in Downtown Residential Districts are either permitted,~~
22 ~~conditional, accessory, temporary or are not permitted.~~

23 ~~(1) Permitted Uses. If there are two or more uses in a structure, any use not classified~~
24 ~~below under Section 825.1(b)(1)(C) of this Code as accessory will be considered~~
25 ~~separately as an independent permitted, conditional, temporary or not permitted use.~~

1 ~~(A) Principal Uses. Principal uses are permitted as of right in a Downtown Residential~~
2 ~~District, when so indicated in Section 827 of this Code for the district. Additional~~
3 ~~requirements and conditions may be placed on particular uses as provided pursuant to~~
4 ~~Section 803.5 through 803.9 and other applicable provisions of this Code.~~

5 ~~(B) Conditional Uses. Conditional uses are permitted in a Downtown Residential~~
6 ~~district, when authorized by the Planning Commission; whether a use is conditional in a~~
7 ~~given district is generally indicated in Section 827 of this Code. Conditional uses are~~
8 ~~subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8,~~
9 ~~and 803.5 through 803.9 of this Code.~~

10 ~~(i) Notwithstanding any other provision of this Article, a change in use or demolition of~~
11 ~~a movie theater use, as set forth in Section 890.64, shall require conditional use~~
12 ~~authorization. This Section shall not authorize a change in use if the new use or uses are~~
13 ~~otherwise prohibited.~~

14 ~~(C) Accessory Uses. Subject to the limitations set forth below, in Section 151.1, and~~
15 ~~elsewhere in this Code, an accessory use is a related minor use which is either necessary~~
16 ~~to the operation or enjoyment of a lawful principal use or conditional use, or is~~
17 ~~appropriate, incidental and subordinate to any such use, and shall be permitted as an~~
18 ~~accessory use in a Downtown Residential District. In order to accommodate a principal~~
19 ~~use which is carried out by one business in multiple locations within the same general~~
20 ~~area, such accessory use need not be located in the same structure or lot as its principal~~
21 ~~use provided that (1) the accessory use is located within 1,000 feet of the principal use,~~
22 ~~(2) the multiple locations existed on the effective date of this amendment; and (3) the~~
23 ~~existence of the multiple locations is acknowledged in writing by the Zoning~~
24 ~~Administrator within 60 days after the effective date of this amendment. Any use, which~~
25 ~~does not qualify as an accessory use, shall be classified as a principal use.~~

1 ~~No use will be considered accessory to a principal use, which involves or requires any of~~
2 ~~the following:~~

3 ~~(i) The use of more than one third of the total occupied floor area which is occupied by~~
4 ~~both the accessory use and principal use to which it is accessory, combined, except in the~~
5 ~~case of accessory off street parking or loading which shall be subject to the provisions of~~
6 ~~Sections 151, 151.1, 156 and 157 of this Code;~~

7 ~~(ii) Nighttime entertainment, massage establishment, large fast food restaurant, or~~
8 ~~movie theater use;~~

9 ~~(iii) Any sign not conforming to the limitations of Section 607.2(f)(3).~~

10 ~~(D) Temporary Uses. Temporary uses not otherwise permitted are permitted in~~
11 ~~Downtown Residential Districts to the extent authorized by Sections 205 through 205.3 of~~
12 ~~this Code.~~

13 ~~(E) Prohibited Uses.~~

14 ~~(i) Uses which are not specifically listed in Section 827 or Article 6 are not permitted~~
15 ~~unless they qualify as a nonconforming use pursuant to Sections 180 through 186.1 of~~
16 ~~this Code or are determined by the Zoning Administrator to be permitted uses in~~
17 ~~accordance with Section 307(a) of this Code.~~

18 ~~(ii) No use, even though listed as a permitted use or otherwise allowed, shall be~~
19 ~~permitted in a Downtown Residential District which, by reason of its nature or manner of~~
20 ~~operation, creates conditions that are hazardous, noxious, or offensive through the~~
21 ~~emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water carried~~
22 ~~waste, or excessive noise.~~

23 ~~(iii) The establishment of a use that sells alcoholic beverages, other than beer and wine,~~
24 ~~concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.~~

25

1 **SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE**
2 **DISTRICT (RH-DTR).**

3 The Rincon Hill Downtown Residential Mixed Use District (RH-DTR), the
4 boundaries of which are shown in Section Map No. 1 of the Zoning Map, is
5 established for the purposes set forth below.

6 The RH-DTR District is adjacent to the southern edge of the downtown,
7 generally bounded by Folsom Street, the Bay Bridge, the Embarcadero, and
8 Essex Street. High-density residential uses and supporting commercial and
9 institutional uses are allowed and encouraged within the limits set by height, bulk,
10 and tower spacing controls. Folsom Street is intended to develop as the
11 neighborhood commercial heart of the Rincon Hill and Transbay neighborhoods,
12 and pedestrian-oriented uses are required on the ground floor. Individual
13 townhouse dwelling units with ground floor entries directly to the street are
14 required on streets that will become primarily residential, including First, Fremont,
15 Beale, Main, and Spear Streets.

16 While lot coverage is limited for all levels with residential uses that do not
17 face onto streets or alleys, traditional rear yard open spaces are not required
18 except in the limited instances where there is an existing pattern of them, such as
19 smaller lots on the Guy Place block. Specific height, bulk, and setback controls
20 establish appropriate heights for both towers and mid-rise podium development
21 and ensure adequate spacing between towers in order to establish a
22 neighborhood scale and ensure light and air to streets and open spaces.
23 Setbacks are required where necessary to provide transition space for ground
24 floor residential uses and to ensure sunlight access to streets and open spaces.
25 Off-street parking must be located below grade.

1 Given the need for services and open space resulting from new
 2 development, projects will provide or contribute funding for the creation of public
 3 open space and community facilities as described in the Rincon Hill Area Plan of
 4 the General Plan. The Rincon Hill Streetscape Plan, part of the Area Plan,
 5 proposes to enhance and redesign most streets in the district to create
 6 substantial new open space amenities, improve pedestrian conditions, and
 7 improve the flow of local traffic and transit. Detailed standards for the provision of
 8 open spaces, mid-block pathways, and residential entries are provided to ensure
 9 that new buildings contribute to creating a public realm of the highest quality in
 10 Rincon Hill.

11 **Table 827**

12 **RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT ZONING**
 13 **CONTROL TABLE**

			Rincon Hill Downtown Residential Mixed Use District Zoning
No.	Zoning Category	§ References	Controls
Building and Siting Standards			
.10	Height and Bulk	§§ 102.12, 105, 106, 250--252, 260, 270	Varies 45--550 feet. For height limits, see Zoning Map 1H and § 263.19; for bulk controls, see § 270(e).
.11	Lot Size [<i>Per Development</i>]	§§ 890.56, 121	No limit
.12	Rear Yard/Site Coverage	§ 136	100 percent lot coverage permitted; up to 80 percent for parcels that front the

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			north side of Guy Place and for all parcels at residential levels where not all units face onto streets or alleys. § 827(d)(2) . <u>825(b)(1) and 827(a)(4)</u> .
.13	Setbacks	<i>Ground Floor</i> <i>Residential Design</i> <i>Guidelines</i>	Building setback of 3 to 10 ft. for all buildings except towers on Spear, Main, Beale, Fremont, and First Streets. § 827(d)(a)(2) <i>and (6)</i> . Upper-story setback of 10 ft. required above a height of 65 feet on both sides of Spear, Main, Beale, Fremont, and First Streets. § 827(d)(a)(5) . Sun access plane setback of 50 degrees for all buildings 85' and lower on the south side of east-west mid-block pathways. § 827(d) <u>827(a)(5)</u> .
.14	Street-Facing Uses	§§ <u>145.1, 145.4</u> , <i>Ground Floor</i> <i>Residential Design</i> <i>Guidelines-145.5</i>	<i>Active uses required on all street frontages. See §§ 145.1, 825(b).</i> <i>Ground-level residential or commercial requirements based on location. See §§ <u>145.4 and 827(a)(2)</u>, and 827(e).</i>
.15	Parking and Loading Access: Prohibition	§ 155(r)	Prohibited on Folsom Street from Essex Street to The Embarcadero. § 827(a)(8)(d)(7) <u>and 155(r)</u>

1			No parking permitted aboveground,
2	Parking and		except on sloping sites. Parking access
3	Loading Access:	§§ 145. <u>14</u> ,	limited to two openings, max. 11' wide
4	Siting and	151.1, 155(r)	each, loading access limited to one 15'
5	Dimensions		opening. § 827(d)(7) . <u>825(b)(7) and</u>
6			<u>827(a)(8)</u> .
7	.17	Awning	§ 890.21
			P, § 136.2(a)
8	.18	Canopy	§ 890.24
			P, § 136.2(b)
9	.19	Marquee	§ 890.58
			P, § 136.2(c)
10	Non-Residential Standards and Uses		
11	.20	Required	
12		Residential to Non-	
13		Residential Use	§ 102.10
14		Ratio	Non-residential uses limited to
			occupiable sf per 6 occupiable sf
			devoted to residential uses. § 827(b)
			<u>825(c)(2)</u> .
15	.21	Use Size [Non-	
16		Residential]	§§ 890.130, 145.
17			<u>14</u>
18			P for non-residential uses up to 25,000
19			sq. ft., C above. No individual ground
			floor tenant may occupy more than 75'
			of frontage for a depth of 25' from
			Folsom Street. §§ 827(d)(5) , 145. <u>14</u> .
20	.22	Open Space	
21			§§ <u>135</u> , <u>135.3</u>
22			1 sq. ft. of publicly-accessible open
23			space for every 50 sq. ft. of non-
			residential use over 10,000 sq. ft. §
			827(e) <u>135.3</u>
24	.23	Off-Street Parking	
25		[Office uses]	§§ 150, 151,
			151.1, 153--157,
			None Required. Parking that is
			accessory to office space limited to 7%

1		204.5	of GFA.
2	.24	Off-Street Parking [Non-Residential, other than office uses]	§§ 150, 151, 151.1, 153--157, 204.5
3			None Required. Parking limited as described in Section 151.1.
4			
5			
6	.25	Off-Street Freight Loading	§§ 150, 152.2, 153--155, 204.5
7			None Required. Loading maximums described in Section 152.2.
8			
9	.26	All Non-Residential Uses Permitted, except as described below.	
10		<u>§825(c)(1)(A)</u>	
11	.27	Drive-Up Facility	§ 890.30 NP
12	.28	Walk-Up Facility	§ 890.140 P if recessed 3 ft. C otherwise.
13	.29	Hospital or Medical Center	§ 124.1, 890.44 C
14			
15	.30	Other Institutions	§ 890.50 C
16	.31	Public Use	§ 890.80 C
17	.32	Movie Theater	§ 890.64 C
18	.33	Nighttime Entertainment	§§ 102.17, 803.5(bg) C
19			
20	.34	Adult Entertainment	§ 890.36 NP
21			
22	.35	Massage Establishment	§ 890.60 Article 29 Health Code C
23			
24			
25	.36	Automobile	§§ 890.9, 156, NP

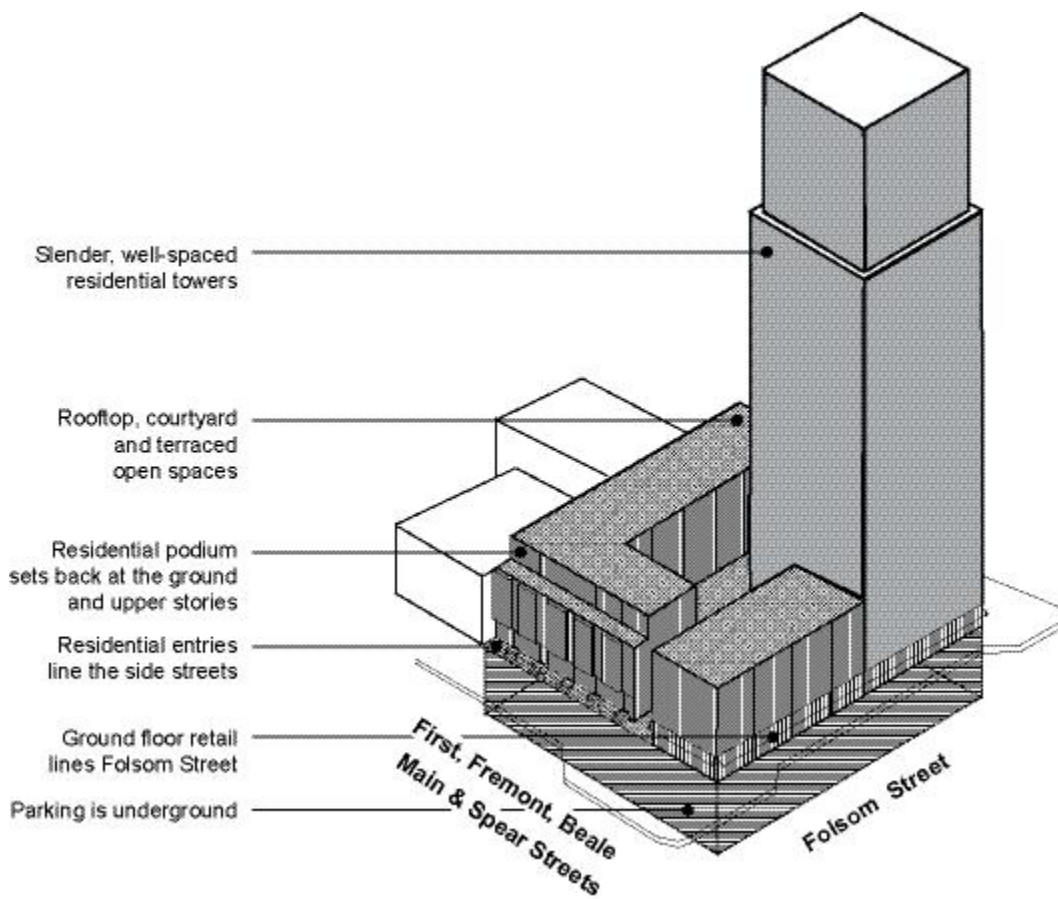
1		Parking Lot,	160	
2		Community		
3		Commercial		
4		Automobile		
5	.37	Parking Garage,	§ 890.10, 160	NP <u>C, per the criteria of Section 157.1</u>
6		Community		
7		Commercial		
8	.38	Automotive Gas	§ 890.14	NP
9		Station		
10	.39	Automotive Service	§ 890.18,	NP
11		Station	890.19	
12	.40	Automotive Repair	§ 890.15	NP
13				
14	.41	Automotive Wash	§ 890.20	NP
15				
16	.42	Automotive Sale or	§ 890.13	C
17		Rental		
18	.43	Mortuary	§ 890.62	C
19	.44	Hours of	§ 890.48	C. 2 a.m.--6 a.m.
20		Operation		
21	.45	Business Sign	§§ 602--604, 608.1, 608.2	P. § 607.2(f)
22				
23	Residential Standards and Uses			
24	.46	Residential Use	§ 890.88	P
25	.47	Residential	§ 890.88(a)	No Limit. §207.5 (<i>bd</i>)

1	Density, Dwelling		<u>Unit Mix Required § 207.6</u>
2	Units		
3	Residential		
4	.48 Density, Group	§ 890.88(b)	No Limit. §§ 207.5 (bd)
5	Housing		
6	Usable Open		75 sq. ft. per unit; up to 50% may be
7	.49 Space [Per	§ 135, 136	provided off-site if publicly accessible. §
8	Residential Unit]		827(e)-135 and 827(a)(9).
9	Accessory Off-		None Required. Up to one car per 2
10	.50 Street Parking,	§§ 151.1, 153--	dwelling units permitted; up to one car
11	Residential	157, 159--160,	per dwelling unit per procedures and
12		204.5	criteria of Sections 151.1 <u>825(b)(7)</u> and
13			827(da)(8).
14	.51 Residential	§ 790.84, Ch.	
15	Conversions	41 Admin.	C
16		Code	
17	.52 Residential		
18	Demolition		C

19 (a) **Building Standards.**

20 (1) Development Concept. The development concept is for podium development
21 up to 85 feet in height, with slender residential towers spaced to provide ample
22 light and air to the district. New development will contribute to the creation of a
23 substantial amount of public open space, as well as provide private common
24 areas, courtyards, and balconies. Streets will be improved to provide widened
25 sidewalks with substantial public open space. Ground floor uses will be

1 pedestrian-oriented in character, consisting primarily of retail on Folsom Street,
 2 and individual townhouse-style residential units on First, Fremont, Beale, Main,
 3 and Spear Streets, as well as on alleys and mid-block pathways. Parking will be
 4 located below grade, and building utilities (loading bays, service doors, garage
 5 doors) will be located in sidewalk vaults or on secondary frontages.



21 ~~(b) Residential Use Controls.~~

22 ~~(1) Residential Density. There shall be no density limit for residential uses, as defined~~
 23 ~~by Section 890.88 of this Code, in the Rincon Hill Downtown Residential District. The~~
 24 ~~provisions of Sections 207 through 208 related to residential density shall not apply.~~

1 ~~(2) Required Residential to Non Residential Use Ratio. For newly constructed buildings~~
2 ~~or additions which exceed 20 percent or more of an existing structure's gross floor area,~~
3 ~~at least six occupiable square feet of residential use shall be provided for each~~
4 ~~occupiable square foot of non residential use, excluding accessory parking, on any lot~~
5 ~~legally existing. Lawfully existing live/work units shall be considered as non residential~~
6 ~~uses for the purpose of this section, and do not satisfy the residential requirement.~~
7 ~~Exemption from the required use ratio for building additions of less than 20 percent may~~
8 ~~not be granted for any single lot if such an exemption would increase the total square~~
9 ~~footage of the building to an amount 20 percent greater than existed on the lot since the~~
10 ~~adoption of this Section.~~

11 ~~(3) Required unit size mix. No less than 40 percent of all units on site must have at least~~
12 ~~two bedrooms or more. Projects are encouraged to have at least 10 percent of all units~~
13 ~~on site with three bedrooms or more.~~

14 ~~(4) For newly constructed buildings or additions, which exceed 20 percent or more of~~
15 ~~an existing structure's gross floor area, all building area above 85 feet in height shall be~~
16 ~~devoted to residential use.~~

17 ~~(5) Housing Requirement for Residential Developments. The requirements of Sections~~
18 ~~315 through 315.9 shall apply in the RH DTR subject to the following exceptions:~~

19 ~~(A) If constructed on site, a minimum of 12 percent of the total units constructed, and if~~
20 ~~constructed off site, a minimum of 17 percent of the total units constructed, shall be~~
21 ~~affordable to and occupied by qualifying persons and families as defined elsewhere in~~
22 ~~this Code.~~

23 ~~(B) Below market rate units as required by Sections 315 through 315.9 that are built~~
24 ~~off site must be built within the area bounded by Market Street, the Embarcadero, King~~
25 ~~Street, Division Street, and South Van Ness Avenue.~~

1 ~~(C) No less than fifty percent (50%) of the fees that are paid due to development in the~~
2 ~~Rincon Hill Area Plan under Section 315.4(e)(2) and 315.6 shall be paid into the~~
3 ~~Citywide Affordable Housing Fund, but the funds shall be separately accounted for and~~
4 ~~designated exclusively to increase the supply of affordable housing in the SOMA area.~~

5 ~~(D) Fifty percent (50%) of the below market rate units as required by Section 315~~
6 ~~through 315.9 that are built on or off site must be provided as rental units for the life of~~
7 ~~the project, as defined in Planning Code Section 315.7(a).~~

8 ~~(E) The Mayor's Office of Housing must submit a resolution to the Board of Supervisors~~
9 ~~with a plan for the use of all in lieu fee payments generated from the Rincon Hill Plan~~
10 ~~prior to any expenditure of the Funds.~~

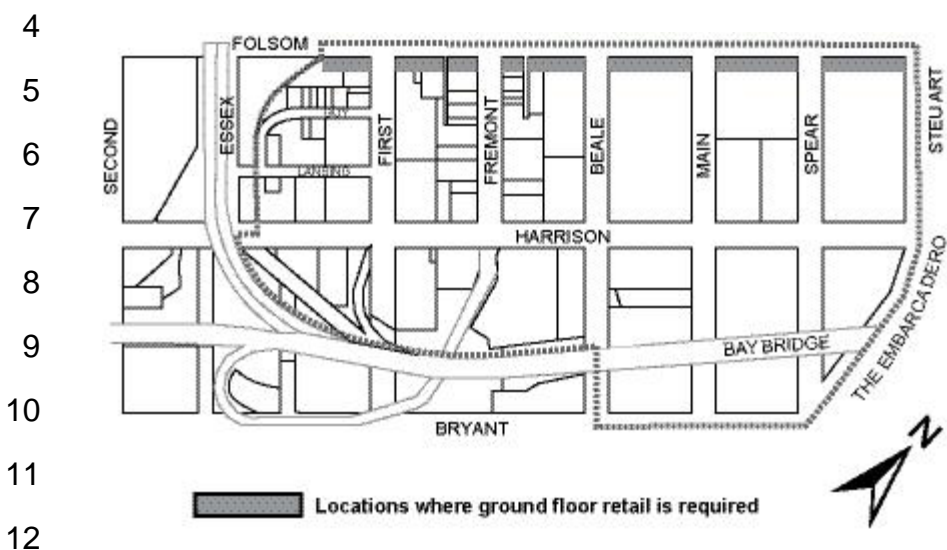
11 ~~(e)~~ (2) Street-Facing Use Requirements. Pedestrian-oriented retail, residential,
12 institutional uses, and community services are required ground floor uses on all
13 street facing frontages, except for the minimum frontage required for fire doors,
14 parking and loading access, and other utilities.

15 ~~(f)~~ (A) Required Ground Floor Retail Spaces. For frontages facing Folsom
16 Street, ground floor space suitable for retail use is required for no less than 75
17 percent of all frontages, as specified in Section 145.4.

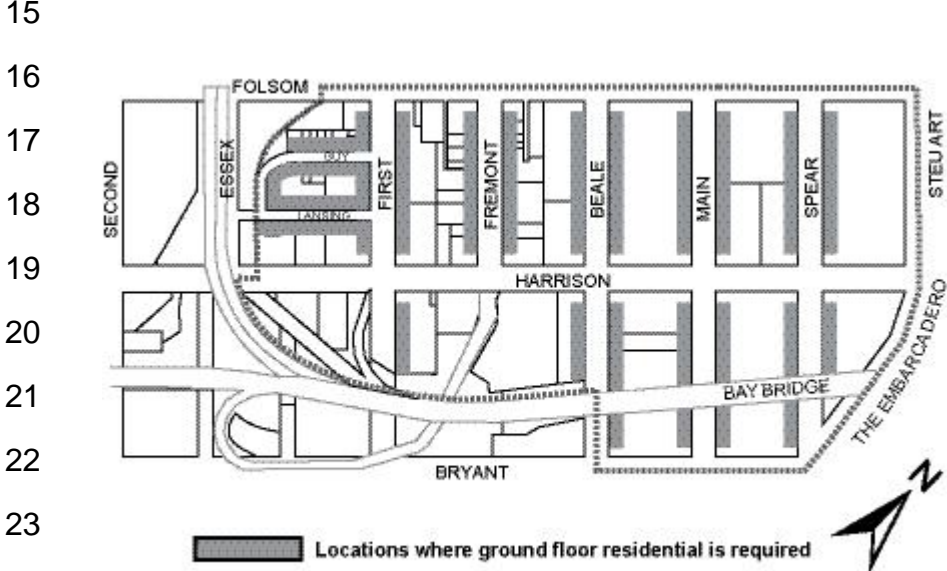
18 ~~(2)~~ (B) Required Individual Ground Floor Residential Units. For building
19 frontages facing Fremont, First, Main, Beale and Spear Streets more than 60 feet
20 from an intersection with Folsom, Harrison, or Bryant Streets, and for building
21 frontages facing Guy Place and Lansing Street, individual ground floor residential
22 units with direct pedestrian access to the sidewalk are required at intervals of no
23 greater than 25 feet, except where residential lobbies, parking and loading
24 access, utilities, and open space are necessary and provided pursuant to the
25 allowances of Section 827 and other sections of this Code. Individual ground

1 floor residential units are also encouraged along Harrison Street, Bryant Street,
2 and alleys and mid-block pedestrian paths where appropriate.

3 Figure 827(B): Frontages Where Ground Floor Retail Uses Are Required.



13 Figure 827(C): Frontages Where Ground Floor Residential Uses/Entries Are
14 Required.



(d) ~~Building Design Standards.~~

1 ~~(1)~~ (3) **Required Streetwall.** Building area below 85 feet in height is required to
2 be built to 100 percent of all property lines facing public rights-of-way, except
3 where setbacks are required by this Section and except where publicly
4 accessible open space is provided according to the provisions of this Section.
5 Recesses, insets and breaks between buildings are permitted to provide vertical
6 articulation to the facade, provided the overall integrity of the streetwall is
7 maintained.

8 ~~(2)–(4)~~ **Lot Coverage.** *The requirements of Section 134 shall not apply in the RH DTR*
9 *District. Lot coverage is limited to 80 percent at all residential levels except on levels in*
10 *which all residential units face onto a public right of way or mid-block pedestrian path*
11 *meeting the minimum standards of this Section. The unbuilt portion of the lot shall be*
12 *open to the sky except for those obstructions permitted in yards pursuant to Section*
13 *136(c). Exceptions to the 20 percent open area requirement may be granted, pursuant to*
14 *the provisions of Section 309.1, for conversions of existing non-residential structures*
15 *where it is determined that provision of 20 percent open area would require partial*
16 *demolition of the existing non-residential structure.* Lots fronting only on the north
17 side of Guy Place are permitted up to 80 percent lot coverage.

18 ~~(3)~~ **Dwelling Unit Exposure.** *The requirements of Section 140 shall apply. Reductions in*
19 *this requirement may be granted through the procedures of Section 309.1.*

20 ~~(4)~~ (5) **Upper Story Setback.** To ensure adequate sunlight to streets, alleys,
21 and pedestrian pathways, upper story setbacks are required as follows:

22 (A) All buildings are required to set back at least 10 feet above a height of 65
23 feet along Spear, Main, Beale, Fremont and First Streets. This requirement shall
24 not apply to street frontage occupied by a building taller than 85 feet. This upper
25

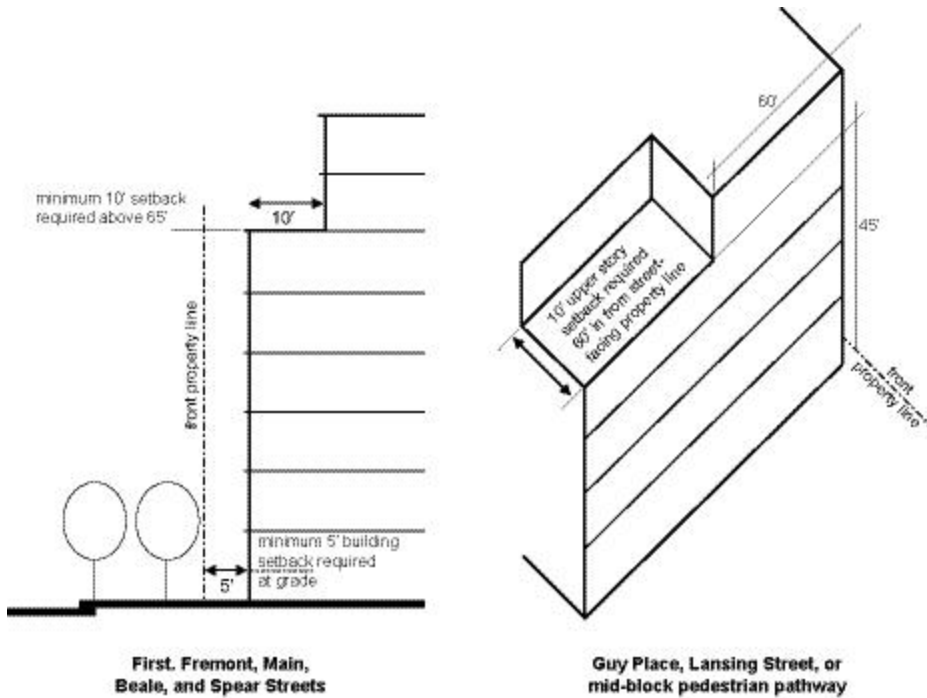
1 story setback requirement shall also not apply to the first 60 linear feet of
2 frontage from corners at Folsom, Harrison, and Bryant Streets.

3 (B) Buildings greater than 60 linear feet from a major street along Guy Place,
4 Lansing Street, and any proposed or existing private or public mid-block
5 pedestrian pathways, are required to be set back at least 10 feet above 45 feet in
6 height from said right-of-way.

7 (C) In order to increase sun access to mid-block pathways and uses along such
8 pathways, all building frontage on the southeast side of mid-block pathways not
9 occupied by a building taller than 85 feet must set back upper stories by 10 feet
10 above a building height of 45 feet. For projects on the south side of a mid-block
11 pedestrian pathway taller than 65 feet, an additional upper story setback of 10
12 feet is required above a building height of 65 feet.

13 (i) Modifications. For any lot on the north side of a required mid-block pedestrian
14 pathway, a modification from the required upper story setback of 10 feet above a
15 height of 45 feet may be granted according to the provisions of Section 309.1,
16 provided that, in total, the building is set back by a volume equal to what would
17 be required by meeting the standard in (C) above, and the modification would
18 substantially improve the accessibility, design and character of the mid-block
19 pedestrian pathway.

20 Figure 827(D): Required Upper Story Stepbacks
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First, Fremont, Main, Beale, and Spear Streets

Guy Place, Lansing Street, or mid-block pedestrian pathway

(5) (6) **Ground Floor Residential Units.** Where ground floor residential units are required along Spear, Main, Beale, Fremont, and First Streets, the *following* design standards *of the Ground Floor Residential Design Guidelines* apply. Ground floor residential units along Guy Place and Lansing Street, within the footprint of towers taller than 105 feet, and those that are proposed in locations where they are not required, are encouraged to meet the standards in this subsection to the greatest degree possible.

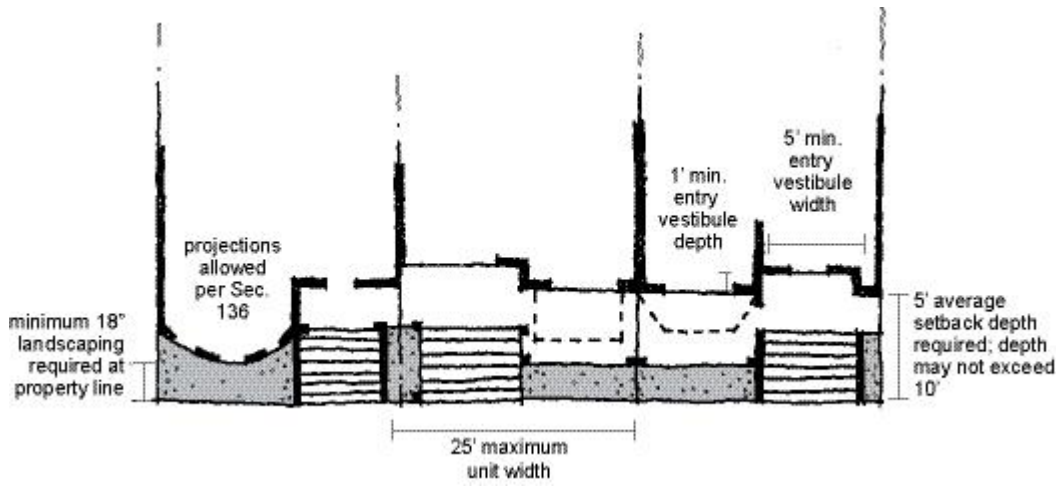
~~(A) Facade Articulation. Individual residential units are required to be vertically articulated at regular intervals of no greater than 25 feet. Changes in vertical massing, architectural projections and recesses may be used to achieve this articulation.~~

~~(B) Setback Dimensions. Building setbacks are required to create a transitional space between the public realm of the street and the private realm of the individual dwelling unit. The setback shall be implemented according to the following specifications, and as illustrated in Figures 827(E) and 827(F):~~

- 1 ~~(i) The entire building facade must be set back from the street abutting property line a~~
2 ~~minimum of three feet, an average of five feet, and not in excess of ten feet.~~
- 3 ~~(ii) All projections allowed by Section 136 permitted in front setbacks are permitted,~~
4 ~~except for garages and driveways. Architectural projections, such as bay windows, are~~
5 ~~encouraged and may extend down to the ground provided they do not encroach within the~~
6 ~~18 inch landscaping strip required by subsection (iii). Railings, fences, and grilles up to~~
7 ~~a height of 3 feet 6 inches that are at least 75 percent open to perpendicular view are~~
8 ~~permitted on top of an landing or porch, regardless of the combined total height of the~~
9 ~~railing and porch from street grade.~~
- 10 ~~(iii) A landscaped strip at grade with the sidewalk is required for the first 18 inches of~~
11 ~~the setback, for at least 50 percent of the width of each residential unit.~~
- 12 ~~(iv) Setbacks proposed to be greater than five feet are encouraged to provide a porch or~~
13 ~~landscape area at grade with the residential entry.~~
- 14 ~~(C) Residential Entries.~~
- 15 ~~(i) Residential entries are required to be raised an average of three feet above street~~
16 ~~grade.~~
- 17 ~~(ii) Each entry is required to have a vestibule at least one foot in depth from the~~
18 ~~building facade. The entry vestibule may be no less than five feet wide and no less than~~
19 ~~the height of the ground story.~~
- 20 ~~(D) Landscaping in Setbacks. All building setback areas not occupied by steps, porches~~
21 ~~or other occupiable space must be landscaped. Setbacks should be designed to provide~~
22 ~~access to landscaped areas, encouraging gardening and other uses by residents.~~
- 23 ~~(i) A water source must be provided for each residential setback.~~
- 24 ~~(ii) To allow for landscaping and street trees at street grade, parking must be located~~
25 ~~far enough below the surface of the setback to provide a minimum soil depth of 3 feet 6~~

1 inches. A continuous soil trough should be provided with adequate centrally operated
2 irrigation.

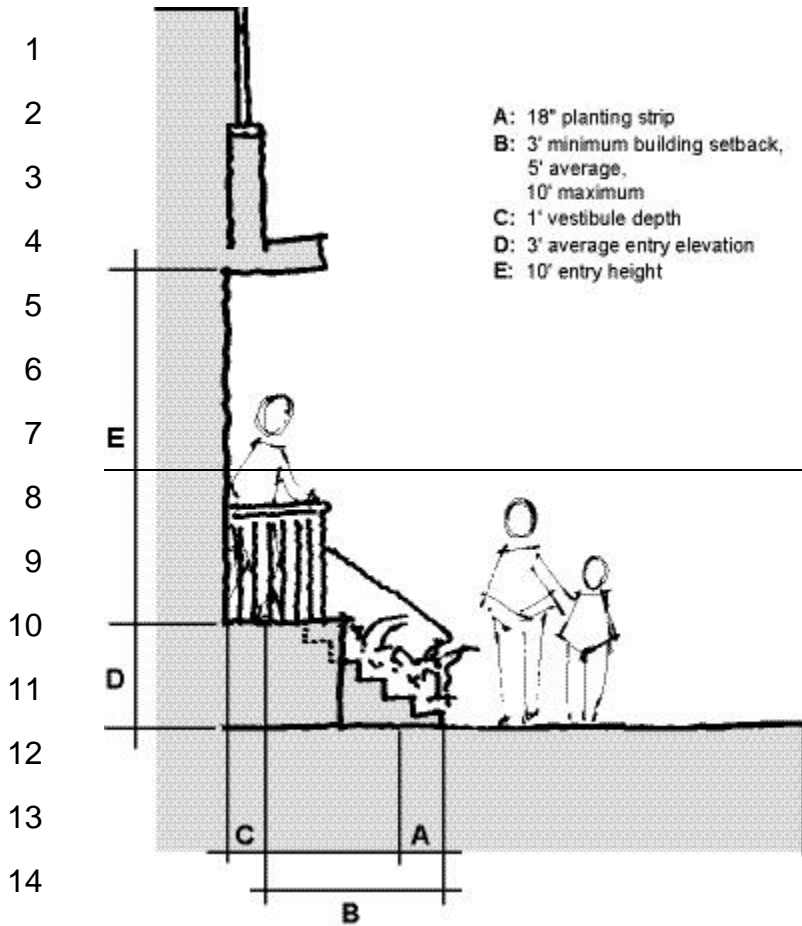
3 *Figure 827(E): Required Dimensions for Building Setbacks.*



13 (Graphic Deleted)

14
15 *Figure 827(F): Required Dimensions for Building Setbacks.*

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(Graphic Deleted)

~~(6) (7) **Ground Floor Commercial Design.** *Ground floor commercial spaces must meet the standards set in Section 145.1 and 145.4.*~~

~~(A) **Minimum Depth.** *Ground floor non residential spaces along Folsom Street must have a minimum depth of 25 feet from the Folsom Street facade.*~~

~~(B) **Minimum Ceiling Height.** *Ground floor non residential spaces along Folsom Street must have a minimum 12 foot 6 inch clear ceiling height for the first 25 feet of depth fronting Folsom Street.*~~

1 ~~(C) Transparency and Fenestration. Non residential frontages must be fenestrated with~~
2 ~~windows and doorways for no less than 60 percent of the facade area. No less than 75~~
3 ~~percent of the fenestrated area must be transparent. The use of dark or mirrored glass is~~
4 ~~not permitted or required transparent area.~~

5 ~~(D) Maximum Frontage. A single ground floor commercial tenant may not occupy more~~
6 ~~than 75 linear feet of frontage for the first 25 feet of depth from the street facing facade~~
7 ~~along any major street. Separate individual storefronts shall wrap large footprint ground~~
8 ~~floor uses for the first 25 feet of depth.~~

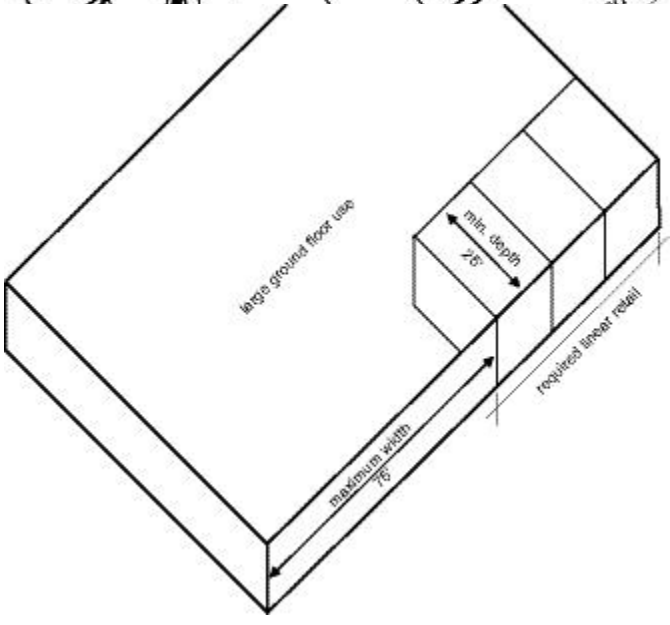
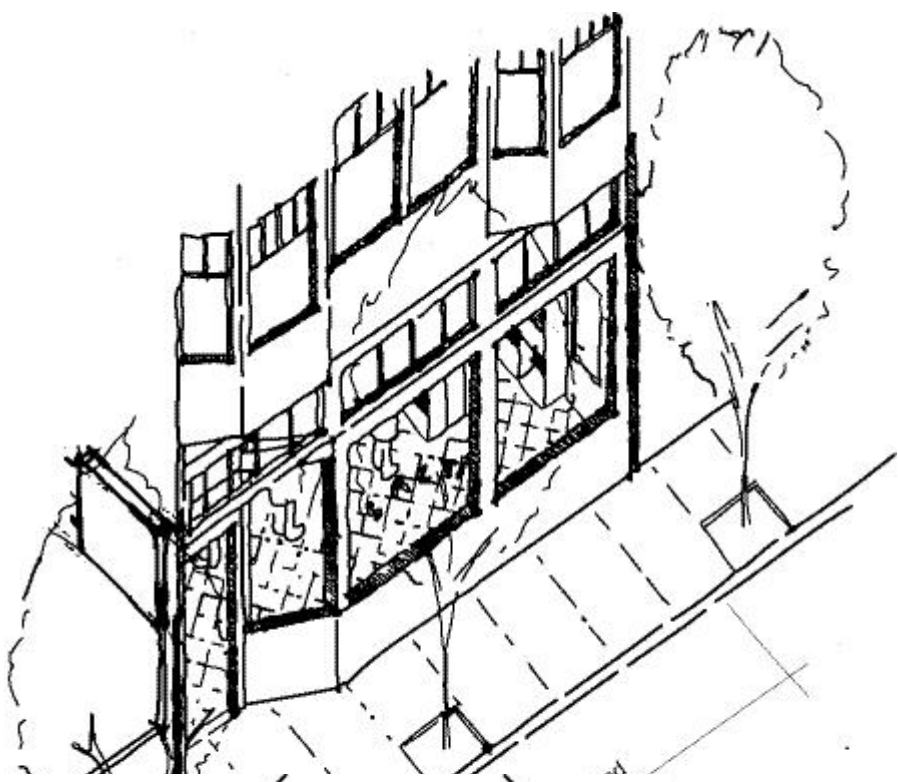
9 ~~(7) Lighting. Pedestrian scaled lighting shall be provided as an integral element of all~~
10 ~~building facades and shall be designed and located to accentuate the uses facing the~~
11 ~~street. Pedestrian scaled lighting shall be incorporated into all facades and landscaped~~
12 ~~setback areas in the form of wall sconces, entry illumination and low level lighting set~~
13 ~~into edging features. Lighting should be designed to accentuate ground floor retail and~~
14 ~~residential entries. Incandescent or color corrected lighting sources must be used.~~

15 *Figure 827(G): Required Ground Floor*

16 *Commercial Transparency*

17 *and Fenestration.*

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und Floor

Commercial Frontages.

1 (8) **Off-Street Parking and Loading.** ~~Restrictions on the design and location of off-~~
2 ~~street parking and loading and access to off street parking and loading are necessary to~~
3 ~~reduce their negative impacts on neighborhood quality and the pedestrian environment.~~

4 ~~(A) Required Below Grade. All off street parking in the RH DTR shall be built below~~
5 ~~street grade. The design of parking on sloping sites must be reviewed through the~~
6 ~~procedures of Section 309.1, according to the following standards:~~

7 ~~(i) For sloping sites with a grade change of at least ten feet laterally along the street, no~~
8 ~~less than 50 percent of the perimeter of all floors with off street parking shall be below~~
9 ~~the level of said sloping street; and~~

10 ~~(ii) For sites that slope upwards from a street, no less than 50 percent of the perimeter~~
11 ~~of all floors with off street parking shall be below the average grade of the site; and~~

12 ~~(iii) Any above grade parking shall be set back from the street facing facades and~~
13 ~~wrapped with active uses, as defined by Section 145.4, for a depth of no less than 25 feet~~
14 ~~at the ground floor and 15 feet on floors above.~~

15 ~~Pursuant to the procedures of Section 309.1, the Planning Commission may~~
16 ~~reduce the minimum on site provision of required residential open space to not less than~~
17 ~~18 square feet per unit in order to both create additional publicly accessible open space~~
18 ~~servicing the district and to foster superior architectural design on constrained sites.~~

19 ~~(B)~~ (A) **Parking and Loading Access.**

20 (i) **Width of openings.** ~~Any single development is limited to a total of two facade~~
21 ~~openings of no more than 11 feet wide each or one opening of no more than 22 feet wide~~
22 ~~for access to off street parking and one facade opening of no more than 15 feet wide for~~
23 ~~access to off street loading. Shared openings for parking and loading are encouraged.~~
24 ~~The maximum permitted width of a shared parking and loading garage opening is 27~~

1 ~~feet.~~ The maximum permitted width of all combined parking and loading openings
2 on Guy Place and Lansing Street for any single project is 20 feet.

3 (ii) **Folsom Street.** Access to off-street parking is not permitted on Folsom
4 Street for lots with frontage on another street. For lots fronting solely on Folsom
5 Street, access to parking on a Folsom Street frontage is permitted only through
6 the processes established by Section 309.1 by demonstrating that every effort
7 has been made to minimize negative impact on the pedestrian quality of the
8 street. Loading may not be accessed from Folsom Street.

9 ~~(iii) Sidewalk narrowings or porte cocheres to accommodate passenger loading and~~
10 ~~unloading are not permitted. For the purpose of this section, a "porte cochere" is defined~~
11 ~~as an off street driveway, either covered or uncovered, for the purpose of passenger~~
12 ~~loading or unloading, situated between the ground floor facade of the building and the~~
13 ~~sidewalk.~~

14 ~~(e) (9) **Open Space.**~~

15 ~~(1) *Amount Required.*~~

16 ~~(A) *Residential. For all residential uses, 75 square feet of open space is required per*~~
17 ~~*dwelling unit. All residential open space must meet the provisions described in Section*~~
18 ~~*135 unless otherwise established in this Section. Open space requirements may be met*~~
19 ~~*with the following types of open space: "private usable open space" as defined in Section*~~
20 ~~*135(a) of this Code, "common usable open space" as defined in Section 135(a) of this*~~
21 ~~*Code, and "publicly accessible open space" as defined in this Section. At least 40 percent*~~
22 ~~*of the residential open space is required to be common to all residential units. Common*~~
23 ~~*usable open space is not required to be publicly accessible. Publicly accessible open*~~
24 ~~*space, including off site open space permitted by this Section, meeting the standards of*~~
25 ~~*this Section may be considered as common usable open space. For residential units with*~~

1 ~~direct access from the street, building setback areas that meet the standards in Section~~
2 ~~827(d)(4) may be counted toward the open space requirement as private non common~~
3 ~~open space.~~

4 ~~(B) Non residential. One square foot of publicly accessible open space is required for~~
5 ~~every 50 gross square feet of non residential uses over 10,000 square feet. All non-~~
6 ~~residential open space must meet the standards of Section 827 for publicly accessible~~
7 ~~open space.~~

8 ~~(2) Off site provision of required open space. The provision of off site publicly~~
9 ~~accessible open space may be counted toward the requirements of both residential and~~
10 ~~non residential open space provided it is within the RH DTR or within 500 feet of any~~
11 ~~boundary of the RH DTR District, and meets the standards of this Section.~~

12 ~~(A) At least 36 square feet per residential unit of required open space and 50 percent of~~
13 ~~required non residential open space must be provided on site. Pursuant to the~~
14 ~~procedures of Section 309.1, the Planning Commission may reduce the minimum on site~~
15 ~~provision of required residential open space to not less than 18 square feet per unit in~~
16 ~~order to both create additional publicly accessible open space serving the district and to~~
17 ~~foster superior architectural design on constrained sites.~~

18 ~~(B) Open Space Provider. The open space required by this Section may be provided~~
19 ~~individually by the project sponsor or jointly by the project sponsor and other project~~
20 ~~sponsors, provided that each square foot of jointly developed open space may count~~
21 ~~toward only one sponsor's requirement. With the approval of the Planning Commission, a~~
22 ~~public or private agency may develop and maintain the open space, provided that (i) the~~
23 ~~project sponsor or sponsors pay for the cost of development of the number of square feet~~
24 ~~the project sponsor is required to provide, (ii) provision satisfactory to the Commission is~~
25 ~~made for the continued maintenance of the open space for the actual lifetime of the~~

1 ~~building giving rise to the open space requirement, and (iii) the Commission finds that~~
2 ~~there is reasonable assurance that the open space to be developed by such agency will be~~
3 ~~developed and open for use by the time the building, the open space requirement of which~~
4 ~~is being met by the payment, is ready for occupancy.~~

5 ~~(3) Publicly Accessible Open Space Standards. In addition to the standards of Section~~
6 ~~135, Any open space intended to fulfill the requirements of off-site or publicly-~~
7 ~~accessible open space may include required by this Section must meet the following~~
8 ~~standards and be approved by the Planning Commission according to the procedures of~~
9 ~~Section 309.1 of this Code and.~~

10 ~~(A) Open space must be of one or more of the following types:~~

11 ~~(i) An unenclosed park or garden at street grade or following the natural topography,~~
12 ~~including improvements to hillsides or other unimproved public areas according to the~~
13 ~~Rincon Hill Area Plan;~~

14 ~~(ii) An unenclosed plaza at street grade, with seating areas and landscaping and no~~
15 ~~more than 10 percent of the floor area devoted to food or beverage service;~~

16 ~~(iii) An unenclosed pedestrian pathway that meets the minimum standards described in~~
17 ~~Section 827(g)(3);~~

18 ~~(iv) A terrace or roof garden with landscaping;~~

19 ~~(v) Streetscape improvements with landscaping and pedestrian amenities that result in~~
20 ~~additional space beyond the pre-existing sidewalk width and conform to the Streetscape~~
21 ~~Plan of the Rincon Hill Area Plan, such as sidewalk widening or building setbacks, other~~
22 ~~than those ground floor setbacks required by Section 827(d)(4) or intended by design for~~
23 ~~the use of individual ground floor residential units; and~~

24 ~~(vi) S streetscape improvements with landscaping and pedestrian amenities on~~
25 ~~Guy Place and Lansing Street, beyond basic street tree planting or street lighting~~

1 as otherwise required by this Code, in accordance with the Streetscape Plan of
2 the Rincon Hill Area Plan.

3 ~~(B) Open space must meet the following standards:~~

4 ~~(i) Be in such locations and provide such ingress and egress as will make the area~~
5 ~~convenient, safe, secure and easily accessible to the general public;~~

6 ~~(ii) Be appropriately landscaped;~~

7 ~~(iii) Be protected from uncomfortable winds;~~

8 ~~(iv) Incorporate ample seating and, if appropriate, access to limited amounts of food~~
9 ~~and beverage service, which will enhance public use of the area;~~

10 ~~(v) Be well signed and accessible to the public during daylight hours;~~

11 ~~(vi) Be well lighted if the area is of the type requiring artificial illumination;~~

12 ~~(vii) Be designed to enhance user safety and security;~~

13 ~~(viii) Be of sufficient size to be attractive and practical for its intended use; and~~

14 ~~(ix) Have access to drinking water and toilets if feasible.~~

15 ~~(C) Maintenance. Open spaces shall be maintained at no public expense, except as~~
16 ~~might be provided for by any community facilities district that may be formed in the RH~~
17 ~~DTR. The owner of the property on which the open space is located shall maintain it by~~
18 ~~keeping the area clean and free of litter and keeping in a healthy state any plant material~~
19 ~~that is provided. Conditions intended to assure continued maintenance of the open space~~
20 ~~for the actual lifetime of the building giving rise to the open space requirement may be~~
21 ~~imposed in accordance with the provisions of Section 309.1.~~

22 ~~(D) Informational Plaque. Prior to issuance of a permit of occupancy, a plaque of no~~
23 ~~less than 24 inches by 36 inches in size shall be placed in a publicly conspicuous location~~
24 ~~outside the building at street level, or at the site of any publicly accessible open space,~~
25 ~~identifying said open space feature and its location, stating the right of the public to use~~

1 ~~the space and the hours of use, describing its principal required features (e.g., number of~~
2 ~~seats, availability of food service) and stating the name and address of the owner or~~
3 ~~owner's agent responsible for maintenance.~~

4 ~~(E) The Zoning Administrator shall have authority to require a property owner to hold~~
5 ~~harmless the City and County of San Francisco, its officers, agents and employees, from~~
6 ~~any damage or injury caused by the design, construction or maintenance of open space,~~
7 ~~and to require the owner or owners or subsequent owner or owners of the property to be~~
8 ~~solely liable for any damage or loss occasioned by any act or neglect in respect to the~~
9 ~~design, construction or maintenance of the open space.~~

10 ~~(f) Reduction of Ground Level Wind Currents.~~

11 ~~(1) Requirement. New buildings and additions to existing buildings shall be shaped, or~~
12 ~~other wind baffling measures shall be adopted, so that the developments will not cause~~
13 ~~ground level wind currents to exceed, more than 10 percent of the time year round,~~
14 ~~between 7:00 a.m. and 6:00 p.m., the comfort level of 11 m.p.h. equivalent wind speed in~~
15 ~~areas of substantial pedestrian use and seven m.p.h. equivalent wind speed in public~~
16 ~~seating areas. The term "equivalent wind speed" shall mean an hourly mean wind speed~~
17 ~~adjusted to incorporate the effects of gustiness or turbulence on pedestrians.~~

18 ~~(2) When preexisting ambient wind speeds exceed the comfort level, or when a proposed~~
19 ~~building or addition may cause ambient wind speeds to exceed the comfort level, the~~
20 ~~building shall be designed to reduce the ambient wind speeds to meet the requirements.~~

21 ~~(3) Exception. The Zoning Administrator may allow the building or addition to add to~~
22 ~~the amount of time the comfort level is exceeded by the least practical amount if (i) it can~~
23 ~~be shown that a building or addition cannot be shaped and other wind baffling measures~~
24 ~~cannot be adopted to meet the foregoing requirements without creating an unattractive~~
25 ~~and ungainly building form and without unduly restricting the development potential of~~

1 ~~the building site in question, and (ii) the Zoning Administrator concludes that, because of~~
2 ~~the limited amount by which the comfort level is exceeded, the addition is insubstantial.~~

3 ~~The Zoning Administrator shall not grant an exception, and, no building or addition shall~~
4 ~~be permitted that causes equivalent winds speeds to reach or exceed the hazard level of~~
5 ~~26 miles per hour for a single hour of the year.~~

6 ~~(g)~~ (10) **Streetscape Standards.**

7 ~~(1)~~ (A) **Sidewalk Treatments.**

8 ~~(A)~~ (i) For all frontages abutting a public sidewalk, the project sponsor is
9 required to install sidewalk widening, street trees, lighting, decorative paving,
10 seating and landscaping in accordance with the Streetscape Plan of the Rincon
11 Hill Area Plan, developed by the Planning Department and approved by the
12 Board of Supervisors.

13 ~~(B)~~ (ii) Prior to approval by the Board of Supervisors of a Streetscape Plan for
14 Rincon Hill, the Planning Commission, through the procedures of Section 309.1,
15 shall require an applicant to install sidewalk widening, street trees, lighting,
16 decorative paving, seating, and landscaping in keeping with the intent of the
17 Rincon Hill Area Plan of the General Plan and in accordance with subsections
18 (C)--(F) below.

19 ~~(C)~~ (iii) Sidewalk treatments shall comply with any applicable ordinances and
20 with any applicable regulation of the Art Commission, the Department of Public
21 Works and the Bureau of Light, Heat and Power of the Public Utility Commission
22 regarding street lighting, sidewalk paving, and sidewalk landscaping.

23 ~~(D)~~ (iv) The Streetscape Plan and any Commission requirement pursuant to
24 subsection ~~(B)~~ (ii) shall require the abutting property owner or owners to hold
25 harmless the City and County of San Francisco, its officers, agents, and

1 employees, from any damage or injury caused by reason of the design,
2 construction or maintenance of the improvements, and shall require the owner or
3 owners or subsequent owner or owners of the respective property to be solely
4 liable for any damage or loss occasioned by any act.

5 ~~(E)~~ (v) Notwithstanding the provisions of this Section, an applicant shall apply for
6 all required permits for changes to the legislated sidewalk widths and street
7 improvements and pay all required fees.

8 ~~(F)~~ (vi) The owner of the property is required to maintain all those improvements
9 other than lighting.

10 ~~(2) *Street Trees. Street trees shall be installed by the owner or developer in the case of*~~
11 ~~*construction of a new building, relocation of a building, or addition of floor area equal to*~~
12 ~~*20 percent or more of an existing building when such construction, relocation or addition*~~
13 ~~*occurs on any site in the RH DTR. Street trees shall be provided according to the*~~
14 ~~*provisions of Section 143(b), (c) and (d). In addition, street trees shall:*~~

15 ~~*(A) be planted at least one foot back from the curb line;*~~

16 ~~*(B) have a minimum 2 inch caliper, measured at breast height;*~~

17 ~~*(C) branch a minimum of 8 feet above sidewalk grade;*~~

18 ~~*(D) where in the public right of way, be planted in a sidewalk opening at least 16 square*~~
19 ~~*feet, and have a minimum soil depth of 3 feet 6 inches;*~~

20 ~~*(E) where planted in individual basins rather than a landscaped planting bed, be*~~
21 ~~*protected by a tree grate with a removable inner ring to provide for the tree's growth*~~
22 ~~*over time;*~~

23 ~~*(F) provide a below grade environment with nutrient rich soils, free from overly-*~~
24 ~~*compacted soils, and generally conducive to tree root development;*~~

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1 ~~(G) be irrigated, maintained and replaced if necessary by the property owner, in~~
2 ~~accordance with Sec. 174 of the Public Works Code; and~~
3 ~~(H) be planted in a continuous soil filled trench parallel to the curb, such that the basin~~
4 ~~for each tree is connected.~~
5 ~~(3)~~ **(B) Mid-Block Pedestrian Pathways.** For developments on Assessor's
6 Blocks 3744--3748, the Commission may require, pursuant to Section 309.1, the
7 applicant to provide a mid-block pedestrian pathway for the entire depth of their
8 property where called for by the Rincon Hill Area Plan of the General Plan. This
9 pathway shall be designed in accordance with the standards of this Section.
10 ~~(A)~~ **(i) Design.** The design of the pathway shall meet the following minimum
11 requirements:
12 ~~(i)~~**(AA)** Have a minimum width of 20 feet from building face to building face;
13 ~~(ii)~~**(BB)** Have a minimum clear walking width of 10 feet free of any obstructions.
14 ~~(iii)~~**(CC)** except for those permitted in front setbacks by Section 136 of this Code;
15 ~~(iv)~~**(DD)** Provide such ingress and egress as will make the area easily accessible
16 to the general public;
17 ~~(v)~~**(EE)** Be protected from uncomfortable wind, as called for elsewhere in this
18 Code;
19 ~~(vi)~~**(FF)** Be publicly accessible, as defined elsewhere in this Section;
20 ~~(vii)~~**(GG)** Be provided with special paving, furniture, landscaping, and other
21 amenities that facilitate pedestrian use;
22 ~~(viii)~~**(HH)** Be provided with ample pedestrian lighting to ensure pedestrian
23 comfort and safety;
24 ~~(ix)~~**(II)** Be free of any changes in grade or steps not required by the natural
25 topography of the underlying hill; and

1 ~~(x)~~(JJ) Be fronted by active ground floor uses, such as individual townhouse
2 residential units, to the greatest extent possible.

3 ~~(B)~~(ii) Prior to issuance of a permit of occupancy, informational signage directing
4 the general public to the pathway shall be placed in a publicly conspicuous
5 outdoor location at street level stating its location, the right of the public to use
6 the space and the hours of use, and the name and address of the owner or
7 owner's agent responsible for maintenance.

8 ~~(C)~~(iii) The owner of the property on which the pathway is located shall maintain
9 it by keeping the area clean and free of litter and keeping in a functional and
10 healthy state any street furniture, lighting and/or plant material that is provided.

11 ~~(D)~~ (iv) Notwithstanding the provisions of this subsection, an applicant shall
12 obtain all required permits for changes to the legislated sidewalk and street
13 improvements and pay all required fees.

14 ~~(E)~~ (v) The property owner or owners must hold harmless the City and County of
15 San Francisco, its officers, agents, and employees, from any damage or injury
16 caused by reason of the design, construction or maintenance of the
17 improvements, and shall require the owner or owners or subsequent owner or
18 owners of the respective property to be solely liable for any damage or loss
19 occasioned by any act.

20 (b) Uses.

21 (1) Housing Requirement for Residential Developments. The requirements of Sections
22 315 through 315.9 shall apply in the RH-DTR subject to the following exceptions:

23 (A) If constructed on-site, a minimum of 12 percent of the total units constructed,
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1 and if constructed off-site, a minimum of 17 percent of the total units constructed, shall
2 be affordable to and occupied by qualifying persons and families as defined elsewhere in
3 this Code.

4 (B) Below-market-rate units as required by Sections 315 through 315.9 that are built off-
5 site must be built within the area bounded by Market Street, the Embarcadero, King
6 Street, Division Street, and South Van Ness Avenue.

7 (C) No less than fifty percent (50%) of the fees that are paid due to development in
8 the Rincon Hill Area Plan under Section 315.4(e)(2) and 315.6 shall be paid into the
9 Citywide Affordable Housing Fund, but the funds shall be separately accounted for and
10 designated exclusively to increase the supply of affordable housing in the SOMA area.

11 (D) Fifty percent (50%) of the below-market rate units as required by Section 315
12 through 315.9 that are built on- or off-site must be provided as rental units for the life of
13 the project, as defined in Planning Code Section 315.7(a).

14 (E) The Mayor's Office of Housing must submit a resolution to the Board of Supervisors
15 with a plan for the use of all in lieu fee payments generated from the Rincon Hill Plan
16 prior to any expenditure of the Funds.

17 **SEC. 829. SOUTH BEACH DOWNTOWN RESIDENTIAL MIXED USE**
18 **DISTRICT (SB-DTR).**

19 The South Beach Downtown Residential Mixed Use District (SB-DTR), the
20 boundaries of which are shown in Section Map No. 1 of the Zoning Map, is established
21 for the purposes set forth below.

22 The SB-DTR District is adjacent to the southern edge of the downtown, generally
23 bounded by the Bay Bridge, Bryant Street, the Embarcadero, and 2nd Street, and is
24 primarily comprised of the former South Beach Redevelopment Area. High-density
25 residential uses and supporting commercial and institutional uses are allowed and

1 encouraged within the limits set by height, bulk, and tower spacing controls. Individual
 2 townhouse dwelling units with ground floor entries directly to the street are generally
 3 required on streets.

4 While lot coverage is limited for all levels with residential uses that do not face
 5 onto streets or alleys, traditional rear yard open spaces are not required. Specific height,
 6 bulk, and setback controls establish appropriate heights for both towers and mid-rise
 7 podium development and ensure adequate spacing between towers in order to establish a
 8 neighborhood scale and ensure light and air to streets and open spaces. Setbacks are
 9 required where necessary to provide transition space for ground floor residential uses
 10 and to ensure sunlight access to streets and open spaces. Off-street parking must be
 11 located below grade.

12 Table 829

13 SOUTH BEACH DOWNTOWN RESIDENTIAL DISTRICT ZONING CONTROL TABLE

			<u>South Beach Downtown Residential</u>
			<u>District Zoning</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>Building and Siting Standards</u>			
<u>.10</u>	<u>Height and Bulk</u>	<u>§§ 102.12, 105, 106, 250--252, 260, 270</u>	<u>Varies 40--200 feet. For height limits, see Zoning Map 1H and § 263.19; for bulk controls, see § 270(e).</u>
<u>.11</u>	<u>Lot Size [Per Development]</u>	<u>§§ 890.56, 121</u>	<u>No limit</u>
<u>.12</u>	<u>Rear Yard/Site Coverage</u>	<u>§ 136</u>	<u>100 percent lot coverage permitted; up to 80 percent for all lots at residential levels</u>

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			<i>where not all units face onto streets or alleys. § 825(b)(2).</i>
<i>.13</i>	<i>Setbacks</i>	<i>Ground Floor Residential Design Guidelines</i>	<i>Building setback of 3 to 10 ft. for all buildings with residential uses at the ground level per the Ground Floor Residential Design Guidelines.</i>
<i>.14</i>	<i>Street-Facing Uses</i>	<i>§§ 145.1, 145.4, 825(b)</i>	<i>Active uses required on all street frontages. See §§ 145.1, 825(b).</i>
<i>.15</i>	<i>Parking and Loading Access: Prohibition</i>	<i>§ 155(r)</i>	<i>Prohibited on the Embarcadero. §155(r)</i>
<i>.16</i>	<i>Parking and Loading Access: Siting and Dimensions</i>	<i>§§ 145.1, 151.1, 155(r)</i>	<i>No parking permitted aboveground, except on sloping sites. Parking access limited to two openings, max. 11' wide each, loading access limited to one 15' opening. § 825(b).</i>
<i>.17</i>	<i>Awning</i>	<i>§ 890.21</i>	<i>P, § 136.2(a)</i>
<i>.18</i>	<i>Canopy</i>	<i>§ 890.24</i>	<i>P, § 136.2(b)</i>
<i>.19</i>	<i>Marquee</i>	<i>§ 890.58</i>	<i>P, § 136.2(c)</i>
<i>Non-Residential Standards and Uses</i>			
<i>.20</i>	<i>Required Residential to Non-Residential Use Ratio</i>	<i>§ 102.10</i>	<i>Non-residential uses limited to occupiable sf per 6 occupiable sf devoted to residential uses. § 825(c)(2).</i>
<i>.21</i>	<i>Use Size [Non-Residential]</i>	<i>§ 890.130</i>	<i>P for non-residential uses up to 25,000 sq. ft., C above.</i>

1			<i>1 sq. ft. of publicly-accessible open space</i>
2	<u>.22</u>	<u>Open Space</u>	<u>§ 135.3</u>
3			<i>for every 50 sq. ft. of non-residential use</i>
4			<i>over 10,000 sq. ft. § 135.3</i>
5	<u>.23</u>	<u>Off-Street Parking</u>	<u>§§ 150, 151,</u>
6		<u>[Office uses]</u>	<u>151.1, 153--157,</u>
7			<u>204.5</u>
8			<i>None Required. Parking that is accessory to</i>
9			<i>office space limited to 7% of GFA.</i>
10	<u>.24</u>	<u>Off-Street Parking</u>	<u>§§ 150, 151,</u>
11		<u>[Non-Residential,</u>	<u>151.1, 153--157,</u>
12		<u>other than office</u>	<u>204.5</u>
13		<u>uses]</u>	<i>None Required. Parking limited as</i>
14			<i>described in Section 151.1.</i>
15	<u>.25</u>	<u>Off-Street Freight</u>	<u>§§ 150, 152.2,</u>
16		<u>Loading</u>	<u>153--155, 204.5</u>
17			<i>None Required. Loading maximums</i>
18			<i>described in Section 152.2.</i>
19	<u>.26</u>	<i>All Non-Residential Uses Permitted, except as described below. §825(c)(1)(A)</i>	
20	<u>.27</u>	<u>Drive-Up Facility</u>	<u>§ 890.30</u>
21			<u>NP</u>
22	<u>.28</u>	<u>Walk-Up Facility</u>	<u>§ 890.140</u>
23			<u>P if recessed 3 ft. C otherwise.</u>
24	<u>.29</u>	<u>Hospital or Medical</u>	<u>§§ 124.1, 890.44</u>
25		<u>Center</u>	<u>C</u>
26	<u>.30</u>	<u>Other Institutions</u>	<u>§ 890.50</u>
27			<u>C</u>
28	<u>.31</u>	<u>Public Use</u>	<u>§ 890.80</u>
29			<u>C</u>
30	<u>.32</u>	<u>Movie Theater</u>	<u>§ 890.64</u>
31			<u>C</u>
32	<u>.33</u>	<u>Nighttime</u>	<u>§§ 102.17,</u>
33		<u>Entertainment</u>	<u>803.5(b)</u>
34			<u>C</u>
35	<u>.34</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>
36			<u>NP</u>
37	<u>.35</u>	<u>Massage</u>	<u>§ 890.60 Article</u>
38		<u>Establishment</u>	<u>29 Health Code</u>
39			<u>C</u>

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<u>.36</u>	<u>Automobile Parking Lot, Community Commercial</u>	<u>§§ 890.9, 156, 160</u>	<u>NP</u>
<u>.37</u>	<u>Automobile Parking Garage, Community Commercial</u>	<u>§§ 890.10, 160</u>	<u>C, per the criteria of Section 157.1</u>
<u>.38</u>	<u>Automotive Gas Station</u>	<u>§ 890.14</u>	<u>NP</u>
<u>.39</u>	<u>Automotive Service Station</u>	<u>§§ 890.18, 890.19</u>	<u>NP</u>
<u>.40</u>	<u>Automotive Repair</u>	<u>§ 890.15</u>	<u>NP</u>
<u>.41</u>	<u>Automotive Wash</u>	<u>§ 890.20</u>	<u>NP</u>
<u>.42</u>	<u>Automotive Sale or Rental</u>	<u>§ 890.13</u>	<u>C</u>
<u>.43</u>	<u>Mortuary</u>	<u>§ 890.62</u>	<u>C</u>
<u>.44</u>	<u>Hours of Operation</u>	<u>§ 890.48</u>	<u>C. 2 a.m.--6 a.m.</u>
<u>.45</u>	<u>Business Sign</u>	<u>§§ 602--604, 608.1, 608.2</u>	<u>P. § 607.2(f)</u>
<u>Residential Standards and Uses</u>			
<u>.46</u>	<u>Residential Use</u>	<u>§ 890.88</u>	<u>P</u>
<u>.47</u>	<u>Residential Density, Dwelling Units</u>	<u>§ 890.88(a)</u>	<u>No Limit. § 207.5 (d) Unit Mix Required § 207.6</u>
<u>.48</u>	<u>Residential Density, Group Housing</u>	<u>§ 890.88(b)</u>	<u>No Limit. § 207.5 (d)</u>

1	<u>Usable Open Space</u>		<u>75 sq. ft. per unit; up to 50% may be</u>
2	<u>.49 [Per Residential</u>	<u>§§ 135, 136</u>	<u>provided off-site if publicly accessible. §</u>
3	<u>Unit]</u>		<u>135.</u>
4			<u>None Required. Up to one car per 4</u>
5	<u>.50 Accessory Off-Street</u>	<u>§§ 151.1, 153--</u>	<u>dwelling units permitted; up to .75 cars per</u>
6	<u>Parking, Residential</u>	<u>157, 159--160,</u>	<u>unit or 1 car per unit based on unit size, per</u>
7		<u>204.5</u>	<u>procedures and criteria of Section 151.1.</u>
8	<u>.51 Residential</u>	<u>§ 790.84, Ch. 41</u>	
9	<u>Conversions</u>	<u>Admin. Code</u>	<u>C</u>
10	<u>.52 Residential</u>		
11	<u>Demolition</u>		<u>C</u>

SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.

The Mixed Use – General (MUG) District is largely comprised of the low-scale, production, distribution, and repair uses mixed with housing and small-scale retail. The MUG is designed to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood.

Housing is encouraged over ground floor commercial and production, distribution, and repair uses. New residential or mixed use developments are encouraged to provide as much mixed-income family housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to nonresidential use by requiring conditional use review.

1 Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy
 2 industrial uses are not permitted. Office is restricted to the upper floors of multiple story
 3 buildings.

4 **Table 840**

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

		<u>Mixed Use – General District</u>	
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>Building and Siting Standards</u>			
			<u>As shown on Sectional Maps 1</u> <u>and 7 of the Zoning Map</u>
<u>840.01</u>	<u>Height Limit</u>	<u>See Zoning Map, §§</u> <u>260-261.1, 263.20</u>	<u>Height sculpting required on</u> <u>narrow streets, §261.1</u> <u>Non-habitable vertical</u> <u>projections permitted, §263.20</u>
			<u>As shown on Sectional Maps 1</u> <u>and 7 of the Zoning Map</u>
<u>840.02</u>	<u>Bulk Limit</u>	<u>See Zoning Map, §§</u> <u>270, 270.1, 270.2</u>	<u>Horizontal mass reduction</u> <u>required, §270.1</u> <u>Mid-block alleys required,</u> <u>§270.2</u>

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<u>840.03</u>	<u>Non-residential density limit</u>	<u>§§ 102.9, 123, 124, 127</u>	<u>Generally contingent upon permitted height, per Section 124</u>
<u>840.04</u>	<u>Setbacks</u>	<u>§§ 136, 136.2, 144, 145.1</u>	<u>Generally required</u>
<u>840.05</u>	<u>Awnings and Canopies</u>	<u>§§ 136, 136.1, 136.2</u>	<u>P</u>
<u>840.06</u>	<u>Parking and Loading Access: Prohibition</u>	<u>§ 155(r)</u>	<u>None</u>
<u>840.07</u>	<u>Parking and Loading Access: Siting and Dimensions</u>	<u>§§ 145.1, 151.1, 152.1, 155</u>	<u>Requirements apply</u>
<u>840.08</u>	<u>Off-Street Residential Parking,</u>	<u>§ 151.1</u>	<u>None required. Limits set forth in Section 151.1</u>
<u>840.09</u>	<u>Residential to non-residential ratio</u>	<u>§ 803.8(e)</u>	<u>None</u>
<u>840.10</u>	<u>Off-Street Parking, Non-Residential</u>	<u>§§ 150, 151, 151.1, 153-157, 204.5</u>	<u>None required. Limits set forth in Section 151.1</u>
<u>840.11</u>	<u>Usable Open Space for Dwelling Units and Group Housing</u>	<u>§ 135</u>	<u>80 sq.ft. per unit; 54 sq.ft. per unit if publicly accessible</u>
<u>840.12</u>	<u>Usable Open Space for Non-Residential</u>	<u>§ 135.3</u>	<u>Required; amount varies based on use; may also pay in-lieu fee</u>
<u>840.13</u>	<u>Outdoor Activity Area</u>	<u>§ 890.71</u>	<u>P</u>

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<u>840.14</u>	<u>General Advertising Sign</u>	<u>§§ 607.2(b) & (e) and 611</u>	<u>NP</u>
<u>Residential Uses</u>			
<u>840.20</u>	<u>Dwelling Units</u>	<u>§ 102.7</u>	<u>P</u>
<u>840.21</u>	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>P</u>
<u>840.22</u>	<u>SRO Units</u>	<u>§ 890.88(c)</u>	<u>P</u>
<u>840.23</u>	<u>Student Housing</u>	<u>§ 315.1(38)</u>	<u>C</u>
<u>840.24</u>	<u>Dwelling Unit Density Limit</u>	<u>§§ 124, 207.5, 208</u>	<u>No density limit</u>
<u>840.25</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>At least 40% of all dwelling units must contain two or more bedrooms (a) No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units; or (b) No less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction</u>

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			resulting from this calculation shall be rounded to the nearest whole number of dwelling units.
<u>840.26</u>	<u>Affordability Requirements</u>	<u>§ 315</u>	<u>15% onsite /20% off-site</u>
<u>840.27</u>	<u>Residential Demolition or Conversion</u>	<u>§ 317</u>	<u>Restrictions apply; see criteria of Section 317</u>
<u>Institutions</u>			
<u>840.30</u>	<u>Hospital, Medical Centers</u>	<u>§ 890.44</u>	<u>NP</u>
<u>840.31</u>	<u>Residential Care</u>	<u>§ 890.50(e)</u>	<u>C</u>
<u>840.32</u>	<u>Educational Services</u>	<u>§ 890.50(c)</u>	<u>C for post-secondary institutions; P for all other</u>
<u>840.33</u>	<u>Religious Facility</u>	<u>§ 890.50(d)</u>	<u>C</u>
<u>840.34</u>	<u>Assembly and Social Service</u>	<u>§ 890.50(a)</u>	<u>P</u>
<u>840.35</u>	<u>Child Care</u>	<u>§ 890.50(b)</u>	<u>P</u>
<u>840.36</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 890.133</u>	<u>NP</u>
<u>Vehicle Parking</u>			
<u>840.40</u>	<u>Automobile Parking Lot</u>	<u>§§ 890.7 890.9, 890.11</u>	<u>NP</u>
<u>840.41</u>	<u>Automobile Parking Garage</u>	<u>§§ 890.8, 890.10, 890.12, 157.1</u>	<u>C; subject to criteria of Sec. 157.1.</u>
<u>Retail Sales and Services</u>			

1			<i>P up to 25,000 gross sq.ft. per</i>
2			<i>lot; above 25,000 gross sq.ft.</i>
3	<u>840.45</u>	<i>All Retail Sales and Services</i>	<i>§§ 890.104, 803.9(i),</i>
4		<i>which are not listed below</i>	<i>121.6</i>
5			<i>permitted only if the ratio of</i>
6			<i>other permitted uses to retail</i>
7			<i>is at least 3:1.</i>
8	<u>840.46</u>	<i>Formula Retail</i>	<i>§ 803.6</i>
9			<i>C. If approved, subject to size</i>
10			<i>controls in Section 840.45.</i>
11	<u>840.47</u>	<i>Bar</i>	<i>§ 890.22</i>
12			<i>C. If approved, subject to size</i>
13			<i>controls in Section 840.45.</i>
14	<u>840.48</u>	<i>Liquor Store</i>	<i>§ 790.55</i>
15			<i>C. If approved, subject to size</i>
16			<i>controls in Section 840.45.</i>
17	<u>840.49</u>	<i>Ambulance Service</i>	<i>§§ 890.2, 840.45</i>
18			<i>C. If approved, subject to size</i>
19			<i>controls in Section 840.45.</i>
20	<u>840.50</u>	<i>Self-Storage</i>	<i>§ 890.54(d)</i>
21			<i>NP</i>
22	<u>840.51</u>	<i>Tourist Hotel</i>	<i>890.46</i>
23			<i>C</i>
24	<u>840.52</u>	<i>Services, Professional;</i>	<i>§§ 890.108, 890.110,</i>
25		<i>Services Financial; Services</i>	<i>890.114</i>
26		<i>Medical</i>	<i>P, when primarily open to the</i>
27			<i>general public on a retail</i>
28			<i>basis; subject to the use size</i>
29			<i>limits in Section 840.45.</i>
30	<u><i>Assembly, Recreation, Arts and Entertainment</i></u>		
31	<u>840.55</u>	<i>Arts Activity</i>	<i>§ 102.2</i>
32			<i>P</i>
33	<u>840.56</u>	<i>Nighttime Entertainment</i>	<i>§§ 102.17, 181(f)</i>
34			<i>NP</i>
35			<i>803.5(b)</i>
36	<u>840.57</u>	<i>Adult Entertainment</i>	<i>§ 890.36</i>
37			<i>NP</i>
38	<u>840.58</u>	<i>Amusement Arcade</i>	<i>§ 890.4</i>
39			<i>NP</i>

1	<u>840.59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u>	<u>NP</u>
2	<u>840.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>P, up to three screens</u>
3	<u>840.61</u>	<u>Pool Hall not falling within</u>	<u>§221 (f)</u>	<u>C</u>
4		<u>Category 890.50(a)</u>		
5	<u>840.62</u>	<u>Recreation Building, not</u>	<u>§ 221(e)</u>	<u>P</u>
6		<u>falling within Category</u>		
7		<u>840.21</u>		
8	<u>Office</u>			
9	<u>840.65</u>	<u>Office Uses in Landmark</u>	<u>§§ 890.70, 803.9(a)</u>	<u>P</u>
10		<u>Buildings in Historic</u>		
11		<u>Districts</u>		
12	<u>840.66</u>	<u>All Other Office Uses</u>	<u>§§ 803.9(h), 890.70,</u>	<u>Subject to vertical control of</u>
13			<u>890.118</u>	
14	<u>840.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
15	<u>Motor Vehicle Services</u>			
16	<u>840.70</u>	<u>Vehicle Storage--Open Lot</u>	<u>§ 890.131</u>	<u>NP</u>
17	<u>840.71</u>	<u>Vehicle Storage--Enclosed</u>	<u>§ 890.132, 157.1.</u>	<u>C; subject to criteria of Sec.</u>
18		<u>Lot or Structure</u>		
19	<u>840.72</u>	<u>Motor Vehicle Service</u>	<u>§§ 890.18, 890.20</u>	<u>P</u>
20		<u>Station, Automotive Wash</u>		
21	<u>840.73</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>P</u>
22	<u>840.74</u>	<u>Automobile Tow Service</u>	<u>§ 890.19</u>	<u>C</u>
23	<u>840.75</u>	<u>Non-Auto Vehicle Sales or</u>	<u>§ 890.69</u>	<u>P</u>
24		<u>Rental</u>		
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<u>Industrial, Home, and Business Service</u>			
<u>840.78</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>	<u>P</u>
<u>840.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P</u>
<u>840.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P</u>
<u>840.81</u>	<u>Catering Service</u>	<u>§ 890.25</u>	<u>P</u>
<u>840.82</u>	<u>Business Goods and</u>	<u>§ 890.23</u>	<u>P</u>
	<u>Equipment Repair Service</u>		
<u>840.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
<u>840.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>
<u>840.85</u>	<u>Laboratory, life science</u>	<u>§ 890.53(a)</u>	<u>NP</u>
<u>840.86</u>	<u>Laboratory, not including</u>	<u>§§ 890.52, 890.53(a)</u>	<u>P</u>
	<u>life science laboratory</u>		
<u>840.87</u>	<u>Non-Retail Greenhouse or</u>	<u>§ 227(a)</u>	<u>P</u>
	<u>Plant Nursery</u>		
<u>840.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>
<u>Other Uses</u>			
<u>840.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
<u>840.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>NP</u>
<u>840.92</u>	<u>Public Use, except Public</u>	<u>§§ 890.80, 209.6(c),</u> <u>227(h)</u>	<u>P</u>
	<u>Transportation Facility,</u>		
	<u>Internet Service Exchange,</u>		
	<u>and Commercial Wireless</u>		
	<u>Transmitting, Receiving or</u>		
	<u>Relay Facility</u>		

1		<u>Commercial Wireless</u>		
2	<u>840.93</u>	<u>Transmitting, Receiving or</u>	<u>§ 227(h)</u>	<u>C</u>
3		<u>Relay Facility</u>		
4	<u>840.94</u>	<u>Internet Services Exchange</u>	<u>§ 209.6(c)</u>	<u>NP</u>
5		<u>Public Transportation</u>		
6	<u>840.95</u>	<u>Facilities</u>	<u>§ 890.80</u>	<u>P</u>
7			<u>§§ 803.9(c), 890.38</u>	
8	<u>840.96</u>	<u>Open Air Sales</u>		<u>P</u>
9		<u>Open Recreation and</u>		
10	<u>840.97</u>	<u>Horticulture</u>	<u>§ 209.5</u>	<u>P</u>
11		<u>Walk-up Facility, including</u>		
12	<u>840.98</u>	<u>Automated Bank Teller</u>	<u>§§ 890.140,</u>	<u>P</u>
13		<u>Machine</u>	<u>803.9(b)</u>	

SEC. 841. MUR – MIXED USE – RESIDENTIAL DISTRICT.

The Mixed Use – Residential District (MUR) serves as a buffer between the higher-density, predominantly commercial area of Yerba Buena Center to the east and the lower-scale, mixed use service/industrial and housing area west of Sixth Street.

The MUR serves as a major housing opportunity area within the eastern portion of the South of Market. The district controls are intended to facilitate the development of high-density, mid-rise housing, including family-sized housing and residential hotels. The district is also designed to encourage the expansion of retail, business service and commercial and cultural arts activities.

Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged. Hotels, nighttime entertainment,

1 movie theaters, adult entertainment and heavy industrial uses are not permitted. Office is
 2 restricted to the upper floors of multiple story buildings.

3 **Table 841**

4 **MUR – MIXED USE – RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

5

		<u>Mixed Use – Residential District</u>	
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>Building and Siting Standards</u>			
			<u>As shown on Sectional Maps 1</u> <u>and 7 of the Zoning Map</u>
<u>841.01</u>	<u>Height Limit</u>	<u>See Zoning Map, §§</u> <u>260-261.1, 263.20</u>	<u>Height sculpting required on</u> <u>narrow streets, §261.1</u> <u>Non-habitable vertical</u> <u>projections permitted, §263.20</u>
			<u>As shown on Sectional Maps 1</u> <u>and 7 of the Zoning Map</u>
<u>841.02</u>	<u>Bulk Limit</u>	<u>See Zoning Map, §§</u> <u>270, 270.1, 270.2</u>	<u>Horizontal mass reduction</u> <u>required, §270.1</u> <u>Mid-block alleys required,</u> <u>§270.2</u>
<u>841.03</u>	<u>Non-residential density limit</u>	<u>§§ 102.9, 123, 124,</u>	<u>Generally contingent upon</u>

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1		<u>127</u>	<u>permitted height, per Section</u>
2			<u>124</u>
3	<u>841.04</u>	<u>Setbacks</u>	<u>§§ 136, 136.2, 144,</u>
4		<u>145.1</u>	<u>Generally required</u>
5	<u>841.05</u>	<u>Awnings and Canopies</u>	<u>§§ 136, 136.1, 136.2</u> <u>P</u>
6	<u>841.06</u>	<u>Parking and Loading</u>	
7		<u>Access: Prohibition</u>	<u>§ 155(r)</u> <u>None</u>
8	<u>841.07</u>	<u>Parking and Loading</u>	
9		<u>Access: Siting and</u>	<u>§§ 145.1, 151.1,</u>
10		<u>Dimensions</u>	<u>152.1, 155</u> <u>Requirements apply</u>
11	<u>841.08</u>	<u>Off-Street Parking,</u>	
12		<u>Residential</u>	<u>§ 151.1</u> <u>None required. Limits set</u>
13	<u>841.09</u>	<u>Residential to non-</u>	
14		<u>residential ratio</u>	<u>§ 803.8(e)</u> <u>3 sq.ft. of residential for every</u> <u>1 sq.ft. of other permitted use</u>
15	<u>841.10</u>	<u>Off-Street Parking, Non-</u>	<u>§§ 150, 151, 151.1,</u> <u>None required. Limits set</u>
16		<u>Residential</u>	<u>153-157, 204.5</u> <u>forth in Section 151.1</u>
17	<u>841.11</u>	<u>Usable Open Space for</u>	
18		<u>Dwelling Units and Group</u>	<u>§ 135</u> <u>80 sq.ft. per unit; 54 sq.ft. per</u>
19		<u>Housing</u>	<u>unit if publicly accessible</u>
20	<u>841.12</u>	<u>Usable Open Space for</u>	
21		<u>Non-Residential</u>	<u>§ 135.3</u> <u>Required; amount varies</u>
22			<u>based on use; may also pay</u> <u>in-lieu fee</u>
23	<u>841.13</u>	<u>Outdoor Activity Area</u>	<u>§ 890.71</u> <u>P</u>
24	<u>841.14</u>	<u>General Advertising Sign</u>	
25			<u>§ 607.2(b) & (e) and</u> <u>611</u> <u>NP</u>

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<u>Residential Uses</u>			
<u>841.20</u>	<u>Dwelling Units</u>	<u>§ 102.7</u>	<u>P</u>
<u>841.21</u>	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>P</u>
<u>841.22</u>	<u>SRO Units</u>	<u>§ 890.88(c)</u>	<u>P</u>
<u>841.23</u>	<u>Student Housing</u>	<u>§ 315.1(38)</u>	<u>C</u>
<u>841.24</u>	<u>Dwelling Unit Density Limit</u>	<u>§§ 124, 207.5, 208</u>	<u>No density limit within</u>
<u>841.25</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>At least 40% of all dwelling units must contain two or more bedrooms (a) No less than 40 percent of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units; or (b) No less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be</u>

1			<u>rounded to the nearest</u>
2			<u>whole number of dwelling</u>
3			<u>units.</u>
4	<u>841.26</u>	<u>Affordability Requirements</u>	<u>§ 315</u>
5	<u>841.27</u>	<u>Residential Demolition or</u>	<u>Restrictions apply; see</u>
6		<u>Conversion</u>	<u>§ 317</u>
7	<u>Institutions</u>		
8	<u>841.30</u>	<u>Hospital, Medical Centers</u>	<u>§ 890.44</u>
9	<u>841.31</u>	<u>Residential Care</u>	<u>§ 890.50(e)</u>
10	<u>841.32</u>	<u>Educational Services</u>	<u>§ 890.50(c)</u>
11			<u>C for post-secondary</u>
12			<u>institutions; P for all other</u>
13	<u>841.33</u>	<u>Religious Facility</u>	<u>§ 890.50(d)</u>
14	<u>841.34</u>	<u>Assembly and Social Service</u>	<u>§ 890.50(a)</u>
15	<u>841.35</u>	<u>Child Care</u>	<u>§ 890.50(b)</u>
16	<u>841.36</u>	<u>Medical Cannabis</u>	<u>§ 890.133</u>
17		<u>Dispensary</u>	<u>NP</u>
18	<u>Vehicle Parking</u>		
19	<u>841.40</u>	<u>Automobile Parking Lot</u>	<u>§§ 890.7, 890.9,</u>
20			<u>890.11</u>
21	<u>841.41</u>	<u>Automobile Parking Garage</u>	<u>§§ 145.1, 145.4,</u>
22			<u>155(r), 890.8, 890.10,</u>
23			<u>890.12, 157.1</u>
24	<u>Retail Sales and Services</u>		
25	<u>841.45</u>	<u>All Retail Sales and Services</u>	<u>§§ 890.104, 121.6</u>

1		<i>which are not listed below</i>		
2	<u>841.46</u>	<u>Formula Retail</u>	<u>§ 803.6</u>	<u>P</u>
3	<u>841.47</u>	<u>Ambulance Service</u>	<u>§ 890.2</u>	<u>C</u>
4	<u>841.48</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
5	<u>841.49</u>	<u>Tourist Hotel</u>	<u>890.46</u>	<u>NP</u>
6	<u>Assembly, Recreation, Arts and Entertainment</u>			
7	<u>841.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u>	<u>P</u>
8	<u>841.56</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 181(f)</u>	<u>NP</u>
9			<u>803.5(b)</u>	
10	<u>841.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>NP</u>
11	<u>841.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u>	<u>NP</u>
12	<u>841.59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u>	<u>NP</u>
13	<u>841.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>P, up to three screens</u>
14	<u>841.61</u>	<u>Pool Hall not falling within</u>		
15		<u>Category 890.50(a)</u>	<u>§221 (f)</u>	<u>P</u>
16	<u>841.62</u>	<u>Recreation Building, not</u>		
17		<u>falling within Category</u>	<u>§ 221(e)</u>	<u>P</u>
18		<u>841.21</u>		
19	<u>Office</u>			
20	<u>841.65</u>	<u>Office Uses in Landmark</u>		
21		<u>Buildings or Contributory</u>		
22		<u>Buildings in Historic</u>	<u>§§ 890.70, 803.9(a)</u>	<u>P</u>
23		<u>Districts</u>		
24	<u>841.66</u>	<u>All Other Office Uses</u>	<u>§§ 890.70, 890.118</u>	<u>P</u>
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1	<u>841.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
2	<u>Motor Vehicle Services</u>			
3	<u>841.70</u>	<u>Vehicle Storage--Open Lot</u>	<u>§ 890.131</u>	<u>NP</u>
4	<u>841.71</u>	<u>Vehicle Storage--Enclosed</u>	<u>§ 890.132, 157.1</u>	<u>C; subject to criteria of Sec.</u>
5		<u>Lot or Structure</u>		
6	<u>841.72</u>	<u>Motor Vehicle Service</u>	<u>§§ 890.18, 890.20</u>	<u>P</u>
7		<u>Station, Automotive Wash</u>		
8	<u>841.73</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>P</u>
9	<u>841.74</u>	<u>Automobile Tow Service</u>	<u>§ 890.19</u>	<u>C</u>
10	<u>841.75</u>	<u>Non-Auto Vehicle Sales or</u>	<u>§ 890.69</u>	<u>P</u>
11		<u>Rental</u>		
12	<u>Industrial, Home, and Business Service</u>			
13	<u>841.78</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>	<u>P</u>
14	<u>841.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P</u>
15	<u>841.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P</u>
16	<u>841.81</u>	<u>Catering Service</u>	<u>§ 890.25</u>	<u>P</u>
17	<u>841.82</u>	<u>Business Goods and</u>	<u>§ 890.23</u>	<u>P</u>
18		<u>Equipment Repair Service</u>		
19	<u>841.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
20	<u>841.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>
21	<u>841.85</u>	<u>Laboratory, life science</u>	<u>§890.53(a)</u>	<u>NP</u>
22	<u>841.86</u>	<u>Laboratory, not including</u>	<u>§§ 890.52, 890.53(a)</u>	<u>P</u>
23		<u>life science laboratory</u>		
24	<u>841.87</u>	<u>Non-Retail Greenhouse or</u>	<u>§ 227(a)</u>	<u>P</u>
25				

1		<u>Plant Nursery</u>		
2	<u>841.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>
3	<u>Other Uses</u>			
4	<u>841.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
5	<u>841.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>P</u>
6	<u>841.92</u>	<u>Public Use, except Public</u>	<u>§§ 890.80, 209.6(c),</u>	<u>P</u>
7		<u>Transportation Facility,</u>		
8		<u>Internet Service Exchange,</u>		
9		<u>and Commercial Wireless</u>		
10		<u>Transmitting, Receiving or</u>	<u>227(h)</u>	
11		<u>Relay Facility</u>		
12	<u>841.93</u>	<u>Commercial Wireless</u>	<u>§ 227(h)</u>	<u>C</u>
13		<u>Transmitting, Receiving or</u>		
14		<u>Relay Facility</u>		
15	<u>841.94</u>	<u>Internet Services Exchange</u>	<u>209.6(c)</u>	<u>NP</u>
16	<u>841.95</u>	<u>Public Transportation</u>	<u>§ 890.80</u>	<u>P</u>
17		<u>Facilities</u>		
18	<u>841.96</u>	<u>Open Air Sales</u>	<u>§§ 803.9(c), 890.38</u>	<u>P</u>
19	<u>841.97</u>	<u>Open Recreation and</u>	<u>§ 209.5</u>	<u>P</u>
20		<u>Horticulture</u>		
21	<u>841.98</u>	<u>Walk-up Facility, including</u>	<u>§§ 890.140, 803.9(b)</u>	<u>P</u>
22		<u>Automated Bank Teller</u>		
23		<u>Machine</u>		

SEC. 842. MUO – MIXED USE – OFFICE DISTRICT.

The Mixed Use – Office (MUO) runs predominantly along the 2nd Street corridor in the South of Market area. The MUO is designed to encourage office uses and housing, as well as small-scale light industrial and arts activities. Nighttime entertainment is permitted as a conditional use. Dwelling units and group housing are permitted, while demolition or conversion of existing dwelling units or group housing requires conditional use authorization. Family-sized housing is encouraged.

Office, general commercial, most retail, production, distribution, and repair uses are also principal permitted uses. Large hotel, adult entertainment and heavy industrial uses are not permitted.

Table 842

MUO – MIXED USE – OFFICE DISTRICT ZONING CONTROL TABLE

		<u>Mixed Use – Office District</u>	
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>Building and Siting Standards</u>			
			<u>As shown on Sectional Maps 1 and 7 of the Zoning Map</u>
<u>842.01</u>	<u>Height Limit</u>	<u>See Zoning Map, §§ 260-261.1, 263.20</u>	<u>Height sculpting required on narrow streets, §261.1</u>
			<u>Non-habitable vertical projections permitted, §263.20</u>
<u>842.02</u>	<u>Bulk Limit</u>	<u>See Zoning Map, §§</u>	<u>As shown on Sectional Maps</u>

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		<u>270, 270.1, 270.2</u>	<u>1 and 7 of the Zoning Map</u> <u>Horizontal mass reduction</u> <u>required, §270.1</u> <u>Mid-block alleys required,</u> <u>§270.2</u>
<u>842.03</u>	<u>Non-residential density limit</u>	<u>§§ 102.9, 123, 124,</u> <u>127</u>	<u>Generally contingent upon</u> <u>permitted height, per Section</u> <u>124</u>
<u>842.04</u>	<u>Setbacks</u>	<u>§§ 136, 136.2, 144,</u> <u>145.1</u>	<u>Generally required</u>
<u>842.05</u>	<u>Awnings and Canopies</u>	<u>§§ 136, 136.1, 136.2</u>	<u>P</u>
<u>842.06</u>	<u>Parking and Loading</u> <u>Access: Prohibition</u>	<u>§ 155(r)</u>	<u>4th Street between Bryant</u> <u>and Townsend Streets</u>
<u>842.07</u>	<u>Parking and Loading</u> <u>Access: Siting and</u> <u>Dimensions</u>	<u>§§ 145.1, 151.1,</u> <u>152.1, 155</u>	<u>Requirements apply</u>
<u>842.08</u>	<u>Off-Street Parking,</u> <u>Residential</u>	<u>§ 151.1</u>	<u>None required. Limits set</u> <u>forth in Section 151.1</u>
<u>842.09</u>	<u>Residential to non-</u> <u>residential ratio</u>	<u>§ 803.8(e)</u>	<u>None</u>
<u>842.10</u>	<u>Off-Street Parking, Non-</u> <u>Residential</u>	<u>§§ 150, 151, 151.1,</u> <u>153-157, 204.5</u>	<u>None required. Limits set</u> <u>forth in Section 151.1</u>
<u>842.11</u>	<u>Usable Open Space for</u>	<u>§ 135</u>	<u>80 sq.ft. per unit; 54 sq.ft.</u>

1		<u>Dwelling Units and Group</u>		<u>per unit if publicly</u>
2		<u>Housing</u>		<u>accessible</u>
3		<u>Usable Open Space for Non-</u>		<u>Required; amount varies</u>
4	<u>842.12</u>	<u>Residential</u>	<u>§ 135.3</u>	<u>based on use; may also pay</u>
5				<u>in-lieu fee</u>
6	<u>842.13</u>	<u>Outdoor Activity Area</u>	<u>§ 890.71</u>	<u>P</u>
7			<u>§§ 607.2(b) &</u>	
8	<u>842.14</u>	<u>General Advertising Sign</u>	<u>(e) and 611</u>	<u>NP</u>
9	<u>Residential Uses</u>			
10	<u>842.20</u>	<u>Dwelling Units</u>	<u>§ 102.7</u>	<u>P</u>
11	<u>842.21</u>	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>P</u>
12	<u>842.22</u>	<u>SRO Units</u>	<u>§ 890.88(c)</u>	<u>P</u>
13	<u>843.23</u>	<u>Student Housing</u>	<u>§ 315.1(38)</u>	<u>C</u>
14		<u>Dwelling Unit Density Limit</u>		
15	<u>842.24</u>		<u>§§ 124, 207.5, 208</u>	<u>No density limit</u>
16				
17				<u>At least 40% of all</u>
18				<u>dwelling units must</u>
19				<u>contain two or more</u>
20				<u>bedrooms (a) No less</u>
21	<u>842.25</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>than 40 percent of the</u>
22				<u>total number of proposed</u>
23				<u>dwelling units shall</u>
24				<u>contain at least two</u>
25				<u>bedrooms. Any fraction</u>
				<u>resulting from this</u>

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			<u>calculation shall be rounded to the nearest whole number of dwelling units; or (b) No less than 30 percent of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units.</u>
<u>842.26</u>	<u>Affordability Requirements</u>	<u>§ 315</u>	<u>15% onsite /20% off-site</u>
<u>842.27</u>	<u>Residential Demolition or Conversion</u>	<u>§ 317</u>	<u>Restrictions apply; see criteria of Section 317</u>
<u>Institutions</u>			
<u>842.30</u>	<u>Hospital, Medical Centers</u>	<u>§ 890.44</u>	<u>P</u>
<u>842.31</u>	<u>Residential Care</u>	<u>§ 890.50(e)</u>	<u>C</u>
<u>842.32</u>	<u>Educational Services</u>	<u>§ 890.50(c)</u>	<u>P</u>
<u>842.33</u>	<u>Religious Facility</u>	<u>§ 890.50(d)</u>	<u>P</u>
<u>842.34</u>	<u>Assembly and Social Service</u>	<u>§ 890.50(a)</u>	<u>P</u>
<u>842.35</u>	<u>Child Care</u>	<u>§ 890.50(b)</u>	<u>P</u>
<u>842.36</u>	<u>Medical Cannabis</u>	<u>§ 890.133</u>	<u>NP</u>

1		<u>Dispensary</u>		
2	<u>Vehicle Parking</u>			
3	<u>842.40</u>	<u>Automobile Parking Lot</u>	<u>§§ 890.7, 890.9,</u>	<u>NP</u>
4			<u>890.11</u>	
5	<u>842.41</u>	<u>Automobile Parking Garage</u>	<u>§§ 890.8, 890.10,</u>	<u>C; subject to criteria of Sec.</u>
6			<u>890.12, 157.1</u>	<u>157.1.</u>
7	<u>Retail Sales and Services</u>			
8				<u>P up to 25,000 gross sq.ft.</u>
9				<u>per lot; above 25,000 gross</u>
10	<u>842.45</u>	<u>All Retail Sales and Services</u>	<u>§§ 890.104, 803.9(i),</u>	<u>sq.ft. per lot permitted only</u>
11		<u>which are not listed below</u>	<u>121.6</u>	<u>if the ratio of other</u>
12				<u>permitted uses to retail is at</u>
13				<u>least 3:1.</u>
14	<u>842.46</u>	<u>Formula Retail</u>	<u>§ 803.6</u>	<u>P</u>
15	<u>842.47</u>	<u>Ambulance Service</u>	<u>§ 890.2</u>	<u>C</u>
16	<u>842.48</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
17	<u>842.49</u>	<u>Tourist Hotel</u>	<u>§ 890.46</u>	<u>C if less than 75 rooms</u>
18	<u>Assembly, Recreation, Arts and Entertainment</u>			
19	<u>842.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u>	<u>P</u>
20				
21	<u>842.56</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 181(f),</u>	<u>C</u>
22			<u>803.5(b)</u>	
23	<u>842.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>NP</u>
24	<u>842.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u>	<u>NP</u>
25	<u>842.59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u>	<u>NP</u>

1	<u>842.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>P, up to three screens</u>
2	<u>842.61</u>	<u>Pool Hall not falling within</u>	<u>§221(f)</u>	<u>P</u>
3		<u>Category 890.50(a)</u>		
4	<u>842.62</u>	<u>Recreation Building, not</u>	<u>§ 221(e)</u>	<u>P</u>
5		<u>falling within Category</u>		
6		<u>842.21</u>		
7	<u>Office</u>			
8	<u>842.65</u>	<u>Office Uses in Landmark</u>	<u>§§ 890.70, 803.9(a)</u>	<u>P</u>
9		<u>Buildings or Contributory</u>		
10		<u>Buildings in Historic</u>		
11		<u>Districts</u>		
12	<u>842.66</u>	<u>All Other Office Uses</u>	<u>§ 890.70</u>	<u>P</u>
13	<u>842.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
14	<u>Motor Vehicle Services</u>			
15	<u>842.70</u>	<u>Vehicle Storage--Open Lot</u>	<u>§ 890.131</u>	<u>NP</u>
16	<u>842.71</u>	<u>Vehicle Storage--Enclosed</u>	<u>§ 890.132, 157.1</u>	<u>C; subject to criteria of Sec.</u>
17		<u>Lot or Structure</u>		
18	<u>842.72</u>	<u>Motor Vehicle Service</u>	<u>§§ 890.18, 890.20</u>	<u>P</u>
19		<u>Station, Automotive Wash</u>		
20	<u>842.73</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>P</u>
21	<u>842.74</u>	<u>Automobile Tow Service</u>	<u>§ 890.19</u>	<u>C</u>
22	<u>842.75</u>	<u>Non-Auto Vehicle Sales or</u>	<u>§ 890.69</u>	<u>P</u>
23		<u>Rental</u>		
24	<u>Industrial, Home, and Business Service</u>			
25				

1	<u>842.78</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>	<u>P</u>
2	<u>842.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P</u>
3	<u>842.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P</u>
4	<u>842.81</u>	<u>Catering Service</u>	<u>§ 890.25</u>	<u>P</u>
5	<u>842.82</u>	<u>Business Goods and</u>	<u>§ 890.23</u>	<u>P</u>
6		<u>Equipment Repair Service</u>		
7	<u>842.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
8	<u>842.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>
9	<u>842.85</u>	<u>Laboratory, life science</u>	<u>§ 890.53(a)</u>	<u>P</u>
10	<u>842.86</u>	<u>Laboratory, not including</u>	<u>§§ 890.52, 890.53(a)</u>	<u>P</u>
11		<u>life science laboratory</u>		
12	<u>842.87</u>	<u>Non-Retail Greenhouse or</u>	<u>§ 227(a)</u>	<u>P</u>
13		<u>Plant Nursery</u>		
14	<u>842.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>
15	<u>Other Uses</u>			
16	<u>842.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
17	<u>842.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>P</u>
18	<u>842.92</u>	<u>Public Use, except Public</u>	<u>§§ 890.80, 209.6(c),</u>	<u>P</u>
19		<u>Transportation Facility,</u>		
20		<u>Internet Service Exchange,</u>		
21		<u>and Commercial Wireless</u>		
22		<u>227(h)</u>		
23		<u>Transmitting, Receiving or</u>		
24		<u>Relay Facility</u>		
25	<u>842.93</u>	<u>Commercial Wireless</u>	<u>§ 227(h)</u>	<u>C</u>

1		<u>Transmitting, Receiving or</u>		
2		<u>Relay Facility</u>		
3	<u>842.94</u>	<u>Internet Services Exchange</u>	<u>§ 209.6(c)</u>	<u>C</u>
4	<u>842.95</u>	<u>Public Transportation</u>	<u>§ 890.80</u>	<u>P</u>
5		<u>Facilities</u>		
6	<u>842.96</u>	<u>Open Air Sales</u>	<u>§§ 803.9(c), 890.38</u>	<u>P</u>
7				
8	<u>842.97</u>	<u>Open Recreation and</u>	<u>§ 209.5</u>	<u>P</u>
9		<u>Horticulture</u>		
10	<u>842.98</u>	<u>Walk-up Facility, including</u>	<u>§§ 890.140,</u>	<u>P</u>
11		<u>Automated Bank Teller</u>	<u>803.9(b)</u>	
12		<u>Machine</u>		

SEC. 843. UMU – URBAN MIXED USE DISTRICT.

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

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Table 843

UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE

		<u>Urban Mixed Use District</u>	
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>Building and Siting Standards</u>			
			<u>As shown on Sectional Maps 1 and 7 of the Zoning Map</u>
<u>843.01</u>	<u>Height Limit</u>	<u>See Zoning Map, §§ 260-261.1, 263.20</u>	<u>Height sculpting required on narrow streets, §261.1</u>
			<u>Non-habitable vertical projections permitted, §263.20</u>
			<u>As shown on Sectional Maps 1 and 7 of the Zoning Map</u>
<u>843.02</u>	<u>Bulk Limit</u>	<u>See Zoning Map, §§ 270, 270.1, 270.2</u>	<u>Horizontal mass reduction required, §270.1</u>
			<u>Mid-block alleys required, §270.2</u>
<u>843.03</u>	<u>Non-residential density limit</u>	<u>§§ 102.9, 123, 124, 127</u>	<u>Generally contingent upon permitted height, per Section</u>

1			<u>124</u>
2	<u>843.04</u>	<u>Setbacks</u>	<u>§§ 136, 136.2, 144,</u>
3			<u>Generally required</u>
			<u>145.1</u>
4	<u>843.05</u>	<u>Awnings and Canopies</u>	<u>§§ 136, 136.1, 136.2</u>
5		<u>Parking and Loading</u>	<u>P</u>
6	<u>843.06</u>	<u>Access: Prohibition</u>	<u>§ 155(r)</u>
7		<u>Parking and Loading</u>	<u>None</u>
8	<u>843.07</u>	<u>Access: Siting and</u>	<u>§§ 145.1, 151.1,</u>
9		<u>Dimensions</u>	<u>152.1, 155</u>
10	<u>843.08</u>	<u>Off-Street Parking,</u>	<u>None required. Limits set forth</u>
11		<u>Residential</u>	<u>§ 151.1</u>
12		<u>Residential to non-</u>	
13	<u>843.09</u>	<u>residential ratio</u>	<u>§ 803.8(e)</u>
14		<u>Off-Street Parking, Non-</u>	<u>None required. Limits set forth</u>
15	<u>843.10</u>	<u>Residential</u>	<u>§§ 150, 151, 151.1,</u>
16		<u>Usable Open Space for</u>	<u>153-157, 204.5</u>
17	<u>843.11</u>	<u>Dwelling Units and Group</u>	<u>80 sq.ft. per unit; 54 sq.ft. per</u>
18		<u>Housing</u>	<u>unit if publicly accessible</u>
19		<u>Usable Open Space for</u>	<u>Required; amount varies</u>
20	<u>843.12</u>	<u>Non-Residential</u>	<u>§ 135.3</u>
21			<u>based on use; may also pay</u>
22	<u>843.13</u>	<u>Outdoor Activity Area</u>	<u>§ 890.71</u>
23			<u>P</u>
24	<u>843.14</u>	<u>General Advertising Sign</u>	<u>§§ 607.2(b) &</u>
25			<u>NP</u>
		<u>(e) and 611</u>	
	<u>Residential Uses</u>		

1	<u>843.20</u>	<u>Dwelling Units</u>	<u>§ 102.7</u>	<u>P</u>
2	<u>843.21</u>	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>P</u>
3	843.22	SRO Units	§ 890.88(c)	P
4	843.22.23	<u>Student Housing</u>	<u>§ 315.1(38)</u>	<u>C</u>
5	<u>843.2324</u>	<u>Dwelling Unit Density</u>		
6		<u>Limit</u>	<u>§§ 124, 207.5, 208</u>	<u>No density limit</u>
7				<u>At least 40% of all dwelling</u>
8				<u>units must contain two or</u>
9				<u>more bedrooms(a) No less</u>
10				<u>than 40 percent of the total</u>
11				<u>number of proposed</u>
12				<u>dwelling units shall contain</u>
13				<u>at least two bedrooms. Any</u>
14				<u>fraction resulting from this</u>
15				<u>calculation shall be</u>
16	<u>843.2425</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>rounded to the nearest</u>
17				<u>whole number of dwelling</u>
18				<u>units; or (b) No less than 30</u>
19				<u>percent of the total number</u>
20				<u>of proposed dwelling units</u>
21				<u>shall contain at least three</u>
22				<u>bedrooms. Any fraction</u>
23				<u>resulting from this</u>
24				<u>calculation shall be</u>
25				<u>rounded to the nearest</u>

1			<u>whole number of dwelling</u>
2			<u>units.</u>
3	<u>843.26</u>	<u>Affordability Requirements</u>	<u>§ 319</u>
			<u>Varies- see Section 319</u>
4	<u>843.27</u>	<u>Residential Demolition or</u>	<u>Restrictions apply; see criteria</u>
5		<u>Conversion</u>	<u>of Section 317</u>
6	<u>Institutions</u>		
7	<u>843.30</u>	<u>Hospital, Medical Centers</u>	<u>NP</u>
8		<u>§ 890.44</u>	
9	<u>843.31</u>	<u>Residential Care</u>	<u>C</u>
10	<u>843.32</u>	<u>Educational Services</u>	<u>C for post-secondary</u>
11		<u>§ 890.50(c)</u>	<u>institutions; P for all other</u>
12	<u>843.33</u>	<u>Religious Facility</u>	<u>P</u>
13	<u>843.34</u>	<u>Assembly and Social</u>	
14		<u>Service</u>	<u>P</u>
15	<u>843.35</u>	<u>Child Care</u>	<u>P</u>
16	<u>843.36</u>	<u>Medical Cannabis</u>	
17		<u>Dispensary</u>	<u>NP</u>
18	<u>Vehicle Parking</u>		
19	<u>843.40</u>	<u>Automobile Parking Lot</u>	<u>NP</u>
20		<u>§§ 890.7, 890.9,</u>	
21		<u>890.11</u>	
22	<u>843.41</u>	<u>Automobile Parking</u>	<u>C; subject to criteria of Sec.</u>
23		<u>Garage</u>	<u>157.1.</u>
24		<u>§§ 890.8, 890.10,</u>	
25	<u>843.45</u>	<u>All Retail Sales and</u>	<u>P up to 25,000 gross sq.ft. per</u>
		<u>§§ 890.104, 803.9(i).</u>	

1		<u>Services which are not</u>	<u>121.6</u>	<u>lot; above 25,000 gross sq.ft.</u>
2		<u>listed below</u>		<u>per lot permitted only if the</u>
3				<u>ratio of other permitted uses</u>
4				<u>to retail is at least 3:1. P up to</u>
5				<u>3,999 gross sq.ft. per use; C</u>
6				<u>over 4,000 gross sq.ft. per use.</u>
7	<u>843.46</u>	<u>Formula Retail</u>	<u>§§ 803.6, 843.45</u>	<u>C. If approved, subject to size</u>
8				<u>controls in Section 843.45.</u>
9	<u>843.47</u>	<u>Ambulance Service</u>	<u>§ 890.2</u>	<u>C</u>
10	<u>843.48</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
11	<u>843.49</u>	<u>Tourist Hotel</u>	<u>§ 890.46</u>	<u>NP</u>
12		<u>Services, Professional;</u>		<u>P, when primarily open to the</u>
13		<u>Services Financial;</u>	<u>§§ 890.108,</u>	<u>general public on a retail</u>
14	<u>843.50</u>	<u>Services Medical</u>	<u>890.110, 890.114</u>	<u>basis; subject to the use size</u>
15				<u>limits in Section 843.45.</u>
16				<u>P up to 3,999 gross sq.ft. per</u>
17	<u>843.51</u>	<u>Gyms</u>	<u>§§ 218(d), 803.9(i)</u>	<u>use; C over 4,000 gross sq.ft.</u>
18				<u>per use. Not subject to 3:1</u>
19				<u>ratio, per Sec. 803.9(i).</u>
20	<u>Assembly, Recreation, Arts and Entertainment</u>			
21	<u>843.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u>	<u>P</u>
22			<u>§§ 102.17, 181(f),</u>	
23	<u>843.56</u>	<u>Nighttime Entertainment</u>	<u>803.5(b)</u>	<u>P</u>
24	<u>843.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>C</u>
25	<u>843.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u>	<u>P</u>

1	<u>843.59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u>	<u>NP</u>
2	<u>843.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>P, up to three screens</u>
3	<u>843.61</u>	<u>Pool Hall not falling within</u>	<u>§ 221(f)</u>	<u>P</u>
4		<u>Category 890.50(a)</u>		
5	<u>843.62</u>	<u>Recreation Building, not</u>	<u>§ 221(e)</u>	<u>P</u>
6		<u>falling within Category</u>		
7		<u>843.21</u>		
8	<u>Office</u>			
9	<u>843.65</u>	<u>Office Uses in Landmark</u>	<u>§§ 890.70, 803.9(a)</u>	<u>P</u>
10		<u>Buildings or Contributory</u>		
11		<u>Buildings in Historic</u>		
12		<u>Districts</u>		
13	<u>843.66</u>	<u>All Other Office Uses</u>	<u>§§ 803.9(h), 890.70,</u>	<u>Subject to vertical control of</u>
14			<u>890.118</u>	<u>Sec. 803.9(h)</u>
15	<u>843.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
16	<u>Motor Vehicle Services</u>			
17	<u>843.70</u>	<u>Vehicle Storage--Open Lot</u>	<u>§ 890.131</u>	<u>NP</u>
18				
19	<u>843.71</u>	<u>Vehicle Storage--Enclosed</u>	<u>§ 890.132, 157.1</u>	<u>C; subject to criteria of Sec.</u>
20		<u>Lot or Structure</u>		
21	<u>843.72</u>	<u>Motor Vehicle Service</u>	<u>§ 890.18</u>	<u>P</u>
22		<u>Station</u>		
23	<u>843.73</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>P</u>
24	<u>843.74</u>	<u>Automobile Tow Service</u>	<u>§ 890.19</u>	<u>C</u>
25	<u>843.75</u>	<u>Non-Auto Vehicle Sales or</u>	<u>§ 890.69</u>	<u>P</u>

1		<u>Rental</u>		
2	<u>843.76</u>	<u>Automobile Sale or Rental</u>	<u>§ 890.13</u>	<u>P; subject to size controls in</u>
3				<u>Section 843.45.</u>
4	<u>843.77</u>	<u>Automotive Wash</u>	<u>§ 890.20</u>	<u>C</u>
5	<u>Industrial, Home, and Business Service</u>			
6	<u>843.78</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>	<u>P</u>
7	<u>843.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P</u>
8	<u>843.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P</u>
9	<u>843.81</u>	<u>Catering Service</u>	<u>§ 890.25</u>	<u>P</u>
10	<u>843.82</u>	<u>Business Goods and</u>	<u>§ 890.23</u>	<u>P</u>
11		<u>Equipment Repair Service</u>		
12	<u>843.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
13	<u>843.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>
14	<u>843.85</u>	<u>Laboratory, life science</u>	<u>§890.53(a)</u>	<u>NP</u>
15	<u>843.86</u>	<u>Laboratory, not including</u>	<u>§§ 890.52, 890.53(a)</u>	<u>P</u>
16		<u>life science laboratory</u>		
17	<u>843.87</u>	<u>Non-Retail Greenhouse or</u>	<u>§ 227(a)</u>	<u>P</u>
18		<u>Plant Nursery</u>		
19	<u>843.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>
20	<u>Other Uses</u>			
21	<u>843.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
22	<u>843.91</u>	<u>Animal Services</u>	<u>§ 224</u>	<u>P</u>
23	<u>843.92</u>	<u>Public Use, except Public</u>	<u>§§ 890.80, 209.6(c),</u>	<u>P</u>
24		<u>Transportation Facility,</u>		
25				

1		<i>Internet Service Exchange,</i>		
2		<i>and Commercial Wireless</i>		
3		<i>Transmitting, Receiving or</i>		
4		<i>Relay Facility</i>		
5		<i>Commercial Wireless</i>		
6	<u>843.93</u>	<i>Transmitting, Receiving or</i>	<u>§ 227(h)</u>	<u>C</u>
7		<i>Relay Facility</i>		
8	<u>843.94</u>	<i>Internet Services Exchange</i>	<u>209.6(c)</u>	<u>NP</u>
9		<i>Public Transportation</i>		
10	<u>843.95</u>	<i>Facilities</i>	<u>§ 890.80</u>	<u>P</u>
11			<u>§§ 803. 9(c), 890.38</u>	
12	<u>843.96</u>	<i>Open Air Sales</i>		<u>P</u>
13		<i>Open Recreation and</i>		
14	<u>843.97</u>	<i>Horticulture</i>	<u>§ 209.5</u>	<u>P</u>
15		<i>Walk-up Facility, including</i>		
16	<u>843.98</u>	<i>Automated Bank Teller</i>	<u>§§ 890.140,</u>	<u>P</u>
17		<i>Machine</i>	<u>803.9(b)</u>	

SEC. 890.49. INTEGRATED PDR.

(a) Integrated PDR is a land use that meets the following requirements:

(1) Contains at least the following amount of PDR activities:

(A) For uses of 2,000 gross square feet or greater, at least 1/3 of the total space shall contain PDR activities; or

(B) For uses of less than 2,000 gross square feet, at least 20% of the total space shall contain PDR activities;

(2) Does not include residential activities;

1 (3) The remaining space may contain any non-residential use permitted in the MUO
2 District office uses, as defined in Sec. 890.70, or any use permitted in the subject
3 zoning district, as long as:

4 (A) Retail space is limited to 1/3 of the total space; and
5 (B) All uses in the space are conducted as integral and related parts of a single business
6 activity or enterprise;

7 (4) For purposes of this definition, PDR activities are those that:

8 (A) Are generally consistent with Code Sections 220 and 222 through 227 or involve the
9 fabrication, testing, distribution, maintenance, or repair of physical goods;

10 (B) Are not:

11 (i) Residential (as defined in Section. 890.88);
12 (ii) Retail (as defined in Sections 890.102 and 890.104);
13 (iii) Institutional (as defined in Section 890.50);
14 (iv) Office (as defined in Section 890.70);
15 (v) Laboratory (as defined in Section 890.52); or
16 (vi) Storage (as defined in Sec. 890.54(c));

17 (C) May include any non-office uses that integrate multimedia, informational technology,
18 or software development functions;

19 (D) Do not include typical office support functions; and
20 (E) Occur in space specifically designed to accommodate the industrial nature of the
21 PDR activities.

22 (5) Any retail space contained within the Integrated PDR use shall not count against any
23 per-parcel retail limits of the subject zoning district.

24 (b) Integrated PDR uses are subject to the following requirements:

25 (1) These uses are only permitted in buildings;

1 (A) That were constructed before 1951 which were at least three stories in height above
2 grade, excluding those building features listed in Section 260(b) and related structures,
3 as of the effective date of Ordinance Number _____; or
4 (B) For which a first certificate of occupancy was issued after the effective date of
5 Ordinance Number _____;
6 (2) A Notice of Special Restriction (NSR) shall be recorded on the title of any property
7 containing an Integrated PDR use. The Planning Department shall forward a copy of
8 each NSR to the Mayor's Office of Economic and Workforce Development, or a
9 successor office, for purposes of record keeping and monitoring. This NSR shall
10 include a copy of the use provisions of this Section and also require that the
11 property owner:
12 (A) Ensure that all new Integrated PDR tenants and/or occupants register with
13 contact the Office of Economic and Workforce Development's PDR Program. The
14 purpose of this contact registration is to confirm the accuracy of each tenant's or
15 occupant's NAICS code on their Business Registration and Payroll Tax forms, collect
16 basic information on the nature of each tenant's or occupant's business, including the
17 total number of employees and to inform the tenant or occupant of available tax
18 credits and other benefits of the state and local Enterprise Zone program; and to
19 determine, to the extent possible, the total number of employees that reside
20 within the City and are eligible to receive State Enterprise Zone tax credits
21 ("IPDR Disadvantaged Employees"); and
22 (B) Report annually to the Planning Department staff on any reallocation of space
23 within an Integrated PDR tenantspace.
24 (c) Intergrated PDR uses are not subject to the annual office limit controls of
25 Sections 320-324.

1 **SEC. 890.52. LABORATORY.**

2 Laboratory shall mean space within any structure intended or primarily suitable
3 for scientific research. The space requirements of uses within this category include
4 specialized facilities and/or built accommodations that distinguish the space from office
5 uses (as defined in Section 890.70), light manufacturing (as defined in Section
6 890.54(a)), or heavy manufacturing (including uses listed in 226(g) through 226(w)).

7 Examples of laboratories include the following:

8 (a) Chemistry, biochemistry, or analytical laboratory;

9 (b) Engineering laboratory;

10 (c) Development laboratory;

11 (d) Biological laboratories including those classified by the Centers for Disease Control
12 (CDC) and National Institutes of Health (NIH) as Biosafety level 1, Biosafety level 2, or
13 Biosafety level 3;

14 (e) Animal facility or vivarium, including laboratories classified by the CDC/NIH as
15 Animal Biosafety level 1, Animal Biosafety level 2, or Animal Biosafety level 3;

16 (f) Support laboratory;

17 (g) Quality assurance/Quality control laboratory;

18 (h) Core laboratory.

19 **SEC. 890.53. LIFE SCIENCE.**

20 Life Science is an industry that involves the integration of natural and engineering
21 sciences and advanced biological techniques using organisms, cells, and parts thereof for
22 products and services. This includes the creation of products and services used to analyze
23 and detect various illnesses, the design of products that cure illnesses, and/or the
24 provision of capital goods and services, machinery, instruments, software, and reagents
25 related to research and production. Life Science uses may utilize office, laboratory, light

1 manufacturing, or other types of space. As a subset of Life Science uses, Life Science
2 laboratories typically include biological laboratories and animal facilities or vivaria, as
3 described in Section 890.52(d) and (e).

4 **SEC. 890.54. LIGHT MANUFACTURING, WHOLESALE SALES,**
5 **STORAGE.**

6 A commercial use, including light manufacturing, wholesale sales, and
7 storage, as defined in Subsections (a), (b), ~~and (c)~~, and (d) below.

8 (a) Light Manufacturing. A nonretail use which provides for the fabrication or
9 production of goods, by hand or machinery, for distribution to retailers or
10 wholesalers for resale off the premises, primarily involving the assembly,
11 packaging, repairing, or processing of previously prepared materials, when
12 conducted in an enclosed building having no openings other than fixed windows
13 or exits required by law located within 50 feet of any R District. Light
14 manufacturing uses include production and custom activities usually involving
15 individual or special design, or handiwork, such as the following fabrication or
16 production activities defined by the Standard Industrial Classification Code
17 Manual as light manufacturing uses:

- 18 (1) Food processing, not including mechanized assembly line production of
19 canned or bottled goods;
- 20 (2) Apparel and other garment products;
- 21 (3) Furniture and fixtures;
- 22 (4) Printing and publishing of books or newspaper;
- 23 (5) Leather products;
- 24 (6) Pottery;
- 25 (7) Glass blowing;

1 (8) Measuring, analyzing, and controlling instruments; photographic, medical
2 and optical goods; watches and clocks.

3 It shall not include the chemical processing of materials or the use of any
4 machine that has more than five horsepower capacity, nor shall the mechanical
5 equipment required for the use, together with related floor space used primarily
6 by the operators of such equipment, in aggregate occupy more than 1/4 of the
7 total gross floor area of the use.

8 It shall be not include a trade shop, as defined in Section 890.124 of this Code,
9 or a heavy industrial use subject to Section 226(e) through (w) of this Code. It
10 shall not include general or heavy manufacturing uses, not described in this
11 Subsection (a).

12 (b) Wholesale Sales. A nonretail use which exclusively provides goods or
13 commodities for resale or business use, including accessory storage. It shall not
14 include a nonaccessory storage warehouse.

15 (c) Commercial Storage. A commercial use which stores, within an enclosed
16 building, household goods, contractors' equipment, building materials or goods or
17 materials used by other businesses at other locations. This use shall not include
18 the storage of waste, salvaged materials, automobiles, inflammable or highly
19 combustible materials, and wholesale goods or commodities. *This use shall include*
20 *retail self storage facilities for household goods.*

21 (d) Self-Storage. Retail facilities for the storage of household and personal goods.

22 **SEC. 890.70. OFFICE USE.**

23 *As used in this Article an office use is space within a structure intended or primarily*
24 *suitable for occupancy by persons or entities which perform for their own benefit or*
25 *provide to others at that location administrative services, design services, professional*

1 ~~services, financial services or medical services as defined in Sections 890.28, 890.106,~~
2 ~~890.108, 890.110 and 890.114. It does not include business services as defined in Section~~
3 ~~890.111 or the office functions which are permitted by this Code as uses which are~~
4 ~~necessary to another permitted use.~~

5 (a) "Office use" shall mean space within a structure or portion thereof intended
6 or primarily suitable for occupancy by persons or entities which perform, provide for
7 their own benefit, or provide to others at that location services including, but not limited
8 to, the following: Professional; banking; insurance; management; consulting; technical;
9 sales; and design; and the non-accessory office functions of manufacturing and
10 warehousing businesses; all uses encompassed within the definition of "office" in Section
11 219 of this Code; multimedia, software development, web design, electronic commerce,
12 and information technology; all uses encompassed within the definition of
13 "administrative services" in Section 890.106 of this Code; and all " professional
14 services" as proscribed in Section 890.108 of this Code excepting only those uses which
15 are limited to the Chinatown Mixed Use District.

16 (b) "Office use" shall exclude: retail uses; repair; any business characterized by
17 the physical transfer of tangible goods to customers on the premises; wholesale shipping,
18 receiving and storage; and design showrooms or any other space intended and primarily
19 suitable for display of goods.

20 **SEC. 890.88. RESIDENTIAL USE.**

21 A use which provides housing for San Francisco residents, rather than visitors,
22 including a dwelling unit or group housing, as defined in Subsections (a) and (b)
23 below, or a residential hotel, as defined in Section 890.47 of this Code and in
24 Chapter 41 of the San Francisco Administrative Code.

25

1 (a) Dwelling Unit. A residential use which consists of a suite of two or more
2 rooms and includes sleeping, bathing, cooking, and eating facilities, and has only
3 one kitchen.

4 (b) Group Housing. A residential use which provides lodging or both meals and
5 lodging without individual cooking facilities for a week or more at a time in a
6 space not defined as a dwelling unit. Group housing includes, but is not limited
7 to, a roominghouse, boarding house, guest house, lodging house, residence
8 club, commune, fraternity and sorority house, monastery, nunnery, convent, and
9 ashram. It also includes group housing operated by a medical or educational
10 institution when not located on the same lot as such institution.

11 (c) Single Room Occupancy (SRO) Unit. A dwelling unit or group housing room
12 consisting of no more than one occupied room with a maximum gross floor area
13 of 350 square feet and meeting the Housing Code's minimum floor area
14 standards. The unit may have a bathroom in addition to the occupied room. As a
15 dwelling unit, it would have a cooking facility and bathroom. As a group housing
16 room, it would share a kitchen with one or more other single room occupancy
17 unit/s in the same building and may also share a bathroom. A single room
18 occupancy building (or "SRO" building) is one that contains ~~one or more~~ only SRO
19 units and non nonaccessory living space.

20 **SEC. 890.111. SERVICE, BUSINESS.**

21 A use which provides the following kinds of services to businesses and/or
22 to the general public and does not fall under the definition of 'office' pursuant to
23 Section 890.70: radio and television stations; newspaper bureaus; magazine and
24 trade publication publishing; ~~desktop publishing; product testing laboratories;~~
25 microfilm recording; slide duplicating; bulk mail services; parcel shipping

1 services; parcel labeling and packaging services; messenger delivery/courier
2 services; ~~uniform security services~~; sign painting and lettering services; building
3 maintenance services; ~~interior decorating services~~.

4 **Article 10.0 – Preservation of Buildings and Districts of Architectural,**
5 **Historical, and Aesthetic Importance in the C-3 Districts**

6 **APPENDIX I TO ARTICLE 10 SOUTH END HISTORIC DISTRICT**

7 **SEC. 10. ADDITIONS.**

8 Additions to existing buildings and new infill construction proposed within the
9 South End Historic District must reflect an understanding of the relationship of the
10 proposal with the contributing buildings within the district. Additions shall be reviewed
11 for compatibility with the historic building and the district while infill construction shall
12 be reviewed for compatibility with the overall district. Neither should directly imitate nor
13 replicate existing features. For additions, every effort should be made to minimize the
14 visibility of the new structure within the district. Infill construction should reflect the
15 character of the district, including the prevailing heights of contributing buildings
16 without creating a false sense of history. Property owners should consult early in the
17 process with a Planning Department Historic Preservation Technical Specialist when
18 developing a proposal.

19 Additions will be reviewed on a case-by-case basis and any proposed addition
20 should be located in an inconspicuous location and not result in a radical change to the
21 form or character of the historic building. A vertical addition may be approved,
22 depending on how the addition impacts the building and its relative visibility from the
23 surrounding public rights-of-way within the district. The Planning Department evaluates
24 all proposals for properties identified under Article 10 of the Planning Code for
25 compliance with the Secretary of the Interior's Standards (36 C.F.R. § 67.7 (2001)).

1 Based on these Standards, Department staff uses the following criteria when reviewing
2 proposals for vertical additions:

- 3
- 4 • The structure respects the general size, shape, and scale of the features associated
5 with the property and the district and the structure is connected to the property in
6 a manner that does not alter, change, obscure, damage, or destroy any of the
7 character-defining features of the property and the district.
- 8 • The design respects the general historic and architectural characteristics
9 associated with the property and the district without replicating historic styles or
10 elements that will result in creating a false sense of history.
- 11 • The materials are compatible with the property or district in general character,
12 color and texture.

13 As part of the Planning Department review process, the project sponsor shall
14 conduct and submit an analysis that illustrates the relative visibility of a proposed
15 vertical addition from within the district. As part of this analysis, sightline cross-sections
16 and perspective drawings illustrating the proportionality and scale, as well as the visible
17 extent of the addition from prescribed locations should be submitted.

18 When a district provides an opportunity for new construction through existing
19 vacant parcels or by replacing non-contributing buildings, a sensitive design is of critical
20 importance. Historic buildings within the district should be utilized and referenced for
21 design context. Contemporary design that respects the District's existing character-
22 defining features without replicating historic designs is encouraged. The Department
23 uses the following criteria when reviewing proposals for infill construction:

- 1 • The structure respects the general size, shape, and scale of the character-defining
2 features associated with the district and its relationship to the character-defining
3 features of the immediate neighbors and the district.
- 4 • The site plan respects the general site characteristics associated with the district.
- 5 • The design respects the general character-defining features associated with the
6 district
- 7 • The materials are compatible with the district in general character, color, and
8 texture.

9 **APPENDIX L TO ARTICLE 10 DOGPATCH HISTORIC DISTRICT**

10 **SEC. 10. ADDITIONS.**

11 Additions to existing buildings and new infill construction proposed within the
12 Dogpatch Historic District must reflect an understanding of the relationship of the
13 proposal with the contributing buildings within the district. Additions shall be reviewed
14 for compatibility with the historic building and the district while infill construction shall
15 be reviewed for compatibility with the overall district. Neither should directly imitate nor
16 replicate existing features. For additions, every effort should be made to minimize the
17 visibility of the new structure within the district. Infill construction should reflect the
18 character of the district, including the prevailing heights of contributing buildings
19 without creating a false sense of history. Property owners should consult early in the
20 process with a Planning Department Historic Preservation Technical Specialist when
21 developing a proposal.

22 Additions will be reviewed on a case-by-case basis and any proposed addition
23 should be located in an inconspicuous location and not result in a radical change to the
24 form or character of the historic building. A vertical addition may be approved,
25 depending on how the addition impacts the building and its relative visibility from the

1 surrounding public rights-of-way within the district. The Planning Department evaluates
2 all proposals for properties identified under Article 10 of the Planning Code for
3 compliance with the Secretary of the Interior's Standards (36 C.F.R. § 67.7 (2001)).
4 Based on these Standards, Department staff uses the following criteria when reviewing
5 proposals for vertical additions:

- 6
- 7 • The structure respects the general size, shape, and scale of the features associated
8 with the property and the district and the structure is connected to the property in
9 a manner that does not alter, change, obscure, damage, or destroy any of the
10 character-defining features of the property and the district.
- 11 • The design respects the general historic and architectural characteristics
12 associated with the property and the district without replicating historic styles or
13 elements that will result in creating a false sense of history.
- 14 • The materials are compatible with the property or district in general character,
15 color and texture.

16 As part of the Planning Department review process, the project sponsor shall
17 conduct and submit an analysis that illustrates the relative visibility of a proposed
18 vertical addition from within the district. As part of this analysis, sightline cross-sections
19 and perspective drawings illustrating the proportionality and scale, as well as the visible
20 extent of the addition from prescribed locations should be submitted.

21 When a district provides an opportunity for new construction through existing
22 vacant parcels or by replacing non-contributing buildings, a sensitive design is of critical
23 importance. Historic buildings within the district should be utilized and referenced for
24 design context. Contemporary design that respects the district's existing character-

1 defining features without replicating historic designs is encouraged. The Department
2 uses the following criteria when reviewing proposals for infill construction:

- 3 • The structure respects the general size, shape, and scale of the character-defining
4 features associated with the district and its relationship to the character-defining
5 features of the immediate neighbors and the district.
- 6 • The site plan respects the general site characteristics associated with the district.
- 7 • The design respects the general character-defining features associated with the
8 district.
- 9 • The materials are compatible with the district in general character, color, and
10 texture.
- 11 • The only instance where a replication of an original design may be appropriate is
12 the replacement of a missing structure in a row of identical houses.

13
14 Section 3. This Section is uncodified. **Historic Preservation Procedures.**

15 A. Purpose. The Eastern Neighborhoods Area Plans formalize and set
16 the policy framework for the historic preservation efforts currently being
17 performed by Planning Department preservation staff for this sub-area. The City
18 is committed to a more systematic and enhanced policy framework for governing
19 historic preservation for the sub-area as currently set forth under Objectives &
20 Policies in Chapter 8 of the East SoMa, Mission, Showplace Square/Potrero Hill
21 Area Plans, as per the effective date of this amendment, the Planning
22 Department shall enact the building permit review procedures set forth in this
23 Section until Planning Commission adoption of the Eastern Neighborhoods
24 Historic Resource Survey as set forth below. The procedures, as a precautionary
25 measure securing against the loss of potential historic resources, shall ensure

1 extra scrutiny in the period between Plan adoption and adoption of survey
2 findings by the Landmarks Preservation Advisory Board and the Planning
3 Commission.

4 B. Definitions. The following definitions shall apply to this Section 5.

5 1. "Historic Resource Survey", or "Survey" means the area-wide
6 survey of buildings to assess whether they can be considered historic resources,
7 individually or as districts. The survey will have been performed by a consultant
8 with review and oversight by Department staff, and will be submitted to
9 Landmarks Preservation Advisory Board and to the Planning Commission for
10 adoption.

11 2. "Environmental Evaluation Application", "Environmental Exemption
12 Application", or "EE" mean applications filed with the Planning Department
13 by a project sponsor to assess the potential environmental impacts of a proposed
14 project under the California Environmental Quality Act ("CEQA").

15 3. "Historic Context Statement" means a geographically or
16 thematically specific document focusing on a well-defined area's built history.
17 The document is prepared to aid in identifying historic resources, as well as in
18 reviewing permit applications for buildings without individual ratings.

19 4. "Minor Alteration" means work that does not meet the definition of
20 "ordinary maintenance and repairs" set forth in Section 1005(e)(3) and that does
21 not meet the definition of Major Alteration set forth in this Section.

22 5. "Major Alteration" means any project for which the Department
23 requires the filing of an EE.

24
25

1 7. “Eastern Neighborhoods Planning Area” means the geographic
2 area contained in the Mission, East SoMa, Showplace Square/Potrero Hill Area
3 Plans, parts of the San Francisco General Plan.

4 8. “DPR 523-A,” “DPR 523-B” or “DPR-523-D” are forms used by the
5 State of California, Department of Parks and Recreation to record historic
6 information related to details on either a building (DPR 523-B) or a district (DPR
7 523-D), whereas DPR 523-A records general information on a property.

8 9. “Significant Tree” means a tree within the definition of Article 16 of
9 the Public Works Code Section 810A.

10 C. Application.

11 1. The permit review procedures set forth in this Section shall be
12 applied throughout the East SoMa, Mission, Showplace Square/Potrero Area
13 Plans (on file with the Clerk of the Board of Supervisors in File No. _____).
14 Properties subject to these procedures are limited to those built in or before
15 1963.

16 2. Expiration. This section shall be in effect until Planning Commission
17 adoption of the Survey.

18 D. Review Standards for historic resources as defined by CEQA.

19 When the Planning Department’s Preservation Technical Specialists
20 review a building permit for an historic resources as defined by CEQA, the
21 standard to be used shall be “The Secretary of the Interior’s Standards for the
22 Treatment of Historic Properties”.

23 E. Permit Review Procedures.

24 1. All proposed new construction within the entire areas covered by
25 the Plans that is over 55 feet or 10 feet taller than adjacent buildings, built before

1 1963 shall be forwarded to the Landmarks Preservation Advisory Board for
2 review and comment during a regularly scheduled hearing. The Landmarks
3 Board's comments will be forwarded to the Planning Department for
4 incorporation into the project's final submittal and in advance of any required final
5 hearing before the Planning Commission.

6 2. All projects that required California Environmental Quality Act
7 (CEQA) review for properties constructed prior to 1963 that propose demolition
8 or major alteration within the Plan Areas shall be forwarded to the Landmarks
9 Preservation Advisory Board for comment. When a proposed building permit
10 application may affect a potential or identified historic resource, the applicant
11 must file an EE. When an EE is filed and the supporting Historic Resource
12 Evaluation (HRE) is forwarded to a Preservation Technical Specialist within the
13 Neighborhood Planning Unit for review, copies of the application and HRE shall
14 be forwarded to the Landmarks Preservation Advisory Board for comment. The
15 Landmarks Preservation Advisory Board members may forward comments and
16 recommendations to the Planning Department for incorporation into the project's
17 final environmental evaluation document.

18 3. A report regarding all permit applications that propose exterior
19 modifications to the street façade(s) of historic resources (as defined in Planning
20 Department Preservation Bulletin #16) within the Plan Areas will be presented to
21 the Landmarks Preservation Advisory Board on a regular basis. All building
22 permit applications for exterior modifications visible from a public right of way and
23 within the Plan Area (exclusive of "ordinary maintenance and repairs" permits as
24 defined in Planning Code Section 1005(e)(3), including but not limited to in-kind
25 re-roofing, or replacement of front stairs,) including commercial storefront

1 alterations, shall be reviewed by a Preservation Technical Specialist, or will be
2 reviewed and approved under their supervision. A list of these permit applications
3 shall be compiled and presented to the Landmarks Preservation Advisory Board
4 at their regularly scheduled hearings. The list will provide the following
5 information: Address, APN, Assessor's Date of Construction, any Historic
6 Ratings or Designations, and Brief Description of Work. At the time of the
7 hearing, the Landmarks Board may request a formal presentation or request
8 additional information on any of the listed projects for a future hearing. The
9 Landmarks Board shall have 30 days from receipt of the information to respond.

10 4. A Preservation Technical Specialist shall review or be consulted on
11 all applications for proposed alterations to buildings constructed before 1963
12 within the Plan Areas. Review will take into consideration policies of the East
13 SoMa, Showplace Square/Potrero, and Mission Area Plans, as well as
14 preservation of neighborhood character, the impact of the proposal on the
15 settings of the building(s), significant architectural features, consistent with the
16 Zoning Administrator Bulletin (2006.1A and 2006.1B) on Procedures and Criteria
17 for Adding Garages to Existing Residential Structures, significant trees, as well
18 as other code-mandated regulations.

19 5. Neighborhood Association Block Book Notations (BBN) for all
20 building permit activities reviewed by Planning Department. The Planning
21 Department will offer to register all of the neighborhood associations affected by
22 the Area Plans for Block Book Notations (BBN) by phone number or email. Each
23 association may select the block(s) of their interest within the Plan Area, and the
24 Department will notify them when a permit application is submitted to the
25 Department for review. This procedure will be subject to the Planning

1 Department's Fee Schedule. The Department shall not approve a building or
2 demolition permit application for a period of 10 days during which any interested
3 parties may review the permit application.

4 F. Survey Incorporation into the East SoMa, Mission, Showplace
5 Square/Potrero Area Plans.

6 1. Purpose. To ensure that findings of the survey will be reflected in a
7 future revised version of the East SoMa, Showplace Square/Potrero, and Mission
8 Area Plans, the Planning Department shall follow the procedures set forth in this
9 subsection F.

10 2. Timeline of Actions.

11 a. During the period after the Department receives the consultants'
12 final results of the Survey but no later than 90 days after receipt of the consultant
13 submissions, the Department shall host a community meeting to discuss and
14 share the Survey process and results with the public and present the Survey to
15 the Landmarks Preservation Advisory Board for review, adoption, and
16 recommendation to the Planning Commission.

17 b. Once the Landmarks Preservation Advisory Board recommends
18 Survey adoption, the Department shall have 30 days to present the Survey
19 findings to the Planning Commission for a public hearing to consider Commission
20 adoption of the Survey.

21 c. The Department shall have 90 days from the Planning Commission
22 adoption to prepare a report, called the "Post-Survey Report" for the Commission
23 recommending updates or amendments, if any, to the East SoMa, Showplace
24 Square/Potrero, and Mission Area Plans, the Planning Code, or other relevant
25 planning controls, and shall contain the information as outlined in Section 5(F)(3)

1 below. These recommendations may include amendments to General Plan
2 policies, design principles and/or design guidelines, or amendments to Planning
3 Code provisions regarding land use controls and height districts.

4 d. Within one year of the Planning Commission survey adoption, the
5 Department shall present any, if any, proposed, identified, eligible districts as
6 recorded on DPR 523D District Records, and 523A and 523B, individual building
7 inventory forms, to the Landmarks Preservation Advisory Board (“Landmarks
8 Board”). Upon receipt, the Landmarks Board may: (1) initiate designation under
9 Article 10 of the Planning Code; and/or (2) nominate all California or National
10 Register-eligible districts with the California Office of Historic Preservation (OHP).

11 e. In the event that any of the above deadlines are not met, the Board
12 of Supervisors may schedule a hearing to discuss the most appropriate course of
13 action to ensure the retention of historic resources in the Plan Area.

14 3. Post-Survey Report.

15 a. The Department shall update its “Parcel Information” database with
16 the new information for each lot in the Plan Area. The report shall note that this
17 has taken place.

18 c. Language will be drafted to update Area Plan Policies on future
19 designation of landmarks and historic districts to reflect new designations. The
20 Post-Survey Report shall identify any “potential historic districts” and prioritize
21 such potential historic districts for advancement as new historic districts under
22 Planning Code Article 10.

23 d. In addition to the Post-Survey Report, the Department shall make
24 any recommendations as to additional appropriate changes to the Plan and its
25 implementing controls, at a public hearing at the Planning Commission. These

1 recommendations may include: (i) amendments to East SoMa, Mission, and
2 Showplace Square/Potrero Area Plan policies referring to the Survey; (ii) other
3 amendments to General Plan policies, design principles and/or design guidelines
4 as well as related Planning Code provisions such as land use controls and height
5 districts. The Planning Commission, as appropriate, may recommend proposed
6 amendments to the Board of Supervisors.

7 e. The Planning Commission and the Board of Supervisors may
8 consider similar interim review procedures as those described in this Section for
9 parcels that are subject to additional survey work.

10

11 Section 4. This Section is uncodified. Severability concerning challenge
12 to fees. Should the final adjudication of a court void any of the fees associated
13 with the Eastern Neighborhood Area Plans, the increase in height and density
14 provided in this Ordinance and Ordinance No. _____, a copy of which is on file
15 with the Clerk of the Board of Supervisors in File No. _____ and is
16 incorporated herein by reference, shall automatically terminate and the height
17 and density controls shall revert to those in effect prior to this Ordinance. This
18 severability clause is provided in recognition of the integral relationship between
19 the impacts associated with height and density increases and the fees enacted to
20 address these impacts.

21

22

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

24

25

By: _____
John D. Malamut
Deputy City Attorney