

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Tom Hui, Executive Director, Department of Building Inspection  
Dr. Grant Colfax, Director, Department of Public Health  
Maggie Weiland, Executive Director, Entertainment Commission  
Alaric Degrafinried, Interim Director, Public Works  
William Scott, Police Chief, Police Department  
Jeffrey Tumlin, Executive Director, Municipal Transportation Agency

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: February 12, 2020

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by the Planning Commission on February 4, 2020:

**File No. 200077**

**Ordinance amending the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; amending Article 4 to move the language regarding timing of fee payments to the beginning of the Article and cross-reference it in the individual impact fee sections, and to add an additional fee waiver based on the replacement of gross floor area in buildings damaged or destroyed by fire or other calamity; amending the Administrative, Health, and Police Codes to correct outdated Planning Code cross-references; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

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Referral  
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cc: John Murray, Department of Building Inspection  
Patty Lee, Department of Building Inspection  
Greg Wagner, Department of Public Health  
Dr. Naveena Bobba, Department of Public Health  
Sneha Patil, Department of Public Health  
Crystal Stewart, Entertainment Commission  
David Steinberg, Public Works  
Jeremy Spitz, Public Works  
Jennifer Blot, Public Works  
John Thomas, Public Works  
Lena Liu, Public Works  
Rowena Carr, Police Department  
Asja Steeves, Police Department  
Kate Breen, Municipal Transportation Agency  
Janet Martinsen, Municipal Transportation Agency  
Joel Ramos, Municipal Transportation Agency

1 [Planning, Various Codes - Technical Corrections]

2  
3 **Ordinance amending the Planning Code to correct typographical errors, update**  
4 **outdated cross-references, and make non-substantive revisions to clarify or simplify**  
5 **Code language; amending Article 4 to move the language regarding timing of fee**  
6 **payments to the beginning of the Article and cross-reference it in the individual impact**  
7 **fee sections, and to add an additional fee waiver based on the replacement of gross**  
8 **floor area in buildings damaged or destroyed by fire or other calamity; amending the**  
9 **Administrative, Health, and Police Codes to correct outdated Planning Code cross-**  
10 **references; affirming the Planning Department's determination under the California**  
11 **Environmental Quality Act; making findings of consistency with the General Plan, and**  
12 **the eight priority policies of Planning Code, Section 101.1; and adopting findings of**  
13 **public necessity, convenience, and general welfare under Planning Code, Section 302.**

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

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

22 Section 1. Findings.

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

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

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

8  
9 Section 2. The Planning Code is hereby amended by revising Sections 102, 132, 134,  
10 138, 138.1, 142, 155, 172, 175.6, 181,186.3, 190, 201, 204.5, 205.4, 206.3, 206.5, 207,  
11 207.6, 209.2, 209.3, 210.1, 240, 240.1, 249.1, 249.33, 249.35, 249.35A, 249.40, 249.52,  
12 249.59, 249.60, 249.63, 249.70, 249.74, 249.76, 249.78, 249.80, 260, 262, 263.32, 303,  
13 303.1, 304, 305, 311, 317, 401, 402, 406, 412.6, 413.6, 414.8, 414A.4, 415.5, 415.6, 416.3,  
14 417.3, 418.3, 419.3, 420.3, 421.3, 422.3, 423.3, 423.5, 424.3, 429.1, 430, 432.2, 433.2, 603,  
15 607.1, 607.2, 703, 703.9, 710, 711, 712, 713, 720, 722, 725, 726, 727, 729, 742, 758, 759,  
16 763, 764, 780.1, 780.3, 781.9, 788, 803.2, 803.3, 803.4, 803.9, 810, 811, 812, 840, 841, 842,  
17 844, 845, 846, 848, and Appendix C to Article 11, to read as follows:

18 **SEC. 102. DEFINITIONS.**

19 \* \* \* \*

20 **Accessory Use.** A related minor Use that is either necessary to the operation or enjoyment of  
21 a lawful Principal Use or Conditional Use, or appropriate, incidental, and subordinate to any  
22 such use, and is located on the same lot. Accessory Uses are regulated by Sections 204  
23 through 204.5 and Sections 703(d), 803.2(d), 803.3(b)(1)(C), *and* 825(c)(1)(C), *and 986* of this  
24 Code.

25 \* \* \* \*

1 **Family.** A single and separate living unit, consisting of either one person, or two or more  
2 persons related by blood, marriage or adoption or by legal guardianship pursuant to court  
3 order, plus necessary domestic servants and not more than three roomers or boarders; a  
4 group of not more than five persons unrelated by blood, marriage or adoption, or such legal  
5 guardianship unless the group has the attributes of a family in that it (a) has control over its  
6 membership and composition; (b) purchases its food and prepares and consumes its meals  
7 collectively; and (c) determines its own rules or organization and utilization of the residential  
8 space it occupies. A group occupying group housing or a hotel, motel, or any other building or  
9 portion thereof other than a Dwelling, shall not be deemed to be a family.

10 \* \* \* \*

11 **Institutional Use.** A Use Category that includes Child Care Facility, Community Facility,  
12 Private Community Facility, Hospital, Job Training, Medical Cannabis Dispensary,  
13 *Philanthropic Administrative Services*, Religious Institution, Residential Care Facility, Social  
14 Service or Philanthropic Facility, Post-Secondary Educational Institution, Public Facility,  
15 School, and Trade School.

16 \* \* \* \*

17 **Massage Establishment.** A Retail Sales and Service Use defined by Section 29.5 of the  
18 Health Code. For purposes of the Planning Code only, "Massage Establishment" shall include  
19 both a "Massage Establishment" and a "Sole Practitioner Massage Establishment," as these  
20 terms are defined in Section 29.5 of the Health Code. The Massage Establishment shall first  
21 obtain a permit from the Department of Public Health pursuant to Section 29.25 of the Health  
22 Code, or a letter from the Director of the Department of Public Health certifying that the  
23 establishment is exempt from such a permit under Section 29.25 of the Health Code.

24 ~~(a) — **Controls.** *Massage Establishments require a Conditional Use authorization from the*~~  
25 ~~*Planning Commission, pursuant to Section 303 of this Code. When considering an application for a*~~

1 *Conditional Use authorization pursuant to this subsection (a), the Planning Commission shall consider,*  
2 *in addition to the criteria listed in Section 303(c), the criteria outlined in Section 303(n).*

3 *(b) — Exceptions. A Massage Establishment shall not require a Conditional Use*  
4 *authorization if the Massage Establishment satisfies one or more of the following conditions:*

5 *(1) — The massage use is accessory to a principal use, if the massage use is accessed*  
6 *by the principal use and*

7 *(A) — the principal use is a dwelling unit and the massage use conforms to the*  
8 *requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or*

9 *(B) — the principal use is a Tourist Hotel that contains 100 or more rooms or an*  
10 *Institutional Use as defined in this Code.*

11 *(2) — The only massage service provided is chair massage, such service is visible to*  
12 *the public, and customers are fully clothed at all times.*

13 *(3) — It is a Sole Practitioner Massage Establishment, as defined in Section 29.5 of the*  
14 *Health Code.*

15 \* \* \* \*

16 **Residential Use.** A Use Category consisting of uses that provide housing for San Francisco  
17 residents, rather than visitors, including Dwelling Units, Group Housing, Residential Hotels,  
18 *and* Senior Housing, Homeless Shelters, and for the purposes of Article 4 only any residential  
19 components of Institutional Uses. Single Room Occupancy and Student Housing designations  
20 are considered characteristics of certain Residential Uses.

21 \* \* \* \*

22 **Restaurant, Limited.** A Retail Sales and Service Use that serves ready-to-eat foods and/or  
23 drinks to customers for consumption on or off the premises, that may or may not have seating.  
24 It may include wholesaling, manufacturing, or processing of foods, goods, or commodities on  
25 the premises as an Accessory Use as set forth in Sections 204.3 or 703(d), 803.2(d)

1 803.2(b)(1)(C), 803.3(b)(1)(C) and 825(c)(1)(C) depending on the zoning district in which it is  
2 located. It includes, but is not limited to, foods provided by sandwich shops, coffee houses,  
3 pizzerias, ice cream shops, bakeries, delicatessens, and confectioneries meeting the above  
4 characteristics, but is distinct from a Specialty Grocery, Restaurant, and Bar. Within the North  
5 Beach SUD, it is also distinct from Specialty Food Manufacturing, as defined in Section  
6 780.3(b). It shall not provide on-site beer and/or wine sales for consumption on the premises,  
7 but may sell beer and/or wine for consumption off the premises with a California Alcoholic  
8 Beverage Control Board License type 20 (off-sale beer and wine), if all areas devoted to the  
9 display and sale of alcoholic beverages ~~that~~ occupy less than 15% of the Occupied Floor Area  
10 of the establishment. Such businesses shall operate with the specified conditions in Section  
11 202.2(a)(1).

12 \* \* \* \*

13 **Senior Housing.** A Residential Use defined as dwellings that are specifically designed for  
14 and occupied by senior citizens. Senior Housing is subject to the conditions listed in Section  
15 202.2(f).  
16

16 \* \* \* \*

17 **Service, Business.** A Non-Retail Sales and Service Use that provides the following kinds of  
18 services *primarily* to businesses and/or to the general public and does not fall under the  
19 definition of Office: radio and television stations, newspaper bureaus, magazine and trade  
20 publication publishing, microfilm recording, slide duplicating, bulk mail services, parcel  
21 shipping services, parcel labeling and packaging services, messenger delivery/courier  
22 services, sign painting and lettering services, or building maintenance services.

23 \* \* \* \*

24 **Service, Non-Retail Professional.** A Non-Retail Sales and Service Office Use that provides  
25 professional services *primarily* to other businesses including, but not limited to, accounting,

1 legal, consulting, insurance, real estate brokerage, advertising agencies, public relations  
2 agencies, computer and data processing services, employment agencies, management  
3 consultants and other similar consultants, telephone message services, and travel services.  
4 This use may also provide services to the general public but is not required to. This use shall  
5 not include research services of an industrial or scientific nature in a commercial or medical  
6 laboratory, other than routine medical testing and analysis by a health-care professional or  
7 hospital.

8 \* \* \* \*

9 **Service, Retail Professional.** A Retail Sales and Service Use that provides *primarily* to the  
10 general public, general business, or professional services including, but not limited to,  
11 management, clerical, accounting, legal, consulting, insurance, real estate brokerage, and  
12 travel services. It may provide services to the business community, provided that it also  
13 provides services to the general public. Otherwise, it shall be considered a Non-Retail  
14 Professional Service Use as defined in this Section 102.

15 This use does not include research service of an industrial or scientific nature in a  
16 commercial or medical laboratory, other than routine medical testing and analysis by a health-  
17 care professional or hospital.

18 \* \* \* \*

19 **Student Housing.** A Residential Use characteristic defined as a living space for students of  
20 accredited Post-Secondary Educational Institutions that may take the form of Dwelling Units,  
21 Group Housing, or SRO Units and is owned, operated, or otherwise controlled by an  
22 accredited Post-Secondary Educational Institution. Unless expressly provided for elsewhere in  
23 this Code, the use of Student Housing is permitted where the form of housing is permitted in  
24 the underlying Zoning District in which it is located. Student Housing may consist of all or part  
25



1 of a building, and Student Housing owned, operated, or controlled by more than one Post-  
2 Secondary Educational Institution may be located in one building.

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

5 \* \* \* \*

6 (d) **Applicability to Special Lot Situations.**

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

12 **SEC. 134. REAR YARDS, IN R, RC, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU,**  
13 **RED, AND RED-MX DISTRICTS.**

14 \* \* \* \*

15 (c) **Basic Requirements.** The basic rear yard requirements shall be as follows for  
16 the districts indicated:

17 \* \* \* \*

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

23 (A) For buildings containing only SRO Units in the Eastern  
24 Neighborhoods Mixed Use Districts, the minimum rear yard depth shall be equal to 25% of the  
25 total depth of the lot on which the building is situated, but the required rear yard of SRO

1 buildings not exceeding a height of 65 feet shall be reduced in specific situations as described  
2 in subsection (e) below.

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

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

10 (DB) NC-2, NCT-2, Ocean Avenue, Inner Balboa Street, Outer Balboa  
11 Street, Castro Street, Cortland Avenue, Divisadero Street NCT, ~~Excelsior~~ Excelsior-Outer  
12 Mission Street, Inner Clement Street, Upper Fillmore Street, Lower Haight Street, Judah  
13 Street, Noriega Street, North Beach, San Bruno Avenue, Taraval Street, Inner Taraval Street,  
14 Union Street, Valencia Street, 24th Street-Mission, Glen Park, Regional Commercial  
15 District and Folsom Street Districts. Rear yards shall be provided at the second story, and  
16 at each succeeding story of the building, and at the First Story if it contains a Dwelling Unit.

17 [Note: Diagram omitted but not deleted.]

18 (EC) RC-3, RC-4, NC-3, NCT-3, Bayview, Broadway, Fillmore Street  
19 NCT, Geary Boulevard, Hayes- Gough NCT, Japantown, SoMa NCT, Mission Bernal,  
20 Mission Street NCT, Polk Street, Lower Polk Street, Pacific Avenue, C, M, SPD, MUR,  
21 MUG, MUO, and UMU Districts. Rear yards shall be provided at the lowest story containing  
22 a Dwelling Unit, and at each succeeding level or story of the building. In the Hayes-Gough  
23 NCT, lots fronting the east side of Octavia Boulevard between Linden and Market Streets  
24 (Central Freeway Parcels L, M, N, R, S, T, U, and V) are not required to provide rear yards at  
25 any level of the building, provided that the project fully meets the usable open space

1 requirement for Dwelling Units pursuant to Section 135 of this Code, the exposure  
2 requirements of Section 140, and gives adequate architectural consideration to the light and  
3 air needs of adjacent buildings given the constraints of the project site.

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

9 ~~(GE)~~ **RED, RED-MX and WMUG Districts.** Rear yards shall be  
10 provided at the ground level for any building containing a ~~Dwell-ing~~ Dwelling Unit, and at each  
11 succeeding level or story of the building.

12 \* \* \* \*

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

23 \* \* \* \*

24 (2) **Alternative Method of Averaging.** If, under the rule stated in subsection  
25 (e)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively

1 be averaged in an irregular manner; provided that the area of the resulting reduction shall be  
2 no more than the product of the width of the subject lot along the line established by  
3 subsection (e)(1) above times the reduction in depth of rear yard permitted by *Paragraph*  
4 subsection (e)(1); and provided further that all portions of the open area on the part of the lot  
5 to which the rear yard reduction applies shall be directly exposed laterally to the open area  
6 behind the adjacent building having the lesser depth of its rear building wall.

7 ~~*epth of its rear building wall.*~~

8 **SEC. 138. PRIVATELY-OWNED PUBLIC OPEN SPACE (POPOS) REQUIREMENTS.**

9 (a) **Applicability.** The following projects shall provide open space in the amount  
10 and in accordance with the standards set forth in this Section:

11 (1) In C-3 Districts, any project proposing new construction of a Non-  
12 Residential building or an addition of Gross Floor Area equal to ~~20% percent~~ or more of an  
13 existing Non-Residential building. Institutional ~~and Residential~~ ~~Uses~~ in C-3 Districts are  
14 exempt from the requirements of this Section 138.

15 (2) In the Central SoMa Special Use District, any project proposing new  
16 construction or an addition of 50,000 gross square feet or more of Non-Residential use.  
17 Retail, Institutional, and PDR uses in the Central SoMa Special Use District are exempt from  
18 the requirements of this Section 138.

19 \* \* \* \*

20 (c) **Location.** The open space required by this Section may be on the same site as  
21 the project for which the permit is sought, or within 900 feet of it on either private property or,  
22 with the approval of all relevant public agencies, public property, provided that all open space  
23 required by this Section for a project within the C-3 District shall be located entirely within the  
24 C-3 District. Projects within the Central SoMa Special Use District may provide the open  
25 space required by this Section 138 within one-half mile of the project if the required open

space is on publicly-owned land underneath or adjacent to the I-80 freeway. Open space is within 900 feet of the building for which the permit is sought within the meaning of this Section 138 if any portion of the project is located within 900 feet of any portion of the open space. Off-site open space shall be developed and open for use prior to issuance of a first certificate of occupancy, as defined in Section 401 of this Code, of the project whose open space requirement is being met off-site. Failure to comply with the requirements of this subsection (c) shall be grounds for enforcement under this Code, including but not limited to the provisions of Sections 176 and 176.1.

\* \* \* \*

**SEC. 138.1. STREETScape AND PEDESTRIAN IMPROVEMENTS.**

\* \* \* \*

**Table 2. Recommended Sidewalk Widths by Street Type**

	<b>Street Type (per Better Streets Plan)</b>	<b>Recommended Sidewalk Width (Minimum required for new streets)</b>
Commercial	Downtown commercial	For Downtown Commercial Streets that are sited within the Downtown Streetscape Plan Area, the recommended sidewalk width shall be the width recommended in the Downtown Streetscape Plan.

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		For Downtown Commercial Streets that are sited outside of the Downtown Streetscape Plan Area, the recommended sidewalk <i>with width</i> shall be 15 feet.
* * * *	* * * *	* * * *

\* \* \* \*

**SEC. 142. SCREENING AND GREENING OF PARKING AND VEHICULAR USE AREAS.**

Off-street parking and Vehicular Use Areas adjacent to the public right-of-way shall be screened as provided in this Section.

\* \* \* \*

(b) **Vehicular Use Areas That Are Greater than 25 Linear Feet along the Public Right-of-Way.** All lots containing Vehicular Use Areas where such area has more than 25 linear feet along any public right-of-way shall provide screening in accordance with the requirements of this Section 142 and the Ornamental Fencing definition in Section 102. The following instances shall trigger the screening requirements for these Vehicular Use Areas:

\* \* \* \*

(2) Any repair, rehabilitation, or expansion of any existing Vehicular Use Area, if such repair, rehabilitation or expansion would increase the number of existing parking spaces by either more than 20% or by more than four spaces, whichever is greater; or

\* \* \* \*

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

1 \* \* \* \*

2 (r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In

3 order to preserve the pedestrian character of certain districts and to minimize delays to transit  
4 service, ~~regulation of~~ garage entries, driveways, or other vehicular access to off-street parking  
5 or loading via curb cuts on development lots shall be regulated as set forth in this subsection (r)  
6 ~~occur on the Street frontages listed below~~. These limitations do not apply to the creation of new  
7 publicly-accessible Streets and Alleys. Any lot whose sole feasible vehicular access is via a  
8 protected street frontage described in this subsection (r) shall be exempted from any off-street  
9 parking or loading requirement found elsewhere in this Code.

10 \* \* \* \*

11 (2) Not permitted:

12 \* \* \* \*

13 (LL) Pine Street between Van Ness Avenue and Larkin Street, and

14 ~~(MM) No curb cut shall be permitted that directly fronts an adjacent on-street striped~~  
15 ~~bus stop (e.g., bus stop zones with striping or red curb) that has been approved by the San Francisco~~  
16 ~~Municipal Transportation Agency (SFMTA) Board of Directors, transit bulb-out as defined in the~~  
17 ~~Better Streets Plan, or on street frontage directly adjacent to a transit boarding island as defined in the~~  
18 ~~Better Streets Plan if vehicles accessing the curb cut would be required to cross over the boarding~~  
19 ~~island.~~

20 (~~MM GG~~) Howard Street from 5th Street to 13th Street,

21 (~~NN HH~~) Folsom Street from 2nd Street to 13th Street,

22 (~~OO I~~) Brannan Street from 2nd Street to 6th Street,

23 (~~PP JJ~~) Townsend Street from 2nd Street to 6th Street, except as

24 permitted pursuant to Section 329(e)(3)(B),

25 (~~QQ KK~~) 3rd Street from Folsom Street to Townsend Street,

1                   (~~RR LL~~)   4th Street from Folsom Street to Townsend Street, and

2                   (~~MM SS~~)   6th Street from Folsom Street to Brannan Street.

3                   (~~TT~~)    No curb cut shall be permitted that directly fronts an adjacent on-street  
4 striped bus stop (e.g., bus stop zones with striping or red curb) that has been approved by the San  
5 Francisco Municipal Transportation Agency (SFMTA) Board of Directors, transit bulb-out as defined  
6 in the Better Streets Plan, or on street frontage directly adjacent to a transit boarding island as defined  
7 in the Better Streets Plan if vehicles accessing the curb cut would be required to cross over the  
8 boarding island.

9                   (3)    Not permitted without Conditional Use authorization or Sections 309 or  
10 329 exception. In the C-3-O(SD) and the Central SoMa Special Use Districts, the Planning  
11 Commission may grant permission for a new curb cut or an expansion of an existing one as  
12 an exception pursuant to Sections 309 or 329 in lieu of a Conditional Use authorization as  
13 long as the Commission makes the findings required under Section 303(y) and where the  
14 amount of parking proposed does not exceed the amounts permitted as accessory according  
15 to Section 151.1. In addition, in the MUG, WMUG, MUR, MUO, RED, RED-MX, and SPD  
16 Districts, the Planning Commission may grant permission for a new curb cut or an expansion  
17 of an existing one as an exception pursuant to Section 329 in lieu of a Conditional Use  
18 authorization as long as the Commission makes the findings required under Section 303(y). A  
19 Planning Commission Conditional Use authorization subject to the additional findings under  
20 Section 303(y) is required to allow a new curb cut or expansion of an existing one on any  
21 other restricted street identified in this subsection 155(r)(3).

22                   (A)    Except as provided in Section 155(r), in all zoning districts except  
23 RH, M, NC-S, P, PDR, and SALI, no curb cuts accessing off-street parking or loading shall be  
24 created or expanded on street frontages identified along any Transit Preferential Street as  
25 designated in the Transportation Element of the General Plan, or Neighborhood Commercial



1 Street and Commercial Thoroughways, as defined in the Better Streets Plan, or any SFMTA  
2 Board of Directors adopted bicycle routes or lanes, where an alternative frontage is available.  
3 On such bicycle routes or lanes where the bicycle facility is only on one side of the street, the  
4 curb cut restriction shall apply to the side of the street with the bicycle facility, and shall not  
5 apply to the opposite side of the street.

6 \* \* \* \*

7 (M) Dolores Street from Market Street to 16th Street.

8 (~~N K~~) Harrison Street from 2nd Street to 6th Street,

9 (~~O L~~) Bryant Street from 2nd Street to 6th Street, and

10 (~~P A~~) 5th Street from Howard Street to Townsend Street.

11 (4) Where an alternative frontage is not available, parking or loading access  
12 along any Transit Preferential Street as designated in the Transportation Element of the  
13 General Plan, or Neighborhood Commercial Street or Commercial Thoroughways as defined in  
14 the Better Streets Plan, or any SFMTA Board of Directors adopted *Class II Bikeways (bicycle*  
15 *lanes and buffered bike lanes)* *or Class IV Bikeways (protected bicycle lanes)* bicycle routes or lanes,  
16 may be allowed on streets not listed in subsection (r)(2) above as an exception in the manner  
17 provided in Section 309 for C-3-O(SD) Districts, Section 329 for Mixed-Use Districts, and in  
18 Section 303 for all other Districts in cases where the Planning Commission can determine that  
19 the final design of the parking access minimizes negative impacts to transit movement and to  
20 the safety of pedestrians and bicyclists to the fullest extent feasible.

21 \* \* \* \*

22 **SEC. 172. COMPLIANCE OF STRUCTURES, OPEN SPACES, AND OFF-STREET**  
23 **PARKING AND LOADING REQUIRED.**

24 (a) No structure shall be constructed, reconstructed, enlarged, altered, or relocated  
25 so as to have or result in a greater height, bulk, or Floor Area Ratio, less Required Open

1 Space as defined in Section 102 *of* this Code, or less off-street loading space, than  
2 permissible under the limitations set forth herein for the district or districts in which such  
3 structure is located-; provided, however, that, except in the North Beach-Telegraph Hill  
4 Residential Special Use District, for the purpose of creating habitable space or an Accessory  
5 Dwelling Unit pursuant to Section 207(c)(4) of this Code where the exception is in  
6 consideration of the property owner entering into a Regulatory Agreement pursuant to Section  
7 207(c)(4)(H) subjecting the ADU to the San Francisco Rent Stabilization and Arbitration  
8 Ordinance, and as long as the number of above-ground building stories is not increased:

9 (1) the ceiling height of an existing building story in a lawfully-existing  
10 nonconforming structure may be increased to create an interior floor-to-ceiling height of up to  
11 nine feet; and/or

12 (2) a flat roof may be replaced with a pitched roof.

13 The alterations permitted by subsections (a)(1) and (a)(2) above shall be subject to  
14 applicable design guidelines, including the Residential Design Guidelines, for the zoning  
15 district in which the building is located. If a building is a historic resource or located in a  
16 historic district, the alterations shall also comply with applicable Secretary of Interior be  
17 Standards and other Code provisions pertaining to historic properties. Building heights shall  
18 measured according to the procedures of Section 260.

19 \* \* \* \*

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

22 \* \* \* \*

23 (b) **Applicability.** This Section applies only to the specific types of development  
24 projects identified herein and that are subject to changed regulations or procedures as a result  
25 of the Eastern Neighborhoods Controls and are located in an Eastern Neighborhoods Mixed

1 Use District, ~~an SLI District~~, or any PDR, R, or NC District located within the boundaries of the  
2 Eastern Neighborhoods Project Area pursuant to Section 423. This Section shall not apply to  
3 any other project.

4 **SEC. 181. NONCONFORMING USES: ENLARGEMENTS, ALTERATIONS AND**  
5 **RECONSTRUCTION.**

6 The following provisions shall apply to nonconforming uses with respect to  
7 enlargements, alterations and reconstruction:

8 \* \* \* \*

9 (f) **Nighttime Entertainment Uses in Certain Mixed-Use Districts.** A ~~an~~ Nighttime  
10 ~~e~~Entertainment use within the MUG or MUR Districts may be enlarged, intensified, extended,  
11 or expanded, including the expansion to an adjacent lot or lots, provided that: (1) the  
12 enlargement, intensification, extension or expansion is approved as a ~~e~~Conditional ~~u~~Use  
13 pursuant to Sections 303 ~~and 316~~ of this Code; (2) the use as a whole meets the ~~parking and~~  
14 signage requirements, floor area ratio limit, height and bulk limit, and all other requirements of  
15 this Code that would apply if the use were a permitted one; and (3) the provisions of Section  
16 803.5(b) of this Code are satisfied.

17 **SEC. 186.3. NON-RESIDENTIAL USES IN LANDMARK BUILDINGS IN RH, ~~AND RM, RTO,~~**  
18 **AND RTO-M DISTRICTS.**

19 Any use listed as a ~~p~~Principal or ~~e~~Conditional ~~u~~Use permitted on the ground floor in  
20 an NC-1 District, when located in a structure on a landmark site designated pursuant to Article  
21 10 of this Code, is permitted with Conditional Use authorization pursuant to Section 303 of this  
22 Code, provided that no ~~e~~Conditional ~~u~~Use shall be authorized under this provision unless (1)  
23 such authorization conforms to the applicable provisions of Section 303 of this Code, and (2)  
24 the specific use so authorized is essential to the feasibility of retaining and preserving the  
25 landmark.

1 **SEC. 190. CONVERSION OF MEDICAL CANNABIS DISPENSARIES TO CANNABIS**  
2 **RETAIL ESTABLISHMENTS.**

3 (a) **Conversion of MCDs with Planning Commission Approval to Cannabis**  
4 **Retail Uses.**

5 \* \* \* \*

6 (3) A Grandfathered MCD is subject to all other Planning Code requirements,  
7 including but not limited to the neighborhood notification requirement of Section 311 312.

8 \* \* \* \*

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

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

12 \* \* \* \*

<i><u>Eastern Neighborhoods Mixed Use Districts</u></i> <i><u>(Also see Sec. 802.4)</u></i>	
CMUO	Central SoMa Mixed Use – Office District (Defined in Sec. 848)
SPD	South Park District (Defined in Sec. 814)
MUG	Mixed Use – General (Defined in Sec. 840)
MUO	Mixed Use – Office (Defined in Sec. 842)
MUR	Mixed Use – Residential (Defined in Sec. 841)
UMU	Urban Mixed Use (Defined in Sec. 843)
RED	Residential Enclave District (Defined in Sec. 813)
RED-MX	Residential Enclave District – Mixed (Defined in Sec. 847)
WMUG	Western SoMa Mixed Use – General (Defined in Sec. 844)
WMUO	Western SoMa Mixed Use – Office (Defined in Sec. 845)
SALI	Service/Arts/Light Industrial (Defined in Sec. 846)

23 \* \* \* \*

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

1 In order to be classified as an Accessory Use, off-street parking and loading shall meet  
2 all of the following conditions:

3 \* \* \* \*

4 (b) **Parking Accessory to Dwellings.** Unless rented on a monthly basis to serve a  
5 nearby resident as described in subsection (c) below, required accessory parking facilities for  
6 any Dwelling in any R District shall be limited, further, to storage of private passenger  
7 automobiles, private automobile trailers, boats, bicycle parking, scooters, motorcycles, and  
8 car-share vehicles as permitted by Section 150 and trucks of a rated capacity not exceeding  
9 three-quarters of a ton.

10 \* \* \* \*

11 **SEC. 205.4. TEMPORARY USES: INTERMITTENT ACTIVITIES.**

12 An intermittent activity is an outdoor use which, while occasional, occurs with some  
13 routine or regularity. Intermittent activities include, but are not limited to, the following uses:  
14 mobile food facilities, farmers markets, and open-air craft markets. Such uses typically require  
15 additional authorization(s) from other City Departments. An intermittent activity may be  
16 authorized as a temporary use for a period not to exceed one year.

17 (a) In all Districts other than RH, RM, RED, and RTO Districts an intermittent activity  
18 is permissible if it satisfies all of the following conditions:

19 \* \* \* \*

20 (4) If located in a District that is subject to any of the neighborhood  
21 notification requirements as set forth in Section 311 ~~312~~ of this Code, notification pursuant to  
22 Section 311 ~~312~~ shall be required as follows:

23 \* \* \* \*

24 (D) Notwithstanding Subsections (4)(A) and (B) above, and in order to  
25 eliminate redundant notification, notification shall not be required for the resumption of an

1 intermittent activity or the extension of time for an intermittent activity when all of the following  
2 criteria are met: (i) an intermittent activity is currently authorized on the property or has been  
3 authorized on the property within the 12 months immediately preceding the filing of an  
4 application for resumption or extension; (ii) the existing or recent intermittent activity lawfully  
5 exceeds or exceeded the thresholds of Subsections (4)(A) and/or (B), above, and was the  
6 subject of neighborhood notice under Section ~~311~~ ~~312~~ at the time of its establishment; and (iii)  
7 the intermittent activity would not further exceed the thresholds of Subsections (4)(A) and/or  
8 (B), above.

9 \* \* \* \*

10 **SEC. 206.3. HOUSING OPPORTUNITIES MEAN EQUITY - SAN FRANCISCO PROGRAM.**

11 (a) **Purpose.** This Section 206.3 sets forth the HOME-SF Program. The HOME-SF  
12 Program or "HOME-SF" provides benefits to project sponsors of housing projects that set  
13 aside residential units onsite at below market rate rent or sales price in an amount higher than  
14 the amount required by the Inclusionary Housing Ordinance. The purpose of HOME-SF is to  
15 expand the number of below market rate units produced in San Francisco and provide  
16 housing opportunities to a wider range of incomes than traditional affordable housing  
17 programs, such as the City's Inclusionary Affordable Housing Program, Planning Code  
18 Sections 415 et seq., which typically provide housing only for very low, low or moderate  
19 income households. The purpose of HOME-SF also is to provide an alternative method of  
20 complying with the on-site inclusionary option set forth in Section 415.6. HOME-SF allows  
21 market-rate projects to match the City's shared Proposition K (November 2014) housing goals  
22 that 50% of new housing constructed or rehabilitated in the City by 2020 be within the reach of  
23 working middle class San Franciscans, and at least 33% affordable for low and moderate  
24 income households.

25 \* \* \* \*

1 (f) **Temporary provisions.** To facilitate the construction of HOME-SF projects, and  
2 based on information from the inclusionary housing study prepared for the Divisadero and  
3 Fillmore Neighborhood Commercial Transit District, in Board of Supervisors File No. 151258,  
4 and the Office of the Controller's Inclusionary Housing Working Group final report (February  
5 2016), the HOME-SF program shall include development incentives as specified in this  
6 subsection (f) based on the amount and level of affordability provided in this subsection (f).-  
7 For any development project that has submitted a complete Development Application prior to  
8 January 1, 2020, subsections (c)(1) and (d)(1), (d)(2), and (d)(3) shall not apply, and the  
9 provisions in this subsection (f) shall apply. For any development project that submits a  
10 complete Development Application on or after January 1, 2020, this subsection (f) shall apply  
11 until such time as it may be amended based on the Triennial Economic Feasibility Analysis  
12 established in Section 415.10.

13 \* \* \* \*

14 **SEC. 206.5. STATE RESIDENTIAL DENSITY BONUS PROGRAM: ANALYZED.**

15 \* \* \* \*

16 (c) **Development Bonuses.** All Analyzed State Law Density Bonus Projects shall  
17 receive, at the project sponsor's written request, any or all of the following:

18 (1) **Priority Processing.** Analyzed Projects that provide 30% or more of  
19 Units as On-site Inclusionary Housing Units or Restricted Affordable Units that meet all of the  
20 requirements *of* for an Inclusionary Housing Unit shall receive Priority Processing.

21 \* \* \* \*

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

23 \* \* \* \*

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

1 \* \* \* \*

2 (4) **Local Accessory Dwelling Unit Program: Accessory Dwelling Units**  
3 **in Multifamily Buildings; Accessory Dwelling Units in Single-Family Homes That Do Not**  
4 **Strictly Meet the Requirements in subsection (c)(6).**

5 \* \* \* \*

6 (B) **Applicability.** This subsection (c)(4) shall apply to the construction  
7 of Accessory Dwelling Units on all lots located within the City and County of San Francisco in  
8 areas that allow residential use, except that construction of an Accessory Dwelling Unit is  
9 regulated by subsection (c)(6), and not this subsection (c)(4), if all of the following  
10 circumstances exist:

11 \* \* \* \*

12 (iii) the ADU is either attached to or will be constructed entirely  
13 within the “living area” (as defined in subsection (c)(6)(B)(iii)) or the buildable area of the  
14 proposed or existing primary dwelling, or constructed within the built envelope of an existing  
15 and authorized auxiliary structure on the same lot; provided, however, that (A) when a stand-  
16 alone garage, storage structure, or other auxiliary structure is being converted to an ADU, an  
17 expansion to the envelope is allowed to add dormers even if the stand-alone garage, storage  
18 structure, or other auxiliary structure is in the required rear yard and (B) on a corner lot, a  
19 legal stand-alone nonconforming garage, storage structure, or other auxiliary structure may be  
20 expanded within its existing footprint by up to one additional story in order to create a  
21 consistent street wall and improve the continuity of buildings on the block.

22 \* \* \* \*

23 (6) **State Mandated Accessory Dwelling Unit Program: Accessory**  
24 **Dwelling Units in Existing or Proposed Single-Family Homes or in a Detached Auxiliary**  
25 **Structure on the Same Lot.**



1 \* \* \* \*

2 (B) **Lots Zoned for Single-Family or Multifamily Use and**  
3 **Containing an Existing or Proposed Single-Family Home; Controls on Construction.** An  
4 Accessory Dwelling Unit located on a lot that is zoned for single-family or multifamily use and  
5 contains an existing or proposed single-family dwelling and constructed pursuant to this  
6 subsection (c)(6) shall meet all of the following:

7 \* \* \* \*

8 (x) When a stand-alone garage, storage, or other auxiliary  
9 structure is being ~~con-verted~~ converted to an ADU, an expansion to the envelope is allowed to  
10 add dormers even if the stand-alone garage, storage structure, or other auxiliary ~~struc-ture~~  
11 structure is in the required rear yard.

12 \* \* \* \*

13 (H) **Notification.** Upon determination that an application is in  
14 compliance with the standards of subsection 207(c)(6) of the Planning Code, the Planning  
15 Department shall cause a notice to be posted on the site pursuant to rules established by the  
16 Zoning Administrator and shall cause a written notice describing the proposed project to be  
17 sent in the manner described below. This notice shall be in addition to any notices required by  
18 the Building Code and shall have a format and content determined by the Zoning  
19 Administrator. This notice shall include a description of the proposal compared to any existing  
20 improvements on the site with dimensions of the basic features, elevations and site plan of the  
21 proposed project including the position of any adjacent buildings, exterior dimensions and  
22 finishes, and a graphic reference scale, existing and proposed uses or commercial or  
23 institutional business name, if known. The notice shall describe the project review process  
24 and shall set forth the mailing date of the notice.

25 \* \* \* \*

(ii) The notification package for a project subject to notice under this subsection 207(c)(6) shall include a written notice and reduced-size drawings of the project. The written notice shall compare the proposed project to the existing conditions at the development lot. Change to basic features of the project that are quantifiable shall be disclosed on the written notice. The basic features of existing and proposed conditions shall include, where applicable, front setback, building depth, rear yard, depth\_side, setbacks, building height, number of stories, dwelling unit count and use of the building.

**SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, RCD, NCT, DTR, EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, THE POLK STREET AND PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICTS.**

\* \* \* \*

(c) **Controls.** For all RTO, RCD and NCT districts, as well as DTR, Eastern Neighborhoods Mixed Use Districts and the Pacific Avenue and Polk Street NCDs, one of the following three must apply:

\* \* \* \*

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

\* \* \* \*

**Table 209.2**

**ZONING CONTROL TABLE FOR RM DISTRICTS**

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
-----------------	--------------	------	------	------	------

<b>BUILDING STANDARDS</b>
<b>Massing and Setbacks</b>

1 2 3	Height and Bulk Limits	§§ 102, 105, 106, 250-252, 253, 260, <u>261.1</u> , 270, 271	Varies, See Height and Bulk Map and referenced sections. <u>Height sculpting on Alleys per § 261.1.</u>
	****	****	****

5 **SEC. 209.3. RC (RESIDENTIAL-COMMERCIAL) DISTRICTS.**

6 \* \* \* \*

7 **Table 209.3**

8 **ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS**

Zoning Category	§ References	RC-3	RC-4
<b>BUILDING STANDARDS</b>			
<b>Massing and Setbacks</b>			
Height and Bulk Limits	§§ 102, 105, 106, 122, 250-252, 260, <u>261.1</u> , 270, 271	Varies. See <i>also</i> Height and Bulk <i>District</i> Map and referenced sections. <u>Height sculpting on Alleys per § 261.1.</u>	
****			
<b>NON-RESIDENTIAL STANDARDS AND USES</b>			
<b>Development Standards</b>			
Floor Area Ratio	§§ 102, 123, 124	3.6 to 1.	4.8 to 1. Other FAR controls apply in the Van Ness SUD; § <u>243(c)(1)</u> .

21 \* \* \* \*

22 **SEC. 210.1. C-2 DISTRICTS: COMMUNITY BUSINESS.**

23 \* \* \* \*

Table 210.1

ZONING CONTROL TABLE FOR C-2 DISTRICTS

Zoning Category	§ References	C-2
* * * *		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
* * * *	* * * *	* * * *
Residential Parking Requirements	§§ 151, 155, 161	None required. <del>None Required.</del> Maximum permitted per § 151.
* * * *	* * * *	* * * *

\* \* \* \*

**SEC. 240. WATERFRONT SPECIAL USE DISTRICT.**

\* \* \* \*

(c) **Waterfront Design Review Process.**

\* \* \* \*

(8) The determination of the Committee on urban design issues related to the proposed project shall be final as to those design issues, except as provided below. The Committee shall transmit the design recommendations to the Planning Department and Port, and to the Bay Conservation and Development Commission for proposed projects within its jurisdiction, within five days following the Committee action for consideration by those agencies prior to any action on the project.

(A) For a project that is permitted as a ~~p~~P principal ~~u~~Use, the Planning Commission can, by majority vote within 14 days of receipt of the design recommendations of the Committee, make a determination to review the design recommendations. If the item cannot be calendared for Commission consideration within that period due to a canceled

1 meeting, the Commission may consider whether to review the design recommendations at its  
2 next available meeting. If the Commission requests review, it shall conduct a public hearing  
3 on the matter within 14 days following its determination to review the design  
4 recommendations, if legally adequate environmental documents have been completed, or at  
5 its first public meeting after such documents have been completed, unless the Port Director  
6 agrees to a different date. At the request of the Port Director, the meeting shall be conducted  
7 as a joint public hearing of the Planning Commission and the Port Commission. The Planning  
8 Commission, by majority vote, may adopt, amend or reject the design recommendations of  
9 the Committee, subject to the same standards and criteria that govern Committee decisions  
10 as provided in ~~S~~subsection (c)(6) above.

11 If the Port Commission accepts the design recommendations of the Committee or of  
12 the Planning Commission, the Port Commission shall incorporate the design  
13 recommendations into the Port action on the project.

14 If the Port Commission objects to or seeks to modify the design recommendations of  
15 the Committee, the Port Commission may request Planning Commission review of the design  
16 recommendations of the Committee. The Planning Commission shall schedule a public  
17 hearing and review the design recommendations of the Committee within 20 days following  
18 receipt of the request, if legally adequate environmental documents have been completed, or  
19 at its first public meeting after such documents have been completed, unless the Port Director  
20 agrees to a different date. At the request of the Port Director, the meeting shall be conducted  
21 as a joint public hearing of the Planning Commission and the Port Commission.

22 If the Port Commission objects to or seeks to substantially modify design  
23 recommendations that have been approved by the Planning Commission as set forth above,  
24 the Port Commission may appeal the design recommendations to the Board of Supervisors  
25 pursuant to the procedures set forth in Section 308.1 of this Code and in Charter Section

1 4.105 for appeals of ~~e~~Conditional ~~#~~Uses. The Board of Supervisors may disapprove the  
2 decision of the Commission by a vote of not less than two-thirds of the members of the Board.

3 \* \* \* \*

4 **SEC. 240.1. WATERFRONT SPECIAL USE DISTRICT NO. 1.**

5 The following provisions shall apply within Waterfront Special Use District No. 1:

6 \* \* \* \*

7 ~~⊕~~

8 (f) The basic Floor Area Ratio limit shall be 5.0 to 1 to the extent provided in Section  
9 124(e) of this Code. To calculate the Floor Area Ratio on piers under the jurisdiction of the  
10 Port Commission, all building permit applications shall include a map of the lot or lease area  
11 with precise boundaries showing its location on the pier under consideration. The proposed lot  
12 shall be reviewed and approved as part of the building permit and be the basis for further  
13 alterations or expansions of the structure.

14 **SEC. 249.1. FOLSOM AND MAIN RESIDENTIAL/COMMERCIAL SPECIAL USE**  
15 **DISTRICT.**

16 \* \* \* \*

17 (b) **Controls.** The following zoning controls are applicable in the  
18 Residential/Commercial Special Use District.

19 \* \* \* \*

20 (3) **Density.**

21 (A) **Residential Density.** There shall be no density limit for  
22 ~~#~~Residential ~~#~~Uses in the Residential/Commercial Subdistrict. The provisions of Sections  
23 207-~~7~~ and 208 related to residential density shall not apply.

24 \* \* \* \*

1 **SEC. 249.33. VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE**  
2 **DISTRICT.**

3 \* \* \* \*

4 (b) **Use Controls.**

5 (1) **Non-residential Uses.** For newly-constructed buildings or additions  
6 which exceed 20 percent or more of an existing structure's ~~g~~Gross ~~f~~Floor ~~a~~Area, ~~n~~Non-  
7 ~~r~~Residential ~~u~~Uses are not permitted above the fourth story, and at least two occupied square  
8 feet of ~~r~~Residential ~~u~~Use shall be provided for each occupied square foot of ~~n~~Non-~~r~~Residential  
9 ~~u~~Use. In order to accommodate local government office uses near City Hall, publicly-owned or  
10 leased buildings or lots are exempted from the requirements of this ~~s~~subsection.

11 (2) **Residential Density.** There shall be no density limit for ~~r~~Residential  
12 ~~u~~Uses by lot area, but by the applicable requirements and limitations elsewhere in this Code,  
13 including but not limited to height, bulk, setbacks, open space, and exposure, as well as by  
14 the Market & Octavia Area Plan Fundamental *Principles Principals* for Design, other applicable  
15 design guidelines, applicable elements and area plans of the General Plan, and design review  
16 by the Planning Department. The limitations set forth in the Zoning Control Table for the  
17 district in which the lot is located shall not apply.

18 (3) **Residential Affordable Housing Program.** All projects in this District  
19 shall be subject to all the terms of Section 415 and following of the Inclusionary Affordable  
20 Housing Program. Notwithstanding the foregoing, projects within the Van Ness and Market  
21 Downtown Residential Special Use District shall at a minimum fulfill the requirements to the  
22 levels specified in this section. Should Section 415 require greater contributions to the  
23 affordable housing program, those requirements shall *supersede* ~~supereede~~ this section.  
24 Proposed exceptions to these requirements due to hardships associated with construction  
25 type, specifically heights above 120 feet, are not applicable in this Special Use District

1 because parcels are receiving an up zoning through increased density and benefits through  
2 the general transformation of the district to a transit oriented neighborhood with a mixed use  
3 character. Requirements and administration of this program shall follow the conditions  
4 outlined in Section 415 of this Code unless otherwise specified in this Section.

5 \* \* \* \*

6 (4) **Open Space Provider.** The off-site open space permitted by this Section  
7 may be provided individually by the project sponsor or jointly by the project sponsor and other  
8 project sponsors, provided that each square foot of jointly developed open space may count  
9 toward only one sponsor's requirement. With the approval of the Planning Commission, a  
10 public or private agency may develop and maintain the open space, provided that (A) the  
11 project sponsor or sponsors pay for the cost of development of the number of square feet the  
12 project sponsor is required to provide, (B) provision satisfactory to the Commission is made  
13 for the continued maintenance of the open space for the actual lifetime of the building giving  
14 rise to the open space requirement, and (C) the Commission finds that there is reasonable  
15 assurance that the open space to be developed by such agency will be developed and open  
16 for use by the time the building, the open space requirement of which is being met by the  
17 payment, is ready for occupancy.

18 \* \* \* \*

19 (B) **Publicly-Accessible Open Space Standards.**

20 (i) Open Space Types. Open space must be of one or more of the  
21 following types:

22 (i) a. An unenclosed park or garden at street grade or  
23 following the natural topography, including improvements to hillsides or other unimproved  
24 public areas according to the Market & Octavia Area Plan;



1                                    ~~(ii)~~ b. An unenclosed plaza at street grade, with seating  
2 areas and landscaping and no more than 10 percent of the floor area devoted to food or  
3 beverage service;

4                                    ~~(iii)~~ c. An unenclosed pedestrian pathway that meets the  
5 minimum standards described in Section 827(g)(3)(A)-(E) of this Code;

6                                    ~~(iv)~~ d. A terrace or roof garden with landscaping;

7                                    ~~(v)~~ e. Streetscape improvements with landscaping and  
8 pedestrian amenities that result in additional space beyond the pre-existing sidewalk width  
9 and conform to the Market & Octavia Area Plan, such as sidewalk widening or building  
10 setbacks; and

11                                    ~~(vi)~~ f. Streetscape improvements with landscaping and  
12 pedestrian amenities on alleyways from building face to building face, beyond basic street tree  
13 planting or street lighting as otherwise required by this Code, in accordance with the Market &  
14 Octavia Area Plan.

15                                    ~~(iiD)~~ **Open Space Standards.** Open space must meet the following  
16 standards:

17                                    ~~(i)~~ a. Be in such locations and provide such ingress and  
18 egress as will make the area convenient, safe, secure and easily accessible to the general  
19 public;

20                                    ~~(ii)~~ b. Be appropriately landscaped;

21                                    ~~(iii)~~ c. Be protected from uncomfortable winds;

22                                    ~~(iv)~~ d. Incorporate ample seating and, if appropriate,  
23 access to limited amounts of food and beverage service, which will enhance public use of the  
24 area;



1 its officers, agents and employees, from any damage or injury caused by the design,  
2 construction or maintenance of open space, and to require the owner or owners or  
3 subsequent owner or owners of the property to be solely liable for any damage or loss  
4 occasioned by any act or neglect in respect to the design, construction or maintenance of the  
5 open space.

6 (5) **Lot Coverage.** The rear yard requirements of Section 134 of this Code  
7 shall not apply. Lot coverage is limited to 80 percent at all residential levels except on levels in  
8 which all residential units face onto a public right-of-way. The unbuilt portion of the lot shall be  
9 open to the sky except for those obstructions permitted in yards per Section 136(c) of this  
10 Code. Exceptions to the 20 percent open area may be granted pursuant to the procedures of  
11 Section 309 for conversions of existing ~~Non-Residential~~ structures where it is determined  
12 that provision of 20 percent open area would require partial demolition of the existing ~~Non-~~  
13 ~~Residential~~ structure.

14 (6) **Floor Area Ratio.**

15 \* \* \* \*

16 (B) **Floor Area Bonus Permitted for Public Improvements or In-**  
17 **lieu Contributions to the Van Ness and Market Neighborhood Infrastructure Fund and**  
18 **In lieu Contributions to the Citywide Affordable Housing Fund.**

19 (i) The ~~g~~Gross ~~f~~Floor ~~a~~Area of a structure or structures on a lot  
20 may exceed the maximum ratio described in Section 123(c) of this Code through participation  
21 in the Van Ness and Market Affordable Housing and Neighborhood Infrastructure Program,  
22 according to the procedures described in Section 424.

23 \* \* \* \*

24 **SEC. 249.35. FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT.**

25 \* \* \* \*

1           **(b) Establishment of the Fringe Financial Service Restricted Use District.** In  
2 order to preserve the residential character and the neighborhood-serving commercial uses of  
3 the following defined areas, a noncontiguous Fringe Financial Service Restricted Use District  
4 (Fringe Financial Service RUD) is hereby established for the following properties:

5           (1) Properties in NC-1 and NCT-3 Districts, *and* in the Broadway (Sec. 714),  
6 Castro Street (Sec. 715), Inner Clement Street (Sec. 716), Outer Clement Street (Sec. 717),  
7 Cole Valley (Sec. 742), Excelsior Outer Mission Street (Sec. ~~720~~ 745), Fillmore Street (Sec.  
8 747), Upper Fillmore Street (Sec. 718), Haight Street (Sec. 719), Upper Market Street (Sec. 721),  
9 Upper Market Street NCT (Sec. 733), Mission Street (Sec. 736), Lakeside Village (Sec. 727), North  
10 Beach (Sec. 722), Pacific Avenue (Sec. ~~726~~ 732), Polk Street (Sec. 723), Sacramento Street  
11 (Sec. 724), Inner Sunset (Sec. 730), 24th Street – Mission (Sec. 727), 24th Street – Noe Valley  
12 (Sec. 728), Union Street (Sec. 725), Valencia Street (Sec. 726), and West Portal Avenue (Sec.  
13 729) Neighborhood Commercial Districts; *and in the Divisadero Street (Sec. 759), Hayes-Gough*  
14 *(Sec. 761), Mission Street (Sec. 754), 24th Street – Mission (Sec. 763), Upper Market Street (Sec. 764),*  
15 *and Valencia Street (Sec. 762) Neighborhood Commercial Transit Districts;*

16           (2) Properties in the Mission Alcoholic Beverage Special Use District, as  
17 described in Section 249.60 of this Code and as designated on Sectional Maps SU07 and  
18 SU08 of the Zoning Map of the City and County of San Francisco;

19           (3) Properties in the North of Market Residential Special Use District, as  
20 described in Section 249.5 of this Code and as designated on Sectional Maps SU01 and  
21 SU02 of the Zoning Map of the City and County of San Francisco;

22           (4) Properties in the *Divisadero Street (Section 783)*, Haight Street (Section  
23 781.9) and Third Street (Section 782) Alcohol Restricted Use Districts; *and*

24           *(5) Properties in the Chinatown Community Business (CCB)(Section 810), South*  
25 *Park (SPD)(Section 814), and Rincon Hill (RH-DTR)(Section 827) Districts.*

1     **SEC. 249.35A. FULTON STREET GROCERY STORE SPECIAL USE DISTRICT.SEC.**

2             (d)   **Controls.** The following controls apply to projects meeting the criteria of  
3 subsection (c) and to any subsequent alterations or changes of use in a building approved  
4 under this Section.

5                     \* \* \* \*

6             (4) All subsequent changes of use shall require Conditional Use authorization  
7 from the Planning Commission. The only Non-Residential Uses that may be permitted in the  
8 space initially approved for a grocery store shall include Trade Shop, Institutional Uses,  
9 excluding Medical Cannabis Dispensaries, *and* Hospitals *and Philanthropic Administrative*  
10 *Services*, except that General Retail Sales and Services, Pharmacy, or Specialty Grocery uses  
11 may be permitted provided that no individual tenant occupies more than 3,000 square feet of  
12 Gross Floor Area.

13                     \* \* \* \*

14     **249.40. POTRERO CENTER MIXED-USE SPECIAL USE DISTRICT.**

15                     \* \* \* \*

16             (c)   **Controls.** All provisions of the Planning Code shall continue to apply, except for  
17 the following:

18                     \* \* \* \*

19             (4)   **Housing Requirements.** The Potrero Center is one of the largest  
20 properties in the UMU zoning district that provides a unique opportunity for a mixed-use  
21 project with the provision of a significant amount of affordable housing, through either on-site  
22 inclusionary units, a dedication of a portion of the land or the air rights of the property to the  
23 City. This would enable the City (or another affordable housing developer) to develop  
24 affordable housing on such dedicated portion or provide for a combination of both on-site  
25 inclusionary housing and land dedication. The City supports such affordable housing

1 production in this location, rather than in an off-site location or locations. The provisions of  
2 Table 419.5 Sections 319.4(a)(3)(A) and 319.4(a)(3)(B) shall be modified to increase the off-site  
3 affordable unit election and in lieu fee election requirements from 27 percent to 30 percent of  
4 the total number of units produced in the principal project. The findings of Section 419.5(a)(2)  
5 ~~319.1~~ concerning the provision of affordable housing are incorporated herein by reference.

6 (5) **Land Dedication Election.** The Land Dedication Alternative for the  
7 provision of inclusionary housing units specified in Section 419.5(a)(2) ~~319.4(b)(2)~~ may be  
8 satisfied incrementally over time in the event that portions of the SUD are redeveloped in  
9 phases and may be satisfied through the dedication to the City of air space parcels above or  
10 adjacent to retail, parking or other uses, as well as through dedications of land, upon the  
11 approval of the Mayor's Office of Housing or a successor entity, and provided the  
12 requirements of Section 419.5(a)(2) ~~319.4(b)(2)(A)-(I)~~ are otherwise satisfied.

13 **SEC. 249.52. TREASURE ISLAND/YERBA BUENA ISLAND SPECIAL USE DISTRICT.**

14 \* \* \* \*

15 (e) **Development Controls.** Development and uses of property within this Special  
16 Use District shall be regulated by the controls contained herein and in the Design for  
17 Development, provided, however, that if there is any inconsistency between this Special Use  
18 District and the Design for Development, this Special Use District shall control.

19 \* \* \* \*

20 (2) **Uses.** The uses listed in Figure ~~3 are~~ 3 are permitted in this Special Use  
21 District as indicated by the following symbols in the respective column for each district: (i) P –  
22 permitted as a Principal Use in this zoning designation; (ii) IC – subject to approval as an  
23 Island Conditional Use pursuant to the procedures set forth in subsection (h) below; (iii) blank  
24 – not permitted in this zoning designation.

25 \* \* \* \*

1 **SEC. 249.59. CALLE 24 SPECIAL USE DISTRICT.**

2 \* \* \* \*

3 (d) **Controls.** The following provisions, in addition to all other applicable provisions  
4 of the Planning Code, shall apply within the Calle 24 Special Use District:

5 (1) **Eating and Drinking Establishments.** In addition to other prohibitions  
6 on such uses found within this Code, a new Restaurant use, new Limited-Restaurant use,  
7 new Bar use, or the physical expansion of any such existing use shall be prohibited where the  
8 concentration of those uses exceeds, or would exceed with the proposed use or physical  
9 expansion of an existing use, 35% of the total commercial frontage as measured in linear feet  
10 within the immediate area of the subject site. For the purpose of calculating the concentration  
11 of commercial frontage, the "immediate area" shall mean all properties located within 300 feet  
12 of the subject property within the Calle 24 Special Use District and in a zoning district that is  
13 not Residential or Public Use. Any project for which a development application, as defined in  
14 Section 401, was submitted by March 31, 2017 ~~or~~ *and* any change in use from an existing  
15 Limited-Restaurant use to a Restaurant use shall be exempt from the requirements of this  
16 Section 249.59(d)(1).

17 **SEC. 249.60. MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT.**

18 \* \* \* \*

19 (d) **Good Neighbor Policies.** The operating conditions established in Section 202.2  
20 of this Code shall apply to all liquor establishments in this SUD in order to maintain the safety  
21 and cleanliness of the premises and vicinity. In addition, all new, relocated, or expanded liquor  
22 establishments, and any liquor establishment with a license referred for review to the Planning  
23 Department by the State of California Department of Alcohol Beverage Control, shall comply  
24 with the requirements set forth below. Liquor establishment shall have the meaning set forth in  
25 subsection (c) above.

1 \* \* \* \*

2 (2) No more than 33% of the square footage of the windows and clear doors  
3 of the liquor establishment shall bear advertising or signage of any sort, and all advertising  
4 and signage shall be placed and maintained in a manner than ensures that law enforcement  
5 personnel have a clear and unobstructed view of the interior of the premises from the exterior  
6 public sidewalk or entrance to the premises. This requirement shall not apply to premises  
7 where there are no windows, or where existing windows are located at a height that precludes  
8 a view of the interior of the premises to a person standing outside the premises. Street facing  
9 facades shall maintain at least 50% clear and visually-permeable glazing.

10 For any use authorized pursuant to a Conditional Use authorization after the effective  
11 date of Ordinance No. 143-14 repeated violations of the Good Neighbor Policies set forth in  
12 this ~~subection~~ subsection (d), of the operating conditions set forth in Section 202.2 of this Code,  
13 or of any conditions associated with a Condition of Approval shall require a hearing at the  
14 Planning Commission to consider revocation of the Conditional Use authorization.

15 \* \* \* \*

16 **SEC. 249.63. CAYUGA/ALEMANY SPECIAL USE DISTRICT.**

17 A Special Use District entitled the Cayuga/Alemanly Special Use District  
18 (Cayuga/Alemanly SUD, or SUD), is hereby established for the purpose set forth in this  
19 Section 249.63.

20 \* \* \* \*

21 (c) **Controls.** All provisions of the Planning Code applicable to the Excelsior Outer  
22 Mission Neighborhood Commercial District shall apply to the Cayuga/Alemanly SUD except as  
23 otherwise provided in this Section 249.63 .

24 (1) **Dwelling Unit Density.** There shall be no residential density limit within  
25 this SUD.



1 (2) **Dwelling Unit Mix.** The following dwelling unit mix criteria shall apply in  
2 this SUD:

3 (A) No less than 70% of the total number of proposed dDwelling #Units  
4 shall contain at least two bedrooms. Any fraction resulting from this calculation shall be  
5 rounded to the nearest whole number of dDwelling #Units;

6 (B) No less than 10% of the total number of proposed dDwelling #Units  
7 shall contain at least three bedrooms. Any fraction resulting from this calculation shall be  
8 rounded to the nearest whole number of dDwelling #Units. Units counted towards this  
9 requirement may also count towards the requirement for units with two or more bedrooms as  
10 described in subsection (c)(2)(i).

11 (3) **Inclusionary Housing.** The requirements of Section 415 of this Code  
12 shall apply in this SUD, except as expressly provided herein.

13 (A) Compliance with Section 415 shall be by providing affordable units  
14 on-site in accordance with Section 415.6. Payment of an affordable housing fee under Section  
15 415.5, or construction of units off-site under Section 415.7 are not permitted to satisfy Section  
16 415.

17 (B) The number of Affordable Units constructed on-site shall be 50%  
18 of the number of all units constructed on-site.

19 (i) Ten percent of the units shall be affordable to households  
20 earning 55% of Area Median Income, with households earning up to 65% of Area Median  
21 Income eligible to apply for units under this subsection (c)(3)(B)(i).

22 (ii) Ten percent of the units shall be affordable to households  
23 earning 80% or less of Area Median Income, with households earning from 65% to 90% of  
24 Area Median Income eligible to apply for units under this subsection (c)(3)(B)(ii).

25

1 (iii) Thirty percent of the units shall be affordable to households  
2 earning up to 100% of Area Median Income, with households earning from 90% to 130% of  
3 Area Median Income eligible to apply for units under this subsection (c)(3)(B)(iii).

4 \* \* \* \*

5 **SEC. 249.70. CENTRAL SUBWAY TUNNEL BORING MACHINE EXTRACTION SITE**  
6 **SPECIAL USE DISTRICT.**

7 \* \* \* \*

8 (b) **Controls.** All otherwise applicable provisions of the Planning Code shall apply to  
9 this Special Use District, except as specifically provided in this Section 249.70:

10 \* \* \* \*

11 (8) **Height and Bulk.** The height and bulk applicable to this Special Use  
12 District shall be 55-X, provided, however, that in no case shall the height of any new structure  
13 exceed the height of the existing Pagoda Palace structure. For purposes of measurement of  
14 height in this District, the height of a projecting business sign shall be exempt, provided that  
15 such sign is the reconstruction or rehabilitation of an existing projecting movie theater blade  
16 sign as provided in § subsection (b)(9). Prior to demolition of the existing structure, the owner  
17 or ~~owners~~ owner's authorized agent shall prepare and submit to the Planning Department a  
18 detailed survey, including elevations and sections, which accurately dimension the height of  
19 the existing theater building, including the heights of all rooftop features.

20 **SEC. 249.74. FIFTH AND MISSION SPECIAL USE DISTRICT.**

21 (a) **General.** A Special Use District entitled the Fifth and Mission Special Use  
22 District ("District"), the boundaries of which are shown on Sectional Map ~~SU001~~ SU01 of the  
23 Zoning Maps of the City and County of San Francisco, is hereby established for the purpose  
24 set out below.

25 \* \* \* \*

1 (d) **Development Controls.** Applicable provisions of the Planning Code shall  
2 control except as otherwise provided in this Section and the Design for Development. In the  
3 event of a conflict between other provisions of the Planning Code, the Design for  
4 Development, or this District, the provisions of this District shall control.

5 \* \* \* \*

6 (4) **Building Standards.**

7 (A) **Building Height.** The applicable height limits shall be as set forth in  
8 Height Map ~~HT001~~ HT01 of the Zoning Maps of the City and County of San Francisco, and  
9 shall be measured and regulated as provided in Article 2.5, with the following exceptions for  
10 parcels zoned 365-X or 450-S:

11 \* \* \* \*

12 **SEC. 249.76. POTRERO HOPE SF SPECIAL USE DISTRICT.**

13 \* \* \* \*

14 (e) **Project Review and Approval.**

15 \* \* \* \*

16 (3) **Building Design Review and Approval.** The construction, expansion, or  
17 major alteration of, or additions to, all structures within this Special Use District requires  
18 applications for design review described in this Section 249.76. Applications for design review  
19 may be submitted concurrently with or subsequent to a Development Phase Design Review  
20 Application. The owner or authorized agent of the owner of the property for which the design  
21 review is sought may file applications for design review. Department staff shall review the  
22 application for completeness and advise the applicant in writing of any deficiencies within 30  
23 days after receipt of the application or, if applicable, within 15 days after receipt of any  
24 supplemental information requested pursuant to this section. If Department staff does not so  
25 advise the applicant, and if the related Phase Application has been approved, the application

1 will be deemed complete. The application shall include the documents and materials  
2 necessary to determine consistency with this Special Use District, the Design Standards and  
3 Guidelines, and the applicable requirements of the Development Agreement, including site  
4 plans, sections, elevations, renderings, landscape plans, and exterior material samples to  
5 illustrate the overall concept design of the proposed buildings, and conformance with any  
6 phasing plan. If any requests for a Major Modification or Minor Modification are sought in  
7 accordance with the allowances of this Section, the application shall contain a narrative for  
8 each modification sought that describes how the proposed project meets the full intent of the  
9 Design Standards and Guidelines and provides architectural treatment and public benefit that  
10 are equivalent to or superior to strict compliance with the standards.

11 \* \* \* \*

12 (B) **Staff Design Review.** The Department shall perform  
13 administrative design review for each application as further detailed in the Development  
14 Agreement. Department staff shall review the project to determine if it complies with this  
15 Special Use District, the Design Standards and Guidelines, the Development Agreement, an  
16 approved Development Phase Application, and any applicable mitigation measures. The  
17 Department shall complete the initial review and respond to the project sponsor within 60 days  
18 of receiving a complete application. The Department staff shall have 30 days to respond to  
19 any modifications or revisions submitted by the project sponsor after the submission of the  
20 initial application. Upon completing review, Department staff may draft a staff report to the  
21 Planning Director or Planning Commission, as appropriate, including a recommendation  
22 regarding any modifications to the project. The staff report shall be delivered to the applicant  
23 no less than 14 days prior to Planning Director or Planning Commission action on the  
24 application, and shall be kept on file for public review. The Department shall provide public  
25 notice of the staff report and recommendation no less than 14 days prior to action on the

1 application by the Planning Director or Planning Commission. Written notice shall be mailed to  
2 the notification group which shall include the project sponsor, tenants of the subject property,  
3 relevant neighborhood organizations as maintained by the Planning Department, and all  
4 individuals having made a written request for notification for the project site pursuant to  
5 Planning Code Section 351.

6 **SEC. 249.78. CENTRAL SOMA SPECIAL USE DISTRICT.**

7 \* \* \* \*

8 (d) **Urban Design and Density Controls.**

9 (1) **Prevailing Building Height and Density.** In order to ensure adequate  
10 provision of infrastructure and services in an area transitioning from industrial uses to more  
11 intensive residential and commercial uses through adoption of the Central SoMa Plan,  
12 Prevailing Building Height and Density Limits are herein established.

13 \* \* \* \*

14 (B) **Controls.** Notwithstanding the height limit indicated on the Zoning  
15 Map and the Floor Area Ratio controls of subsection (3) below, the following ~~h~~Height and  
16 Floor Area Ratio controls shall apply:

17 \* \* \* \*

18 (ii) For projects on lots where the Zoning Map indicates a  
19 height limit of less than 85 feet, the project lot or lots shall be limited to a maximum Floor Area  
20 Ratio of 3.0:1.

21 (2) **Design of Buildings.** New construction shall comply with the "Citywide  
22 ~~Central SoMa Guide to~~ Urban Design Guidelines" as adopted and periodically amended by the  
23 Planning Commission.

24 \* \* \* \*

1 **SEC. 249.80. MISSION ROCK SPECIAL USE DISTRICT.**

2 \* \* \* \*

3 (d) **Relationship to Other Planning Code Provisions.** The provisions of this SUD  
4 and the Design Controls shall supersede the Planning Code in its entirety, with the result that  
5 the Planning Code shall not apply in the SUD, except with respect to (1) Planning Code  
6 definitions as specified in subsection (e) below; (2) Planning Code sections adopted or  
7 amended in connection with this Special Use District as follows: Section 105 (Zoning Maps),  
8 Section 201 (Mission Rock Mixed Use District), Section 249.80 (Mission Rock Special Use  
9 District), Section 291 (Mission Rock Height and Bulk District), and Section 901 (Applicability  
10 of Article 9 Provisions and Other Provisions of the Planning Code); (3) Planning Code  
11 sections adopted by ballot proposition prior to the effective date of the ordinance (in Board of  
12 Supervisors File No. 170940) adopting this SUD as follows, and only to the extent that such  
13 provisions are applicable under the ballot proposition to development within the SUD: sections  
14 of the Planning Code adopted or amended by Proposition M (November, 1986) (Sections  
15 101.1, 164, and 320-325); Proposition K (June, 1984) (Section 295); and Proposition G  
16 (March, 2002) (Sections 602.7 (recodified at 602) and 611); and (4) any other section of the  
17 Planning Code referenced herein (but only to the extent and for the purposes stated herein).  
18 Sections of the Planning Code adopted by ballot proposition that are limited geographically  
19 and do not apply to the SUD are Proposition G (Small Business Protection Act) (November,  
20 2006) (Section 303.1); and Proposition X (Limitation on Conversion of Production,  
21 Distribution, and Repair Use, Institutional Community Use, and Arts Activities Use)  
22 (November, 2016) (Section 202.8). In the event of a conflict between any provisions of the  
23 Planning Code that are incorporated herein by reference pursuant to subsection (d)(4) above  
24 and the Design Controls or this Section 249.80, this Section 249.80 and the Design Controls  
25

1 shall control. Later amendments to the code sections referenced in this subsection as  
2 applicable in the SUD shall apply where not conflict with this SUD, the DC or the DA.

3 (e) **Definitions.** If not explicitly superseded by definitions established in this SUD or  
4 in the DC, the definitions in this Code shall apply. In addition to the specific definitions set  
5 forth elsewhere in this Section 249.80, the following definitions shall govern interpretation of  
6 this Section:

7 \* \* \* \*

8 "Block" is a development Block as depicted on Figure ~~249.80-MR1~~ ~~249.80-MR-1~~.

9 \* \* \* \*

10 (f) **Uses.**

11 \* \* \* \*

12 (5) **Interim Uses.** The Executive Director may approve any interim use listed  
13 in this section without a public hearing for a period not to exceed five years if the Executive  
14 Director finds that such use will not impede orderly development consistent with this Section  
15 249.80, the Design Controls, and the DA. Interim uses under this ~~Section~~ subsection (f)(5) are  
16 limited to uses at Pier 48 and the existing unimproved areas, open space and surface parking  
17 lots in the SUD area. Any interim use listed in this section that is integral to development  
18 under the DA, DDA or Vertical DDA and permitted by the Port under any Port lease or license  
19 shall not require separate authorization as an interim or temporary use (for example, uses  
20 incidental to environmental clean-up, demolition and construction, storage, and automobile  
21 and truck parking and loading related to construction activities-). Any authorization granted  
22 pursuant to this subsection (f)(5) shall not exempt the Applicant from obtaining any other  
23 permit required by law. Additional time for such uses may be authorized upon a new  
24 application. Interim uses that the Executive Director may authorize include, but are not limited  
25 to the following or similar activities:

1 \* \* \* \*

2 (j) **Modification to Building Standards.** Modification of the Building Standards  
3 may be approved as authorized by this subsection (j) on a project-by-project basis according  
4 to the procedures of subsection (m).

5 (1) **No Modifications Permitted.** Major and Minor Modifications under  
6 subsection (m) are not permitted for:

7 \* \* \* \*

8 (D) land use requirements established in subsections (f).

9 \* \* \* \*

10 **SEC. 260. HEIGHT LIMITS: MEASUREMENT.**

11 \* \* \* \*

12 (b) **Exemptions.** In addition to other height exceptions permitted by this Code, the  
13 features listed in this subsection (b) shall be exempt from the height limits established by this  
14 Code, in an amount up to but not exceeding that which is specified.

15 (1) The following features shall be exempt provided the limitations indicated  
16 for each are observed; and provided further that the sum of the horizontal areas of all features  
17 listed in this subsection (b)(1) shall not exceed 20% of the horizontal area of the roof above  
18 which they are situated, or, in C-3 Districts and in the Rincon Hill Downtown Residential  
19 District, where the top of the building has been separated into a number of stepped elements  
20 to reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and  
21 provided further that in any R, RC-3, or RC-4 District the sum of the horizontal areas of all  
22 such features located within the first 10 feet of depth of the building, as measured from the  
23 front wall of the building, shall not exceed 20% of the horizontal area of the roof in such first  
24 10 feet of depth.



1 As an alternative, the sum of the horizontal areas of all features listed in this subsection  
2 (b)(1) may be equal to but not exceed 20% of the horizontal area permitted for buildings and  
3 structures under any bulk limitations in Section 270 of this Code applicable to the subject  
4 property.

5 Any such sum of 20% heretofore described may be increased to 30% by unroofed  
6 screening designed either to obscure the features listed under (A) and (B) below or to provide  
7 a more balanced and graceful silhouette for the top of the building or structure.

8 \* \* \* \*

9 (B) Elevator, stair and mechanical penthouses, fire towers, skylights  
10 and dormer windows. This exemption shall be limited to the top 10 feet of such features where  
11 the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is  
12 more than 65 feet. However, for elevator penthouses, the exemption shall be limited to the top  
13 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the  
14 building. The design of all elevator penthouses in Residential Districts shall be consistent with  
15 the "Residential Design Guidelines" as adopted and periodically amended for specific areas or  
16 conditions by the *City* Planning Commission.

17 The Zoning Administrator may, after conducting a public hearing, grant a further height  
18 exemption for an elevator penthouse for a building with a height limit of more than 65 feet but  
19 only to the extent that the Zoning Administrator determines that such an exemption is required  
20 to meet state or federal laws or regulations. All requests for height exemptions for elevator  
21 penthouses located in Residential or Neighborhood Commercial Districts shall be subject to  
22 the neighborhood notification requirements of Sections 311 ~~and 312~~ of this Code.

23 \* \* \* \*

1 (E) In any C-3 District, the CMUO District, and any MUR or MUG  
2 District within the Central SoMa Special Use District, enclosed space related to the  
3 recreational use of the roof, not to exceed 16 feet in height.

4 \* \* \* \*

5 (ML) In the Central SoMa Special Use District, additional building  
6 volume used to enclose or screen from view the features listed in subsections (b)(1)(A) and  
7 (b)(1)(B) above. The rooftop form created by the added volume shall not be subject to the  
8 percentage coverage limitations otherwise applicable to the building, but shall meet the  
9 requirements of Section 141; shall not exceed 10% percent of the total height of any building  
10 taller than 200 feet; shall have a horizontal area not more than 100% percent of the total area  
11 of the highest occupied floor; and shall contain no space for human occupancy. The features  
12 described in subsection (b)(1)(B) shall not be limited to 16 feet for buildings taller than 200  
13 feet, but shall be limited by the permissible height of any additional rooftop volume allowed by  
14 this subsection (ML).

15 (NA) In any S-2 Bulk District for any building which exceeds 550 feet in  
16 height, unoccupied building features including mechanical and elevator penthouses, enclosed  
17 and unenclosed rooftop screening, and unenclosed architectural features not containing  
18 occupied space that extend above the height limit, only as permitted by the Planning  
19 Commission according to the procedures of Section 309 and meeting all of the following  
20 criteria:

21 (i) such elements are demonstrated to not add more than  
22 insignificant amounts of additional shadow compared to the same building without such  
23 additional elements on any public open spaces as deemed acceptable by the Planning  
24 Commission; and  
25

1 (ii) such elements are limited to a maximum additional height  
2 equivalent to 7.5% ~~percent~~ of the height of the building to the roof of the highest occupied floor,  
3 except that in the case of a building in the 1,000-foot height district such elements are not  
4 limited in height, and any building regardless of building height or height district may feature a  
5 single spire or flagpole with a diagonal in cross-section of less than 18 feet and up to 50 feet  
6 in height in addition to elements allowed according to this subsection (~~N M~~); and

7 \* \* \* \*

8 **SEC. 262. ADDITIONAL HEIGHT LIMITS APPLICABLE TO SIGNS.**

9 (a) The height limits established by this Article 2.5 shall apply to all signs regulated  
10 by this Code, except ~~for those identified as h~~Historic sSigns ~~and Vintage Signs defined in within an~~  
11 ~~Historic Sign District pursuant to~~ Sections 602, ~~and Historic Movie Theater Projecting Signs and~~  
12 ~~Historic Movie Theater Marquees defined in Section 188(e) 302, 303 and 608.14~~ of this Code. No  
13 sign shall be erected, placed, replaced, reconstructed or relocated except in conformity with  
14 the provisions of this Article, whether such sign is freestanding or attached to a building or  
15 structure.

16 (b) The height of signs is also regulated by Article 6 of this Code, and in each case  
17 the most restrictive of the applicable height limitations shall prevail, except for ~~h~~HHistoric ~~s~~SSigns,  
18 ~~Vintage Signs, Historic Movie Theater Projecting Signs, and Historic Movie Theater Movie Marquees~~  
19 ~~within Historic Sign Districts~~ which are exempt from height limits pursuant to Section 260 of this  
20 Code.

21 **SEC. 263.32. SPECIAL HEIGHT EXCEPTIONS: PERMITTED BUILDING HEIGHTS IN THE**  
22 **CENTRAL SOMA SPECIAL USE DISTRICT.**

23 \* \* \* \*

24 (c) **Controls.** An additional 25 feet of height above the otherwise applicable height  
25 limit is permitted for a development project subject to this Section 263.32 without requiring

1 eConditional ~~u~~Use authorization by the Planning Commission only if it meets the following  
2 conditions:

3 \* \* \* \*

4 (~~3~~ 2) The additional height shall not cause any new or substantially increased  
5 significant impacts that cannot be mitigated to less than significant levels related to wind and  
6 shadow that would not have occurred without the additional height, as determined by the  
7 Environmental Review Officer.

8 (~~4~~ 3) A project using a special height exception pursuant to this Section 263.32  
9 shall be subject to Sections 132.4 and 270(h), based on the otherwise applicable Height limit  
10 for the lot.

11 (~~5~~ 4) A project using a special height exception pursuant to this Section 263.32  
12 may add 25 feet above the otherwise applicable Height limit for purposes of calculating its  
13 Apparent Mass Reduction pursuant to Section 270(h).

14 **SEC. 303. CONDITIONAL USES.**

15 \* \* \* \*

16 (n) **Massage Establishments.** With respect to Massage Establishments that are  
17 subject to Conditional Use authorization, in addition to the criteria set forth in subsection (c)  
18 above, the Commission shall make the following findings:

19 \* \* \* \*

20 *Exceptions. A Massage Establishment shall not require a Conditional Use authorization if the*  
21 *Massage Establishment satisfies one or more of the following conditions:*

22 *(1) The massage use is accessory to a Principal Use, if the massage use is accessed*  
23 *by the Principal Use and*

24 *(A) the Principal Use is a Dwelling Unit and the massage use conforms to the*  
25 *requirements of Section 204.1, for Accessory Uses for Dwelling Units in All Districts; or*

1                                    (B) the Principal Use is a Tourist Hotel that contains 100 or more rooms or  
2 an Institutional Use as defined in this Code.

3                                    (2) The only massage service provided is chair massage, such service is visible to  
4 the public, and customers are fully clothed at all times.

5                                    (3) It is a Sole Practitioner Massage Establishment, as defined in Section 29.5 of the  
6 Health Code.

7                                    \* \* \* \*

8                                    (z) **Liquor Stores.** With regard to the Conditional Use application for a Liquor Store  
9 use, the Planning Commission shall consider, in addition to the criteria set forth in subsection  
10 (c) above:

11                                    (1 A) the existing concentration of Liquor Store uses within 300 feet of the  
12 proposed location; and

13                                    (2 B) the availability of General Grocery or Specialty Grocery stores in the area  
14 selling alcoholic beverages as well as a range of foods.

15 **SEC. 303.1. FORMULA RETAIL USES.**

16                                    \* \* \* \*

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

20                                    \* \* \* \*

21                                    (11 13) The Central SoMa Special Use District as defined in Section 848, except  
22 for those uses not permitted pursuant to subsection (f) below.

23                                    \* \* \* \*

24 **SEC. 304. PLANNED UNIT DEVELOPMENTS.**

1 In districts other than C-3, the Eastern Neighborhoods Mixed Use Districts, ~~or~~ the DTR  
2 Districts, or the North Beach Special Use District, the Planning Commission may authorize as  
3 Conditional Uses, in accordance with the provisions of Section 303, Planned Unit  
4 Developments subject to the further requirements and procedures of this Section 304. After  
5 review of any proposed development, the Planning Commission may authorize such  
6 development as submitted or may modify, alter, adjust or amend the plan before  
7 authorization, and in authorizing it may prescribe other conditions as provided in Section  
8 303(d). The development as authorized shall be subject to all conditions so imposed and shall  
9 be excepted from other provisions of this Code only to the extent specified in the  
10 authorization.

11 \* \* \* \*

12 **SEC. 305. VARIANCES.**

13 \* \* \* \*

14 (c) **Determination.** The Zoning Administrator shall hold a hearing on the  
15 application, provided, however, that if the variance requested involves a deviation of less than  
16 10% ~~percent~~ from the Code requirement, the Zoning Administrator may at the Zoning  
17 Administrator's ~~his~~ option either hold or not hold such a hearing. No variance shall be granted  
18 in whole or in part unless there exist, and the Zoning Administrator specifies in his or her  
19 findings as part of a written decision, facts sufficient to establish:

20 \* \* \* \*

21 Upon issuing ~~his~~ the written decision either granting or denying the variance in whole or  
22 in part, the Zoning Administrator shall forthwith transmit a copy thereof to the applicant. The  
23 action of the Zoning Administrator shall be final and shall become effective 10 days after the  
24 date of ~~his~~ the written decision except upon the filing of a valid appeal to the Board of Appeals  
25 as provided in Section 308.2 of this Code.

1 **SEC. 311. PERMIT REVIEW PROCEDURES.**

2 \* \* \* \*

3 (b) **Applicability.** Except as indicated herein, all building permit applications in  
4 Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for a change of use;  
5 establishment of a Micro Wireless Telecommunications Services Facility; establishment of a  
6 Formula Retail Use; demolition, new construction, or alteration of buildings, and the removal  
7 of an authorized or unauthorized residential unit shall be subject to the notification and review  
8 procedures required by this Section 311. In addition, all building permit applications that would  
9 establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district,  
10 shall be subject to the review procedures required by this Section 311. Notwithstanding the  
11 foregoing or any other requirement of this Section 311, a change of use to a Child Care  
12 Facility, as defined in Section 102, shall not be subject to the review requirements of this  
13 Section 311. Notwithstanding the foregoing or any other requirement of this Section 311,  
14 building permit applications to construct an Accessory Dwelling Unit pursuant to Section  
15 207(c)(6) shall not be subject to the notification or review requirements of this Section 311.

16 (1) **Change of Use.** For the purposes of this Section 311, a change of use is  
17 defined as follows:

18 \* \* \* \*

19 (B) **Eastern Neighborhood Mixed-Use Districts.** In all Eastern  
20 Neighborhood Mixed Use Districts a change of use shall be defined as a change in, or addition  
21 of, a new land use category. A "land use category" shall mean those categories used to  
22 organize the individual land uses that appear in the use tables, immediately preceding a group  
23 of individual land uses, including but not limited to the following: Residential Use; Institutional  
24 Use; Retail Sales and Service Use; Assembly, Recreation, Arts and Entertainment Use; Office  
25

1 Use; Live/Work Units Use; Motor Vehicle Services Use; Vehicle Parking Use; Industrial Use;  
2 Home and Business Service Use; or Other Use.

3 \* \* \* \*

4 (d) **Notification.** Upon determination that an application is in compliance with the  
5 development standards of the Planning Code, the Planning Department shall cause a notice  
6 to be posted on the site pursuant to rules established by the Zoning Administrator and shall  
7 cause a written notice describing the proposed project to be sent in the manner described  
8 below. This notice shall be in addition to any notices required by the Building Code and shall  
9 have a format and content determined by the Zoning Administrator. It shall include a  
10 description of the proposal compared to any existing improvements on the site with  
11 dimensions of the basic features, elevations and site plan of the proposed project including  
12 the position of any adjacent buildings, exterior dimensions and finishes, and a graphic  
13 reference scale, existing and proposed uses or commercial or institutional business name, if  
14 known. The notice shall describe the project review process and shall set forth the mailing  
15 date of the notice and the expiration date of the notification period.

16 \* \* \* \*

17 (7) **Notification Package.** The notification package for a project subject to  
18 notice under this Section 311 shall include a written notice and reduced-size drawings of the  
19 project.

20 (A) The written notice shall compare the proposed project to the existing  
21 conditions at the development lot. Change to basic features of the project that are quantifiable  
22 shall be disclosed on the written notice. The basic features of existing and proposed  
23 conditions shall include, where applicable, front setback, building depth, rear yard, depth, side,  
24 setbacks, building height, number of stories, dwelling unit count and use of the building.

25 \* \* \* \*



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

3 \* \* \* \*

4 (g) **Conditional Use Criteria.**

5 \* \* \* \*

6 (3) **Residential Conversion.** The Planning Commission shall consider the  
7 following criteria in the review of applications for Residential Conversion:

8 (A) whether conversion of the unit(s) would eliminate only owner  
9 occupied housing, and if so, for how long the unit(s) proposed to be removed were owner  
10 occupied;

11 (B) whether Residential Conversion would provide desirable new Non-  
12 Residential Use(s) appropriate for the neighborhood and adjoining district(s);

13 (C) in districts where Residential Uses are not permitted, whether  
14 Residential Conversion will bring the building closer into conformance with the Uses permitted  
15 in the zoning district;

16 (D) whether conversion of the unit(s) will be detrimental to the City's  
17 housing stock;

18 (E) whether conversion of the unit(s) is necessary to eliminate design,  
19 functional, or habitability deficiencies that cannot otherwise be corrected;

20 (F) whether the Residential Conversion will remove Affordable  
21 Housing, or units subject to the Residential Rent Stabilization and Arbitration Ordinance.

22 (~~4~~ 3) Planning Commission approval shall not be required for the change of use  
23 or occupancy of a ~~d~~Dwelling ~~u~~Unit, ~~g~~Group ~~h~~Housing, or SRO to Student Housing if the  
24 ~~d~~Dwelling ~~u~~Unit, ~~g~~Group ~~h~~Housing, or SRO will be Student Housing owned, operated or  
25 otherwise controlled by a not for profit post-secondary Educational Institution and

- 1 (A) it was built by the post-secondary Educational Institution;
- 2 (B) it is in a convent, monastery, or similar religious order facility;
- 3 (C) it is on an adjoining lot (i.e., sharing the same lot line) to the post-
- 4 secondary Educational Institution, so long as the lot has been owned by the post-secondary
- 5 Educational Institution for at least ten years as of the effective date of Ordinance 188-12; or
- 6 (D) as of August 10, 2010, it was owned, operated or otherwise
- 7 controlled by a post-secondary Educational Institution that had an Institutional Master Plan on
- 8 file with the Planning Commission, and where the occupancy by those other than students at
- 9 that date was less than 20% of the total occupants. For purposes of determining occupancy,
- 10 the post-secondary Educational Institution shall present to the Planning Department verified
- 11 information regarding its rental or lease of units as of that date.

12 (5 4) Planning Commission approval shall not be required for a Residential  
13 Conversion if the Residential Unit was subject to the Residential Hotel Unit Conversion and  
14 Demolition Ordinance, San Francisco Administrative Code Chapter 41, and obtained a permit  
15 to convert in compliance with the requirements set forth therein.

16 (6 5) **Residential Demolition.** The Planning Commission shall consider the  
17 following additional criteria in the review of applications for Residential Demolition:

18 \* \* \* \*

19 (7 6) **Removal of Unauthorized Units.** In addition to the criteria set forth in  
20 subsections (g)(1) through (g)(4) above, the Planning Commission shall consider the criteria  
21 below in the review of applications for removal of Unauthorized Units:

22 \* \* \* \*

23 (8 7) **Denial of Application to Remove an Unauthorized Unit; Requirement**  
24 **to Legalize the Unit.** If the Planning Commission denies an application to Remove an  
25 Unauthorized Unit, the property owner shall file an application for a building permit to legalize

1 the Unit. Failure to do so within a reasonable period of time, as determined by the Zoning  
2 Administrator, shall be deemed to be a violation of the Planning Code.

3 \* \* \* \*

4 **SEC. 401. DEFINITIONS.**

5 In addition to the specific definitions set forth *in Section 102 and* elsewhere in this Article  
6 4, the following definitions shall govern interpretation of this Article:

7 \* \* \* \*

8 ~~“Change of Use.” A change of Gross Floor Area from one category of use to another category~~  
9 ~~of use listed in the use table for the zoning district of the subject lot.~~

10 \* \* \* \*

11 “Management, Information and Professional Services (MIPS).” An economic activity  
12 category under the TIDF that includes, but is not limited to, Office Uses; Health Service uses;  
13 Business Service uses; Integrated PDR; and Small Enterprise Workspaces.

14 \* \* \* \*

15 **SEC. 402. PROCEDURE FOR PAYMENT AND COLLECTION OF DEVELOPMENT FEES.**

16 \* \* \* \*

17 (d) **Timing of Fee Payments.** All impact fees are due and payable to the Development Fee  
18 Collection Unit at DBI at the time of, and in no event later than, issuance of the “first construction  
19 document” as defined in Section 401 of this Code and Section 107A.13.1 of the Building Code. The  
20 project sponsor’s option to defer payment of the fee to a later date pursuant to Section 107A.13.3 of the  
21 Building Code expired on July 1, 2013 and is not available unless and until the Board of Supervisors  
22 re-authorizes this deferral option.

23 **SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT PROJECT**  
24 **REQUIREMENTS.**

25 \* \* \* \*

1 (b) **Waiver or Reduction, Based on Housing Affordability.**

2 (1) An affordable housing unit shall receive a waiver from the Rincon Hill  
3 Community Infrastructure Impact Fee, the Market and Octavia Community Improvements  
4 Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact  
5 Fee, the Visitacion Valley Community Facilities and Infrastructure Impact Fee, the  
6 Transportation Sustainability Fee, and the Residential Child Care Impact Fee if the affordable  
7 housing unit:

8 \* \* \* \*

9 (B) is subsidized by MOHCD, the San Francisco Housing Authority,  
10 the Department of Homelessness and Supportive Housing, and/or the ~~the~~ Office of  
11 Community Investment and Infrastructure or any future successor agency to those listed  
12 herein; and

13 \* \* \* \*

14 (f) **Waiver Based on Calamity.** The replacement of existing Residential, Non-Residential,  
15 or PDR uses on a lot subject to, and meeting all the provisions of, Planning Code Section 188(b) for the  
16 replacement of buildings damaged or destroyed by fire or other calamity, or by Act of God or the  
17 public enemy, shall not be considered in the determination of applicability of any impact fee in Article  
18 4 of this Code and new Gross Floor Area within a building subject to and meeting all the provisions of  
19 Section 188(b) shall not be subject to any impact fee in Article 4. However, any additional land uses or  
20 addition of Gross Floor Area beyond what is needed to replace the damaged or destroyed building(s)  
21 shall be subject to any applicable Article 4 impact fees.

22 **SEC. 412.6. COLLECTION OF FEE.**

23 The Downtown Park Fee shall be paid to DBI for deposit into the Downtown Park Fund ~~is~~  
24 ~~due and payable to the Development Fee Collection Unit at DBI~~ at the time required by Section  
25 402(d) of and in no event later than issuance of the first construction document, with an option for the

1 *project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing*  
2 *to pay a deferral surcharge that would be deposited into the Downtown Park Fund, in accordance with*  
3 *Section 107A.13.15 of the San Francisco Building Code.*

4 **SEC. 413.6. COMPLIANCE WITH JOBS-HOUSING LINKAGE PROGRAM BY PAYMENT**  
5 **OF IN-LIEU FEE.**

6 \* \* \* \*

7 (c) Any in-lieu fee required under this Section 413.6 shall be paid to DBI for deposit  
8 into the Citywide Affordable Housing Fund is due and payable to the Development Fee Collection Unit  
9 at DBI at the time required by Section 402(d) of and in no event later than issuance of the first  
10 construction document, with an option for the project sponsor to defer payment to prior to issuance of  
11 the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited  
12 into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco  
13 Building Code.

14 **SEC. 414.8. COMPLIANCE BY PAYMENT OF AN IN-LIEU FEE.**

15 \* \* \* \*

16 (b) The in-lieu fee shall be paid to DBI for deposit into the Child Care Capital Fund is due  
17 and payable to the Development Fee Collection Unit at DBI at the time required by Section 402(d) of  
18 and in no event later than issuance of the first construction document with an option for the project  
19 sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay  
20 a deferral surcharge that would be deposited into the Child Care Capital Fund in accordance with  
21 Section 107A.13.3 of the San Francisco Building Code.

22 **SEC. 414A.4. IMPOSITION OF RESIDENTIAL CHILD CARE IMPACT FEE**  
23 **REQUIREMENT.**

24 \* \* \* \*

1 (c) **Timing of Fee Payments.** The Residential Child Care Impact Fee shall be paid  
2 *to DBI for deposit into the Child Care Capital Fund at the time required by Section 402(d) of and in*  
3 *no event later than the City issues a First Construction Document.*

4 \* \* \* \*

5 **SEC. 415.5. AFFORDABLE HOUSING FEE.**

6 \* \* \* \*

7 (a) **Timing of Fee Payments of a Fee.** The fee *shall be paid to is due and payable to the*  
8 *Development Fee Collection Unit at DBI for deposit into the Citywide Affordable Housing Fund at*  
9 *the time required by Section 402(d) of and in no event later than issuance of the first construction*  
10 *document, with an option for the project sponsor to defer payment to prior to issuance of the first*  
11 *certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the*  
12 *Citywide Affordable Housing Fund, in accordance with Section 107A.13.15 of the San Francisco*  
13 *Building Code.*

14 \* \* \* \*

15 **SEC. 415.6. ON-SITE AFFORDABLE HOUSING ALTERNATIVE.**

16 If a project sponsor elects to provide on-site units pursuant to Section 415.5(g), the  
17 development project shall meet the following requirements:

18 (a) **Number of Units.** The number of units constructed on-site shall be as follows:

19 \* \* \* \*

20 (4) Notwithstanding the foregoing Area Median Income limits for Rental Units  
21 and Owned Units, the maximum affordable rents or sales price shall be no higher than 20%  
22 below *median* market rents or sales prices for the neighborhood within which the project is  
23 located, which shall be defined in accordance with the American Community Survey  
24 Neighborhood Profile Boundaries Map. MOHCD shall adjust the allowable rents and sales  
25 prices, and the eligible households for such units, accordingly, and such potential

1 readjustment shall be a condition of approval upon project entitlement. The City shall review  
2 the updated data on neighborhood rents and sales prices on an annual basis.

3 **SEC. 416.3. APPLICATION OF AFFORDABLE HOUSING FEE REQUIREMENT.**

4 \* \* \* \*

5 (d) **Timing of Fee Payments.** The Market and Octavia Plan Area and Upper Market  
6 NCD Affordable Housing Fee shall be paid *to DBI for deposit into the Citywide Affordable Housing*  
7 *Fund* at the time *required by Section 402(d) of and in no event later than the City issues a first*  
8 *construction document, with an option for the project sponsor to defer payment to prior to issuance of*  
9 *the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section*  
10 *107A.13.3 of the San Francisco Building Code.*

11 **SEC. 417.3. APPLICATION OF AFFORDABLE HOUSING FEE REQUIREMENT.**

12 \* \* \* \*

13 (d) **Timing of Fee Payments.** The Eastern Neighborhoods Alternate Affordable  
14 Housing Fee *project applicant* shall be paid to *the Development Fee Collection Unit at DBI for*  
15 *deposit into the Citywide Affordable Housing Fund* at the time *required by Section 402(d) of and in no*  
16 *event later than issuance of the first construction document, with an option for the project sponsor to*  
17 *defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral*  
18 *surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with*  
19 *Section 107A.13.3 of the San Francisco Building Code.*

20 **SEC. 418.3. APPLICATION OF RINCON HILL COMMUNITY IMPROVEMENTS FEE AND**  
21 **SOMA COMMUNITY STABILIZATION FEE.**

22 \* \* \* \*

23 (g) **Timing of Fee Payments.** The Rincon Hill Community Infrastructure Impact Fee  
24 and SOMA Stabilization Fee *shall be paid to is due and payable to the Development Fee Collection*  
25 *Unit at DBI for deposit into the Rincon Hill Community Improvements Fund* at the time *required by*

1 ~~Section 402(d) of and in no event later than issuance of the first construction document, with an option~~  
2 ~~for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon~~  
3 ~~agreeing to pay a deferral surcharge that would be paid into the appropriate fund in accordance with~~  
4 ~~Section 107A.13.3 of the San Francisco Building Code.~~

5 **SEC. 419.3. APPLICATION OF UMU AFFORDABLE HOUSING REQUIREMENTS.**

6 \* \* \* \*

7 (c) **Timing of Fee and Payments of Fee.** Any fee required by Section 419.1et seq.  
8 shall be paid to ~~the Development Fee Collection Unit at DBI~~ for deposit into the Citywide Affordable  
9 Housing Fund at the time required by Section 402(d) at the time of and in no event later than issuance  
10 of the first construction document, with an option for the project sponsor to defer payment to prior to  
11 issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance  
12 with Section 107A.13.3 of the San Francisco Building Code.

13 **SEC. 420.3. APPLICATION OF VISITACION VALLEY COMMUNITY IMPROVEMENTS**  
14 **FACILITIES AND INFRASTRUCTURE FEE.**

15 \* \* \* \*

16 (d) **Timing of Fee and Payments of Fee.** Any fee required by Section 420.1et seq.  
17 shall be paid to ~~the Development Fee Collection Unit at DBI~~ at the time of and in no event later than  
18 to issuance of the first construction document, with an option for the project sponsor to defer payment  
19 to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that  
20 would be deposited for deposit into the Visitacion Valley Community Facilities and Infrastructure  
21 Fund at the time required by Section 402(d) in accordance with Section 402 of this Article and Section  
22 107A.13 of the San Francisco Building Code.

23 **SEC. 421.3. APPLICATION OF COMMUNITY IMPROVEMENTS IMPACT FEE.**

24 \* \* \* \*



1 (f) **Timing of Fee Payments.** The Market and Octavia Community Improvements  
2 Impact Fee ~~shall be paid to is due and payable to the Development Fee Collection Unit at DBI for~~  
3 ~~deposit into the Market and Octavia Community Improvements Fund at the time required by Section~~  
4 ~~402(d) of and in no event later than issuance of the first construction document, with an option for the~~  
5 ~~project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing~~  
6 ~~to pay a deferral surcharge that would be paid into the appropriate fund in accordance with Section~~  
7 ~~107A.13.3 of the San Francisco Building Code.~~

8 **SEC. 422.3. APPLICATION OF COMMUNITY IMPROVEMENT IMPACT FEE.**

9 \* \* \* \*

10 (e) **Timing of Fee Payments.** The Balboa Park Impact Fee ~~shall be paid to is due~~  
11 ~~and payable to the Development Fee Collection Unit at DBI for deposit into the Balboa Park~~  
12 ~~Community Improvements Fund at the time required by Section 402(d) of and in no event later than~~  
13 ~~issuance of the first construction document for the development project deferred to prior to issuance of~~  
14 ~~the first certificate of occupancy pursuant to Section 107A.13.3.1 of the San Francisco Building Code.~~

15 **SEC. 423.3. APPLICATION OF EASTERN NEIGHBORHOODS INFRASTRUCTURE**  
16 **IMPACT FEE.**

17 \* \* \* \*

18 (e) **Timing of Fee Payments.** The Eastern Neighborhoods Infrastructure Impact  
19 Fee ~~shall be paid to is due and payable to the Development Fee Collection Unit at DBI for deposit into~~  
20 ~~the Eastern Neighborhoods Community Improvements Fund at the time required by Section 402(d) of~~  
21 ~~and in no event later than issuance of the first construction document, with an option for the project~~  
22 ~~sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay~~  
23 ~~a deferral surcharge that would be paid into the appropriate fund in accordance with Section~~  
24 ~~107A.13.3 of the San Francisco Building Code.~~

1 **SEC. 423.5. THE EASTERN NEIGHBORHOODS COMMUNITY IMPROVEMENTS FUND.**

2 \* \* \* \*

3 (c) Funds shall be allocated to accounts by improvement type as described below:

4 (1) Funds collected from all zoning districts in the Eastern Neighborhoods  
5 Program Area, excluding Designated Affordable Housing Zones shall be allocated to accounts  
6 by improvement type according to Table 423.5. Funds collected from MUR Zoning Districts  
7 outside of the boundaries of either the East SoMa or Western SoMa Area Plans shall be  
8 allocated to accounts by improvement type according to Table 423.5.

9 (2) Funds collected in Designated Affordable Housing Zones, as defined in  
10 Section 401, shall be allocated to accounts by improvement type as described in Table  
11 423.5A. For funds allocated to affordable housing, MOHCD shall expend the funds as follows:

12 (A) All funds collected from projects in the Mission NCT shall be  
13 expended on housing programs and projects within the Mission Area Plan boundaries.

14 (B) Collectively, the first \$10 million in housing fees collected between  
15 the two Designated Affordable Housing Zones shall be utilized for the acquisition and  
16 rehabilitation of existing housing.

17 \* \* \* \*

18 **SEC. 424.3. APPLICATION OF VAN NESS AND MARKET AFFORDABLE HOUSING AND**  
19 **NEIGHBORHOOD INFRASTRUCTURE FEE AND PROGRAM.**

20 \* \* \* \*

21 (a) **Application and Timing of Fee Payments**. Section 424.1 et seq. shall apply to any  
22 development project located in the Van Ness and Market Downtown Residential Special Use  
23 District, as established in Section 249.33 of this Code. The Fee ~~shall be paid to is due and~~  
24 ~~payable to the Development Fee Collection Unit at DBI for deposit into either the Van Ness and~~  
25 ~~Market Downtown Residential Special Use District Affordable Housing Fund or the Van Ness and~~

1 Market Downtown Residential Special Use District Infrastructure Fund, as applicable, at the time  
2 required by Section 402(d) of and in no event later than issuance of the first construction document,  
3 with an option for the project sponsor to defer payment to prior to issuance of the first certificate of  
4 occupancy upon agreeing to pay a deferral surcharge that would be paid into the appropriate fund in  
5 accordance with Section 107A.13.3 of the San Francisco Building Code.

6 **SEC. 429.1. DEFINITIONS.**

7 In addition to the definitions set forth in Section 401 of this Article, the following  
8 definitions shall govern interpretation of Section 429.1 et seq.:

9 \* \* \* \*

10 "Construction Cost" shall be determined by the Department of Building Inspection in  
11 accordance with established industry standards or in the manner used to determine the  
12 valuation of work as set forth in Section 107A.2 of the Building Code.

13 \* \* \* \*

14 **SEC. 430. BICYCLE PARKING IN LIEU FEE.**

15 \* \* \* \*

16 (d) **Collection of Bicycle Parking in Lieu Fee.** The Bicycle Parking In Lieu Fee  
17 shall be paid to is due and payable to the Development Fee Collection Unit at DBI for deposit into the  
18 Bicycle Parking Fund at the time required by Section 402(d) prior to issuance of the first construction  
19 document in accordance with Section 107A.13.15 of the San Francisco Building Code.

20 \* \* \* \*

21 **SEC. 432.2. APPLICATION OF FEES.**

22 \* \* \* \*

23 (d) **Timing of Fee Payments.** The Fee shall be paid to is due and payable to the  
24 Development Fee Collection Unit at DBI for deposit into the Central SoMa Community Services  
25 Facilities Fund at the time required by Section 402(d) of and in no event later than issuance of the

1 ~~first construction document, with an option for the project sponsor to defer payment to prior to~~  
2 ~~issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be~~  
3 ~~paid into the appropriate fund in accordance with Section 107A.13.3 of the San Francisco Building~~  
4 ~~Code.~~

5 \* \* \* \*

6 **SEC. 433.2. APPLICATION OF FEES.**

7 \* \* \* \*

8 (d) **Timing of Fee Payments.** The Fee ~~shall be paid is due and payable~~ to the  
9 ~~Development Fee Collection Unit at DBI for deposit into the Central SoMa Infrastructure Impact Fund~~  
10 at the time ~~required by Section 402(d) of and in no event later than issuance of the first construction~~  
11 ~~document, with an option for the project sponsor to defer payment to prior to issuance of the first~~  
12 ~~certificate of occupancy upon agreeing to pay a deferral surcharge that would be paid into the~~  
13 ~~appropriate fund in accordance with Section 107A.13.3 of the San Francisco Building Code.~~

14 **SEC. 603. EXEMPTED SIGNS.**

15 \* \* \* \*

16 (f) To the extent not otherwise exempted pursuant to subsection (a) of this Section  
17 ~~603 610~~, any Historic Movie Theater Projecting Sign or Historic Movie Theater Marquee when  
18 preserved, rehabilitated, restored, or reconstructed pursuant to Section 188(e) of the Planning  
19 Code.

20 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL**  
21 **DISTRICTS.**

22 \* \* \* \*

23 (f) **Business Signs.** Business Signs, as defined in Section 602 shall be  
24 permitted in all Neighborhood Commercial and Residential-Commercial Districts subject to the  
25 limits set forth below.

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2  
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25

(1) **NC-1 and NCT-1 Districts.**

\* \* \* \*

(D) **Signs on Awnings.** Sign copy may be located on permitted Awnings in lieu of Wall Signs and projecting *signs*. The Area of such sign copy as defined in Section 602 shall not exceed 20 square feet. Such sign copy may be Nonilluminated or Indirectly Illuminated.

\* \* \* \*

**SEC. 607.2. MIXED USE DISTRICTS.**

\* \* \* \*

(f) **Business Signs.** Business Signs, as defined in Section 602 shall be permitted in all Mixed Use Districts subject to the limits set forth below.

\* \* \* \*

(2) **Chinatown Visitor Retail District.**

\* \* \* \*

(B) **Wall Signs.** The Area of all Wall Signs shall not exceed two square feet per foot of street frontage occupied by the use measured along the wall to which the Signs are attached, or 100 square feet for each street frontage, whichever is less. The Height of any Wall Sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the Sign is attached, whichever is lower. Such Signs may be Nonilluminated, Indirectly *Illuminated*, or Directly Illuminated.

(C) **Projecting Signs.** The number of projecting Signs shall not exceed one per business. The Area of such Sign shall not exceed 24 square feet. The Height of such Sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the Sign is attached,

1 whichever is lower. No part of the Sign shall project more than 75% of the horizontal distance  
2 from the Street Property Line to the curblineline, or six feet six inches, whichever is less. Such  
3 Signs may be Nonilluminated or Indirectly Illuminated; or during business hours, may be  
4 Directly Illuminated.

5 \* \* \* \*

6 (E) **Freestanding Signs and Sign Towers.** One Freestanding Sign or  
7 Sign Tower per lot shall be permitted in lieu of a projecting Sign, if the building or buildings are  
8 recessed from the Street Property Line. The existence of a Freestanding Business Sign shall  
9 preclude the erection of a Freestanding Identifying Sign on the same lot. The area of such  
10 Freestanding Sign or Sign Tower shall not exceed 20 square feet nor shall the Height of the  
11 Sign exceed 24 feet. No part of the Sign shall project more than 75% of the horizontal  
12 distance from the Street Property Line to the curblineline, or six feet, whichever is less. Such  
13 Signs may be Nonilluminated or Indirectly Illuminated; or during business hours, may be  
14 Directly Illuminated.

15 (3) **Chinatown Community Business District, Eastern Neighborhoods,**  
16 **South of Market Mixed Use Mixed Use Districts, and the Downtown Residential**  
17 **Districts.**

18 \* \* \* \*

19 (E) **Freestanding Signs and Sign Towers.** One Freestanding Sign or  
20 Sign Tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are  
21 recessed from the Street Property Line. The existence of a Freestanding Business Sign shall  
22 preclude the erection of a Freestanding Identifying Sign on the same lot. The Area of such  
23 Freestanding Sign or Sign Tower shall not exceed 30 square feet nor shall the Height of the  
24 Sign exceed 24 feet. No part of the Sign shall project more than 75% of the horizontal  
25 distance from the Street Property Line to the curblineline, or six feet, whichever is less. Such

1 Signs may be Nonilluminated or Indirectly Illuminated, or during business hours, may be  
2 Directly Illuminated.

3 **SEC. 703. NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS.**

4 \* \* \* \*

5 (d) **Accessory Uses.** Subject to the limitations set forth below and in Sections  
6 204.1 (Accessory Uses for Dwellings in All Districts), 204.4 (Dwelling Units Accessory to  
7 Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, Accessory  
8 Uses as defined in Section 102 shall be permitted when located on the same lot. Any Use that  
9 does not qualify as an Accessory Use shall be classified as a Principal or Conditional Use  
10 unless it qualifies as a temporary use under Sections 205 through 205.4 of this Code.

11 No Use will be considered accessory to a permitted Principal or Conditional Use that  
12 involves or requires any of the following:

13 (1) The use of more than one-third of the total floor area occupied by such  
14 use and the Principal or Conditional use to which it is accessory, except in the case of  
15 accessory off-street parking and loading and as specified in subsection (d)(3) below as  
16 accessory wholesaling, manufacturing, or processing of foods, goods, or commodities; -

17 (2) Any Bar or Restaurant, or any other retail establishment which serves  
18 liquor for consumption on-site; however, this shall not prohibit take-out food activity which  
19 operates in conjunction with a Limited Restaurant, Restaurant, General Grocery, and  
20 Specialty Grocery. This shall also not prohibit a Limited Restaurant as an Accessory Use to a  
21 permitted Principal or Conditional Use except as specified in subsection (d)(7) below;

22 \* \* \* \*

23 **SEC. 703.9. PRESERVATION OF HISTORIC BUILDINGS WITHIN THE FOLSOM STREET**  
24 **NCT AND RCD DISTRICTS.**

25 \* \* \* \*

(b) Non-Retail Professional Services, Retail Professional Services, *Philanthropic Administrative Services*, Financial Services, Fringe Financial Services, Gyms, Limited Financial Services, Health Services, Personal Services and Instructional Services, as defined in Section 102, are Principally Permitted. In the RCD District only, in addition to the above uses, Arts Activities as defined in Section 102 are Principally Permitted and Nighttime Entertainment uses as defined in Section 102 require Conditional Use authorization, except that Nighttime Entertainment uses are Principally Permitted in Article 10 Landmark Building No. 120 (St. Joseph's Church at 1401 Howard Street). For all uses listed above, prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of the Historic Preservation Commission, shall determine that allowing the use will enhance the feasibility of preserving the building. The project sponsor must also submit a Preservation, Rehabilitation, and Maintenance Plan that describes any proposed preservation and rehabilitation work and that guarantees the maintenance and upkeep of the historic resource for approval by the Department. This Plan shall include:

\* \* \* \*

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

\* \* \* \*

**Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1  
ZONING CONTROL TABLE**

		NC-1
Zoning Category	§ References	Controls
* * * *		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		



1	****	****	****
2	Dwelling Unit Mix	§§ 207.6, 207.7	Not required
3	****	****	****
4	<b>Residential Uses</b>	<b>Controls by Story</b>	
5		<b>1st</b>	<b>2nd</b>
6	Residential Uses	§ 102	P
7	****	****	****
8	Dwelling Unit Density	§§ 102, 207	1 unit per 800 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.
9			
10	Group Housing Density	§ 208	1 bedroom per 275 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.
11			
12	****	****	****

Zoning Category	§ References	Controls		
<b>NON-RESIDENTIAL STANDARDS</b>				
****				
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§ 102	P(2)(3)	NP	NP
****	****	****		
Services, Fringe Financial	§ 102	NP(10)	NP(10)	NP(10)
****	****	****		

\*\*\*\*

\* Not listed below

\*\*\*\*

1           (10) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD). Fringe  
 2 Financial Services are NP within any FFSRUD and its one-quarter mile buffer pursuant to Section  
 3 249.35. Outside any FFSRUD and its one-quarter mile buffer, Fringe Financial Services are P subject  
 4 to the restrictions set forth in Section 249.35(c)(3).

5  
 6 **SEC. 711. NC-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

7           \* \* \* \*

8                   **Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2**  
 9   **ZONING CONTROL TABLE**

10           \* \* \* \*

		<b>NC-2</b>		
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>		
* * * *				
<b>RESIDENTIAL STANDARDS AND USES</b>				
<b>Development Standards</b>				
* * * *	* * * *	* * * *		
Dwelling Unit Mix	§§ 207.6, 207.7	Not required		
* * * *	* * * *	* * * *		
<b>Residential Uses</b>		<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
Residential Uses	§ 102	P	P	P
* * * *	* * * *	* * * *		
Dwelling Unit Density	§§ 102, 207	1 unit per 800 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		

Group Housing Density	§ 208	1 bedroom per 275 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.
* * * *	* * * *	* * * *

\* Not listed below

\* \* \* \*

(6) FRINGE FINANCIAL *SPECIAL SERVICE RESTRICTED* USE DISTRICT (*FFSRUD*):

The *FFSRUD* and its one-quarter mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; ~~the Divisadero Street Alcohol Restricted Use District;~~ and the North of Market Residential Special Use District and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12; and includes Small-Scale Neighborhood Commercial Districts within its boundaries.

**Controls:** ~~Fringe Financial Services are NP~~ within the any FFSRUD and its one-quarter mile buffer, ~~fringe financial services are NP~~ pursuant to Section 249.35. Outside the any FFSRUD and its  $\frac{1}{4}$  one-quarter mile buffer, ~~f~~Fringe ~~f~~Financial ~~s~~Services are P subject to the restrictions set forth in ~~subsection~~ Section 249.35(c)(3).

\* \* \* \*

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

\* \* \* \*

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

\* \* \* \*

		<b>NC-3</b>
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>

1 \* \* \* \*

2 **RESIDENTIAL STANDARDS AND USES**

3 **Development Standards**

4 * * * *	5 * * * *	6 * * * *
7 Dwelling Unit Mix	8 §§ 207.6, 207.7	9 Not required
10 * * * *	11 * * * *	12 * * * *

13 **Residential Uses**

13 **Controls by Story**

14	15	16 1st	17 2nd	18 3rd+
19 Residential Uses	20 § 102	21 P	22 P	23 P
24 * * * *	25 * * * *	26 * * * *	27 * * * *	28 * * * *
29 Dwelling Unit Density	30 §§ 102, 207	31 1 unit per 600 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
32 Group Housing Density	33 § 208	34 1 bedroom per 210 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
35 * * * *	36 * * * *	37 * * * *	38 * * * *	39 * * * *

40 \* Not listed below

41 \* \* \* \*

42 (6) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD): The FFSRUD and its one-quarter mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Neighborhood Commercial District; *and* the North of Market Residential Special Use District *and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as*

1 *set forth in Special Use District Maps SU11 and SU12*; and includes Small-Scale Neighborhood  
2 Commercial Districts within its boundaries.

3 **Controls:** *Fringe Financial Services are NP* ~~W~~*within the any* FFSRUD and its one-quarter  
4 mile buffer, ~~fringe financial services are NP~~ pursuant to Section 249.35. Outside *any the*  
5 FFSRUD and its one-quarter mile buffer, ~~f~~*F*~~r~~*i~~n~~~~g~~~~e~~ ~~f~~*F*~~r~~*i*~~n~~~~a~~~~n~~~~c~~~~i~~~~a~~~~l~~ ~~s~~*S*~~e~~~~r~~~~v~~~~i~~~~c~~~~e~~~~s~~ are P subject to the  
6 restrictions set forth in subsection 249.35(c)(3).*

7 \* \* \* \*

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

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

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

20 The NC-S standards and use provisions allow for medium-size commercial uses in low-  
21 scale buildings. Rear yards are not required for new development. Most neighborhood-serving  
22 retail businesses are permitted at the first and second stories, ~~but limitations apply to fast food~~  
23 ~~restaurants and take-out food uses~~. Some auto uses are permitted at the first story. Limited  
24 storage and administrative service activities are permitted with some restrictions.

Housing development in new buildings is permitted. Existing residential units are protected by limitations on demolitions and prohibitions of upper-story conversions. Accessory Dwelling Units are permitted within the District pursuant to subsection 207(c)(4) of this Code.

**SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

		Excelsior Outer Mission NCD
Zoning Category	§ References	Controls
* * * *		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
* * * *	* * * *	* * * *
Dwelling Unit Mix	§§ 207.6, 207.7	Not required
	* * * *	* * * *

\* \* \* \*

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

\* \* \* \*

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

\* \* \* \*

		North Beach NCD
Zoning Category	§ References	Controls

*****		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
*****	*****	*****
Dwelling Unit Mix	§§ 207.6, 207.7	Not required
*****	*****	*****

Residential Uses		Controls By Story		
		1st	2nd	3rd+
Residential Uses	§ 102	NP(11)	P	P
*****	*****	*****	*****	*****
Dwelling Units	§§ 102, 207	1 unit per 400 square foot lot area or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
*****	*****	*****	*****	*****

Loss of Dwelling Units		Controls by Story		
		1st	2nd	3rd+
*****	*****	*****	*****	*****
Residential Conversion	§§ 317, 780.3(c)(4)	C	NP	NP
*****	*****	*****	*****	*****

\* \* \* \* \*

**SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \* \*

**Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

\* \* \* \*

* * * *		<b>Union Street NCD</b>
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
* * * *		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
* * * *	* * * *	* * * *
Dwelling Unit Mix	§§ 207.6, 207.7	Not required
* * * *	* * * *	* * * *

<b>Residential Uses</b>		<b>Controls By Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
Residential Uses	§ 102	P	P	P
* * * *	* * * *	* * * *		
Dwelling Units	§§ 102, 207	1 unit per 600 square foot lot area or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
Group Housing	§ 208	1 bedroom per 210 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
* * * *	* * * *	* * * *		

\* \* \* \*

**SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*



		<b>Pacific Avenue NCD</b>
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
****		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
****	****	****
Dwelling Unit Mix	§§ 207.6, 207.7	No less than 40% of the total number of proposed Dwelling Units shall contain at least two bedrooms; or no less than 30% of the total number of proposed Dwelling Units shall contain at least three bedrooms.
****	****	****

Residential Uses		Controls By Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	P
****	****	****		
Dwelling Units	§§ 102, 207	1 unit per 1,000 square foot lot area or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
Group Housing	§ 208	1 bedroom per 275 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
****	****	****		

\* Not listed below

\* \* \* \*

(3) *[Note deleted.] C required if use sells alcohol*

\* \* \* \*

1 **SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT**  
 4 **ZONING CONTROL TABLE**

5 \* \* \* \*

		<b>Lakeside Village NCD</b>		
		<b>Controls</b>		
* * * *				
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>		
<b>NON-RESIDENTIAL STANDARDS</b>				
* * * *				
<b>NON-RESIDENTIAL USES</b>		<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
* * * *				
<b>Sales and Service Use Category</b>				
<b>Retail Sales and Service Uses*</b>	§ 102	P	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *
Services, Fringe Financial	§ 102	NP(2)	NP(2)	NP(2)
* * * *	* * * *	* * * *	* * * *	* * * *

20 \* Not listed below

21 \* \* \* \*

22 *(2) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT. Fringe Financial Services*  
 23 *are NP within any FFSRUD and its one-quarter mile buffer pursuant to Section 249.35. Outside any*  
 24 *FFSRUD and its one-quarter mile buffer, Fringe Financial Services are P subject to the restrictions set*  
 25 *forth in Section 249.35(c)(3).*

1 **SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.**

2 \* \* \* \*

3 **Table 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT**  
 4 **ZONING CONTROL TABLE**

5 \* \* \* \*

West Portal Avenue NCD		
Zoning Category	§ References	Controls
* * * *		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
* * * *	* * * *	* * * *
Dwelling Unit Mix	§§ 207.6, 207.7	Not required
* * * *	* * * *	* * * *

Residential Uses		Controls By Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	NP
* * * *	* * * *	* * * *		
Dwelling Units	§§ 102, 207	1 unit per 800 square foot lot area or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
Group Housing	§ 208	1 bedroom per 275 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
* * * *	* * * *	* * * *		

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	
* * * *	

		<b>Controls By Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
* * * *				
<b>Institutional Use Category</b>				
<b>Institutional Uses*</b>	§ 102	C	C	NP
* * * *				
Residential Care Facility	§ 102	P <sup>(2)</sup>	P	P
* * * *				

\* \* \* \*

**SEC. 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*

		<b>Cole Valley NCD</b>		
		<b>Controls</b>		
* * * *				
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>		
<b>NON-RESIDENTIAL STANDARDS</b>				
* * * *				
<b>NON-RESIDENTIAL USES</b>		<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
* * * *				
<b>Sales and Service Use Category</b>				

1	<b>Retail Sales and Service Uses*</b>	§ 102	P	NP	NP
2	****	****	****	****	****
3	Services, Fringe Financial	§ 102	NP(2)	NP(2)	NP(2)
4	****	****	****	****	****

6 \* Not listed below

7 \*\*\*\*

8 *(2) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT. Fringe Financial Services are NP within any FFSRUD and its one-quarter mile buffer pursuant to Section 249.35. Outside any FFSRUD and its one-quarter mile buffer, Fringe Financial Services are P subject to the restrictions set forth in Section 249.35(c)(3).*

11 **SEC. 758. REGIONAL COMMERCIAL DISTRICT.**

12 \* \* \* \*

13 **Table 758. REGIONAL COMMERCIAL DISTRICT**  
 14 **ZONING CONTROL TABLE**

15 \* \* \* \*

Regional Commercial District		
Zoning Category	§ References	Controls
****		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
****	****	****
Dwelling Unit Mix	§§ 207.6, 207.7	40% of Dwelling Units shall contain at least two Bedrooms, or 30% of Dwelling Units shall contain at least three Bedrooms.
****	****	****

<b>Loss <i>and Division</i> of Dwelling Units</b>		<b>Controls By Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
****	****	****		

\* \* \* \*

**SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

		<b>Divisadero St. NCT</b>
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
****		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
****	****	****
Dwelling Unit Mix	§§ 207.6, 207.7	40% of Dwelling Units shall contain at least two Bedrooms, or 30% of Dwelling Units shall contain at least three Bedrooms.
****	****	****

**NON-RESIDENTIAL STANDARDS AND USES**

**Development Standards**

\*\*\*\*

**Commercial Use Characteristics**

Drive-up Facility	§ 102	NP
-------------------	-------	----

1 \* \* \* \*

\* \* \* \*

\* \* \* \*

2 \* \* \* \*

3  
4 **SEC. 763. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT**  
5 **DISTRICT.**

6 The 24th Street – Mission Neighborhood Commercial Transit District is situated in the  
7 Inner Mission District on 24th Street between Bartlett Street and San Bruno Avenue. This  
8 mixed-use district provides convenience goods to its immediate neighborhood as well as  
9 comparison shopping goods and services to a wider trade area. The street has a great  
10 number of Latin American restaurants, grocery stores, and bakeries as well as other gift and  
11 secondhand stores. Most commercial businesses are open during the day while the district's  
12 bars and restaurants are also active in the evening. Dwelling Units are frequently located  
13 above the ground-story commercial uses.

14 The 24th Street – Mission Neighborhood Commercial Transit District controls are  
15 designed to provide potential for new development consistent with the existing scale and  
16 character. Small-scale buildings and neighborhood-serving uses are encouraged, and rear  
17 yard corridors above the ground story and at residential levels are protected. Most commercial  
18 uses are encouraged at the ground story, while service uses are permitted with some  
19 limitations at the second story. Special controls are necessary to preserve the unique mix of  
20 convenience and specialty commercial uses. In order to maintain convenience stores and  
21 protect adjacent livability, new bars *and fast-food restaurants* are prohibited, and limitations  
22 apply to the development and operation of ground-story *full-service* restaurants, *take-out food*  
23 and entertainment uses. Continuous retail frontage is maintained and encouraged by  
24 prohibiting most automobile and drive-up uses, banning curb cuts, and requiring active,  
25

1 pedestrian-oriented ground floor uses. Parking is not required, and any new parking required  
2 to be set back or below ground.

3 Housing development in new buildings is encouraged above the ground story. Housing  
4 density is not controlled by the size of the lot but by requirements to supply a high percentage  
5 of larger units and by physical envelope controls. Existing housing units are protected by  
6 prohibitions on upper-story conversions and limitations on demolitions, mergers, and  
7 subdivisions. Given the area's central location and accessibility to the City's transit network,  
8 accessory parking for Residential Uses is not required.

9 \* \* \* \*

10 **SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**  
11 **DISTRICT.**

12 The Upper Market Street Neighborhood Commercial Transit District is located on  
13 Market Street from Church to Noe Streets, and on side streets off Market. Upper Market  
14 Street is a multi-purpose commercial district that provides *goods* goods and services to  
15 adjacent neighborhoods, but also serves as a shopping street for a broader trade area. The  
16 width of Market Street and its use as a major arterial diminish the perception of the Upper  
17 Market Street Transit District as a single commercial district. The street appears as a  
18 collection of dispersed centers of commercial activity, concentrated at the intersections of  
19 Market Street with secondary streets.

20 \* \* \* \*

21 **SEC. 780.1. LAKESHORE PLAZA SPECIAL USE DISTRICT.**

22 \* \* \* \*

23 (b) **Controls.** The controls for the NC-S District, as set forth in Section 713 of this  
24 Code, shall apply to the Lakeshore Plaza Special Use District, except as provided below:

25

	<b>Controls</b>
--	-----------------



<b>Zoning Category No.</b>	
.10	The 26-40-X height district requires <i>e</i> Conditional <i>u</i> Use <i>authorization approval</i> for heights over 26 feet not exceeding 40 feet.
.27	Hours of <i>o</i> Operation shall be permitted as a <i>p</i> Principal <i>u</i> Use from 6 a.m. to 11 p.m. and as a <i>e</i> Conditional <i>u</i> Use from 11 p.m. to 6 a.m.
.30	General advertising signs are not permitted.
.41	Bars are permitted as <i>e</i> Conditional <i>u</i> Uses at the <i>f</i> First and <i>s</i> Second <i>s</i> Stories.
.44	<i>Limited Restaurants</i> are permitted as Conditional Uses at the <i>f</i> First and <i>s</i> Second <i>s</i> Stories.
.46	Movie <i>Theaters theatres</i> are permitted as <i>e</i> Conditional <i>u</i> Uses at the <i>f</i> First and <i>s</i> Second <i>s</i> Stories.
.48	<i>Other General and Nighttime e</i> Entertainment is permitted as a <i>e</i> Conditional <i>u</i> Use at the <i>f</i> First and <i>s</i> Second <i>s</i> Stories.
* * * *	* * * *

**SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.**

\* \* \* \*

(c) **Controls.** The following provisions shall apply within such District:

(1) **Restaurants, Limited Restaurants, and Bars.** Restaurant, Limited Restaurant, and Bar uses may be permitted as a Conditional Use on the First Story through the procedures set forth in Section 303 only if the Zoning Administrator first determines that the proposed new Restaurant, Limited Restaurant, or Bar would occupy a space that is currently or was last legally occupied by one of the uses described below; provided that its last use has not been discontinued or abandoned pursuant to Sections 186.1(d) or 178(d) of this Code and that the proposed new use will not enlarge the space; and provided further that no Conditional Use shall be required if the use remains the same as the prior authorized use, with no enlargement or intensification of use *that the following shall apply:* :

\* \* \* \*

1                   (2)     **Alcohol Licenses.** A Restaurant may provide on-site beer, wine, and/or  
2 liquor sales for drinking on the premises (with ABC license types 02, 23, 41, 47, 49, 59 or 75)  
3 as a Conditional Use on the First Story if, in addition to the criteria set forth in Section 303, the  
4 Planning Commission finds, based on information submitted to the Department by the  
5 applicant, that the Restaurant is and will continue to operate as a Bona-Fide Eating Place as  
6 defined in Section 102. Should a Restaurant fail to operate as a Bona-Fide Eating Place for  
7 any length of time, the Conditional Use authorization shall be subject to immediate revocation  
8 per Planning Code Section 303(f). To verify that the Restaurant is continuing to operate as a  
9 Bona-Fide Eating Place, records of the Restaurant's gross receipts, showing that a minimum  
10 of 51% of its gross receipts within the last year preceding the Department's request is from  
11 food sales prepared and sold to guests on the premises, shall be provided to the Department  
12 upon request. All records and information shall be submitted to the Department under penalty  
13 of perjury.

14                   \* \* \* \*

15                   (5)     **Specialty Food Manufacturing.** Within the North Beach SUD a  
16 Specialty Food Manufacturing use, as defined in *this subsection Section 780.3(b)(1)*, may only be  
17 permitted with a Conditional Use authorization on the Ground Floor or below.

18     **SEC. 781.9. HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT.**

19                   \* \* \* \*

20                   (c)     **Controls.**

21                   \* \* \* \*

22                   (4)     **Continuation of existing Prohibited Liquor Establishments.** In the  
23 Haight Street Alcohol RUSD, any prohibited liquor establishment may continue in accordance  
24 with Sections 180 through 186.2 of this Code, subject to the following provisions:

25                   \* \* \* \*

1 **SEC. 788. LOWER POLK STREET ALCOHOL RESTRICTED USE DISTRICT.**

2 \* \* \* \*

3 (c) **Definitions.**

4 \* \* \* \*

5 (3) An “on sale liquor establishment” shall mean a Bar use.

6 **SEC. 803.2. USES PERMITTED IN CHINATOWN MIXED USE DISTRICTS.**

7 \* \* \* \*

8 (g) **Other Chinatown Mixed Use District Provisions.**

9 (1) **Garages in Existing Residential Buildings.** Installing a garage in an  
10 existing residential building of four or more units requires a mandatory discretionary review  
11 hearing by the Planning Commission; Section 311 notice is required for a building of less than  
12 four units. In approving installation of the garage, the Planning Commission shall find that:

13 (~~Aa~~) the proposed garage opening/addition of off-street parking will not  
14 cause the “removal” or “conversion of residential unit,” as those terms are defined in Section  
15 317 of this Code;

16 (~~Bb~~) the proposed garage opening/addition of off-street parking will not  
17 substantially decrease the livability of a Dwelling Unit without increasing the floor area in a  
18 commensurate amount;

19 (~~Cc~~) the building has not had two or more “no-fault” evictions, as  
20 defined in Section 37.9(a)(7) through (9) and (11) through (13) of the San Francisco  
21 Administrative Code, with each eviction associated with a separate unit(s) within the past 10  
22 years, and

23 (~~Dd~~) the proposed garage/addition of off-street parking installation is  
24 consistent with the Priority Policies of Section 101.1 of this Code.

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

6 **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE**  
7 **DISTRICTS.**

8 \* \* \* \*

9 (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts are either  
10 Principally Permitted, Conditional, Accessory, temporary, or are not permitted.

11 (1) **Permitted Uses.** If there are two or more uses in a structure, any use not  
12 classified below under Section 803.3(b)(1)(C) of this Code as Accessory will be considered  
13 separately as an independent permitted, Conditional, temporary or not permitted use.

14 \* \* \* \*

15 (C) **Accessory Uses.** Subject to the limitations set forth below and in  
16 Sections 204.1 (Accessory Uses for Dwelling Units in ~~All R and NC~~ Districts), ~~204.2 (Accessory~~  
17 ~~Uses for Uses Other Than Dwellings in R Districts)~~, 204.4 (Dwelling Units Accessory to Other  
18 Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an ~~a~~ Accessory  
19 ~~Use~~ is a related minor use which is either necessary to the operation or enjoyment of a lawful  
20 Principal Use or Conditional Use, or is appropriate, incidental, and subordinate to any such  
21 use, and shall be permitted as an Accessory Use in an Eastern Neighborhoods Mixed Use  
22 District. In order to accommodate a Principal Use which is carried out by one business in  
23 multiple locations within the same general area, such Accessory Use need not be located in  
24 the same structure or lot as its Principal Use provided that (1) the Accessory Use is located  
25 within 1,000 feet of the Principal Use; and (2) the multiple locations existed on April 6, 1990.

1 Accessory Uses to non-office uses (as defined in Section 890.70) may occupy space which is  
2 noncontiguous or on a different Story as the Principal Use so long as the Accessory Use is  
3 located in the same building as the Principal Use and complies with all other restrictions  
4 applicable to such Accessory Uses. Any use which does not qualify as an Accessory Use  
5 shall be classified as a Principal Use.

6 No use will be considered accessory to a Principal Use which involves or requires any  
7 of the following:

8 (i) The use of more than one-third of the total Occupied Floor  
9 Area which is occupied by both the accessory use and principal use to which it is accessory,  
10 combined, except in the case of accessory off-street parking or loading which shall be subject  
11 to the provisions of Sections 151, 156 and 303 of this Code;

12 (ii) A ~~h~~HHotel, ~~m~~MMotel, inn, hostel, ~~a~~AAdult eEntertainment,  
13 ~~m~~MMassage eEstablishment, ~~large fast food restaurant~~, or ~~m~~MMovie tTheater use in a RED, RED-  
14 MX, SPD, DTR, MUG, WMUG, MUR, MUO, CMUO, WMUO, SALI or UMU District;

15 ~~(iii) Any take-out food use, except for a take-out food use which~~  
16 ~~occupies 100 square feet or less (including the area devoted to food preparation and service and~~  
17 ~~excluding storage and waiting areas) in a restaurant, bar, catering establishment, bakery, retail~~  
18 ~~grocery or specialty food store.~~

19 ~~(iii iv)~~ Any sign not conforming to the limitations of Section  
20 607.2(f)(3).

21 ~~(iv v)~~ Medical Cannabis Dispensaries as defined in 890.133.

22 ~~(v vi)~~ Any ~~n~~NNighttime eEntertainment use, as defined in Section  
23 102; provided, however, that a Limited Live Performance Permit as set forth in Police Code  
24 Section 1060et et seq. is allowed in any District except for an RED, RED-MX, MUR, or MUG  
25 District.

1 (vii) Cannabis Retail that does not meet the limitations set forth  
2 in Section 204.3(a)(3).

3 (viii) Catering Uses that do not meet the limitations set forth in  
4 Section 703(d)(3)(B).

5 (D) **Temporary Uses.** Temporary uses not otherwise permitted are  
6 permitted in Eastern Neighborhoods Mixed Use Districts to the extent authorized by Sections  
7 205 through 205.3 of this Code.

8 **SEC. 803.4. USES PROHIBITED IN ~~SOUTH OF MARKET AND~~ EASTERN**  
9 **NEIGHBORHOODS MIXED USE DISTRICTS.**

10 (a) No use, even though listed as a permitted use or otherwise allowed, shall be  
11 permitted in an Eastern Neighborhood Mixed Use District that, by reason of its nature or  
12 manner of operation, creates conditions that are hazardous, noxious, or offensive through the  
13 emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried  
14 waste, or excessive noise.

15 (b) The establishment of a use that sells alcoholic beverages, other than beer and  
16 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section  
17 ~~202(b)(1)229~~.

18 **SEC. 803.9. USES IN MIXED USE DISTRICTS.**

19 \* \* \* \*

20 (f) **Vertical Controls for Office Uses.**

21 (1) **Purpose.** In order to preserve ground floor space for production,  
22 distribution, and repair uses and to allow the preservation and enhancement of a diverse mix  
23 of land uses, including limited amounts of office space on upper stories, additional vertical  
24 zoning controls shall govern office uses as set forth in this ~~Section~~ subsection (f).

1           (2) **Applicability.** This Section shall apply to all office uses in the MUG and  
2 UMU Districts and all office uses in buildings in the PDR-1-D and PDR-1-G Districts that are  
3 designated as landmarks pursuant to Article 10 of the Planning Code, where permitted.

4           (3) **Definitions.** Office use shall be as defined in Section 890.70 of this Code.

5           (4) **Controls.**

6           (A) **Designated Office Story or Stories.** Office uses are not permitted on  
7 the ground floor, except as specified in Sections 840.65A and 843.65A. Office uses may be  
8 permitted on stories above the ground floor if they are designated as office stories. On any  
9 designated office story, office uses are permitted, subject to any applicable use size  
10 limitations. On any story not designated as an office story, office uses are not permitted.  
11 When an office use is permitted on the ground floor per Sections 840.65A and 843.65A, it  
12 shall not be considered a designated office story for the purposes of ~~§~~subsection (f)(4)(D)  
13 below.

14           \* \* \* \*

15           (g) **Retail Controls in the MUG, MUO, CMUO, and UMU Districts.** In the MUG,  
16 MUO, CMUO, and UMU District, up to 25,000 gross square feet of retail use (as defined in  
17 Section 890.104 of this Code) is permitted per lot. Above 25,000 gross square feet, three  
18 gross square feet of other uses permitted in that District are required for every one gross  
19 square foot of retail. In the UMU District, ~~g~~Gyms, as defined in ~~Section 102~~~~Sec. 218(d)~~, are  
20 exempt from this requirement. In the CMUO District, Tourist Hotels, as defined in Sec. 890.46,  
21 are exempt from this requirement.

22 **SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.**

23           \* \* \* \*

Table 810

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

		<b>Chinatown Community Business District</b>
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
<b><u>BUILDING STANDARDS</u></b>		
<b>Massing and Setbacks</b>		
Height and Bulk Limits:-	§§ 102- <del>12</del> , 105, 106, 250 - 252, § 254, 260, 263.4 270, 271. See also Height and Bulk District Maps	40-X, 50-N, 65-N, 65-A, 65-85-A. P up to 35 feet; C above 35 feet. See Height and Bulk Map for more information.
****	****	****
<b>RESIDENTIAL STANDARDS AND USES</b>		
****	****	****

<b>Residential Uses</b>		<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd<sup>±</sup></b>
Residential Uses		P	P	P
Accessory Dwelling Unit Density	§§ 102, 207(c)(4)	Accessory Dwelling Units are permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.		
****	****	****	****	****

\* Not listed below

\*\*\*\*



(2) Installation of a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units. In approving installation of the garage, the Commission shall find that:

\* \* \* \*

(c) the building has not had two or more “no-fault” evictions, as defined in Section 37.9 (a)(7) through (9) and (11) through (13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years; and

\* \* \* \*

(3) Formula Retail Restaurants *and Limited Restaurants* are NP in all Chinatown MUDs.

**SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.**

\* \* \* \*

**Table 811**

**CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

		Chinatown Community Business District
Zoning Category	§ References	Controls
<b><u>BUILDING STANDARDS</u></b>		
<b>Massing and Setbacks</b>		
Height and Bulk Limits-	§§ 102- <del>12</del> , 105, 106, 250 - 252, § 254, 260, 263.4 , 270, 271. See also Height and Bulk District Maps	40-X, 50-N, 65-N, 65-A, 65-85-A. P up to 35 feet; C above 35 feet. See Height and Bulk Map for more information.
* * * *	* * * *	* * * *
<b>RESIDENTIAL STANDARDS AND USES</b>		
* * * *	* * * *	* * * *

Residential Uses		Controls by Story		
		1st	2nd	3rd±
Residential Uses		P	P	P
Accessory Dwelling Unit Density	§§ 102, 207(c)(4)	Accessory Dwelling Units are permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.		
****	****	****		

\* Not listed below

\*\*\*\*

(2) Installation of a garage in an existing residential building of four or more units requires a mandatory discretionary review by the Planning Commission; Section 311 notice is required for a building of less than four units. In approving installation of the garage, the Commission shall find that:

\*\*\*\*

(c) the building has not had two or more “no-fault” evictions, as defined in Section 37.9 (a)(7) through (9) and (11) ~~through~~ through (13) of the San Francisco Administrative Code, with each eviction associated with a separate unit(s) within the past ten years; and

\*\*\*\*

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

\* \* \* \*

Table 812

CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE

		Chinatown Residential Neighborhood Commercial District		
Zoning Category	§ References	Controls		
<b><u>BUILDING STANDARDS</u></b>				
<b>Massing and Setbacks</b>				
<i>Height and Bulk Limits</i>	§§ 102-12, 105, 106, 250 - 252, § 254, 260, 263.4, 270, 271. See also Height and Bulk District Maps	40-X, 50-N, 65-N, 65-85-N, & 110-G. P up to 35 feet; C above 35 feet. See Height and Bulk Map for more information.		
****	****	****		
<b>RESIDENTIAL STANDARDS AND USES</b>				
****	****	****		
<b>Residential Uses</b>		<b>Controls by Story</b>		
		<b>1st</b>	<b>2nd</b>	<b>3rd±</b>
Residential Uses		P	P	P
Accessory Dwelling Unit Density	§§ 102, 207(c)(4)	Accessory Dwelling Units are permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.		
Dwelling Unit Density	§ 207	Up to 1 unit per 200 sq. ft. lot area.		
****	****	****		

\* Not listed below

1 (1) Installation of a garage in an existing residential building of four or more units  
2 requires a mandatory discretionary review by the Planning Commission; Section 311 notice is  
3 required for a building of less than four units. In approving installation of the garage, the  
4 Commission shall find that:

5 \* \* \* \*

6 (c) the building has not had two or more “no-fault” evictions, as defined in  
7 Section 37.9 (a)(7) through (9) and (11) through (13) of the San Francisco Administrative  
8 Code, with each eviction associated with a separate unit(s) within the past ten years; and

9 \* \* \* \*

10 (2) Formula Retail Restaurants *and Limited Restaurants* are NP in all Chinatown MUDs.

11 **SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.**

12 The Mixed Use-General (MUG) District is largely comprised of the low-scale,  
13 production, distribution, and repair (*PDR*) uses mixed with housing and small-scale retail. The  
14 MUG is designed to maintain and facilitate the growth and expansion of small-scale light  
15 *manufacturing industrial*, wholesale distribution, arts production and performance/exhibition  
16 activities, general commercial and neighborhood-serving retail and personal service activities  
17 while protecting existing housing and encouraging the development of housing at a scale and  
18 density compatible with the existing neighborhood.

19 Housing is encouraged over ground floor commercial and *PDR production, distribution,*  
20 *and repair* uses. New residential or mixed use developments are encouraged to provide as  
21 much mixed-income family housing as possible. Existing group housing and dwelling units  
22 would be protected from demolition or conversion to nonresidential use by requiring  
23 conditional use review. Accessory Dwelling Units are permitted within the district pursuant to  
24 subsection 207(c)(4) of this Code.

Hotels, ~~n~~ighttime entertainment, movie theaters, adult entertainment and heavy manufacturing industrial uses are not permitted. Office is restricted to the upper floors of multiple story buildings.

**Table 840**  
**MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed Use-General District Controls
<b>Building and Siting Standards</b>			
* * * *	* * * *	* * * *	* * * *
840.19	Design Guidelines	General Plan Commerce and Industry Element; Central SoMa Plan	Subject to the Urban Design Guidelines; and, in the Central SoMa SUD, subject to the <i>Central SoMa Guide to Citywide Urban Design Guidelines</i> .
* * * *	* * * *	* * * *	* * * *
<b>Residential Uses</b>			
* * * *	* * * *	* * * *	* * * *
840.22	Group Housing	§§ 249.78(c)(8), 890.88(b)	NP <i>in Central SoMa SUD</i> , except Group Housing uses that are also defined as Student Housing, Senior Housing, or Residential Care Facility, are designated for persons with disabilities, are designated for Transition Age Youth, or are contained in buildings that consist of 100% affordable units.
840.23	SRO Units	§§ 249.78(c)(7), 890.88(c)	NP <i>in Central SoMa</i> , except in buildings that consist of 100% affordable units, as defined in Section 249.78(c)(7).
* * * *	* * * *	* * * *	* * * *

\* \* \* \*

**SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.**

The Mixed Use-Residential District (MUR) is 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. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged. Hotels, nighttime entertainment, adult entertainment and heavy *manufacturing industrial* uses are not permitted. Office is limited by residential-to-non residential ratio in new construction.

**Table 841  
MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE**

No.	Zoning Category	§ References	Mixed Use-Residential District Controls
<b>Building and Siting Standards</b>			
* * * *	* * * *	* * * *	* * * *
841.19	Design Guidelines	General Plan Commerce and Industry Element; Central SoMa Plan	Subject to the Urban Design Guidelines; and, in the Central SoMa SUD, subject to the <i>Central SoMa Guide to Citywide Urban Design Guidelines</i> .
* * * *	* * * *	* * * *	* * * *
<b>Residential Uses</b>			
841.21	Dwelling Units	§ 102	P
841.22	Group Housing	§§ 249.78(c)(8), 890.88(b)	NP <i>in Central SoMa SUD</i> , except Group Housing uses that are also defined as Student Housing, Senior Housing, or Residential Care Facility, are designated for persons with disabilities, are designated for Transition Age Youth, or are contained in buildings that consist of 100% affordable units.
841.23	SRO Units	§§ 249.78(c)(7), 890.88(c)	NP <i>in Central SoMa SUD</i> , except in buildings that consist of 100% affordable units, as defined in Section 249.78(c)(7).
* * * *	* * * *	* * * *	* * * *

\* \* \* \*

1     **SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.**

2             The Mixed Use-Office (MUO) is designed to encourage office uses and housing, as  
3 well as small-scale light *manufacturing industrial* and arts activities. Nighttime entertainment  
4 and small tourist hotels are permitted as a conditional use. Large tourist hotels are permitted  
5 as a conditional use in certain height districts. Dwelling units and group housing are permitted,  
6 while demolition or conversion of existing dwelling units or group housing requires conditional  
7 use authorization. Family-sized housing is encouraged. Accessory Dwelling Units are  
8 permitted within the district pursuant to subsection 207(c)(4) of this Code.

9             Office, general commercial, most retail, production, distribution, and repair uses are  
10 also principal permitted uses. Adult entertainment and heavy *manufacturing industrial* uses are  
11 not permitted.

12             \* \* \* \*

13     **SEC. 844. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.**

14             The WSoMa Mixed Use-General (WMUG) District is largely comprised of the low-scale,  
15 production, distribution, and repair uses mixed with housing and small-scale retail. The  
16 WMUG is designed to maintain and facilitate the growth and expansion of small-scale light  
17 *manufacturing industrial*, wholesale distribution, arts production and performance/exhibition  
18 activities, general commercial and neighborhood-serving retail and personal service activities  
19 while protecting existing housing and encouraging the development of housing at a scale and  
20 density compatible with the existing neighborhood.

21             Housing is encouraged over ground floor commercial and production, distribution, and  
22 repair uses. New residential or mixed use developments are encouraged to provide as much  
23 mixed-income family housing as possible. Existing group housing and dwelling units will be  
24 protected from demolition or conversion to nonresidential use by requiring conditional use  
25

1 review. Accessory Dwelling Units are permitted within the district pursuant to subsection  
2 207(c)(4) of this Code.

3 Hotels, nighttime entertainment, movie theaters, adult entertainment and heavy  
4 *manufacturing industrial* uses are not permitted. Office use is restricted to customer-based  
5 services on the ground floor.

6 **845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.**

7 \* \* \* \*

8 The WSoMa Mixed Use-Office (WMUO) runs predominantly along the Townsend  
9 Street corridor between 4th Street and 7th Street and on 11th Street, from Harrison Street to  
10 the north side of Folsom Street. The WMUO is designed to encourage office uses along with  
11 small-scale light *manufacturing industrial* and arts activities. Nighttime entertainment is  
12 permitted, although limited by buffers around RED and RED-MX districts.

13 Office, general commercial, most retail, production, distribution, and repair uses are  
14 also principal permitted uses. Residential uses, large hotels, adult entertainment and heavy  
15 *manufacturing industrial* uses are not permitted.

16 Accessory Dwelling Units are permitted within the district pursuant to subsection  
17 207(c)(4) of this Code.

18 \* \* \* \*

19 **SEC. 846. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.**

20 The Service/Arts/Light Industrial (SALI) District is largely comprised of low-scale  
21 buildings with production, distribution, and repair uses. The district is designed to protect and  
22 facilitate the expansion of existing general commercial, manufacturing, home and business  
23 service, and light *manufacturing industrial* activities, with an emphasis on preserving and  
24 expanding arts activities. Nighttime Entertainment is permitted although limited by buffers  
25 around RED and RED-MX districts. Residential Uses, Offices, Hotels, and Adult



Entertainment uses are not permitted, except that certain Affordable Housing Projects are permitted within the district pursuant to Section 846.24 of this Code, and Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

\* \* \* \*

**SEC. 848. CMUO - CENTRAL SOMA MIXED-USE OFFICE DISTRICT.**

The Central SoMa Mixed Use-Office (CMUO) extends predominantly between 2nd Street and 6th Street in the South of Market area. The CMUO is designed to encourage a mix of residential and non-residential uses, including office, retail, light *manufacturing industrial*, arts activities, nighttime entertainment, and tourist hotels.

<b>Table 848</b>		
<b>CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE</b>		
<b>Central SoMa Mixed Use-Office District Controls</b>		
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>

<b>BUILDING STANDARDS</b>		
* * * *		
<b>Miscellaneous</b>		
* * * *	* * * *	* * * *
Design Guidelines	General Plan Commerce and Industry Element; Central SoMa Plan	Subject to the <i>Citywide</i> Urban Design Guidelines, <i>and Central SoMa Guide to Urban Design.</i>

\* \* \* \*

**APPENDIX C TO ARTICLE 11**  
**CATEGORY III BUILDINGS**

<b>Address of Building</b>	<b>Block</b>	<b>Lot(s)</b>	<b>Name of Building</b>
----------------------------	--------------	---------------	-------------------------

****	****	****	****
844 Folsom St.	<del>3704</del> <u>3733</u>	019	Victor Equipment Company
850 Folsom St.	<del>3704</del> <u>3733</u>	020	Victor Equipment Company
****	****	****	****

Section 3. The Administrative Code is hereby amended by deleting Section 2A.54 and revising Sections 5.132, 8.28, 29A.1, 41.4, 60.3, 61.2, 61.6, 61.7, 79.2, and 79.3, to read as follows:

**CHAPTER 2A:  
EXECUTIVE BRANCH**

\* \* \* \*

**~~SEC. 2A.54. PLANNING COMMISSION EVALUATION OF MEDICAL CANNABIS DISPENSARY LOCATION REGULATIONS.~~**

~~(a) The Board of Supervisors hereby directs the Planning Commission, by no later than May 1, 2014, to submit a written report to Board of Supervisors evaluating the impacts on communities in which MCDs are located and to make recommendations regarding whether Planning Code provisions governing the location of MCDs, including but not limited to Planning Code Sections 209.3(k), 217(k), 790.141 and 890.133, should be amended. In this report, the Board of Supervisors directs the Planning Commission to address the following considerations, at a minimum:~~

~~(1) The extent to which MCDs are concentrated in particular communities within San Francisco;~~

~~(2) The nature and extent of effects of the location requirements for MCDs on medical cannabis patients' access to medical cannabis;~~



1 recommendations on the goals and their implementation to the Planning Commission of the  
2 City and County of San Francisco;

3 \* \* \* \*

4 **CHAPTER 8:**

5 **DOCUMENTS, RECORDS AND PUBLICATIONS**

6 \* \* \* \*

7 **SEC. 8.28. CITY PLANNING FEES.**

8 The *Department of City Planning Department* is hereby authorized to charge fees for  
9 reproducing records which citizens have a right by law to inspect and copy as follows:

- 10 1. Photocopy of any record not exceeding 8-½ inches by 14 inches (per page) \$0.10  
11 2. Photocopy of any record exceeding 8-½ inches by 14 inches (per page) \$0.10

12 The *Department of City Planning Department* is hereby authorized to sell printed copies  
13 of the *Master General* Plan, or any element thereof, and printed copies of other reports  
14 produced by the Department. The charges for such printed copies shall be determined by the  
15 *Department of City Planning Department*, but shall not exceed the cost to the Department for the  
16 reproduction of such reports.

17 There shall be no charge for one copy of the *Master General* Plan and any elements  
18 thereof to governmental agencies or to a person who certifies under penalty of perjury that he  
19 or she is a duly authorized representative of an organization that is on the *Department of City*  
20 *Planning's* Department's list of San Francisco neighborhood nonprofit organizations. The  
21 *Department of City Planning Department* shall issue written guidelines setting forth the  
22 procedure for an organization being included on such list.

23 **CHAPTER 29A:**

24 **[APPROVAL OF POWER PLANT; PLANNING CODE SEC. 303(a) CRITERIA 226.1**

25 *Sec. 29A.1.*

1 **SEC. 29A.1.**

2 The Board of Supervisors shall not approve any ~~p~~Power ~~p~~Plant (as defined in Planning  
3 Code Section ~~102 226~~), including approval of project funding and contract approvals, unless it  
4 finds that the ~~p~~Power ~~p~~Plant is consistent with the criteria set forth in Planning Code Section  
5 ~~303(q) 226.1(e)~~.

6 **CHAPTER 41:**

7 **RESIDENTIAL HOTEL UNIT CONVERSION AND DEMOLITION**

8 \* \* \* \*

9 **SEC. 41.4. DEFINITIONS.**

10 \* \* \* \*

11 **Tourist Hotel.** Any building containing six or more guest rooms intended or designated  
12 to be used for commercial tourist use by providing accommodation to transient guests on a  
13 nightly basis or longer. A tourist hotel shall be considered a *commercial Hotel* use *pursuant to as*  
14 *defined in* Planning Code Section ~~102 790.46~~ and shall not ~~be defined as considered~~ *Group*  
15 *Housing permitted in a residential area under as defined in* Planning Code Section ~~102 209.1~~.

16 \* \* \* \*

17 **CHAPTER 60:**

18 **ASSISTED HOUSING PRESERVATION ORDINANCE**

19 \* \* \* \*

20 **SEC. 60.3. FINDINGS.**

21 The Board of Supervisors finds that:

22 \* \* \* \*

23 (g) Section 101.1(b)(3) of the ~~San Francisco~~ Planning Code establishes as a Priority  
24 Policy for the San Francisco ~~Master General~~ Plan "[t]hat the City's supply of affordable housing  
25 be preserved and enhanced." The Housing Element of the ~~San Francisco~~ General Plan

1 establishes as one of its primary goals the preservation and expansion of the housing stock  
2 affordable to very low, low and moderate income households within the City. The California  
3 State Legislature has recently enacted provisions requiring the City to include in its Housing  
4 Element an analysis of existing assisted housing developments for which subsidies and  
5 applicable use restrictions may be terminated during the next 10 years, and a program for  
6 preserving such affordable units. The Legislature has also enacted provisions which clarify  
7 that the Low and Moderate Income Housing Fund moneys administered pursuant to the  
8 Health and Safety Code by redevelopment agencies may be expended for assisted housing  
9 preservation efforts.

10 \* \* \* \*

11 **CHAPTER 61:**  
12 **WATERFRONT LAND USE**

13 \* \* \* \*

14 **SEC. 61.2. LAND USE PLANNING PROCESS.**

15 \* \* \* \*

16 (b) The agency drafting the "Waterfront Land Use Plan" shall consult the *City*  
17 Planning Commission to ensure development of a plan consistent with the City's ~~Master~~  
18 General Plan. The final plan and any subsequent amendments thereto shall be subject to a  
19 public hearing conducted by the *City* Planning Commission to ensure consistency between  
20 the plan and the City's ~~Master~~ General Plan.

21 \* \* \* \*

22 **SEC. 61.6. DEFINITIONS.**

23 \* \* \* \*

24 (b) "Action" includes, but is not limited to:

- 25 (1) Amendments to the Planning Code and ~~Master~~ General Plan;

1 \* \* \* \*

2 (c) "Waterfront" means land transferred to the City and County of San Francisco  
3 pursuant to Chapter 1333 of the Statutes of 1968, as well as any other property which is  
4 owned by or under the control of the Port Commission of San Francisco, and which is also in  
5 any of the following areas:

6 \* \* \* \*

7 (4) The area south of Pier 98 in which all new development is subject to the  
8 Shoreline Guidelines, as shown on Map 8 (Eastern Shoreline Plan) of the Recreation and  
9 Open Space Element of the San Francisco ~~Master~~ General Plan, in effect as of January 1,  
10 1990.

11 \* \* \* \*

12 (f) "Hotel" means any use falling within the definition in Section ~~102 314.1(g)~~ of the  
13 San Francisco Planning Code in effect as of January 1, 1990; any waterside hotel having  
14 docks to accommodate persons traveling by boat; or any facilities for providing temporary or  
15 transient occupancy. This shall not include boat berths which are provided for temporary  
16 moorage of boats.

17 \* \* \* \*

18 **SEC. 61.7. IMPLEMENTATION.**

19 Within 180 days of the effective date of this Chapter 61 ordinance, the City and County  
20 shall:

21 (a) Amend its ~~Master~~ General Plan, Planning Code, and other relevant plans and  
22 codes in a manner consistent with this Chapter ordinance;

23 (b) Request and apply for conforming amendments to all applicable state and  
24 regional plans and regulations; and  
25

1 (c) Begin preparation of the "Waterfront Land Use Plan" required under Section  
2 61.2 of this *Chapter ordinance*.

3 **CHAPTER 79:**

4 **PREAPPROVAL NOTICE FOR CERTAIN CITY PROJECTS.**

5 \* \* \* \*

6 **SEC. 79.2. DEFINITIONS.**

7 For purposes of this Chapter, the following definitions shall apply:

8 \* \* \* \*

9 (b) "City project" shall mean the following:

10 (1) ~~(i)~~ A project that

11 \* \* \* \*

12 (2) ~~(ii)~~ "City project" shall include, but is not limited to, administrative offices,  
13 housing and other residential projects, and programs that provide services or assistance for  
14 the benefit of all or some members of the public from a fixed location.

15 \* \* \* \*

16 (d) "Significant expansion of existing use" shall mean the lesser of an addition  
17 amounting to 50 percent of gross floor area, or 1,500 square feet or more of gross floor area,  
18 as determined by the Zoning Administrator in accordance with Section 102-9 of the San  
19 Francisco Planning Code.

20 (d) "Significant expansion of existing use" shall mean the lesser of an addition  
21 amounting to 50 percent of gross floor area, or 1,500 square feet or more of gross floor area,  
22 as determined by the Zoning Administrator in accordance with Section 102-9 of the San  
23 Francisco Planning Code.

24 **SEC. 79.3. EXEMPTIONS.**

25 The following City projects shall be exempted from this Section:



1 \* \* \* \*

2 (b) A State-authorized, certified, or licensed Residential Care Facility, as defined in  
3 Section 102 family care home, foster home, or group home serving six or fewer mentally disordered or  
4 otherwise disabled persons or dependent and neglected children, in accordance with California  
5 Welfare and Institutions Code Section 5116 or as set forth in Section 209.3(b) of the Planning Code;

6 \* \* \* \*

7 Section 4. The Health Code is hereby amended by revising Section 22A, to read as  
8 follows:

9 **ARTICLE 22A:**

10 **ANALYZING SOILS FOR HAZARDOUS WASTE**

11 \* \* \* \*

12 **SEC. 22A.2. DEFINITIONS.**

13 In addition to the general definitions applicable to this Code, whenever used in this  
14 Article, the following terms shall have the meanings set forth below:

15 "Applicant" means a person applying for any building permit as specified by Section  
16 ~~106.1~~ 106A.1 of the San Francisco Building Code.

17 \* \* \* \*

18 "Industrial Use" means ~~a an Industrial Use, Automobile Use, or Utility and Infrastructure~~  
19 Use described in Section 102 of the San Francisco Planning Code Sections 220 (Laundering,  
20 Cleaning and Pressing), 222 (Home and Business Services), 223 (Automotive), 224 (Animal Services),  
21 225 (Wholesaling, Storage, Distribution, and Open Air Handling of Materials and Equipment) and 226  
22 (Manufacturing and Processing).

23 "Industrially Zoned (i.e. zoned for industrial use)" means one of the following zoning  
24 districts, as further described in ~~Article 2 of~~ the San Francisco Planning Code: CMUO (Central  
25 SoMa Mixed Use Office), Folsom Street Neighborhood Commercial Transit (Folsom Street NCT), M-1

1 I (Light Industrial), M-2 (Heavy Industrial), MUG (Mixed Use-General), MUO (Mixed Used-Office),  
2 MUR (Mixed Use-Residential), PDR-I-B (Light Industrial Buffer), PDR-I-D (Light Industrial  
3 Design), PDR-I-G (Light Industrial General), PDR-2 (Core Production, Distribution and  
4 Repair), ~~C-M (Heavy Commercial)~~, RCD (Regional Commercial District), RED-MX (Residential  
5 Enclave-Mixed District), SPD (South Park District), RSD (Residential/Service Mixed Use), SLR  
6 (Service/Light Industrial/Residential Mixed Use), SLI (Service/Light Industrial), SSD  
7 (Service/Secondary Office), MUG (Mixed Use-General), MUR (Mixed Use-Residential), MUD (Mixed  
8 Use-Office), and UMU (Urban Mixed Use), WMUG (WSoMa Mixed Use-General), and WMUO  
9 (WSoMa Mixed Use-Office), or any other zoning district that allows for industrial uses, either as  
10 a principal permitted use or as a conditional use, as determined by the Zoning Administrator.

11 \* \* \* \*

12 Section 5. The Police Code is hereby amended by revising Sections 21, 1036.23, and  
13 3300E.2, to read as follows:

14 **ARTICLE 1:**  
15 **PUBLIC NUISANCES**

16 \* \* \* \*

17 **SEC. 21. CONSUMING ALCOHOLIC BEVERAGES ON PUBLIC STREETS, ETC., OR ON**  
18 **PUBLIC PROPERTY OPEN TO PUBLIC VIEW PROHIBITED; PENALTY.**

19 (a) No person shall consume any alcoholic beverage in any quantity on any public  
20 street, avenue, sidewalk, stairway, alley, or thoroughfare within the City and County of San  
21 Francisco; nor shall any person consume any alcoholic beverage within 15 feet of any public  
22 way or thoroughfare while on a private stairway, doorway, or other private property open to  
23 public view without the express or implied permission of the owner, his agent, or the person in  
24 lawful possession thereof; provided, however, that the provisions of this Section shall not  
25 apply to the interior portion of any private dwelling, habitat, or building, to the consumption by

1 persons in the areas herein designated of any duly prescribed and dispensed medication  
2 having alcoholic content, or to those persons consuming alcoholic beverages while viewing a  
3 parade for which a permit has been granted pursuant to Section 367 of this Code. Further,  
4 this Section shall not be applicable in those prescribed areas and during such time for which  
5 permission for temporary use or occupancy of public streets and appurtenant areas has been  
6 granted by:

7 (1) The Board of Supervisors pursuant to the provisions of Section 2.70 of the  
8 Administrative Code;

9 (2) The Department of Public Works pursuant to the provisions of Article 5.2 of  
10 the Public Works Code for a business establishment anywhere in San Francisco that meets  
11 the requirements of a *full-service ~~R~~Restaurant use, pursuant to Planning Code Section 790.92*  
12 *defined in Planning Code Section 102*, as interpreted by the Zoning Administrator; or

13 (3) The Department of Public Works pursuant to the provisions of Article 5.2 of  
14 the Public Works Code for a business establishment that had a valid tables and chairs permit  
15 and California Department of Alcoholic Beverage Control beverage license or permit on the  
16 effective date of this *Section 21 ordinance*.

17 \* \* \* \*

18 **ARTICLE 15:**

19 **LICENSES FOR AMUSEMENTS**

20 \* \* \* \*

21 **[MECHANICAL AMUSEMENT DEVICES; ARCADES]**

22 \* \* \* \*

23 **SEC. 1036.23. MECHANICAL AMUSEMENT DEVICES; LOCATION.**

24 (a) **Prohibited.** It shall be unlawful for any owner or operator of a mechanical  
25 amusement device to cause, permit or allow same to be located, operated or maintained to be

1 operated, and neither the Director nor the Entertainment Commission may issue a permit for  
2 said devices, within any area of the City zoned exclusively for residential use, as defined in  
3 Sections ~~102 790.88 and 890.88~~ of the Planning Code or any successor legislation. The  
4 restrictions set forth in this Subsection (a) shall not apply (1) in such areas as may be  
5 designated by resolution of the Board of Supervisors, or (2) to nonprofit religious institutions,  
6 schools, hospitals, convalescent and nursing homes and nonprofit community centers.

7 \* \* \* \*

### 8 ARTICLE 33E:

### 9 HOSPITALITY INDUSTRY WORKER RETENTION

10 \* \* \* \*

#### 11 SEC. 3300E.2. DEFINITIONS.

12 For purposes of this Article 33E, the following definitions apply:

13 \* \* \* \*

14 "Large Hotel" shall mean a Hotel ~~"tourist hotel"~~ as defined in Planning Code Section  
15 ~~102 790.46~~ that has 100 or more guest rooms and/or suites of rooms. "Large Hotel" shall not  
16 include a ~~"Residential hHotel"~~ as defined in Section ~~102 790.47~~ of the Planning Code.

17 \* \* \* \*

18 Section 6. Amendment of the Planning Code's Specific Zoning Control Tables. Zoning  
19 Control Tables 713, 714, 715, 716, 717, 718, 719, 723, 724, 729, 730, 731, 732, 733, 734,  
20 750, 751, 752, 753, 754, 755, 756, 757, 760, 761, 762, 763, and 764 are hereby amended  
21 identically to the amendment of Zoning Control Table 710 in Section 2 of this ordinance, to  
22 add Section 207.7 to the Reference column for Dwelling Unit Mix in the Development  
23 Standards subsection.

1 Section 7. Amendment of the Planning Code's Specific Zoning Control Tables. Zoning  
 2 Control Tables 713, 714, 715, 716, 717, 718, 719, 723, 728, 730, 731, 732, 733, and 734 are  
 3 hereby amended identically to the amendment of Zoning Control Table 710 in Section 2 of this  
 4 ordinance, to revise "Residential" to "R" in the Controls by Story column for Dwelling Unit  
 5 Density and Group Housing Density. Zoning Control Table 724 is amended identically to  
 6 revise "Residential" to "R" in the Controls by Story column only for Dwelling Unit Density.

7  
 8 Section 8. Amendment of the Planning Code's Specific Zoning Control Tables. Zoning  
 9 Control Tables 714, 715, 716, 717, 719, 720, 722, 723, 724, 725, 726, 728, 730, 752, 754,  
 10 759, 760, 762, 763, and 764 are hereby amended identically to Zoning Control Table 711 in  
 11 Section 2 of this ordinance, to modify the Controls for Fringe Financial Services in Note 6 at  
 12 the end of the Table, provided that the Note shall be numbered as appropriate for each Table,  
 13 as follows:

Zoning Control Tables	Note #
720, 752, 754, and 760	2
717, 724, and 730	3
723, 725, 726, and 763	4
715, 716, 719, 728, 762, and 764	5
714 and 725	6
722	8

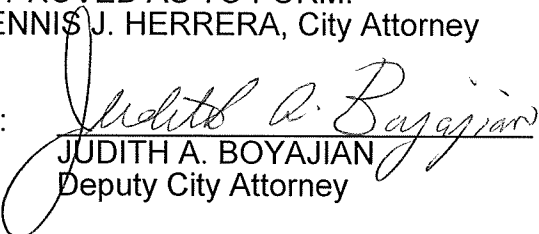
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 24 Section 9. Effective Date. This ordinance shall become effective 30 days after  
 25 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance.

3  
4 Section 10. Scope of Ordinance. Except as stated in Sections 3, 4, 5 and 6 of this  
5 ordinance, in enacting this ordinance, the Board of Supervisors intends to amend only those  
6 words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks,  
7 charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly  
8 shown in this ordinance as additions, deletions, Board amendment additions, and Board  
9 amendment deletions in accordance with the "Note" that appears under the official title of the  
10 ordinance.

11  
12 APPROVED AS TO FORM:  
13 DENNIS J. HERRERA, City Attorney

14 By:

  
15 JUDITH A. BOYAJIAN  
16 Deputy City Attorney

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## LEGISLATIVE DIGEST

[Planning, Various Codes - Technical Corrections]

**Ordinance amending the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; amending Article 4 to move the language regarding timing of fee payments to the beginning of the Article and cross-reference it in the individual impact fee sections, and to add an additional fee waiver based on the replacement of gross floor area in buildings damaged or destroyed by fire or other calamity; amending the Administrative, Health, and Police Codes to correct outdated Planning Code cross-references; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

### Existing Law

This ordinance amends multiple sections of the Planning Code, as well as sections of the Administrative, Health, and Police Codes that make cross-references to Planning Code sections.

### Amendments to Current Law

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

The following amendments have been made to Article 4, which sets forth the City’s Development Impact Fee and In-Lieu Fee requirements for development projects:

- A new subsection (d) has been added to Section 402 - “Procedure for Payment and Collection of Development Fees.” Since the timing and collection of fee payments is the same for each of the development impact fees (excepting only the Transit Impact Development Fee in Section 411), the text on the timing and collection of the other impact development fees has been standardized and moved to the new subsection.
- A new subsection (f) has been added to Section 406 – “Waiver, Reduction, or Adjustment of Development Project Requirements” – to clarify the existing rule that in the case of a building damaged or destroyed by fire or other calamity and meeting the provisions of Section 188(b) of the Code, only additional land uses or addition of gross

floor area beyond what is needed to replace the damaged or destroyed building is subject to any applicable Article 4 development impact fees.

**Administrative Code.** Revisions are made to Sections 5.132, 8.28, 29A.1, 60.3, 61.2, 61.6, 61.7, and 79.2 to (1) correct outdated names for the General Plan, Planning Department, and Planning Commission in several sections, (2) update cross-references to Planning Code sections that have been repealed or renumbered, and (3) make a couple of format corrections.

Section 2A.54 “Planning Commission Evaluation of Medical Cannabis Dispensary Location Regulations.” This section is proposed to be repealed in its entirety because the Commission’s written report to the Board of Supervisors has been completed and nothing more is required by this section.

Sections 41.4 and 79.3. The definition of Tourist Hotel in Section 41.4 and the exemption for City projects in Section 79.3 are revised to correct cross-references to Planning Code sections that have been repealed, and to update the Use references.

**Health Code.** Section 22A.2 is revised to (1) correct an erroneous Building Code cross-reference and (2) update the definitions of “Industrial Use and “Industrially Zoned” so that they conform with the current Planning Code.

**Police Code.** Section 21 (Consuming Alcoholic Beverages on Public Streets, Etc., or on Public Property Open to Public View), Section 1036.23 (Mechanical Amusement Devices), and Section 3300E.2 (Hospitality Industry Worker Retention) are revised to correct Planning Code cross-references.

### Background Information

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

Over time, errors are created in other City Codes as Planning Code sections are repealed or renumbered and Use references are updated. This ordinance also correct these errors.