



BOARD of SUPERVISORS



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## MEMORANDUM

### LAND USE AND TRANSPORTATION COMMITTEE

### SAN FRANCISCO BOARD OF SUPERVISORS

TO: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee

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

DATE: July 20, 2021

SUBJECT: **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, July 20, 2021

The following file should be presented as a **COMMITTEE REPORT** at the Board meeting, Tuesday, July 20, 2021. This item was acted upon at the Committee Meeting on Monday, July 19, 2021, at 1:30 p.m., by the votes indicated.

**Item No. 72**                      **File No. 210674**

Ordinance amending the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; affirming the Planning Department's determination under the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.

#### **RECOMMENDED AS A COMMITTEE REPORT**

Vote: Supervisor Myrna Melgar - Aye  
Supervisor Dean Preston - Aye  
Supervisor Aaron Peskin - Aye

cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Anne Pearson, Deputy City Attorney  
Kristen Jensen, Deputy City Attorney

1 [Planning Code - Code Corrections Ordinance]

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4 **outdated cross-references, and make non-substantive revisions to clarify or simplify**  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; affirming the Planning Department’s determination under the California**  
6 **Environmental Quality Act; making findings of consistency with the General Plan and**  
7 **the eight priority policies of Planning Code Section 101.1; and adopting findings of**  
8 **public necessity, convenience, and general welfare under Planning Code, Section 302.**

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

13

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

15

16 Section 1. Findings.

17 (a) The Planning Department has determined that the actions contemplated in this  
18 ordinance comply with the California Environmental Quality Act (California Public Resources  
19 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
20 Supervisors in File No. 210674 and is incorporated herein by reference. The Board affirms  
21 this determination.

22 (b) On February 25, 2021, the Planning Commission, in Resolution No. 20861,  
23 adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
24 with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The  
25

1 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
 2 the Board of Supervisors in File No. 210674, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
 4 Planning Code amendment will serve the public necessity, convenience, and general welfare  
 5 for the reasons set forth in Resolution No. 20861.

6  
 7 Section 2. The Planning Code is hereby amended by revising Sections 121.1, 136,  
 8 155, 155.2, 181, 201, 202.9, 205.5, 206.5, 209.1, 209.2, 209.3, 209.4, 210.1, 210.2, 210.3,  
 9 210.4, 249.35A, 249.49, 260, 309, 311, 317, 350, 413.5, 414.6, 424, 710, 714, 721, 722, 723,  
 10 728, 735, 745, 752, 758, 761, 764, 781.1, 803.2, 810, 811, 812, 827, 847, 996, Appendix O to  
 11 Article 10, and Appendix E to Article 11, to read as follows:

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

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

District	Lot Size Limits
* * * *	
NC-1, NCT-1	5,000 sq. ft.
24 <sup>th</sup> Street-Mission	
24 <sup>th</sup> Street-Noe	
Broadway	
Castro Street	
<u>Cole Valley</u>	

1	* * * *	
2	Judah Street	
3	<u>Lakeside Village</u>	
4	* * * *	
5	NC-2, NCT-2	10,000 sq. ft.
6	NC-3, NCT-3	
7	<u>Bayview</u>	
8	<u>Cortland Avenue</u>	
9	Divisadero Street	
10	* * * *	
11	Folsom Street	
12	<u>Geary Boulevard</u>	
13	Hayes-Gough	
14	<u>Inner Balboa Street</u>	
15	<u>Inner Taraval Street</u>	
16	Japantown	
17	<u>Lower Haight Street</u>	
18	<u>Lower Polk Street</u>	
19	<u>Mission Bernal</u>	
20	Mission Street	
21	Ocean Avenue	
22	<u>Outer Balboa Street</u>	
23	Regional Commercial District	
24	<u>San Bruno Avenue</u>	
25		

1 \* \* \* \*

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

4 (a) The following obstructions shall be permitted, in the manner specified, as  
5 indicated by the symbol "X" in the columns at the left, within the required open areas listed  
6 herein:

7 (1) Projections from a building or structure extending over a Street or Alley as  
8 defined ~~by~~ in Section 102 of this Code.

9 \* \* \* \*

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

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

22 \* \* \* \*

23 (r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In  
24 order to preserve the pedestrian character of certain districts and to minimize delays to transit  
25 service, garage entries, driveways, or other vehicular access to off-street parking or loading

1 via curb cuts on development lots shall be regulated as set forth in this subsection (r). These  
2 limitations do not apply to the creation of new publicly-accessible Streets and Alleys. Any lot  
3 whose sole feasible vehicular access is via a protected street frontage described in this  
4 subsection (r) shall be exempted from any off-street parking or loading requirement found  
5 elsewhere in this Code.

6 (1) Folsom Street, from Second Street to The Embarcadero, not permitted  
7 except as set forth in Section 827.

8 (2) Not permitted:

9 \* \* \* \*

10 (RR) 4th Street from Folsom Street to Townsend Street, and  
11 (~~SS MMMM~~) 6th Street from Folsom Street to Brannan Street.

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

18 \* \* \* \*

19 **SEC. 155.2. BICYCLE PARKING: APPLICABILITY AND REQUIREMENTS FOR SPECIFIC**  
20 **USES.**

21 \* \* \* \*

22 Table 155.2

23 **BICYCLE PARKING SPACES REQUIRED**

Use	Minimum Number of Class 1 Spaces Required	Minimum Number of Class 2 Spaces Required
-----	--	--

* * * *		
<b>NON-RESIDENTIAL USES</b>		
* * * *		
<b>Institutional Uses Category</b>		
* * * *		
Religious Facility	Five Class 1 spaces for facilities with a capacity of less than 500 guests; 10 Class 1 spaces for facilities with a capacity of greater than 500 guests.	One Class 2 space for every <del>500</del> <u>50</u> seats or for every portion of each 50 person capacity.
* * * *		

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

\* \* \* \*

**(c) Dwellings Nonconforming as to Density.**

(1) A Dwelling or other housing structure exceeding the permitted density of Dwelling Units or other housing units set forth in the Zoning Control Table for the district in which the lot is located shall be classified as a nonconforming use under Section 180 of this Code, but only to the extent that such Dwelling or other housing structure exceeds the permitted density.

(2) In districts where a Dwelling Unit is a ~~p~~Primarily ~~p~~Permitted use, this Section 181 shall not apply with respect to enlargements, alterations and reconstruction of the nonconforming portion of such Dwelling or other housing structure, consisting of those



1 Dwelling Units or other housing units that exceed the permitted density, so long as such  
2 enlargements, alterations, or reconstruction do not otherwise extend beyond the building  
3 envelope as it existed on January 1, 2013.

4 (3) No enlargements, alterations, or reconstruction shall be permitted under  
5 ~~§~~subsection (c)(2) for any Dwelling Unit if any tenant has been evicted pursuant to  
6 Administrative Code Sections 37.9(a)(9) through 37.9(a)(~~14~~12) and ~~37(a)(14)~~ where the  
7 tenant was served with the notice of eviction after December 10, 2013 if the notice was served  
8 within ten (10) years prior to filing an application to enlarge, alter or reconstruct such Dwelling  
9 or other housing unit. Additionally, no such enlargements, alterations, or reconstruction shall  
10 be permitted for any Dwelling Unit if any tenant has been evicted pursuant to Administrative  
11 Code Section 37.9(a)(8) where the tenant was served with a notice of eviction after December  
12 10, 2013 if the notice was served within five (5) years prior to filing an application to enlarge,  
13 alter or reconstruct such Dwelling or other housing unit. This ~~§~~subsection (c)(3) shall not  
14 apply if the tenant was evicted under Section 37.9(a)(11) or 37.9(a)(14) and the applicant(s)  
15 either (A) have certified that the original tenant reoccupied the unit after the temporary eviction  
16 or (B) have submitted to the Planning Commission a declaration from the property owner or  
17 the tenant certifying that the property owner or the Rent Board notified the tenant of the  
18 tenant's right to reoccupy the unit after the temporary eviction and that the tenant chose not to  
19 reoccupy it.

20 \* \* \* \*

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

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

24 \* \* \* \*

<b>Potrero Power Station <i>Mixed Special</i> Use District</b> (Also see Sec. 249.87)	
PPS-MU	Potrero Power Station <i>Mixed Special</i> Use District (Defined in Sec. 249.87(g)(1))

\* \* \* \*

**SEC. 202.9. FLEXIBLE RETAIL USES.**

(a) **Applicability.** This Section shall apply to Flexible Retail Uses as defined in Section 102. Flexible Retail shall be permitted in neighborhood commercial districts in the following Flexible Retail Zones:

\* \* \* \*

(2) **Zone 2:** shall comprise all of that portion of the City and County commencing at the point of the intersection of Junipero Serra Boulevard and Brotherhood Way, and proceeding northerly along the eastern edge of Junipero Serra Boulevard to Garfield Street, and proceeding easterly along Garfield Street to Grafton Avenue, and continuing easterly along Grafton Avenue to Mount Vernon Avenue, and proceeding easterly along Mount Vernon Avenue to Howth Street, and proceeding northerly along Howth Street to Geneva Avenue, and proceeding easterly along Geneva Avenue to Interstate 280, and proceeding northerly along Interstate 280 to the straight-line extension of Tingley Street, and proceeding southerly along said line to Tingley Street, and proceeding southerly along Tingley Street to Alemany Boulevard, and proceeding easterly along Alemany Boulevard to Congdon Street, and proceeding southerly along Congdon Street to Silver Avenue, and proceeding easterly along Silver Avenue to Madison Street, and proceeding southerly along Madison Street to Burrows Street, and proceeding westerly along Burrows Street to Prague Street, and proceeding southerly along Prague Street to Persia Avenue, and proceeding easterly along Persia Avenue to Mansell Street, and continuing easterly along Mansell Street to San Bruno

1 Avenue, and proceeding northerly and easterly along San Bruno Avenue ~~along San Bruno~~  
2 ~~Avenue~~ to Ware Street, and proceeding easterly along Ware Street to Bayshore Boulevard,  
3 and proceeding northerly along Bayshore Boulevard to a straight line extension from  
4 Bayshore Boulevard to San Bruno Avenue, and proceeding northerly along San Bruno  
5 Avenue to 23rd Street, and proceeding easterly along 23rd Street to Vermont Street, and  
6 proceeding northerly along Vermont Street to 16th Street, and proceeding easterly along 16th  
7 Street to a straight-line extension from 16th Street, and proceeding easterly along said  
8 extension to the shoreline to the San Francisco Bay, and proceeding southerly along  
9 shoreline to the San Francisco/San Mateo county border, and proceeding westerly along the  
10 San Francisco/San Mateo county border to Saint Charles Avenue, and proceeding northerly  
11 along Saint Charles Avenue to Interstate 280, and proceeding northeasterly along Interstate  
12 280 to a northerly straight-line extension to Orizaba Avenue, and proceeding northerly along  
13 said line to Alemany Boulevard, and proceeding westerly along Alemany Boulevard to  
14 Brotherhood Way, and proceeding westerly along Brotherhood Way to the point of  
15 commencement.

16 \* \* \* \*

17 **SEC. 205.5. TEMPORARY USES: INTERIM ACTIVITIES ON DEVELOPMENT SITES.**

18 \* \* \* \*

19 (b) **Definitions.** For purposes of this Section 205.5, the following definitions shall  
20 apply:

21 \* \* \* \*

22 “Interim Activity” means any Arts Activities Use; any Entertainment, General Use; any  
23 Use within a PDR-1-D District; and/or any Use Principally ~~p~~Permitted in the subject zoning  
24 district.

25 \* \* \* \*

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

2 \* \* \* \*

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

5 \* \* \* \*

6 (2) **Density Bonus.** Analyzed Projects that provide On-site Inclusionary  
 7 Housing Units or Restricted Affordable Units that meet all of the requirements *of* for an  
 8 Inclusionary Housing Unit shall receive a density bonus as described in Table 206.5A as  
 9 follows:

10 \* \* \* \*

11 **SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.**

12 \* \* \* \*

14 **Table 209.1.**

15 **ZONING CONTROL TABLE FOR RH DISTRICTS**

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
* * * *						
<b>RESIDENTIAL STANDARDS AND USES</b>						
* * * *						
<b>Use Characteristics</b>						
Intermediate Length Occupancy	§§102, 202.10	P(9)	P(9)	P(9)	P(9)	P(9)

1 \* \* \* \*

2 \* \* \* \*

3 (9) NP for buildings with three or fewer Dwelling Units; C for buildings with 10 or more  
4 Dwelling Units.

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

6 \* \* \* \*

7  
8 **Table 209.2.**

9  
10 **ZONING CONTROL TABLE FOR RM DISTRICTS**

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
* * * *					
<b>RESIDENTIAL STANDARDS AND USES</b>					
* * * *					
<b>Use Characteristics</b>					
Intermediate Length Occupancy	§§102, 202.10	P(10)	P(10)	P(10)	P(10)
* * * *					

21  
22 \* \* \* \*

23 (10) NP for buildings with three or fewer Dwelling Units; C for buildings with 10 or more  
24 Dwelling Units.

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

\* \* \* \*

Table 209.3.

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	§ References	RC-3	RC-4
* * * *			
<b>RESIDENTIAL STANDARDS AND USES</b>			
* * * *			
<b>Use Characteristics</b>			
Intermediate Length	§§102, 202.10	P(11)	P(11)
Occupancy			
* * * *			
<b>NON-RESIDENTIAL STANDARDS AND USES</b>			
* * * *			
<b>Institutional Use Category</b>			
* * * *			
<i>Philanthropic Admin Services</i>	§ 102	<i>NP</i>	<i>NP</i>
* * * *			

\* \* \* \*

(11) NP for buildings with three or fewer Dwelling Units; C for buildings with 10 or more Dwelling Units.

\* \* \* \*

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

\* \* \* \*

Table 209.4.

ZONING CONTROL TABLE FOR RTO DISTRICTS

Zoning Category	§ References	RTO	RTO-M
* * * *			
<b>RESIDENTIAL STANDARDS AND USES</b>			
* * * *			
<b>Use Characteristics</b>			
Intermediate Length Occupancy	§§102, 202.10	P(10)	P(10)
* * * *			

\* \* \* \*

(10) NP for buildings with three or fewer Dwelling Units; C for buildings with 10 or more Dwelling Units.

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

\* \* \* \*

Table 210.1.

ZONING CONTROL TABLE FOR C-2 DISTRICTS

Zoning Category	§ References	C-2
* * * *		
<b>RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Use Characteristics</b>		

1	Intermediate Length	§§102, 202.10	P(6)
2	Occupancy		
3	* * * *		

4 \* \* \* \*

5 (6) NP for buildings with three or fewer Dwelling Units; C for buildings with 10 or more  
 6 Dwelling Units.

7 **SEC. 210.2. C-3 DISTRICTS: DOWNTOWN COMMERCIAL.**

8 \* \* \* \*

11 **Table 210.2.**

12 **ZONING CONTROL TABLE FOR C-3 DISTRICTS**

15 Zoning	§	C-3-O	C-3-O(SD)	C-3-R	C-3-G	C-3-S
16 Category	References					
17 * * * *						
18 <b>RESIDENTIAL STANDARDS AND USES</b>						
19 * * * *						
20 <b>Use Characteristics</b>						
21 Intermediate	§§102,	P(8)	P(8)	P(8)	P(8)	P(8)
22 Length	202.10					
23 Occupancy						
24 * * * *						
25 <b>NON-RESIDENTIAL STANDARDS AND USES</b>						



* * * *						
<b>Automotive Uses Category</b>						
* * * *						
Parking Lot, Private	§§102, 142 ,156	NP (9)	NP (9)	NP (9)	NP (9)	NP (9)
Parking Lot, Public	§§102, 142 ,156	NP (9)	NP (9)	NP (9)	NP (9)	NP (9)
* * * *						

\* \* \* \*

(8) NP for buildings with three or fewer Dwelling Units; C for buildings with 10 or more Dwelling Units.

(9) Pursuant to Section 156(f), temporary parking lots may be approved as Conditional Uses, except in the C-3-O(SD) District, pursuant to the provisions of Section 303 for a period not to exceed five years from the date of approval. No new parking lots may be approved in the C-3-O(SD) District, however Conditional Use approval for a two-year extension of existing parking lots in the C-3-O(SD) District may be approved pursuant to Section 156(f) provided that they meet the requirements of subsection 156(h).

\* \* \* \*

**SEC. 210.3. PDR DISTRICTS.**

\* \* \* \*

**Table 210.3.**

**ZONING CONTROL TABLE FOR PDR DISTRICTS**

<b>Zoning Category</b>	<b>§ References</b>	<b>PDR-1-B</b>	<b>PDR-1-D</b>	<b>PDR-1-G</b>	<b>PDR-2</b>
* * * *					
<b>NON-RESIDENTIAL STANDARDS AND USES</b>					
* * * *					
<b>Institutional Uses Category</b>					
* * * *					
<i>Philanthropic</i>	<i>§ 102</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>	<i>NP</i>
<i>Admin Service</i>					
* * * *					

\* \* \* \*

**SEC. 210.4. M DISTRICTS: INDUSTRIAL.**

\* \* \* \*

**Table 210.4**

**ZONING CONTROL TABLE FOR M DISTRICTS**

\* \* \* \*

<b>Zoning Category</b>	<b>§ References</b>	<b>M-1</b>	<b>M-2</b>
------------------------	---------------------	------------	------------

\* \* \* \*

<b>RESIDENTIAL STANDARDS AND USES</b>
<b>Development Standards</b>
* * * *

Residential Parking Requirements	§§ 151.	None required. P up to one space for every two units. C up to three spaces for every four units. NP above.
--	---------	--

\* \* \* \*

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

\* \* \* \*

(e) **Effectiveness of Controls in this Special Use District.** The controls of this Section 249.35A shall apply only to a Grocery Store that the Planning Commission approves pursuant to the requirements of this Section 249.35A within 5 years of the effective date of the ordinance in Board File No. 190839 amending this Section.

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

\* \* \* \*

(c) **Controls.**

(1) **Number of Off-Street Residential Parking Spaces.** Up to 0.5 parking spaces for each Dwelling Unit, subject to the controls and procedures of Section 249.49(c) and Sections 155(r) and 155(t). Not Permitted above this amount. ~~three cars for each four dwelling units is a Permitted use; up to one car for each dwelling unit requires a Conditional use, subject to the criteria and procedures of Section 151.1(f); above one car for each dwelling unit is Not Permitted.~~

(2) **Installation of a Parking Garage.** Installation of a garage in an existing or proposed residential building of two or more units requires a mandatory discretionary review hearing by the Planning Commission. In order to approve the installation of any garage in these districts, the Commission shall find that: (1) the proposed garage

1 opening/addition of off-street parking will not cause the elimination or reduction of ground-  
2 story retail or commercial space; (2) the proposed garage opening/addition of off-street  
3 parking will not eliminate or decrease the square footage of any dwelling unit; (3) the building  
4 has not had two or more evictions within the past 10 years, with each eviction associated with  
5 a separate unit(s), (4) the garage would not front on an Alley pursuant to Section 155(r)(2) of  
6 this Code or on a public right-of-way narrower than 41 feet, and (5) the proposed garage  
7 ~~opening/~~ addition of off-street parking is consistent with the Priority Policies of Section 101.1  
8 of this Code.

9 Prior to issuance of any required notification under Section 311 ~~or 312~~ of this Code, the  
10 Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3)  
11 above, which the Department shall independently verify, and the Department shall determine  
12 whether the project complies with (4) and (5) above. If the project sponsor does not provide  
13 such signed affidavit, or the garage would front on an Alley or public right-of-way narrower  
14 than 41 feet, the Department shall disapprove the application and no Planning Commission  
15 hearing shall be required.

16

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

18 \* \* \* \*

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

22 (1) The following features shall be exempt provided the limitations indicated for  
23 each are observed; and provided further that the sum of the horizontal areas of all features  
24 listed in this subsection (b)(1) shall not exceed 20% of the horizontal area of the roof above  
25 which they are situated, or, in C-3 Districts and in the Rincon Hill Downtown Residential

1 District, where the top of the building has been separated into a number of stepped elements  
2 to reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and  
3 provided further that in any R, RC-3, or RC-4 District the sum of the horizontal areas of all  
4 such features located within the first 10 feet of depth of the building, as measured from the  
5 front wall of the building, shall not exceed 20% of the horizontal area of the roof in such first  
6 10 feet of depth.

7 \* \* \* \*

8 ~~(A)~~ (O) In the Van Ness & Market Residential Special Use District and  
9 only in the block/lot districts 85-X // 120/365-R-2, additional building volume used to enclose  
10 or screen from view the features listed in subsections (b)(1)(A) and (b)(1)(B) above. The  
11 rooftop form created by the added volume shall not be subject to the percentage coverage  
12 limitations otherwise applicable to the building, but shall meet the requirements of Section  
13 141; shall not exceed 10 percent of the total height of any building taller than 200 feet; shall  
14 have a horizontal area not more than 100 percent of the total area of the highest occupied  
15 floor; and shall contain no space for human occupancy that is enclosed or otherwise not open  
16 to the sky. The features described in subsection (b)(1)(B) shall not be limited to 16 feet for  
17 buildings taller than 200 feet but shall be limited by the permissible height of any additional  
18 rooftop volume allowed by this subsection ~~(A)~~ (O).

19 \* \* \* \*

20

21 **SEC. 309. PERMIT REVIEW IN C-3 DISTRICTS.**

22

23 \* \* \* \*

24 (a) **Exceptions.** Exceptions to the following provisions of this Code may be granted  
25 as provided in the code sections referred to below:

1 (1) Exceptions to the setback, streetwall, tower separation, and rear yard  
2 requirements as permitted in Sections 132.1 and 134(d);

3 (2) Exceptions to the ground-level wind current requirements as permitted in  
4 Section 148;

5 (3) Exceptions to the sunlight to public sidewalk requirement as permitted in  
6 Section 146;

7 (4) Exceptions to the limitation on curb cuts for parking access as permitted  
8 in Section 155(r);

9 (5) Exceptions to the limitations on above-grade residential accessory  
10 parking as permitted in Section 155(s);

11 (6) Exceptions to the freight loading and service vehicle space requirements  
12 as permitted in Section 161(~~fe~~);

13 \* \* \* \*

14 (19) Exceptions to the required minimum dwelling unit mix in Section 207.6 for  
15 projects within the Van Ness & Market Residential Special Use District. In considering such  
16 exceptions, the Planning Commission shall consider the following criteria:

17 (A) whether the project demonstrates a need or mission to serve unique  
18 populations; or

19 (B) whether the project site or existing building(s), if any, feature physical  
20 constraints that make it unreasonable to fulfill the requirements of Section 207.6 or subsection  
21 309(a)(19)(~~i~~)(A).

22 \* \* \* \*

23

24 **SEC. 311. PERMIT REVIEW PROCEDURES.**

25 \* \* \* \*

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

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

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

1 of this Section 311. Any accessory massage use in the Ocean Avenue Neighborhood  
2 Commercial Transit District shall be subject to the provisions of this Section 311.

3 \* \* \* \*

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

6 \* \* \* \*

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

9 \* \* \* \*

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

11 \* \* \* \*

12 (2) **Residential Merger.** The Planning Commission shall consider the  
13 following criteria in the review of applications to merge Residential Units or Unauthorized  
14 Units:

15 (A) whether removal of the unit(s) would eliminate only owner  
16 occupied housing, and if so, for how long the unit(s) proposed to be removed have been  
17 owner occupied;

18 (B) whether removal of the unit(s) and the merger with another is  
19 intended for owner occupancy;

20 (C) whether removal of the unit(s) will remove an affordable housing  
21 unit as defined in Section 401 of this Code or housing subject to the Residential Rent  
22 Stabilization and Arbitration Ordinance;

23 (D) if removal of the unit(s) removes an affordable housing unit as  
24 defined in Section 401 of this Code or units subject to the Residential Rent Stabilization and  
25 Arbitration Ordinance, whether replacement housing will be provided which is equal or greater



1 in size, number of bedrooms, affordability, and suitability to households with children to the  
2 units being removed;

3 (E) how recently the unit being removed was occupied by a tenant or  
4 tenants;

5 (F) whether the number of bedrooms provided in the merged unit will  
6 be equal to or greater than the number of bedrooms in the separate units;

7 (G) whether removal of the unit(s) is necessary to correct design or  
8 functional deficiencies that cannot be corrected through interior alterations;

9 (H) the appraised value of the least expensive Residential Unit  
10 proposed for merger only when the merger does not involve an Unauthorized Unit.

11

12 The Planning Commission shall not approve an application for Residential Merger if  
13 any tenant has been evicted pursuant to Administrative Code Sections 37.9(a)(9)  
14 through 37.9(a)(~~12~~14) and ~~37.9(a)(14)~~ where the tenant was served with a notice of eviction  
15 after December 10, 2013 if the notice was served within 10 years prior to filing the application  
16 for merger. Additionally, the Planning Commission shall not approve an application for  
17 Residential Merger if any tenant has been evicted pursuant to Administrative Code  
18 Section 37.9(a)(8) where the tenant was served with a notice of eviction after December 10,  
19 2013 if the notice was served within five (5) years prior to filing the application for merger. This  
20 ~~§~~subsection (g)(2)(H) shall not apply if the tenant was evicted under Section 37.9(a)(11) or  
21 37.9(a)(14) and the applicant(s) either (A) have certified that the original tenant reoccupied the  
22 unit after the temporary eviction or (B) have submitted to the Planning Commission a  
23 declaration from the property owner or the tenant certifying that the property owner or the  
24 Rent Board notified the tenant of the tenant's right to reoccupy the unit after the temporary  
25 eviction and that the tenant chose not to reoccupy it.

1 \* \* \* \*

2 **SEC. 350. FEES.**

3  
4 \* \* \* \*

5 (h) **Document Retrieval.** The fee for files stored on-site shall be the ~~actual~~ actual  
6 costs for printing the file(s). The fee for files stored of-site shall be the actual costs for  
7 retrieval, printing, and return of files, as specified in a retrieval schedule prepared by the  
8 Director of Planning, or the Director's designee.

9 \* \* \* \*

10 **SEC. 413.5. COMPLIANCE BY PAYMENT OF IN-LIEU FEE.**

11 \* \* \* \*

12 (d) **Office Fees for Small Capital Projects.** Notwithstanding any other provision of  
13 this Code, fees for the net addition up to 49,999 gross square feet of Office Use shall be paid  
14 as follows:

15 \* \* \* \*

16 (3) ~~For a~~ Any project that has submitted a complete Development Application  
17 after January 1, 2021, shall pay \$62.64 per gross square foot. Any fees shall be assessed  
18 and paid consistent with this Article 4.

19 \* \* \* \*

20 **SEC. 414.6. COMPLIANCE IN CONJUNCTION WITH THE SPONSORS OF OTHER**  
21 **DEVELOPMENT PROJECTS TO PROVIDE AN ON-SITE CHILD-CARE FACILITY AT ONE**  
22 **OF THE PROJECTS.**

23 The sponsor of a development project subject to Section 414.1 et seq. in conjunction  
24 with the sponsors of one or more other development projects subject to Section 414.1 et seq.  
25 located within  $\frac{1}{2}$  one-half mile of one another may elect to provide a single child-care facility on

1 the premises of one of their development projects for the life of the project to meet the  
 2 requirements of Section 414.1 et seq. The sponsors shall, ~~prior to~~ no later than six months after  
 3 the issuance of the first final certificate of occupancy by DBI for any one of the development  
 4 projects complying with this part, provide proof to the Department that:

5 \* \* \* \*

6 (D) A written agreement binding each of the participating project  
 7 sponsors guaranteeing that the child-care facility will be provided for the life of the  
 8 development project in which it is located, or for as long as there is a demonstrated demand,  
 9 as determined under Section 414.12, has been executed and recorded in the chain of title of  
 10 each participating building. The property owner must submit a copy of the agreement to the  
 11 Planning Department upon finalization to demonstrate compliance with this Section.

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 13  
 14 **SEC. 424. VAN NESS ~~AND~~ MARKET AFFORDABLE HOUSING AND NEIGHBORHOOD**  
 15 **INFRASTRUCTURE FEE AND PROGRAM.**

16 \* \* \* \*

17  
 18 **SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.**

19 \* \* \* \*

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

Zoning Category	§ References.	Controls
* * * *		
<b>RESIDENTIAL STANDARDS AND USES</b>		

<b>Development Standards</b>		
* * *	* * *	* * *
Dwelling Unit Mix	§§ 207.6; 207.7	<i><u>Not Generally Required for creation of 10 or more Dwelling Units. No less than 25% of the total number of proposed Dwelling Units shall contain at least two Bedrooms, and no less than 10% of the total number of proposed Dwelling Units shall contain at least three Bedrooms.</u></i>
* * *		

**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT  
ZONING CONTROL TABLE**

\* \* \* \*

\* Not listed below

(1) BROADWAY OFF-STREET PARKING RESIDENTIAL

**Boundaries:** Broadway NCD.

**Controls:** Installing 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:

1 (a) the proposed garage opening/addition of off-street parking will not cause the  
2 “removal” or “conversion of residential unit,” as those terms are defined in Section 317 of this  
3 Code.

4 (b) the proposed garage opening/addition of off-street parking will not substantially  
5 decrease the livability of a dwelling unit without increasing the floor area in a commensurate  
6 amount;

7 (c) the building has not had two or more “no-fault” evictions, as defined in 37.9  
8 (a)(7)-(~~1213~~) of the *San Francisco* Administrative Code, with each eviction associated with a  
9 separate unit(s) within the past ten years;

10 (d) the garage would not front on a public right-of-way narrower than 41 feet; and

11 (e) the proposed garage/addition of off-street parking installation is consistent with  
12 the Priority Policies of Section 101.1 of this Code.

13 \* \* \* \*

14  
15 (6) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD).

16 **Boundaries:** The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the  
17 Broadway Neighborhood Commercial District.

18 **Controls:** Fringe Financial Services are NP within any FFSRUD and its 1/4 mile buffer  
19 pursuant to Section 249.35. Outside any FFSRUD and its 1/4 mile buffer, Fringe Financial  
20 Services are P subject to the restrictions set forth in Section 249.35(c)(3).

21 \* \* \* \*

22 (8) NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more  
23 Dwelling Units.

24 **SEC. 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT.**

25 \* \* \* \*

1 **Table 721. JAPANTOWN NEIGHBORHOOD COMMERCIAL DISTRICT**  
 2 **ZONING CONTROL TABLE**

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Zoning Category	§References	Controls
* * * *		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
* * *	* * *	* * *
<u>Dwelling Unit Mix</u>	<u>§ 207.7</u>	<u>Generally Required for creation of 10 or more Dwelling Units. No less than 25% of the total number of proposed Dwelling Units shall contain at least two Bedrooms, and no less than 10% of the total number of proposed Dwelling Units shall contain at least three Bedrooms.</u>
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18 **SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

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

22 \* \* \* \*

23 \* Not listed below

24 (1) NORTH BEACH OFF-STREET PARKING, RESIDENTIAL (Section 155(t))

25 **Boundaries:** North Beach NCD, North-Beach Telegraph Hill SUD

1 **Controls:**

2 \* \* \* \*

3 (b) Prior to issuance of any required notification under Section 311 ~~or 312~~ of this  
4 Code, the Department shall require a signed affidavit by the project sponsor attesting to (i) (ii)  
5 and (iii) above, which the Department shall independently verify, and the Department shall  
6 determine whether the project complies with (iv) and (v) above. If the project sponsor does not  
7 provide such affidavit or the Department determines that the garage would violate subsection  
8 (iv) above, the Department shall disapprove the application and no Planning Commission  
9 hearing shall be required.

10 \* \* \* \*

11 (8) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD)  
12 SECTION 249.35

13 **Boundaries:** The FFSRUD and its 1/4 mile buffer includes, but is not limited to, the  
14 North Beach Neighborhood Commercial District.

15 **Controls:** Fringe Financial Services are NP within any FFSRUD and its 1/4 mile buffer  
16 pursuant to Section 249.35. Outside any FFSRUD and its 1/4 mile buffer, Fringe Financial  
17 Services are P subject to the restrictions set forth in Section 249.35(c)(3).

18 \* \* \* \*

19 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

20 \* \* \* \*

21 **Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
22 **ZONING CONTROL TABLE**

Zoning Category	§ References.	Controls
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* * * *		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
* * *	* * *	* * *
Dwelling Unit Mix	§§ 207.6, <del>207.7</del>	<u>Generally Required for creation of five or more Dwelling Units.</u> 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.
* * *	* * *	* * *
<b>NON-RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
* * *	* * *	* * *
Use Size	§§ 102, 121.2	P up to 1,999 square feet; C 2,000 to 3,999 square feet; NP 4,000 square feet and above (2)
* * *	* * *	* * *
		<b>Controls by Story</b>
		1st                      2nd                      3rd+
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<b>Entertainment, Arts and Recreation Use Category</b>		

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Movie Theater	§§ 102, 202.4 (2)	P (2)	NP (2)
* * *			
* * *			

\* Not listed below.

(1) Temporary closures of existing liquor establishments located within the Lower Polk Alcohol Restricted Use District for repair, renovation, or remodeling that meet the requirements of Section 788(d).

(2) ~~Note deleted~~ USE SIZE EXEMPTION: Per Planning Code Section 121.2(b), Use Size shall generally not exceed 4,000 square feet except that a Movie Theater as defined in Section 102 may exceed 4,000 square feet.

\* \* \* \*

**SEC. 728. 24TH STREET – NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 728. 24<sup>TH</sup> STREET-NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

Zoning Category	§References	Controls
* * * *		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
* * *	* * *	* * *
Dwelling Unit Mix	§ <del>207.6</del> § 207.7	<del>Not Required</del> Generally Required for creation of 10 or more Dwelling

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		<i>Units. No less than 25% of the total number of proposed Dwelling Units shall contain at least two Bedrooms, and no less than 10% of the total number of proposed Dwelling Units shall contain at least three Bedrooms.</i>
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**SEC. 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 735. INNER BALBOA STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

Zoning Category	§ References	Controls		
* * * *				
<b>Non-Residential Uses and Standards</b>				
* * * *				
<b>Non-Residential Uses</b>	<b>Controls by Story</b>			
		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
Institutional Use Category				
* * * *				
Medical Cannabis Dispensary**	§§ 102, 202.2(e)	DR	DR	NP

**SEC. 745. INNER TARAVAL STREET COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 745. INNER TARAVAL STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

<b>NON-RESIDENTIAL STANDARDS AND USES</b>	<b>§ References</b>	<b>Controls by Story</b>

		<b>1st</b>	<b>2nd</b>	<b>3rd+</b>
* * * *				
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
Restaurant	§§ 102, 202.2(a)	P(1)	NP	NP
Restaurant, Limited	§§ 102, 202.2(a)	P(1)	NP	NP
* * * *	* * * *	* * * *	* * * *	* * * *

(1) TARAVAL STREET RESTAURANT SUBDISTRICT: Applicable for the *Inner* Taraval Street NCD between 12th and 19th Avenues as mapped on Sectional Maps 5 SU and 6 SU. Restaurants, Limited-Restaurants are C; Formula Retail Restaurants and Limited-Restaurants are NP.

**SEC. 752. NCT-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 752. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-3 ZONING CONTROL TABLE**

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

1 2 3 4 5 6	Dwelling Unit Mix	§ 207.6_§ 207.7	<i>Generally Required for creation of five or more Dwelling Units. 40% of Dwelling Units shall contain at least two <u>B</u>bedrooms.; or no less than 30% of the total number of proposed Dwelling Units shall contain at least three bedrooms.</i>
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9 **SEC. 758. REGIONAL COMMERCIAL DISTRICT.**

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11 \* \* \* \*

12 **Table 758. REGIONAL COMMERCIAL DISTRICT ZONING CONTROL TABLE**

13 \* \* \* \*

NON-RESIDENTIAL STANDARDS AND USES	§ References	Controls by Story		
		1st	2nd	3rd+
* * * *				
<b>Sales and Service Use Category</b>				
* * * *	* * * *	* * * *	* * * *	* * * *
<i>Service, Non-Retail Professional</i>	<u>§102</u>	<u>P</u>	<u>P</u>	<u>NP</u>

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24 **SEC. 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

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**Table 761. HAYES-GOUGH NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT  
ZONING CONTROL TABLE**

Zoning Category	§References	Controls
* * * *		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
* * *	* * *	* * *
Dwelling Unit Mix	§ 207.6_§207.7	<i>Generally Required for creation of five or more Dwelling Units. 40% of Dwelling Units shall contain at least two Bbedrooms; or no less than 30% of the total number of proposed Dwelling Units shall contain at least three bedrooms.</i>
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**SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

**Table 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING CONTROL TABLE**

Zoning Category	§References	Controls
* * * *		
<b>RESIDENTIAL STANDARDS AND USES</b>		
<b>Development Standards</b>		
* * *	* * *	* * *
Dwelling Unit Mix	§ 207.6_§207.7	<i>Generally Required for creation of five or</i>

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		<i>more Dwelling Units. 40% of Dwelling Units shall contain at least two <del>B</del>bedrooms; or no less than 30% of the total number of proposed Dwelling Units shall contain at least three bedrooms.</i>
* * *	* * *	* * *

**SEC. 781.1. TARAVAL STREET RESTAURANT SUBDISTRICT.**

(a) **Purpose.** In order to preserve the mix and variety of goods and services provided to the Sunset and Parkside neighborhoods and City residents, prevent further proliferation of restaurant uses and prevent further aggravation of parking and traffic congestion in this district, there shall be a Taraval Street Restaurant Subdistrict, generally applicable for the NC-1-zoned portion of Taraval Street located between 40th and 41st Avenues and between 45th and 47th Avenues, and for the ~~NC-2-zoned portion of Inner~~ Taraval Street Neighborhood Commercial District located between 12th and ~~36th~~ 19th Avenues, as designated on Sectional Maps SU05 and SU06 of the Zoning Map.

\* \* \* \*

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

\* \* \* \*

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

(1) **Garages in Existing Residential Buildings.** Installing a garage in an existing residential building of four or more units requires a mandatory discretionary review

1 hearing by the Planning Commission; Section 311 notice is required for a building of less than  
2 four units. In approving installation of the garage, the Planning Commission shall find that:

3 (A) the proposed garage opening/addition of off-street parking will not  
4 cause the “removal” or “conversion of residential unit,” as those terms are defined in  
5 Section 317 of this Code;

6 (B) the proposed garage opening/addition of off-street parking will not  
7 substantially decrease the livability of a Dwelling Unit without increasing the floor area in a  
8 commensurate amount;

9 (C) the building has not had two or more “no-fault” evictions, as  
10 defined in Section 37.9(a)(7) through (9) and (11) through (~~1213~~) of the *San Francisco*  
11 Administrative Code, with each eviction associated with a separate unit(s) within the past 10  
12 years, and

13 (D) the proposed garage/addition of off-street parking installation is  
14 consistent with the Priority Policies of Section 101.1 of this Code.

15 \* \* \* \*

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

17 \* \* \* \*

18 \* Not listed below

19 \* \* \* \*

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

1 (a) the proposed garage opening/addition of off-street parking will not cause the  
2 “removal” or “conversion of Residential Unit,” as those terms are defined in Section 317 of this  
3 Code;

4 (b) the proposed garage opening/addition of off-street parking will not substantially  
5 decrease the livability of a Dwelling Unit without increasing the floor area in a commensurate  
6 amount;

7 (c) the building has not had two or more “no-fault” evictions, as defined in Section  
8 39.7(a)(7) through (9) and (11) through (~~12-13~~) of the ~~San Francisco~~ Administrative Code, with  
9 each eviction associated with a separate unit(s) within the past 10 years; and

10 (d) the proposed garage/addition of off-street parking installation is consistent with  
11 the Priority Policies of Section 101.1 of this Code.

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

17 \* \* \* \*

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

19 \* \* \* \*

20 \* Not listed below

21 \* \* \* \*

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



1 (a) the proposed garage opening/addition of off-street parking will not cause the  
2 “removal” or “conversion of residential unit,” as those terms are defined in Section 317 of this  
3 Code;

4 (b) the proposed garage opening/addition of off-street parking will not substantially  
5 decrease the livability of a dwelling unit without increasing the floor area in a commensurate  
6 amount;

7 (c) the building has not had two or more “no-fault” evictions, as defined in Section  
8 37.9(a)(7) through (9) and (11) through (~~12-13~~) of the *San Francisco* Administrative Code, with  
9 each eviction associated with a separate unit(s) within the past ten years; and

10 (d) the proposed garage/addition of off-street parking installation is consistent with  
11 the Priority Policies of Section 101.1 of this Code.

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

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

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19 \* \* \* \*

20 **Table 812**

21 **CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**  
22 **ZONING CONTROL TABLE**

23 \* \* \* \*

24 \* 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 (a) the proposed garage opening/addition of off-street parking will not cause the  
6 “removal” or “conversion of residential unit,” as those terms are defined in Section 317 of this  
7 Code;

8 (b) the proposed garage opening/addition of off-street parking will not substantially  
9 decrease the livability of a dwelling unit without increasing the floor area in a commensurate  
10 amount;

11 (c) the building has not had two or more “no-fault” evictions, as defined in Section  
12 37.9(a)(7) through (9) and (11) through (~~12~~<sup>13</sup>) of the *San Francisco* Administrative Code, with  
13 each eviction associated with a separate unit(s) within the past ten years; and

14 (d) the proposed garage/addition of off-street parking installation is consistent with  
15 the Priority Policies of Section 101.1 of this Code.

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

21 \* \* \* \*

22 **SEC. 827. RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT (RH-DTR).**

23 \* \* \* \*

Table 827

RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT

ZONING CONTROL TABLE

No.	Zoning Category	§ References	Rincon Hill Downtown Residential Mixed Use District Zoning Controls
* * * *			
<b>Non-Residential Standards and Uses</b>			
* * * *			
.30b	<i>Residential Care Facility</i>	§ 102	P
* * * *			

\* \* \* \*

SEC. 847. RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT.

\* \* \* \*

Table 847

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

No.	Zoning Category	§ References	Residential Enclave-Mixed Controls
* * * *			
<b>USES</b>			
<b>Residential Use</b>			
* * * *			
<i>847.23b</i>	Homeless Shelters	§§ 102, 890.88(d)	C

1	844.23b		
2	* * *		

4 <b>SPECIFIC PROVISIONS FOR RESIDENTIAL ENCLAVE-MIXED DISTRICTS</b>		
5 Article	6 Other	Zoning Controls
7 Code	Code	
Section	Section	
8		ACCESSORY DWELLING UNITS
9		<b>Boundaries:</b> Within the boundaries of the Residential Enclave-Mixed
10		Districts.
11	§ 847.03	<b>Controls:</b> An "Accessory Dwelling Unit," as defined in Section 102 and
12	24	meeting the requirements of Section 207(c)(4) is permitted to be
13		constructed within an existing building in areas that allow residential use
14		or within an existing and authorized auxiliary structure on the same lot.
15		

16 **SEC. 996. DEFINITIONS OF TERMS USED IN ARTICLE 9.**

17 \* \* \* \*

18 (b) **Definition of Terms Used only in Article 9.** This subsection (b) provides  
 19 definitions for certain terms which are used in this Article 9 and not elsewhere in this Code, as  
 20 follows.

21 \* \* \* \*

22 (3) **Live/Work Unit (Any Permitted Work Activity).** Live/work unit (any  
 23 permitted work activity) means a Live/Work Use, as defined in Section 102, in which the Non-  
 24 Residential Use or Uses are limited to Uses in this district which are Principally Permitted  
 25 Uses or are Conditional Uses and approved as Conditional Uses.

1 \* \* \* \*

2 **APPENDIX O TO ARTICLE 10 - CLYDE AND CROOKS WAREHOUSE DISTRICT**

3 \* \* \* \*

4  
5 **SEC. 9. ADDITIONAL PROVISIONS FOR ALTERATIONS AND NEW CONSTRUCTION.**

6 \* \* \* \*

7 (e) **Signs.**

8 \* \* \* \*

9 (2) **Secondary Signs.** One per establishment per street frontage. A  
10 secondary sign is intended to be viewed close-up and consists of: (A) lettering on a door or  
11 window that contains only the name and nature of the establishment, hours of operation and  
12 other pertinent information; or ~~(b)~~ (B) a projecting sign not exceeding two square feet in area  
13 used in conjunction with a principal flush sign.

14 ~~(f)~~ Nothing in this legislation shall be construed to regulate paint colors within the  
15 District.

16 **APPENDIX E TO ARTICLE 11**

17 **KEARNY-MARKET-MASON-SUTTER CONSERVATION DISTRICT**

18 \* \* \* \*

19 **SEC. 3. LOCATION AND BOUNDARIES.**

20 The location and boundaries of the Kearny-Market-Mason-Sutter Conservation District  
21 shall be as designated on the Kearny-Market-Mason-Sutter Conservation District Map, as  
22 amended, ~~the~~ which is on file with the Clerk of the Board of Supervisors in File No. 180726,  
23 which Map is hereby incorporated herein as though fully set forth and a facsimile of which is  
24 reproduced herein below.  
25

1 Section 3. Identical Amendments to Planning Code Zoning Control Tables. The  
2 following Zoning Control Tables in Article 7 of the Planning Code are amended in the same  
3 way as the Section 710 Zoning Control Table in Section 2 of this ordinance by (a) amending  
4 the Dwelling Unit Mix zoning category to delete § 207.6 from the Reference section and (b)  
5 amending the Control section to read “Generally Required for creation of 10 or more Dwelling  
6 Units. No less than 25% of the total number of proposed Dwelling Units shall contain at least  
7 two Bedrooms, and no less than 10% of the total number of proposed Dwelling Units shall  
8 contain at least three Bedrooms.”: Tables 711 through 722, 724, 725, 727, and 729 through  
9 745.

10  
11 Section 4. Identical Amendments to Planning Code Zoning Control Tables. The  
12 following Zoning Control Tables in Article 7 of the Planning Code are amended in the same  
13 way as the Section 714 Zoning Control Table in Section 2 of this ordinance by adding the  
14 language from Note 8 “NP for buildings with three or fewer Dwelling Units” in the respective  
15 Table Note:

16 Table 760 – Note 4

17 Tables 720, 721, 729, 730, and 753 – Note 5

18 Tables 717, 724, 725, 731, 732, 733, 734, 755, 756, and 763 - Note 6

19 Tables 715, 716, 718, 726, 728, 751, and 762 – Note 7

20 Tables 713, 714, 723, 754, and 759 – Note 8

21 Tables 719 and 750 – Note 9

22 Table 757 – Note 10

23 Tables 710 and 712 – Note 11

24 Table 711 – Note 12

25 Table 722 – Note 13

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Section 5. Identical Amendments to Planning Code Zoning Control Tables. The following Zoning Control Tables in Article 7 of the Planning Code are amended in the same way as the Section 714 Zoning Control Table in Section 2 of this ordinance by adding “1/4” before “mile buffer” in the respective Fringe Financial Service Restricted Use District Note:

- Tables 720, 752, 754, and 760 – Note 2
- Tables 717, 724, and 730 – Note 3
- Tables 723, 725, 726, and 763– Note 4
- Tables 715, 716, 719, 728, 762, and 764 – Note 5
- Table 759 – Note 6

Section 6. Identical Amendments to Planning Code Zoning Control Tables. The following Zoning Control Tables in Article 7 of the Planning Code are amended in the same way as the Section 723 Zoning Control Table in Section 2 of this ordinance by (a) amending the Dwelling Unit Mix zoning category to delete § 207.7 from the Reference section and (b) amending the Control section to read “Generally Required for creation of five or more Dwelling Units. 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.”: Table 726, and Tables 750 through 764.

Section 7. Identical Amendments to Planning Code Zoning Control Tables. The following Zoning Control Tables in Article 7 of the Planning Code are amended in the same way as the Section 735 Zoning Control Table in Section 2 of this ordinance by deleting the double asterisk after “Medical Cannabis”: Tables 736, 737, 738, 739, 740, 741, 743, 744, 745., and 755.

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Section 8. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

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

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

By: /s/ ANDREA RUIZ-ESQUIDE  
ANDREA RUIZ-ESQUIDE  
Deputy City Attorney

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**REVISED LEGISLATIVE DIGEST**  
(Amended in Committee, 7/19/2021)

[Planning Code - Code Corrections Ordinance]

**Ordinance amending the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; affirming the Planning Department’s determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

.

Existing Law

This ordinance amends multiple sections of the Planning Code.

Amendments to Current Law

The ordinance 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.

Background Information

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

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June 3, 2021

Ms. Angela Calvillo, Clerk  
Board of Supervisors  
City and County of San Francisco  
City Hall, Room 244  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: Transmittal of Planning Department Case Number 2020-006803PCA:  
2020 Code Corrections Ordinance  
Board File No. TBD

Planning Commission Recommendation: **Approval**

Dear Ms. Calvillo,

On February 25, 2021, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, initiated by the Planning Commission, titled the 2020 Code Corrections Ordinance. At the hearing the Planning Commission recommended approval.

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

Please find attached documents relating to the actions of the Commission. If you have any questions or require further information, please do not hesitate to contact me.

Sincerely,

Aaron D. Starr  
*Manager of Legislative Affairs*

cc: Andrea Ruiz-Esquide, Deputy City Attorney  
Erica Major, Office of the Clerk of the Board  
Jen Low, Aide to Supervisor Melgar  
Lee Hepner, Aide to Supervisor Peskin  
Kyle Smealie, Aide to Supervisor Preston

**Attachments :**

Planning Commission Resolution

Planning Department Executive Summary



# PLANNING COMMISSION RESOLUTION NO. 20861

**HEARING DATE: FEBRUARY 25, 2021**

**Project Name:** Code Correction 2020  
**Case Number:** 2020-006803PCA [Board File No. TBD]  
**Initiated by:** Planning Commission  
**Staff Contact:** Diego Sanchez, Zoning and Compliance Division  
diego.sanchez@sfgov.org, 628-652-7523  
**Reviewed by:** Aaron D Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, (628) 652-7533

**RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD CORRECT TYPOGRAPHICAL ERRORS, UPDATE OUTDATED CROSS-REFERENCES, AND MAKE NON-SUBSTANTIVE REVISIONS TO CLARIFY OR SIMPLIFY CODE LANGUAGE; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.**

WHEREAS, on January 21, 2021 the Planning Commission (hereinafter “Commission”) initiated a Resolution No. 20836 to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Planning Code language;

WHEREAS, The Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on February 25, 2021; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c) and 15378; and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the Custodian of Records, at 49 South Van Ness Avenue, Suite 1400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and

WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves** the proposed ordinance.

## Findings

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. With repeated amendments, minor typographical errors and other omissions gradually creep into the Planning Code. These inadvertent errors unnecessarily burden project review times and worsen the Planning Code's implementation. It makes sense to periodically update the Planning Code and make these non-substantive changes for the sake of fundamental housekeeping and upkeep
2. The applicability and limits of the Planning Code are in constant contention. The Board of Appeals and the California State Courts are two bodies that periodically limit or expand the Planning Department's or Planning Commission's application of the Planning Code. Amending the Planning Code in response to these decisions facilitates the legal implementation of the Code

## General Plan Compliance

The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

### COMMERCE AND INDUSTRY ELEMENT

#### OBJECTIVE 6

**MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.**

#### Policy 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

*By rectifying errors and omissions in the Article 7 of the Planning Code, the proposed Ordinance helps entrepreneurs and other stakeholders efficiently understand the business opportunities in the City's neighborhood commercial districts. This promote the City's neighborhood commercial district, fostering small businesses creation and expansion.*

### HOUSING ELEMENT

#### OBJECTIVE 5

**ENSURE THAT ALL RESIDENTS HAVE EQUAL ACCESS TO AVAILABLE UNITS.**

Policy 5.4

Provide a range of unit types for all segments of need, and work to move residents between unit types as their needs change.

*Through clarifying the Dwelling Unit Mix requirement, the proposed Ordinance ensures that community stakeholders and project sponsors know that the Planning Code requires a range of unit types in housing development.*

**TRANSPORTATION ELEMENT**

**OBJECTIVE 17**

**DEVELOP AND IMPLEMENT PARKING MANAGEMENT PROGRAMS IN THE DOWNTOWN THAT WILL PROVIDE ALTERNATIVES ENCOURAGING THE EFFICIENT USE OF THE AREA'S LIMITED PARKING SUPPLY AND ABUNDANT TRANSIT SERVICES.**

Policy 17.1

Discourage the provision of new long-term parking downtown and near major employment centers.

*The proposed Ordinance will clarify that the circumstances under which temporary parking lots may be approved or continued within the C-3 Districts. This helps clarify the General Plan's policy to discourage the provision of new long-term parking downtown.*

**Planning Code Section 101 Findings**

The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail because it proposes only to correct typographical errors, update outdated cross references and other non-substantive revisions to clarify the Planning Code.*

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

*The proposed Ordinance would not have a negative effect on housing or neighborhood character because the Planning Code amendments it proposes are non-substantive changes such as correcting typographical errors and outdated cross-references.*

3. That the City's supply of affordable housing be preserved and enhanced;

*The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing*

*because it only proposes to correct typographical errors and make other similar non-substantive changes to the Planning Code.*

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking as it only proposes revisions to the Planning Code that correct outdated cross references or typographical errors.*

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for resident employment and ownership in these sectors be enhanced;

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired because the proposed Ordinance seeks to correct typographical errors or make other non-substantive revisions to the Planning Code.*

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake because the proposed Ordinance would only make non-substantive corrections to the Planning Code.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings as it seeks to make non-substantive revisions to the Planning Code for the sake of clarity or ease of use.*

8. That our parks and open space and their access to sunlight and vistas be protected from development;

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas because the Ordinance proposes to correct typographical errors in the Planning Code.*

### **Planning Code Section 302 Findings.**

The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on February 25, 2021.



Jonas P. Ionin  
Commission Secretary

AYES: Chan, Diamond, Fung, Koppel, Moore

NOES: Imperial

ABSENT: Tanner

ADOPTED: February 25, 2021





# Executive Summary

## Planning Code Text Amendment

**HEARING DATE: FEBRUARY 25, 2021**

**Project Name:** Code Correction 2020  
**Case Number:** 2020-006803PCA [Board File No. TBA]  
**Initiated by:** Planning Commission  
**Staff Contact:** Diego Sanchez, Zoning and Compliance Division  
diego.sanchez@sfgov.org, 628-652-7523  
**Reviewed by:** Aaron Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

**Recommendation:** Approval

### Planning Code Amendment

The proposed Ordinance would amend the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language.

The Way It Is Now	The Way It Would Be
<b>Typographical Errors, Omissions and Clarifications</b>	
Section 121.1 indicates when Conditional Use authorization is required for development on larger lots within the Neighborhood Commercial Districts (NCDs). The table in Section 121.1 is meant to comprehensively list all NCDs but current omits the following NCDs: Cole Valley, Lakeside Village, Bayview, Cortland, Geary Boulevard, Inner Balboa Street, Inner Taraval Street, Lower Haight Street, Lower Polk Street, Mission Bernal, Outer Balboa Street, and San Bruno Avenue.	The table in Section 121.1 would be amended to include reference to all NCDs by including the following omitted NCDs: Cole Valley, Lakeside Village, Bayview, Cortland, Geary Boulevard, Inner Balboa Street, Inner Taraval Street, Lower Haight Street, Lower Polk Street, Mission Bernal, Outer Balboa Street, and San Bruno Avenue.

<p>Planning Code Sections 209.3 and 210.3 list Philanthropic Administrative Services as a use type allowed in the Residential Commercial and the Production, Distribution and Repair zoning districts, respectively, despite the use type being eliminated by Ordinance No. 182-19 from the Planning Code in 2019.</p>	<p>Planning Code Sections 209.3 and 210.3 would be amended to eliminate reference to the Philanthropic Administrative Services use type.</p>
<p>The Taraval Street Restaurant Subdistrict is intended to cover the portion of Taraval Street formerly zoned Small Scaled Neighborhood Commercial District (NC-2) and renamed the Inner Taraval Neighborhood Commercial District under Ordinance No. 7-20. That Ordinance inadvertently omitted an update to the Planning Code language to make this clarification.</p>	<p>Planning Code Section 745, Inner Taraval Neighborhood Commercial District, would be amended to clarify that Taraval Street Restaurant Subdistrict applies to the Inner Taraval Neighborhood Commercial District. Planning Code Section 781.1 Taraval Street Restaurant Subdistrict would be amended to clarify application to the Inner Taraval Neighborhood Commercial District.</p>
<p>The Planning Code regulations indicating the permissibility of an Intermediate Length Occupancy (ILO) Use Characteristic are primarily listed in Section 202.10. However, many of the zoning control tables also list when ILO is principally permitted or requires Conditional Use authorization. These table do not indicate when ILO is not permitted.</p>	<p>The zoning control tables that list the permissibility of ILO would be amended to indicate that the ILO Use Characteristic is not permitted in buildings with three or fewer Dwelling Units, in accordance with the existing controls in Planning Code Section 202.10.</p>
<p>The amount of permitted accessory Off-Street Parking for the Telegraph Hill - North Beach Residential Special Use District listed in Planning Code Section 249.49 is inconsistent with what is listed in Table 151.1 Off-Street Parking Permitted as Accessory and in Section 249.49 .</p>	<p>The amount of permitted accessory Off-Street Parking for the Telegraph Hill - North Beach Residential Special Use District listed in Planning Code Section 249.49 would be amended to align with that found in Table 151.1.</p>
<p>The Planning Code contains two primary Dwelling Unit Mix requirements. Generally, one Dwelling Unit Mix requirement applies to properties in the NCT, RCD, RTO and the Pacific Avenue and Polk Street NC Districts, and another Dwelling Unit Mix requirement applies to properties in other zoning districts. Currently the zoning control tables for zoning districts where this requirement applies list both Dwelling Unit Mix requirements.</p>	<p>The Planning Code would be amended so that only the applicable Dwelling Unit Mix requirement is listed in the zoning control table.</p>
<p>Planning Code Section 156(f) allows temporary parking lots in the C-3 zoning district with Conditional Use authorization. However, Zoning Control Table 210.2 for the C-3 zoning district does not indicate this permissibility for temporary parking lots.</p>	<p>Zoning Control Table 210.2 would be amended to include a note indicating that pursuant to Planning Code Section 156(f), temporary parking lots may be established in the C-3 zoning district with Conditional Use authorization.</p>

<p>Planning Code Section 121.2 limits non-residential use sizes in the neighborhood commercial districts, requiring Conditional Use authorization to exceed specified limits, establishing maximum use sizes in certain NCDs and providing exceptions for certain uses in specific NCDs. These controls are cross referenced in the zoning control tables for each NCD. In the Polk Street NCD a Movie Theater may exceed the established use size maximum for that district. However, the Polk Street NCD zoning control table does not cross reference this exception.</p>	<p>Planning Code Section 723 (Polk Street NCD) would be amended to include the use size exception for Movie Theater uses.</p>
<p><b>Implementation Improvements</b></p>	
<p>The Planning Code requires Hotel or Office Developments in excess of 25,000 gross square feet in size to meet a Childcare requirement. Project Sponsors have multiple options in which to meet this requirement, including the provision of an on-site childcare facility. When electing this option, the Planning Code requires the Project Sponsor to record a document indicating the provision of an on-site facility against the title of each participating building. The Planning Code does not explicitly require sending this document to the Planning Department for its records and as means to assure compliance for the life of the development.</p>	<p>Planning Code Section 414.6 would be amended to require Project Sponsors to send the recorded document indicating the buildings providing the on-site childcare facilities to the Planning Department.</p>
<p><b>Alignment with Appellate Body and Judicial Decisions</b></p>	
<p>As part of its review of requests for Conditional Use authorization for (1) the expansion or alteration of a nonconforming Dwelling Unit; (2) the installation of a new garage in the Broadway NCD or the Chinatown Mixed Use Districts; or (3) for the merger of a Dwelling Unit, the Planning Commission considers whether a tenant in the subject property was evicted pursuant to the Ellis Act.</p>	<p>The Planning Code would be amended to exclude tenant evictions pursuant to the Ellis Act as a consideration for the granting of a Conditional Use authorization for specific projects.</p>
<p>Planning Code Section 311 establishes the notification requirements for the change of use of certain non-residential uses. It also establishes areas of the City where specific non-residential uses are exempted from the notification requirements. Section 311 does not provide guidance as to whether a Limited Commercial Use (LCU) qualifies for an exemption from the notification requirements.</p>	<p>Planning Code Section 311 would be amended to explicitly list LCUs as exempt from the notification requirements if they are in the areas provided those exemptions.</p>

## Background

On January 21, 2021, the Planning Commission heard the proposed Ordinance and voted unanimously to initiate the Ordinance and schedule an adoption hearing no sooner than February 11, 2021. Resolution No. 20836 memorializing that action is attached as an exhibit.

## Issues and Considerations

### Periodic Planning Code Upkeep

With repeated amendments, minor typographical errors and other omissions gradually creep into the Planning Code. Planning Department staff tend to find most of these errors, but not all. Project applicants, members of the public and other Planning Code users also highlight confusing or contradictory Planning Code regulations. These inadvertent errors unnecessarily burden project review times and worsen the Planning Code's implementation. In all cases, it makes sense to periodically update the Planning Code and make these non-substantive changes for the sake of fundamental housekeeping and upkeep.

### Aligning the Planning Code with Appellate Body and Judicial Decisions

The applicability and limits of the Planning Code are in constant contention. Often property owners or project applicants seek redress to Planning Department's application of the Planning Code or to the scope of considerations when reviewing entitlement applications. For instance, the Board of Appeals (BOA) is one body that may limit the application of the Planning Code. In a November 13, 2019 decision the Board of Appeals (BOA) overturned a Zoning Administrator (ZA) decision effectively required certain Limited Commercial Uses (LCU) to provide neighborhood notice.<sup>1</sup> The BOA found the ZA had improperly interpreted the extent of the notification requirements and exempted certain LCU for the notice requirements. Another instance is when the California State Court of Appeals circumscribes the breadth of considerations the Planning Commission may make regarding the history of tenant evictions. In two cases the Courts have ruled that tenant evictions pursuant to the Ellis Act may not be a consideration for the granting of an entitlement.<sup>2</sup> Amending the Planning Code in response to these decisions facilitates the legal implementation of the Code.

### General Plan Compliance

The proposed Ordinance aligns with various General Plan Objectives and Policies. For example, by rectifying errors and omissions in Article 7 the proposed Ordinance satisfies policies promoting the City's neighborhood commercial districts. By clarifying the Dwelling Unit Mix requirement, the proposed Ordinance aligns with policies ensuring a wide range of unit types are provided in housing development. In clarifying circumstances under which temporary parking lots may be approved or continued within the C-3 Districts, the proposed Ordinance aligns with policies around the provision of long-term parking downtown.

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<sup>1</sup> Board of Appeals Decision No. 19-119

<https://app.box.com/s/ppgksbfcviqtqcx57i9g5qehlef5ihiy/file/559084228883>

<sup>2</sup> San Francisco Apartment Association, et. al. v. CCSF  
Small Property Owners of San Francisco Institute v. CCSF

## Racial and Social Equity Analysis

Understanding the benefits, burdens and opportunities to advance racial and social equity that proposed Planning Code and Zoning Map amendments provide is part of the Department's Racial and Social Equity Initiative. This is also consistent with the Mayor's Citywide Strategic Initiatives for equity and accountability and with the forthcoming Office of Racial Equity, which will require all Departments to conduct this analysis.

The proposed Ordinance, which seeks to correct errors, omissions, and other typographical errors, makes no substantive policy changes to the Planning Code or to the Planning Department's procedures. In this context, the proposed Ordinance, because of its nature, produces few, if any, opportunities to advance racial and social equity. However, to the extent that the corrected typographical errors and omissions help clarify the possibilities and limits for residential or commercial development to racial and ethnic communities, the proposed Ordinance advances equity. Staff does not foresee any direct or unintended negative consequences from the proposed Ordinance, given its clerical nature

## Implementation

The Department has determined that this Ordinance will improve our current implementation procedures because the proposed amendments aim to correct typographical errors and omission; update outdated cross-references and make non-substantive revisions to clarify or simplify Planning Code language.

## Recommendation

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

## Basis for Recommendation

The Department recommends that the Commission approve the proposed Ordinance because it will allow for identified typographical errors and inadvertent omissions to be corrected. These corrections, all non-substantive, will improve the use of the Planning Code. Further, the Department believes it is necessary for the Planning Code to align with the latest appellate body and other judicial decisions.

## Required Commission Action

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

## Environmental Review

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

## Public Comment

As of the date of this report, the Planning Department received one email requesting clarification of the geographic scope entailed in the proposed Planning Code corrections.

### Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Planning Commission Resolution No. 20836
- Exhibit C: Proposed Ordinance



**MYRNA MELGAR**

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DATE: July 15, 2021

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Myrna Melgar, Chair, Land Use and Transportation Committee *mm*

RE: Land Use and Transportation Committee  
COMMITTEE REPORTS

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Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, July 20, 2021, as Committee Reports:

- File No. 210674**     **Planning Code - Code Corrections Ordinance**
- File No. 210698**     **Administrative Code - Displaced Tenant Preference in City Affordable Housing**  
Sponsor: Mayor
- File No. 210563**     **Environment Code - Climate Action Plan**  
Sponsor: Mayor
- File No. 201151**     **Environment, Public Works Codes - Construction and Demolition Debris Recovery**  
Sponsors: Safai; Walton
- File No. 210603**     **Administrative Code - Effect Of COVID-19 On Commercial Leases**  
Sponsors: Preston; Peskin, Ronen, Mar, Walton and Chan

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, July 19, 2021, at 1:30pm.

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Alaric Degrafinried, Interim Director, Public Works  
Jeffrey Tumlin, Executive Director, Municipal Transportation Agency  
Robert Collins, Executive Director, Rent Board  
Marisa Rodriguez, Director, Office of Cannabis

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

DATE: June 28, 2021

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 June 15, 2021:

**File No. 210674**

**Ordinance amending the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; 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).

cc: David Steinberg, Public Works  
Jeremy Spitz, Public Works  
John Thomas, Public Works  
Lena Liu, Public Works  
Kate Breen, Municipal Transportation Agency  
Janet Martinsen, Municipal Transportation Agency  
Joel Ramos, Municipal Transportation Agency  
Ray Law, Office of Cannabis