

1 [Prohibition on Demolition of Residential Buildings With 20 or More Dwelling Units Unless The
2 Residential Building Proposed For Demolition Requires Substantial Rehabilitation.]

3
4 **Ordinance to amend the Planning Code by adding Section 317 and by amending**
5 **Sections 710.39, 711.39, 712.39, 713.39, 714.39, 715.39, 716.39, 717.39, 718.39, 719.39,**
6 **720.39, 721.39, 722.39, 723.39, 724.39, 725.39, 726.39, 727.39, 728.39, 729.39, 730.39,**
7 **813.13, 814.13, 815.13, 816.13, 817.13, 818.13, 212, 242, 243, 249.5, and 249.21 to make**
8 **findings as to the need to preserve affordable housing in San Francisco and to prohibit**
9 **the demolition of residential buildings with 20 or more dwelling units unless the**
10 **applicant for the proposed demolition provides documentation that the residential**
11 **building requires substantial rehabilitation, and making findings of consistency with**
12 **the priority policies of Planning Code Section 101.1 and the General Plan.**

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

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

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

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

25 (b) Pursuant to Planning Code Section 101.1, this Board of Supervisors finds that this
ordinance is ~~in~~ consistent with the Priority Policies of Section 101.1(b) of the Planning Code

1 and, though there are General Plan policies within the General Plan that could be found
2 inconsistent with this proposed ordinance, the Board finds on the whole that the proposed
3 ordinance is consistent with the General Plan for the reasons set for in the report entitled
4 “Board of Supervisor’s findings on Demolition Ordinance’s (File # 031739) Consistency with
5 Section 101.1 Priority Policies and General Plan Policies” and hereby incorporates that report
6 as if fully set forth herein. A copy of said report is on file with the Clerk of the Board of
7 Supervisors in File No. 031739, ~~adopts the~~ adopts the findings of the Planning Commission,
8 as set forth in Planning Commission Resolution No. __, and incorporates said findings by this
9 reference thereto.

10 Section 2. The San Francisco Planning Code is hereby amended by adding Section
11 317, to read as follows:

12 Sec. 317 *Demolition of Residential Buildings Containing 20 or More Dwelling Units*

13 A. *Findings.*

14 *The Board of Supervisors hereby finds and declares:*

15 (1) *Affordable housing is a paramount statewide concern. In 1980, the Legislature declared*
16 *in Government Code Section 65580:*

17 (a) *The availability of housing is of vital statewide importance, and the early attainment of*
18 *decent housing and a suitable living environment for every California family is a priority of the highest*
19 *order.*

20 (b) *The early attainment of this goal requires the cooperative participation of government*
21 *and the private sector in an effort to expand housing opportunities and accommodate the housing needs*
22 *of Californians of all economic levels.*

23 (c) *The provision of housing affordable to low- and moderate-income households requires*
24 *the cooperation of all levels of government.*

1 (d) Local and state governments have a responsibility to use the powers vested in them to
2 facilitate the improvement and development of housing to make adequate provision for the housing
3 needs of all economic segments of the community.

4 (2) The Legislature further stated in Government Code Section 65581 that:

5 It is the intent of the Legislature in enacting this article:

6 (a) To assure that counties and cities recognize their responsibilities in contributing to the
7 attainment of the state housing goal.

8 (b) To assure that counties and cities will prepare and implement housing elements which
9 will move toward attainment of the state housing goal.

10 (c) To recognize that each locality is best capable of determining what efforts are required
11 by it to contribute to the attainment of the state housing goal.

12 (3) The California Legislature requires each local government agency to develop a
13 comprehensive long-term general plan establishing policies for future development. As specified in the
14 Government Code the plan must "conserve and improve the condition of the existing affordable housing
15 stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or
16 private action."

17 (4) San Francisco faces a continuing shortage of affordable housing for very low and low-
18 income residents. The San Francisco Planning Department reported that for the past ten years, 3,199
19 units of low and very low-income housing were built in San Francisco out of a total need of 15,103
20 units for the same period. According to the state Department of Housing and Community Development,
21 there will be a regional need for 230,743 new housing units in the nine Bay Area counties from 1999—
22 2006. Of that amount, at least 58 percent, or 133,164 units, are needed for moderate, low and very
23 low-income households. The Association of Bay Area Governments (ABAG) is responsible for dividing
24 the total regional need numbers among its member governments which includes both counties and
25 cities. ABAG estimates that San Francisco's low and very low-income housing production need through

1 2006 is 7,370 units out of a total new housing need of 20,372 units. Within the past ten years, less than
2 25% of the previously projected housing need was produced in San Francisco

3 (5) The 2000 Consolidated Plan for July 1, 2000 - June 30, 2005, issued by the Mayor's
4 Office of Community Development and the Mayor's Office of Housing establishes that extreme housing
5 pressures face San Francisco, particularly in regard to low-and moderate-income residents. Many
6 elements constrain housing production in the City. This is especially true of affordable housing. San
7 Francisco is largely built out, and its geographical location at the northern end of a peninsula
8 inherently prevents substantial new development. Because the cities located on San Francisco's
9 southern border are also dense urban areas, San Francisco has no available adjacent land to be
10 annexed. Thus, new construction of housing is limited to areas of the City not previously designated as
11 residential areas, infill sites, or to areas with increased density. New market-rate housing absorbs a
12 significant amount of the remaining supply of land and other resources available for development and
13 thus limits the supply of affordable housing.

14 (6) There is a great need for affordable rental and owner-occupied housing in the City. The
15 vacancy rate for residential rental property has dropped significantly since 1990 when the U.S. Census
16 showed a 6.9 percent vacancy rate . Data from the 2000 US Census showed a residential rental
17 vacancy rate of 2.5 percent. Data from the San Francisco rental market from RealFacts for 2000
18 indicates a vacancy rate of 1.9 percent. Rents on newly occupied residential units have risen
19 dramatically. Housing cost burden is one of the major standards for determining whether a locality is
20 experiencing inadequate housing conditions. The Consolidated Plan defines a household expending 30
21 percent or more of its gross income for housing costs as experiencing a cost burden. According to the
22 2000 Census, 35 percent of San Franciscans experienced a cost burden in 2000.

23 (7) The San Francisco residential real estate market is one of the most expensive in the United
24 States. A February 1999 report from the National Association of Realtors found that San Francisco
25 had the highest median price of existing homes in the United States. In the 1980's average home prices

1 in San Francisco rose nearly three times as fast as the overall cost of living in San Francisco according
2 to data from the Bay Area Council and 1990 Census. An analysis of sales data from a three-month
3 period in 1999 gathered by American Real Estate Solutions showed that of 1,420 full, confirmed, and
4 verified sales, the median sales price was \$390,000. This study, among others, demonstrates that the
5 majority of market-rate homes for sale in San Francisco are priced out of the reach of low and
6 moderate-income households.

7 (8) The Board readopts the findings of Planning Code Section 313.2 for the Jobs-Housing
8 Linkage Program, Planning Code Sections 313 et seq., relating to the shortage of affordable housing,
9 the low vacancy rate of housing affordable to persons of lower and moderate income, and the decrease
10 in construction of affordable housing in the City.

11 (9) A substantial portion of residential buildings of 20 dwelling units or larger contain
12 affordable housing that is subject to the City's Residential Rent Stabilization and Arbitration
13 Ordinance (Administrative Code Chapter 37). New housing, however, is not subject to the Residential
14 Rent Stabilization and Arbitration Ordinance. Accordingly, the demolition of residential buildings of
15 20 dwelling units or more will eliminate affordable housing.

16 For the reasons stated above, the Board of Supervisors intends to prohibit the demolition of
17 residential buildings with 20 or more dwelling units unless it is demonstrated by the applicant for the
18 demolition permit that the building proposed for demolition requires substantial rehabilitation.

19 **B. Demolition of Residential Buildings Containing 20 or More Dwelling Units.**

20 The demolition of residential buildings containing 20 or more dwelling units is hereby
21 prohibited unless, at the time of application for the demolition permit, the applicant provides
22 documentation, as defined in this Section, that the building proposed for demolition currently requires
23 substantial rehabilitation before it could be certified for occupancy. This documentation must be
24 provided to the Building Inspection Department or to the Planning Department before either
25 department may determine that a demolition permit application is complete.

1 Nothing in this Section is intended to provide for the demolition of residential buildings
2 in those areas of the City where such demolition is already prohibited.

3 **C. Substantial Rehabilitation.**

4 Substantial rehabilitation shall mean the renovation, alteration, or remodeling of a building
5 containing uninhabitable residential units of 50 or more years of age which require substantial
6 renovation in order to conform to contemporary standards for decent, safe, and sanitary housing in
7 place of uninhabitable buildings. Substantial rehabilitation may vary in degree from gutting and
8 extensive reconstruction to extensive improvements that cure substantial deferred maintenance.
9 Cosmetic improvements alone such as painting, decorating, and minor repairs, or other work which
10 can be performed safely without having the units vacated, do not qualify as substantial rehabilitation.

11 Improvements will not be deemed substantial unless the cost of the work equals or exceeds
12 seventy-five percent (75%) of the cost of newly constructed residential buildings of the same number of
13 units and type of construction, excluding land costs and architectural/engineering fees. The
14 determination of the cost of newly constructed residential buildings shall be based upon construction
15 cost data reported by Marshall and Swift, Valuation Engineers, as adapted for San Francisco and
16 posted in January and June of each year in the Department of Building Inspection for purposes of
17 determining permit fees. The schedule in effect on the date the application for a demolition permit is
18 submitted shall apply.

19 **D. Documentation of Substantial Rehabilitation.**

20 Documentation that a residential building requires substantial rehabilitation before it could be
21 certified for occupancy shall consist of:

22 (1) ~~Evidence that the building is more than 50 years old;~~

23 (2)(1) A current abstract of title;

1 ~~(3)~~(2) A determination of condemnation by the Department of Building Inspection, and/or a
2 determination by the Department of Building Inspection that the premises were ineligible for a permit
3 of occupancy;

4 ~~(4)~~(3) A detailed description of the substantial rehabilitation work that would be required to
5 remove the condemnation order or to obtain a certificate of occupancy itemizing all costs, including
6 but not limited to site improvements, paving and surfacing, concrete, masonry, metals, wood and
7 plastic, thermal and moisture protection, doors and windows, finishes, specialties, equipment,
8 furnishings, conveying systems, mechanical and electrical work;

9 ~~(5)~~(4) A complete inspection report issued by the Department of Building Inspection made
10 prior to the application for the demolition permit;

11 ~~(6)~~(5) Copy of the current assessment and;

12 ~~(7)~~(6) An affidavit executed by the applicant for the demolition permit under penalty of perjury
13 attesting to the accuracy of all documentation provided regarding the need for substantial
14 rehabilitation before the building could be certified for occupancy.

15 **E. Appeals to the Building Inspection Commission.**

16 In the event that an applicant is denied the issuance of documentation he or she requests from
17 the Department of Building Inspection which is necessary to document that the residential building
18 proposed for demolition requires substantial rehabilitation, such denial shall be appealable to the
19 Building Inspection Commission pursuant to the provisions of Chapter 77 of the Administrative Code
20 regarding Building Inspection Commission appeals. At any such appeal, the Building Inspection
21 Commission shall only consider whether the residential building in question is or is not eligible for
22 issuance of the requested documentation, such as a determination of condemnation, from the
23 Department of Building Inspection.

24 **F. Application.**

This ordinance shall apply to all applications for demolition permits for residential buildings which contain 20 or more dwelling units that are filed with the Department of Building Inspection or the Planning Department on or after ~~October 21, 2003~~ January 1, 2004.

G. This ordinance shall not apply to property owned by the United States or any of its agencies; property owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental purpose; or property under the jurisdiction of the Port of San Francisco or the San Francisco Redevelopment Agency where the application of this ordinance is prohibited by State or local law.

Section 3. The San Francisco Planning Code is hereby amended by amending 710.39, to read as follows:

NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1 ZONING CONTROL TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
710.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 4. The San Francisco Planning Code is hereby amended by amending 711.39, to read as follows:

1 **SMALL SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2 ZONING CONTROL**
 2 **TABLE**

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
711.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₂ <i>Prohibited for buildings of 20 units or more per Section 317</i>

13 Section 5. The San Francisco Planning Code is hereby amended by amending 712.39,
 14 to read as follows:

15 **MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3 ZONING**
 16 **CONTROL TABLE**

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
712.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per</i>	C ₁ <i>Prohibited for buildings of 20 units or more per</i>	C ₂ <i>Prohibited for buildings of 20 units or more per</i>

			<u>Section 317</u>	<u>Section 317</u>	<u>Section 317</u>
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Section 6. The San Francisco Planning Code is hereby amended by amending 713.39, to read as follows:

NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1 ZONING CONTROL TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
713.39	Residential Demolition	§§ 790.86, 317	P ₂ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₂ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₂ <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 7. The San Francisco Planning Code is hereby amended by amending 714.39, to read as follows:

BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
714.39	Residential Demolition	§§ 790.86, 317	P ₂ <i>Prohibited for buildings</i>	C ₂ <i>Prohibited for buildings</i>	C ₂ <i>Prohibited for buildings</i>

			<i>of 20 units or more per Section 317</i>	<i>of 20 units or more per Section 317</i>	<i>of 20 units or more per Section 317</i>
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Section 8. The San Francisco Planning Code is hereby amended by amending 715.39, to read as follows:

CASTRO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
715.39	Residential Demolition	§§ 790.86, 317	<i>P₁ Prohibited for buildings of 20 units or more per Section 317</i>	<i>C₂ Prohibited for buildings of 20 units or more per Section 317</i>	<i>C₂ Prohibited for buildings of 20 units or more per Section 317</i>

Section 9. The San Francisco Planning Code is hereby amended by amending 716.39, to read as follows:

INNER CLEMENT STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

NC-1
Controls by Story

No.	Zoning Category	§ References	1st	2nd	3rd+
716.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 10. The San Francisco Planning Code is hereby amended by amending 717.39, to read as follows:

OUTER CLEMENT NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
717.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 11. The San Francisco Planning Code is hereby amended by amending 718.39, to read as follows:

SUPERVISORS DALY, MAXWELL AND AMMIANO
BOARD OF SUPERVISORS

1 UPPER FILLMORE STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING
 2 CONTROL TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
718.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>

13 Section 12. The San Francisco Planning Code is hereby amended by amending
 14 719.39, to read as follows:

15 Haight Street Neighborhood Commercial District Zoning Control
 16 TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
719.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per</i>	C ₁ <i>Prohibited for buildings of 20 units or more per</i>	C ₁ <i>Prohibited for buildings of 20 units or more per</i>

			<i>Section 317</i>	<i>Section 317</i>	<i>Section 317</i>
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Section 13. The San Francisco Planning Code is hereby amended by amending 720.39, to read as follows:

HAYES-GOUGH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
720.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 14. The San Francisco Planning Code is hereby amended by amending 721.39, to read as follows:

UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
721.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings</i>	C ₁ <i>Prohibited for buildings</i>	C ₁ <i>Prohibited for buildings</i>

			<i>of 20 units or more per Section 317</i>	<i>of 20 units or more per Section 317</i>	<i>of 20 units or more per Section 317</i>
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Section 15. The San Francisco Planning Code is hereby amended by amending 722.39, to read as follows:

NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
722.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 16. The San Francisco Planning Code is hereby amended by amending 723.39, to read as follows:

POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
723.39	Residential Demolition	§§ 790.86, 317	P ₁	C ₁	C ₁

			<i>Prohibited for buildings of 20 units or more per Section 317</i>	<i>Prohibited for buildings of 20 units or more per Section 317</i>	<i>Prohibited for buildings of 20 units or more per Section 317</i>
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Section 17. The San Francisco Planning Code is hereby amended by amending 724.39, to read as follows:

SACRAMENTO STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
724.39	Residential Demolition	§§ 790.86, 317	<i>P₁ Prohibited for buildings of 20 units or more per Section 317</i>	<i>C₁ Prohibited for buildings of 20 units or more per Section 317</i>	<i>C₁ Prohibited for buildings of 20 units or more per Section 317</i>

Section 18. The San Francisco Planning Code is hereby amended by amending 725.39, to read as follows:

UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

NC-1

No.	Zoning Category	§ References	Controls by Story		
			1st	2nd	3rd+
725.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 19. The San Francisco Planning Code is hereby amended by amending 726.39, to read as follows:

VALENCIA NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

No.	Zoning Category	§ References	NC-1 Controls by Story		
			1st	2nd	3rd+
726.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 20. The San Francisco Planning Code is hereby amended by amending 727.39, to read as follows:

1 **24TH STREET-MISSION NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL**
 2 **TABLE**

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
727.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>

13 Section 21. The San Francisco Planning Code is hereby amended by amending
 14 728.39, to read as follows:

15 **24TH STREET NOE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT ZONING**
 16 **CONTROL TABLE**

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
728.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per</i>	C ₁ <i>Prohibited for buildings of 20 units or more per</i>	C ₁ <i>Prohibited for buildings of 20 units or more per</i>

			<u>Section 317</u>	<u>Section 317</u>	<u>Section 317</u>
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Section 22. The San Francisco Planning Code is hereby amended by amending 729.39, to read as follows:

WEST PORTAL NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
729.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 23. The San Francisco Planning Code is hereby amended by amending 730.39, to read as follows:

INNER SUNSET NEIGHBORHOOD COMMERCIAL DISTRICT ZONING CONTROL TABLE

			NC-1		
			Controls by Story		
No.	Zoning Category	§ References	1st	2nd	3rd+
730.39	Residential Demolition	§§ 790.86, 317	P ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>	C ₁ <i>Prohibited for buildings of 20 units or more per Section 317</i>

			<i>more per</i> <u>Section 317</u>	<i>more per</i> <u>Section 317</u>	<i>more per</i> <u>Section 317</u>
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Section 24. The San Francisco Planning Code is hereby amended by amending 813.13, to read as follows:

RED — RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE

			Residential Enclave
No.	Zoning Category	§ References	Controls
USE STANDARDS			
813.13	Residential Demolition	§§803.5(b), <u>317</u>	C, <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 25. The San Francisco Planning Code is hereby amended by amending 814.13, to read as follows:

SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE

			South Park District
No.	Zoning Category	§ References	Controls
USE STANDARDS			
814.13	Residential Demolition	§§803.5(b), <u>317</u>	C, <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 26. The San Francisco Planning Code is hereby amended by amending 815.13, to read as follows:

RSD – RESIDENTIAL/SERVICE MIXED USE DISTRICT ZONING CONTROL TABLE

SUPERVISORS DALY, MAXWELL AND AMMIANO
BOARD OF SUPERVISORS

			Residential/Mixed Use District
No.	Zoning Category	§ References	Controls
USE STANDARDS			
815.13	Residential Demolition	§§803.5(b), 317	C, <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 27. The San Francisco Planning Code is hereby amended by amending 816.13, to read as follows:

SLR – SERVICE/LIGHT INDUSTRIAL/RESIDENTIAL MIXED USE DISTRICT ZONING CONTROL TABLE

			Service/Light Industrial/Residential Mixed Use District
No.	Zoning Category	§ References	Controls
USE STANDARDS			
816.13	Residential Demolition	§§803.5(b), 317	C, <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 28. The San Francisco Planning Code is hereby amended by amending 817.13, to read as follows:

SLI – SERVICE/LIGHT INDUSTRIAL DISTRICT ZONING CONTROL TABLE

			Service/Light Industrial District
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No.	Zoning Category	§ References	Controls
USE STANDARDS			
817.13	Residential Demolition	§§803.5(b), 317	C, <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 29. The San Francisco Planning Code is hereby amended by amending 818.13, to read as follows:

SSO- SERVICE/SECONDARY OFFICE DISTRICT ZONING CONTROL TABLE

			Service/Secondary Office District
No.	Zoning Category	§ References	Controls
USE STANDARDS			
818.13	Residential Demolition	§§803.5(b), 317	C, <i>Prohibited for buildings of 20 units or more per Section 317</i>

Section 30. The San Francisco Planning Code is hereby amended by amending 212, to read as follows

SEC. 212. ADDITIONAL REQUIREMENTS FOR USES IN CERTAIN C AND M DISTRICTS.

In the following C and M Districts, the permitted uses indicated in Sections 215 through 227 shall be subject to the additional requirements contained in this Section 212.

(a) In C-1 and C-2 Districts, all permitted uses, and all storage, servicing, fabricating, processing or repair uses accessory thereto, shall be conducted within enclosed buildings, with the exceptions of those uses indicated by an asterisk (*) in the column for the district, and with the exception, also, of the following accessory uses where permitted:

1 (1) Accessory off-street parking and loading area;

2 (2) Accessory outdoor dining areas;

3 (3) Accessory recreation areas.

4 (b) In C-1, C-3-O, C-3-R and C-3-G Districts, no permitted use shall include an
5 establishment of the "drive-in" type, serving customers waiting in parked motor vehicles, with
6 the exception of automobile service stations and automobile washes where permitted.

7 (c) In the C-3-R District, along any block frontage that is entirely within such district
8 or partly in such district and partly in the C-3-O District, where such block frontage faces a
9 street 40 feet or more in width, the following requirements shall apply to assure continuity of
10 retail and consumer service uses:

11 (1) Only those permitted uses listed in Sections 218 and 227 shall be located facing
12 such street in the ground story of any building. At least ½ the total width of any new or
13 reconstructed building, parallel to and facing such street, shall be devoted at the ground story
14 to entrances, show windows or other displays of such uses.

15 (2) All other permitted uses shall be located either on stories above or below the
16 ground story or at a distance of not less than 20 feet behind the front of the building at the
17 ground story. No more than 1/3 the width of any lot, parallel to and facing such street, shall be
18 devoted to entrances to such other permitted uses.

19 (d) No use listed as permitted in any C District or M-1 District shall include any use
20 that is hazardous, noxious or offensive for reasons described in Section 202(c) of this Code.

21 (e) In C-3 Districts, all demolitions of residential buildings, except as provided for in
22 Section 317 of this Code, and all conversions to nonresidential use of residential uses above the
23 ground floor shall be permitted only if authorized as a conditional use under Section 303 of
24 this Code, unless the Superintendent of the Bureau of Building Inspection or the Chief of the
25 Bureau of Fire Prevention and Public Safety determines that the building is unsafe or

1 dangerous and that demolition is the only feasible means to secure the public safety. When
2 considering whether to grant a conditional use permit for the demolition or conversion, in lieu
3 of the criteria set forth in Planning Code Section 303, consideration shall be given to the
4 adverse impact on the public health, safety and general welfare of the loss of housing stock in
5 the district and to any unreasonable hardship to the applicant if the permit is denied.
6

7 Section 31. The San Francisco Planning Code is hereby amended by amending 242,
8 to read as follows:

9 **SEC. 242. BERNAL HEIGHTS SPECIAL USE DISTRICT.**

10 (a) General. A Special Use District entitled the Bernal Heights Special Use District,
11 the boundaries of which are shown on Sectional Map. Nos. 7SU, 8SU, and 11SU of the
12 Zoning Map, is hereby established for the purposes set forth below.

13 (b) Purposes. In order to reflect the special characteristics and hillside topography
14 of an area of the City that has a collection of older buildings situated on lots generally smaller
15 than the lot patterns in other low-density areas of the City, and to encourage development in
16 context and scale with the established character, there shall be a Bernal Heights Special Use
17 District.

18 (c) The provisions of this Section 242 shall not apply to building permit applications
19 or amendments thereto, or to conditional use, variance or environmental evaluation
20 applications filed on or before January 7, 1991. Such applications shall be governed by the
21 ordinances in effect on January 7, 1991, unless the applicant requests in writing that an
22 application be governed by the provisions of this Section 242.

23 (d) Definitions. For purposes of this Section 242, the following definitions apply:

24 (1) "Adjacent building" shall mean a building on a lot adjoining the subject lot along
25 a side lot line. Where the lot constituting the subject property is separated from the lot

1 containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less
2 parallel to the street or alley, such nearest building shall be deemed to be an "adjacent
3 building," but a building on a lot so separated for a greater distance shall not be deemed to be
4 an "adjacent building." A corner lot shall have only one adjacent building located along its side
5 lot line.

6 (2) "Usable floor area" is the sum of the gross areas of the several floors of a
7 building, measured from the exterior walls or from the center lines of common walls
8 separating two buildings. "Usable floor area" shall not include that floor area devoted to off-
9 street parking or any space or area which is not readily accessible and which has not more
10 than five feet vertical clearance at any point.

11 (e) Controls. All provisions of the Planning Code applicable to an RH-1, RH-1(S),
12 RH-2, and RH-3 District shall apply to applicable portions of the Special Use District except as
13 otherwise provided in this Section.

14 (1) Height Limits. No portion of a dwelling in any portion of this district shall exceed
15 a height of 30 feet except as provided below.

16 (A) The height of a dwelling on a downslope lot shall not exceed 30 feet above
17 grade, subject to averaging or offset by an equal height reduction. Any portion of a dwelling
18 exceeding a height of 30 feet must be offset by at least an equal amount of dwelling having a
19 height of less than 30 feet, provided that the maximum height above grade at any point cannot
20 exceed 40 feet, and the rearmost eight feet of length cannot exceed 32 feet above grade.

21 (B) The height of a dwelling on an upslope lot shall not exceed 30 feet above grade,
22 with no averaging or stepping over the 30 feet limit, and no part of the dwelling, unless
23 otherwise permitted by this Section, may be higher than 38 feet above curb level, except if the
24 rear of the lot is 30 feet or more higher than the front grade, the rear half of the dwelling may
25 go up to 43 feet above curb level.

1 (C) The height of a dwelling in an RH-2 or RH-3 lot may exceed the limits described
2 above based upon the average height of the adjacent buildings.

3 (D) Except for chimneys, radio and television antennas, excluding parabolic
4 antennas, nothing other-wise permitted by Section 260(b) of this Code may extend above the
5 additional height limit established in this Code section by more than 42 inches.

6 (2) Rear Yards. The requirements applicable to rear yards are as follows:

7 (A) RH-1 and RH-1(S). For lots which have a depth of 70 feet or less, the minimum
8 rear yard depth shall be equal to 35 percent of the total depth of the lot on which the building
9 is located. Buildings on lots which have a depth greater than 70 feet may not be deeper than
10 45.5 feet measured from the front property line; the remainder of the lot shall be used for rear
11 yard.

12 (B) RH-2 and RH-3. The minimum rear yard depth shall be equal to 45 percent of
13 the total depth of the lot in which the building is located.

14 (C) All Lots. The following provisions relating to rear yards shall apply to all lots in
15 the Special Use District:

16 (i) A building may intrude into the required rear yard up to the extent that an
17 adjacent building intrudes, provided the intrusion is no wider than half of the width of the lot,
18 and 25 percent of the total lot depth is provided as rear yard open space. The intrusion must
19 be placed in a manner that the Zoning Administrator finds will provide optimal light and air to
20 the subject and adjacent properties. The coverage resulting from the intrusion must be offset
21 by otherwise permitted coverage in the rear of the subject property.

22 (ii) Any part of a front setback exceeding five feet may be applied to the amount
23 required for satisfying the rear yard requirements.

24 (iii) No part of any building may be within 25 percent or 15 feet, whichever is
25 greater, of the rear property line.

1 (iv) Those obstructions into rear yards otherwise permitted by Section 136(c)(2), (3),
2 and (25) of this Code shall not be permitted. In addition to the obstructions permitted in
3 Section 136(c), improvements may be constructed underneath a room or deck located in the
4 rear yard area if said room or deck is otherwise permitted pursuant to Section 136(c) and was
5 constructed pursuant to a building permit issued prior to December 11, 1987. In those
6 instances, the Zoning Administrator may place appropriate conditions on the approval of the
7 building permit to protect the light, air and view of the adjacent properties.

8 (3) Mass Reduction Requirement for RH-1 and RH-1(S) Buildings. After calculation
9 of the maximum permissible height and lot coverage in an RH-1 or RH-1(S) district, a total of
10 650 square feet of usable floor area must be deleted from the exterior of the building, causing
11 a reduction in square footage as well as building volume. On lots that exceed 100 feet in
12 depth, the mass reduction shall be a minimum of 400 square feet of usable floor area. Any
13 area to be deleted must have a minimum clearance of three feet from the side property line.
14 The reduction must be taken from the front, the rear, or the top of the building above grade;
15 however, such reduction along the side of the property line will be allowed under this section
16 so that adjacent properties will benefit from the provision of greater light and air or the
17 reduction of shadows. Where an area to be deleted is along the side property line and is in the
18 form of an inner court, the inner court shall have a minimum area of 90 square feet.

19 (4) Parking. The number of off-street parking spaces required for new construction
20 shall be as follows:

Usable Floor Area	Parking Spaces
0 to 1300	1
1301 to 2250	2
2251 to 2850	3
2851 to 3850	4

1 One additional parking space is required for each additional 1,000 square feet.

2 If more than one parking space is required, the first off-street parking space must have
3 a minimum area of 160 square feet; second and subsequent spaces may be a compact car
4 space and have a minimum area of 127.5 square feet. In the RH-2 and RH-3 district, the
5 parking requirement is the greater of the number of spaces required by the above table, or
6 one parking space per dwelling unit.

7 All alterations resulting in an increase in usable floor area shall be considered
8 cumulatively from the effective date of this ordinance.

9 No tandem parking spaces are permitted for the first two required parking spaces for
10 new construction. All other required parking spaces for new construction may be tandem
11 parking spaces.

12 Tandem parking spaces are permitted for alterations in the RH-1 and RH-1(S) districts,
13 and are not permitted for alterations in the RH-2 and RH-3 districts.

14 (A) RH-1 or RH-1(S) District Building Alterations. The following parking
15 requirements shall apply to alterations of existing structures in an RH-1 or RH-1(S) district:

16 (i) If one or more alterations add 400 square feet or less of usable floor area to an
17 existing building, no additional parking space is required to be added to the existing spaces.

18 (ii) If one or more alterations add over 400 square feet of usable floor area but do
19 not cause the total usable floor area of the building to exceed 1,650 square feet, no additional
20 parking space is required to be added to the existing spaces.

21 (iii) If one or more alterations add over 400 square feet of usable floor area and the
22 total usable floor area of the building is between 1,651 and 2,250 square feet, a total of two
23 parking spaces is required. One or both of these required spaces may be waived by the
24 Zoning Administrator if the Zoning Administrator finds that (1) the off-street parking space(s)
25 would result in a new curb cut, or the proposed driveway would result in the loss of one

1 parking space while adding one private space; or (2) the structure has an unaltered historic
2 facade as determined by the Department of Planning and the owner has conveyed a facade
3 easement to the San Francisco Architectural Heritage foundation.

4 (iv) If one or more alterations add over 400 square feet of usable floor area and the
5 total usable floor area is over 2,250 square feet, a total of three parking spaces or more is
6 required, as provided by the above table. One additional parking space is required for each
7 additional 1,000 square feet.

8 (B) RH-2 and RH-3 Building Alterations. The following parking requirements shall
9 apply to alterations of existing structures in an RH-2 or RH-3 district:

10 (i) If one or more alterations add 200 square feet or less of usable floor area, no
11 additional parking space is required.

12 (ii) If one or more alterations add over 200 square feet of usable floor area, the
13 parking standards for new construction set forth above shall apply to the entire building.

14 (5) Curb Cuts and Garage Door Width. The maximum width of curb cuts allowed for
15 new construction shall be 10 feet; the maximum width of a garage door opening shall be 12
16 feet.

17 (6) Design. In addition to meeting applicable standards provided in this Section and
18 elsewhere in this Code, residential development subject to this Section shall be subject to the
19 review and notification procedures provided by Subsection 311(c) of this Code. Requests for
20 Planning Commission review shall be governed by Subsection 311(d) of this Code. In addition
21 to applicable guidelines cited by Section 311, the Elsie Street Plan and the East Slope
22 Building Guidelines shall be used as guidelines to determine neighborhood compatibility of
23 new construction and alterations in the respective areas covered by those guidelines.

24 (7) Demolition.
25

1 (A) Demolition Generally Prohibited. Other than as specified in this subsection, and
2 except as provided for in Section 317 of this Code, no demolition permit for structures containing
3 one or more residential units may be approved unless:

4 (i) The Superintendent of the Bureau of Building Inspection or the Chief of the
5 Bureau of Fire Prevention and Public Safety determines, after consultation to the extent
6 feasible with the Department of Planning, that an imminent safety hazard exists and the
7 Superintendent determines that demolition of the structure is the only feasible means to
8 secure the public safety; or

9 (ii) The structure is under an abatement order and the Superintendent of the
10 Bureau of Building Inspection determines, after consultation with the Department of Planning
11 and the San Francisco Fire Department, that repairs rendering the structure safe and
12 habitable as defined in the San Francisco Housing Code would cost 50 percent or more of the
13 cost to replace the structure pursuant to the standards published periodically by the
14 Superintendent. An owner's deliberate damage, in the opinion of the Superintendent of the
15 Bureau of Building Inspection, to the property or failure to maintain it shall not be included in
16 the calculation of replacement costs; or

17 (iii) The Department determines, based on facts presented, that the structure
18 proposed to be demolished retains no substantial remaining value or reasonable use.

19 (B) Demolition of Historic or Architecturally Significant Residential Buildings. Unless
20 demolition is approved pursuant to Subsections (A)(i) or (A)(iii) above, no demolition permit
21 may be approved for a residential building (1) which is a designated landmark or contributing
22 building in an historic district; or (2) which the Landmarks Preservation Advisory Board
23 determines is qualified to be designated as a landmark or contributing building in an historic
24 district under the standards of Article 10 of this Code; or (3) is recommended by the
25 Department of Planning for historic designation under Article 10 of this Code.

1 (C) Replacement Structure Required. Unless demolition is approved pursuant to
2 Subsection (A)(i) or (A)(iii) above, no application authorizing the demolition of a residential
3 building within the scope of this Section shall be approved until the City has finally approved a
4 building permit for construction of the replacement building which meets the requirements of
5 this ordinance. A building permit is finally approved if the Board of Permit Appeals has taken
6 final action on an appeal of the issuance or denial of the permit or if the permit has been
7 issued and the time for filing an appeal with the Board has lapsed with no appeal filed.

8 (i) This Section shall not apply to the demolition of a second structure on a single
9 lot that (1) does not exceed 500 square feet, (2) meets the requirements of Subsection (A)(ii)
10 above, and (3) is not a historic residential building under Subsection (B) above.

11
12 Section 32. The San Francisco Planning Code is hereby amended by amending 242,
13 to read as follows:

14 **SEC. 243. VAN NESS SPECIAL USE DISTRICT.**

15 (a) General. A Special Use District entitled the Van Ness Special Use District, the
16 boundaries of which are shown on Sectional Map No. 2SU of the Zoning Map, is hereby
17 established for the purposes set forth below.

18 (b) Purposes. In order to implement the objectives and policies of the Van Ness
19 Avenue Plan, a part of the Master Plan, which includes (i) creation of a mix of residential and
20 commercial uses on the boulevard, (ii) preservation and enhancement of the pedestrian
21 environment, (iii) encouragement of the retention and appropriate alteration of architecturally
22 and historically significant and contributory buildings, (iv) conservation of the existing housing
23 stock, and (v) enhancement of the visual and urban design quality of the street, the following
24 controls are imposed in the Van Ness Special Use District.

1 (c) Controls. All provisions of the City Planning Code applicable to an RC-4 District
2 shall apply except as otherwise provided in this Section.

3 (1) Basic Floor Area Ratio. The basic floor area ratio limit shall be 7.0 to 1 in the
4 130-foot height district and 4.5:1 in the 80-foot height district. These limits shall apply to
5 dwellings notwithstanding Section 124(b) of this Code, but shall not apply to floor space used
6 for nonaccessory off-street parking and driveways and maneuvering areas incidental thereto
7 provided such parking is located entirely below curb level at the centerline of the building
8 containing such parking and replaces parking spaces displaced by the building or buildings.
9 For definitions of floor area ratio and gross floor area, see Sections 102.11 and 102.9,
10 respectively. The provisions allowing a floor area premium set forth in Section 125(a) shall not
11 apply in the Van Ness Special Use District.

12 (2) Housing Density. The restrictions on density set forth in Sections 207, 207.1,
13 208, 209.1 and 209.2 of this Code shall not apply.

14 (3) Height and Bulk Restrictions. See Height and Bulk Map No. 2H. See Section
15 270 of this Code for bulk limits.

16 (4) Awnings, canopies and marquees, as defined in Sections 790.20, 790.26 and
17 790.58 of this Code, and further regulated by the Building Code and Sections 243(c)(5), 136.2
18 and 607.3 of this Code, are permitted.

19 (5) Signs.

20 (A) Signs located within the Van Ness Special Use District, with the exception of the
21 Civic Center Special Sign District as described in Section 608.3 of this Code and as shown in
22 Sectional Map SSD, shall be regulated as provided in Article 6, including Section 607.3 which
23 governs signs located in the Van Ness Special Sign District.

24 (B) Signs on structures designated as landmarks under the provisions of Section
25 1004 shall be regulated as provided in Section 607.3(d).

1 (6) Rear Yards. The requirements of this Code applicable to rear yards may be
2 modified or waived by the Zoning Administrator pursuant to Section 307(g) if all of the
3 following conditions are met:

4 (A) The interior block open space formed by the rear yards of abutting properties will
5 not be adversely affected; and

6 (B) A comparable amount of usable open space is provided elsewhere on the lot or
7 within the development where it is more accessible to residents; and

8 (C) The access of light and air to abutting properties will not be significantly
9 impeded.

10 This provision shall be administered pursuant to the procedures which are applicable to
11 variances, as set forth in Sections 306.1 through 306.5 and 308.2 of this Code.

12 (7) Required Setbacks. Setbacks for buildings exceeding a height of 40 feet shall be
13 regulated as provided in Section 253.2 of this Code.

14 (8) Limitation of Nonresidential Uses.

15 (A) Residential Uses; Ratio Established. In newly constructed structures,
16 nonresidential uses shall only be permitted if the ratio between the amount of net additional
17 occupied floor area for residential uses, as defined in this paragraph below, to the amount of
18 occupied floor area for nonresidential uses in excess of the occupied floor area of structures
19 existing on the site at the time the project is approved is 3 to 1 or greater. In additions to
20 existing structures which exceed 20 percent of the gross floor area of the existing structure,
21 nonresidential uses shall be permitted in the addition in excess of 20 percent only if the ratio
22 between the amount of occupied floor area for residential use, as defined in this paragraph
23 below, to the area of occupied floor area for nonresidential use is 3 to 1 or greater. This
24 residential use ratio shall not apply to development sites in the Van Ness Special Use District
25 which have less than 60 feet of street frontage on Van Ness Avenue and have no street

1 frontage other than the Van Ness Avenue frontage. For purposes of this Section,
2 “nonresidential uses” shall mean those uses described in Sections 209.2(d) and (e) (hotel,
3 inn, hostel), 209.3(a) (hospital, medical center or other medical institution with in-patient care
4 facilities), 209.4 (community facilities), 209.6 (public facilities and utilities), 209.7 (vehicle
5 storage and access) and 209.8 (commercial establishments); in the Automotive Special Use
6 District nonresidential uses include automotive uses as described in Section 237; “residential
7 use” shall mean those uses described in Sections 209.1 and 209.2(a), (b) and (c) (dwelling
8 units and group housing).

9 (B) Reduction of Ratio of Residential Uses for Affordable Housing. The City
10 Planning Commission may modify the Van Ness Special Use District residential to
11 nonresidential use ratio between Golden Gate Avenue and California Street as a conditional
12 use in one of the following ways:

13 (i) In-Lieu Fee. By conditional use, the developer may elect to fulfill the obligation to
14 build housing by paying an in-lieu fee to the Affordable Housing Fund as provided in Section
15 313 of this Code. No more than a 50 percent reduction of the required housing for a specific
16 project can be fulfilled by paying an in-lieu fee. Use of these funds shall provide affordable
17 housing within 2,000 feet of the Van Ness Special Use District. The in-lieu fee shall be
18 determined by the following formula:

19 (1) $(\text{Lot Area} \times \text{FAR}) / 4 \times 3 = \text{Residential SQ FT Requirement}$

20 (2) $\text{Residential SQFT Requirement} - \text{Residential SQFT Developed} = \text{LOSS}$

21 (3) $\text{LOSS} \times \$15 = \text{In-Lieu Fee}$

22 (ii) Providing Affordable Housing. By condition-al use, the developer may reduce up
23 to 50 percent of the required amount of on-site housing by maintaining a portion of that
24 housing as permanently affordable for the life of the project. Affordable units shall be
25 managed by a nonprofit housing agency through a duly executed agreement between the

1 project sponsor, the nonprofit agency and the Planning Department. The mix of affordable
2 units retained in the project shall conform to the overall dwelling unit size mix of the project.
3 The portion of retained residential which shall be affordable will be determined by calculating
4 the number of market rate units which could be subsidized by the amount of "in-lieu fee"
5 calculated in Paragraph (i) above. The number of square feet of affordable housing shall be
6 calculated in the following manner:

7 (1) In-Lieu Fee / \$30/square foot subsidy = Square Feet of Affordable Housing
8 Retained in the Project

9 (iii) Annual Reporting, Evaluation and Adjustments to Affordability and Fee
10 Calculations. The Department shall report annually to the Planning Commission on the activity
11 and utilization of Section 243(c)(8)(B). Based on an evaluation of this report, the Planning
12 Commission may initiate a modification or deletion of Section 243(c)(8)(B).

13 The dollar amounts used in the calculation for Paragraphs (i) and (ii) of this Subsection
14 shall be subject to annual adjustments in accord with Section 313.6(1) of this Code.

15 Affordability shall be defined by rents or sale prices affordable by households with no more
16 than 80 percent of median income standards developed by HUD.

17 (iv) If the Commission finds that taking into consideration projects constructed since
18 the effective date of the Van Ness Special Use District and the housing development potential
19 remaining in the District the overall objective of adding a substantial increment of new housing
20 on Van Ness Avenue will not be significantly compromised, the Commission may by
21 conditional use modify the 3:1 housing ratio or may modify the rules regarding the timing and
22 location of linked projects if in addition to Section 303(c) standards of this Code it finds that:

23 (1) The project is to provide space for expansion of an established business from an
24 adjacent site (for this purpose two sites separated by an alley shall be deemed to be adjacent)
25 or,

1 (2) The project is to provide space for an institutional, hotel, medical, cultural or
2 social service use meeting an important public need which cannot reasonably be met
3 elsewhere in the area, and

4 (3) Housing cannot reasonably be included in the project referred to in (1) and (2)
5 above.

6 The Commission shall consider the feasibility of requiring the project to be constructed
7 in such a manner that it can support the addition of housing at some later time.

8 (C) Off-Site Provision of Required Residential Space. For the purpose of calculating
9 the 3 to 1 ratio between residential and nonresidential use, two or more projects for new
10 construction within the Van Ness Special Use District may be considered and approved
11 together as linked projects. The requirements of Paragraph (A) above may be satisfied if the
12 aggregate amount of occupied floor area for residential use in two or more linked projects is at
13 least three times greater than the aggregate amount of occupied floor area for nonresidential
14 use.

15 (i) Those building permit applicants who wish to link two or more projects for the
16 purpose of meeting the 3 to 1 residential to nonresidential ratio shall file with the Department
17 of City Planning a statement of intent identifying the applications covering the projects that are
18 to be considered and approved together;

19 (ii) When the Department of City Planning approves an application for a project
20 containing only nonresidential use and the project is linked to one or more other projects
21 pursuant to the statement of intent filed with the Department, it shall include as a condition of
22 approval a requirement prohibiting the project sponsor from commencing any work on the site
23 until the Zoning Administrator issues a written determination that such work may proceed. The
24 Zoning Administrator shall not issue such a determination until those permits authorizing the
25

1 projects containing residential use have been issued and foundations have been completed at
2 each such site;

3 (iii) If a permit for a project containing nonresidential use expires because of delays
4 in the completion of foundations for linked projects containing residential uses, new permits
5 may be approved for the nonresidential project within three years of such expiration without
6 regard to the 3 to 1 residential ratio requirement if a Temporary Certificate of Occupancy or a
7 Permit of Occupancy has been issued for each project containing residential use;

8 (iv) No building or portion of a building approved as a linked project that contains
9 residential use required to meet the 3 to 1 residential to nonresidential ratio requirement shall
10 be used for any nonresidential purposes; provided, however, that this restriction shall no
11 longer apply if 50 percent or more of the non-residential occupied floor area in the linked
12 projects has been converted to residential use, or has been demolished, or has been
13 destroyed by fire or other act of God;

14 (v) The Zoning Administrator shall impose as a condition of approval of a permit
15 authorizing the residential uses of linked projects the requirement that the owner record in the
16 land records of the property a notice of restrictions, approved as to form by the Zoning
17 Administrator, placed on the use of the property by this Section.

18 (D) Nonconforming Uses. A use which existed lawfully at the effective date of this
19 Section and which fails to conform to the use limitation of Section 243(c) (8)(A) above, shall
20 be considered a nonconforming use and subject to the provisions of Sections 180 through 188
21 of this Code, including the provisions of Section 182 regarding change of use, except as
22 follows:

23 (i) In calculating the cost of structural alterations pursuant to Section 181(b)(4), the
24 cost of reinforcing the building to meet the standards for seismic loads and forces of the 1975
25 Building Code shall not be included; and

1 (ii) Notwithstanding the provisions of Section 181(b), the structure occupied by the
2 nonconforming use may be enlarged by an amount equal to 20 percent of the gross floor area
3 of the existing structure.

4 (E) Ground Story Uses. Parking shall not be permitted on the ground story of lots
5 abutting Van Ness Avenue to a depth of 25 feet from Van Ness Avenue. At least ½ the total
6 width of structures at the ground story on lots abutting Van Ness Avenue shall be devoted to
7 entrances, windows or display space. Every window located at the ground story shall use
8 clear, untinted glass, except for decorative or architectural accent. Any decorative railings or
9 grillwork, other than wire mesh, shall be at least 75 percent open to view and no more than six
10 feet in height above grade. For the purposes of this Section, "ground story" shall be defined as
11 the portion of a building included between the upper surface of the lowest floor and the upper
12 surface of the floor next above, provided such floor level is not more than four feet below
13 grade for more than 50 percent of the total perimeter, or more than eight feet below grade at
14 any point.

15 (F) Fast Food Uses. A large fast food restaurant as defined in Section 790.90 of this
16 Code shall be permitted only as a conditional use.

17 A small self-service restaurant, as defined in Section 790.91 of this Code, shall be
18 permitted only as a conditional use unless such restaurant is a related minor use which is
19 either necessary to the operation or enjoyment of a lawful principal use or conditional use, or
20 is appropriate, incidental and subordinate to any such use, in which case it shall be permitted
21 as an accessory use.

22 (G) Drive-Up Facilities. Drive-up facilities are not permitted. For the purposes of this
23 Section, "drive-up facilities" shall be defined as structures designed primarily for drive-to or
24 drive-through trade which provides service to patrons while in private motor vehicles.
25

1 (H) Demolitions. All demolitions of buildings containing residential use, except as
2 provided for in Section 317 of this Code, and all conversions from residential uses to
3 nonresidential uses above the ground floor shall be permitted only if authorized as a
4 conditional use under Section 303 of this Code, unless the Superintendent of the Bureau of
5 Building Inspection or the Chief of the Bureau of Fire Prevention and Public Safety determines
6 that the building is unsafe or dangerous and that demolition is the only feasible means to
7 secure the public safety. When considering whether to grant a conditional use permit for the
8 demolition or conversion, in lieu of the criteria set forth in Planning Code Section 303,
9 consideration shall be given to the adverse impact on the public health, safety and general
10 welfare of the loss of housing stock in the district and to any unreasonable hardship to the
11 applicant if the permit is denied. The definition of residential use shall be as set forth in
12 Section 243(c)(8)(A), but shall not include any guest room in a building classified as a
13 residential hotel subject to the Residential Hotel Unit Conversion and Demolition Ordinance.

14 A conditional use permit shall not be required if the demolition permit is sought in order
15 to comply with a court order directing or permitting the owner to demolish a building because it
16 is unsafe. No person shall be permitted to construct anything on the site of a demolished
17 building subject to such an order for a period of two years unless (a) the proposal is for at
18 least the same number and size of dwelling units and guest rooms and the same amount of
19 nonresidential floor area as that which was demolished or (b) the applicant requests and is
20 granted an exemption from this requirement on the ground that the applicant has
21 demonstrated that (1) the need for demolition did not arise because of the deliberate or
22 unreasonable neglect of the maintenance of the building, or that (2) the restrictions would
23 cause undue hardship to the property owner or that (3) the restrictions would leave the
24 property without any substantial remaining market value or reasonable use.

1 (I) Parking. Pursuant to Table 151 in Article 1.5 of this Code, the residential parking
2 requirement shall be one space for each dwelling unit; provided, however, that the parking
3 requirement may be reduced to not less than one space for each four dwelling units, if the
4 Zoning Administrator determines that the reduced parking requirement is sufficient to serve
5 the reasonably anticipated auto usage by residents and visitors to the project. The procedures
6 and fee for such review shall be the same as those which are applicable to variances, as set
7 forth in Sections 306.1 through 306.5 and 308.2.

8 (J) Adult Entertainment Enterprises. The uses described in Section 221(k) of this
9 Code are not permitted.

10 (9) Reduction of Ground Level Wind Currents.

11 (A) New buildings and additions to existing buildings shall be shaped, or other wind
12 baffling measures shall be adopted, so that the development will not cause year-round ground
13 level wind currents to exceed, more than 10 percent of the time, between 7:00 a.m. and 6:00
14 p.m., the comfort level of 11 m.p.h. equivalent wind speed in areas of pedestrian use and
15 seven m.p.h. equivalent wind speed in public seating areas. When pre-existing ambient wind
16 speeds exceed the comfort levels specified above, the building shall be designed to reduce
17 the ambient wind speeds in efforts to meet the goals of this requirement.

18 (B) An exception to this requirement may be permitted but only if and to the extent
19 that the project sponsor demonstrates that the building or addition cannot be shaped or wind
20 baffling measures cannot be adopted without unduly restricting the development potential of
21 the building site in question.

22 (i) The exception may permit the building or addition to increase the time that the
23 comfort level is exceeded, but only to the extent necessary to avoid undue restriction of the
24 development potential of the site.
25

1 (ii) Notwithstanding the above, no exception shall be allowed and no building or
2 addition shall be permitted that causes equivalent wind speeds to reach or exceed the hazard
3 level of 26 m.p.h. for a single hour of the year.

4 (C) For the purposes of this Section, the term "equivalent wind speed" shall mean
5 an hourly wind speed adjusted to incorporate the effects of gustiness or turbulence on
6 pedestrians.

7 Section 32. The San Francisco Planning Code is hereby amended by amending 249.5,
8 to read as follows:

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

10 (a) General. A special use district entitled the "North of Market Residential Special
11 Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on
12 Sectional Map No. 1Sub of the Zoning Map, is hereby established for the purposes set forth
13 below.

14 (b) Purposes. In order to protect and enhance important housing resources in an
15 area near downtown, conserve and upgrade existing low and moderate income housing stock,
16 preserve buildings of architectural and historic importance and preserve the existing scale of
17 development, maintain sunlight in public spaces, encourage new infill housing at a compatible
18 density, limit the development of tourist hotels and other commercial uses that could
19 adversely impact the residential nature of the area, and limit the number of commercial
20 establishments which are not intended primarily for customers who are residents of the area,
21 the following controls are imposed in the North of Market Residential Special Use District.

22 (c) Controls. The following zoning controls are applicable in the North of Market
23 Residential Special Use District. Certain controls are set forth in other Sections of this Code
24 and are referenced herein.

1 (1) Conditional Use Criteria. In making determinations on applications for
2 conditional use authorizations required for uses located within the North of Market Residential
3 Special Use District, the City Planning Commission shall consider the purposes as set forth in
4 Subsection (b) above, in addition to the criteria of Section 303(c) of this Code.

5 (2) Notwithstanding the provisions of Section 209.8 of this Code, commercial
6 establishments shall be limited to the ground floor and the first basement floor, except that
7 such establishments may be permitted on the second story as a conditional use if authorized
8 pursuant to Section 303 and Section 249.5(c)(1) of this Code.

9 (3) Garment shops that meet the qualifications set forth in Section 236(a) may be
10 permitted on the ground floor and first basement floor as a conditional use if authorized
11 pursuant to Section 303 and Section 249.5(c)(1) of this Code.

12 (4) The following uses are not permitted: (A) A hotel, inn, hostel or motel; and (B)
13 massage establishments which are not incidental to the institutional uses permitted in
14 Sections 217(a) through (d) of the Planning Code or are not incidental to a health club,
15 gymnasium or other facility with a regular membership or other facility which is used primarily
16 for instruction and training in body building, exercising, reducing, sports, dancing or other
17 similar physical activities.

18 (5) In the portion of the area designated as Subarea No. 1 of the North of Market
19 Residential Special Use District, as shown on Section Map 1Sub of the Zoning Map, the
20 density ratio shall be one dwelling unit for each 125 square feet of lot area; in Subarea No. 2,
21 as shown on Section Map 1Sub of the Zoning Map, the density ratio shall be one dwelling unit
22 for each 200 feet of lot area. The double density provisions of Section 209.1 (m) shall not
23 result in greater density than that permitted in an RC-4 District.

24 (6) Off-street parking requirements may be modified by the City Planning
25 Commission, as provided in Section 161(h) of this Code.

1 (7) A bulk district "T" shall apply pursuant to the provisions of Section 270, Table
2 270 of this Code.

3 (8) Special exceptions to the 80-foot base height limit in height and bulk districts 80-
4 120-T and 80-130-T may be granted pursuant to the provisions of Section 263.7 of this Code.

5 (9) Building setbacks are required in this district pursuant to Section 132.2;
6 provisions for exceptions are also set forth in Section 132.2 of this Code.

7 (10) Exceptions to the rear yard requirements for an RC-4 District may be granted
8 pursuant to Section 134(f) of this Code.

9 (11) Awnings, canopies and marquees, as defined in Sections 790.20, 790.26 and
10 790.58 of this Code, and further regulated by the Building Code and Sections 249.5(c)(12),
11 136.2 and 607.4 of this Code are permitted.

12 (12) Signs located in the RC-4 portion of this district shall be regulated as provided in
13 Section 607.4 of this Code.

14 (13) All provisions of the City Planning Code applicable in an RC-4 Use District shall
15 apply within that portion of the district zoned RC-4, except as specifically provided above. All
16 provisions of the City Planning Code applicable in a P Use District shall apply within that
17 portion of the district zoned P, except as specifically provided above.

18 (14) All demolitions of buildings containing residential units shall be permitted only if
19 authorized as a conditional use under Section 303 of this Code, except as provided for in Section
20 317 of this Code., unless the Director of the Department of Building Inspection or the Chief of
21 the Bureau of Fire Prevention and Public Safety determines that the building is unsafe or
22 dangerous and that demolition is the only feasible means to secure the public safety. When
23 considering whether to grant a conditional use permit for the demolition, in lieu of the criteria
24 set forth in City Planning Code Section 303(c), consideration shall be given to the purposes of
25 the North of Market Residential Special Use District set forth in Section 249.5(b), above, to the

1 adverse impact on the public health, safety and general welfare due to the loss of existing
2 housing stock in the district and to any unreasonable hardship to the applicant if the permit is
3 denied. Demolition of residential hotel units shall also comply with the provisions of the
4 Residential Hotel Ordinance.

5 (d) Liquor Establishments. In addition to all other applicable controls set forth in this
6 Code, Liquor Establishments in the North of Market Residential Special Use District shall be
7 subject to the controls set forth in this Section.

8 (1) No Off-Sale Liquor Establishments shall be permitted in the North of Market
9 Residential Special Use District.

10 (2) An Off-Sale Liquor Establishment lawfully existing in the North of Market
11 Residential Special Use District and selling alcoholic beverages as licensed by the State of
12 California prior to the effective date of this legislation may continue operation only under the
13 following conditions, as provided by California Business and Professions Code Section 23790:

14 (A) The premises shall retain the same type of retail liquor license within a license
15 classification; and

16 (B) The licensed premises shall be operated continuously without substantial
17 change in mode or character of operation.

18 (3) The prohibition on Off-Sale Liquor Establishments shall not be interpreted to
19 prohibit the following, provided that the type of California liquor license does not change, the
20 location of the establishment does not change, and the square footage used for the display
21 and sale of alcoholic beverages does not increase:

22 (A) A change in ownership of an Off-Sale Liquor Establishment or an owner-to-
23 owner transfer of a California liquor license; or
24
25

1 (B) Re-establishment, restoration or repair of an existing Off-Sale Liquor
2 Establishment on the same lot after total or partial destruction or damage due to fire, riot,
3 insurrection, toxic accident or act of God; or

4 (C) Temporary closure of an existing Off-Sale Liquor Establishment for not more
5 than ninety (90) days for repair, renovation or remodeling.

6 (4) The prohibition on Off-Sale Liquor Establishments shall not be interpreted to
7 prohibit the following:

8 (A) Temporary uses, as described in Planning Code Section 205.1; or

9 (B) Establishment of an Off-Sale Liquor Establishment if application for such Off-
10 Sale Liquor Establishment is on file with the California Department of Alcoholic Beverage
11 Control prior to the effective date of this legislation; or

12 (C) Re-location of an existing Off-Sale Liquor Establishment in the North of Market
13 Residential Special Use District to another location within the North of Market Residential
14 Special Use District with conditional use authorization from the City Planning Commission,
15 provided that (i) the type of California liquor license does not, change, (ii) the square footage
16 used for the display and sale of alcoholic beverages does not increase, and (iii) the original
17 premises shall not be occupied by an Off-Sale Liquor Establishment unless by another Off-
18 Sale Liquor Establishment that is also relocating from within the North of Market Residential
19 Special Use District. Any such conditional use authorization shall include a requirement that
20 the establishment comes with the "Good Neighbor Policies" set forth in Subsection (d)(6)
21 below; or

22 (D) A change in liquor license from a Type 21 (Off-Sale General) to a Type 20 (Off-
23 Sale Beer and Wine), provided that the square footage used for the display and sale of
24 alcoholic beverages does not increase.

1 (5) The prohibition on Off-Sale Liquor Establishments shall be interpreted to prohibit
2 the transfer of any California Alcoholic Beverage Control Board off-sale liquor license from a
3 location outside of the North of Market Residential Special Use District to a location within the
4 North of Market Residential Special Use District or the issuance of any original California
5 Alcoholic Beverage Control Board off-sale liquor license for a location within the North of
6 Market Residential Special Use District.

7 (6) The following "Good Neighbor Policies" shall apply to all Liquor Establishments
8 in the North of Market Residential Special Use District in order to maintain the safety and
9 cleanliness of the premises and vicinity:

10 (A) Employees of the establishment shall walk a 100-foot radius from the premises
11 some time between 30 minutes after closing time and 8:00 a.m. the following morning, and
12 shall pick up and dispose of any discarded beverage containers and other trash left by
13 patrons;

14 (B) The establishment shall provide outside lighting in a manner sufficient to
15 illuminate street and sidewalk areas and adjacent parking, as appropriate to maintain security,
16 without disturbing area residences;

17 (C) No alcoholic beverages shall be consumed on any outdoor property adjacent to
18 the establishment and which is under the control of the establishment, excepting those areas
19 of the property that are enclosed and not visible from the sidewalk. are intended for patron
20 services, are supervised by the establishment, and are not located adjacent to any sidewalk
21 areas;

22 (D) No more than 33 percent of the square footage of the windows and clear doors
23 of the establishment shall bear advertising or signage of any sort, and all advertising and
24 signage shall be placed and maintained in a manner that ensures that law enforcement
25 personnel have a clear and unobstructed view of the interior of the premises, including the

1 area in which the cash registers are maintained, from the exterior public sidewalk or entrance
2 to the premises. This requirement shall not apply to premises where there are no windows, or
3 where existing windows are located at a height that precludes a view of the interior of the
4 premises to a person standing outside the premises;

5 (E) No person under the age of 21 shall sell or package alcoholic beverages;

6 (F) Employees of the establishment shall regularly police the area under the control
7 of the establishment in an effort to prevent the loitering of persons about the premises; and

8 (G) The establishment shall promptly remove any graffiti from the exterior of the
9 premises.

10 (7) For purposes of this Section, the following definitions shall apply:

11 (A) "Liquor Establishment" shall mean any enterprise selling alcoholic beverages
12 pursuant to a California Alcoholic Beverage Control Board license.

13 (B) "Off-Sale Liquor Establishment" shall mean any enterprise selling alcoholic
14 beverages pursuant to a California Alcoholic Beverage Control Board License Type 20 (Off-
15 Sale Beer and Wine), Type 21 (Off-Sale General), or any other California Alcoholic Beverage
16 Control Board License which includes the privilege to sell alcoholic beverages for
17 consumption off of the premises. Typical Off-Sale Liquor Establishments may include, but are
18 not limited to, grocery stores, supermarkets and other retail sales and services;

19 (C) "Alcoholic Beverages" shall mean "alcoholic beverages," as defined by California
20 Business and Professions Code Sections 23004 and 23025;

21 (D) "Sell" or "Sale" shall mean and include any retail transaction whereby, for any
22 consideration, an alcoholic beverage is transferred from one person to another.

23 Section 33. The San Francisco Planning Code is hereby amended by amending
24 249.21, to read as follows:
25

1 **SEC. 249.21. CALIFORNIA STREET AND PRESIDIO AVENUE - COMMUNITY CENTER**
2 **SPECIAL USE DISTRICT.**

3 A Special Use District entitled the "California Street and Presidio Avenue-Community
4 Center Special Use District" (also referred to as the "California-Presidio Special Use District")
5 the boundaries of which are shown on Section Map No. 3SU of the Zoning Map, is hereby
6 established for the purposes set forth below.

7 (a) Purposes. To provide for the development of a Community Facility or Other
8 Institution, Large, on a site that is currently split-zoned, which will serve both the immediate
9 neighborhood and the larger San Francisco community, with related educational, cultural,
10 social and recreational uses, including, but not limited to, retail sales, eating and drinking
11 facilities and parking.

12 (b) Controls. All provisions of the Planning Code currently applicable to the RM-1
13 District and Sacramento Street Neighborhood Commercial District ("Sacramento NCD")
14 portions of the California-Presidio Special Use District shall continue to apply to those portions
15 of the site, except as otherwise provided in this Section 249.21.

16 (1) Permitted Uses. The following uses (including, without limitation, all uses which
17 are principal permitted uses in RM-1 and Sacramento NCD Districts) shall be permitted as
18 principal uses in this Special Use District:

19 Community Facility or Other Institutions, Large, which may include, but are not limited
20 to, theatre, auditorium, performance, and meeting space, classrooms, art activities, including
21 but not limited to, dance and music studios, health club, fitness center and related uses,
22 including, but not limited to, aerobics and cardiovascular areas, gymnasium, pools, spa and
23 other uses incidental thereto, social services, youth and day camp, teen programs, eating and
24 drinking uses (as defined in Section 790.34 of this Code, with the exception of large fast-food
25 restaurants as defined in Section 790.90 of this Code), other entertainment uses (as defined

1 in Section 790.38 of this Code), on-site catering, child- care, retail, roof top recreation
2 (including, but not limited to, basketball courts, play structures and other related uses), rooftop
3 garden and parking. Such uses shall not be limited by story and may serve both the
4 immediate neighborhood and the larger San Francisco community. The permitted hours of
5 operation of commercial establishments shall be from 5 a.m. to 12 a.m.; any extended hours
6 will require conditional use authorization pursuant to subsection (b)(2) hereunder.

7 (2) Conditional Uses. The Planning Commission may authorize the following uses
8 within the California-Presidio Special Use District as a conditional use in accordance with the
9 requirements of Section 303 of this Code:

10 (i) Any principally permitted use under Subsection (b)(1) above where the total floor
11 area exceeds 130,000 gross square feet of floor area, excluding all parking and loading areas,
12 including driveways and maneuvering areas incidental thereto, located entirely below curb
13 level at the center line of the building along its California Street frontage.

14 (ii) Any use not authorized as a principal permitted use in Subsection (b)(1) which is
15 allowed as a conditional use in either the RM-1 or Sacramento NCD Districts.

16 (3) Conditional Use and Architectural Design Review by Planning Commission. Any
17 application for any new structure, or significant enlargement of any existing structure to house
18 a use permitted within the California-Presidio Special Use District shall be subject to
19 conditional use review and approval by the Planning Commission in accordance with the
20 requirements in this subsection (b)(3). The Planning Commission shall approve such
21 application if it finds that the proposed project:

22 (i) Meets the height, bulk, floor area limitation, parking standards and other
23 standards or requirements of the California-Presidio Special Use District set forth below,

24 (ii) Is consistent with the Priority Policies set forth in Planning Code Section 101.1,
25 and

1 (iii) With respect to the architectural design that:

2 (a) The mass and facade of the proposed structure are compatible with the existing
3 scale of the underlying RM-1 and Sacramento NCD Districts,

4 (b) The facade of the proposed structure is compatible with design features of other
5 non-residential facades and contributes to the positive visual quality of the underlying RM-1
6 and Sacramento NCD Districts,

7 (c) The treatment of screening, service areas, lighting and general signage program
8 is compatible with non-residential buildings in the area or with the design and purposes of the
9 proposed project, and

10 (d) The building is designed in discrete elements which respect the scale of
11 development in the neighborhood.

12 The criteria in this Subsection (b)(3) shall be in lieu of the criteria set forth in Sections
13 303(c), Section 121.1 (Development of Large Lots, Neighborhood Commercial Districts) and
14 Section 121.2 (Use Size Limits (Non-Residential), Neighborhood Commercial Districts) and
15 Section 253 (Review of Proposed Buildings and Structures Exceeding a Height of 40 Feet in
16 R Districts) of this Code. In making determinations on applications for conditional use
17 authorization within the California-Presidio Special Use District, the Planning Commission
18 shall consider the purposes set forth in Subsection (a) above, in addition to any other criteria
19 to be applied hereunder.

20 (4) Floor Area Ratio. The floor area ratio limit shall be 2.5 to 1, provided, however,
21 that the limit shall not apply to floor area used for off-street parking and loading and for
22 driveways and maneuvering areas incidental thereto, where such parking and loading is
23 located entirely below curb level as measured from the property line at the center point of the
24 building along its California Street frontage.

1 (5) Height and Bulk Restrictions. The applicable Height and Bulk for this Special
2 Use District shall be 65-X.

3 (6) Required Setbacks - Site Coverage. The provisions of Sections 132, 134, and
4 136 of this Code governing setbacks shall not apply.

5 (7) Parking. The off-street parking requirement may be modified by the Planning
6 Commission pursuant to the procedures for granting conditional use authorization set forth in
7 Section 303 of this Code. In acting upon any application for a modification of parking
8 requirements the Planning Commission shall consider the criteria set forth below in lieu of the
9 criteria set forth in Section 303, or elsewhere in the Code, and shall grant the modification if it
10 finds that:

11 (i) Modification of the parking requirement is justified by the reasonable anticipated
12 auto usage by visitors of the project, including, without limitation, taking into consideration
13 appropriate link factors due to multiple uses of programs and facilities, the normal hours of
14 operation of such uses, programs and facilities and other factors applicable to the proposed
15 uses; or

16 (ii) Modification of the parking requirement will not be detrimental to the health,
17 safety, convenience or general welfare of persons residing or working in the vicinity of the
18 project. In making such finding, the Planning Commission may, among other things, take into
19 consideration (A) the proposed project's net effect on parking demand as compared to the
20 parking demand that is not currently being met because of the absence of off-street parking
21 associated with existing uses, and (B) whether the parking proposed for the project will
22 decrease the deficiency that currently exists with respect to the parking that would normally be
23 required under the Planning Code for the existing structures and uses.

24 Notwithstanding any other provisions of the Planning Code, parking may be
25 made available to nearby residents, businesses and the general public for use as short-term

1 or evening parking when not utilized by the uses authorized hereunder to which such parking
2 is otherwise accessory.

3 (8) Demolitions. The demolition of all buildings in this California-Presidio Special
4 Use District containing residential uses shall be authorized pursuant to the procedures for
5 granting authorization set forth in Section 303 of this Code, except as provided for in Section 317
6 of this Code, provided that the notice and relocation assistance provisions of Chapter 37 of the
7 San Francisco Administrative Code (the San Francisco Residential Rent Stabilization and
8 Arbitration Ordinance) are met. In considering whether to grant a conditional use permit for
9 demolition, in lieu of the criteria set forth in Section 303, consideration shall be given to:

10 (i) The purposes of this California-Presidio Special Use District set forth in
11 Subsection (a), above;

12 (ii) The adverse impact on the public health, safety and welfare due to the loss of
13 existing housing stock in the underlying RM-1 and Sacramento NCD Districts, and

14 (iii) The hardship to the applicant if the permit is denied or a particular mitigation or
15 condition is required.

16 Conditional Use authorization for demolition of the building at 3272 California Street
17 shall be subject to such conditions, if any, as the Planning Commission may reasonably
18 require.

19 (9) Signs. Except as provided herein, signage shall be regulated as provided in
20 Article 6 of this Code, subject to review in accordance with the criteria set forth in Subsection
21 (b)(3) herein.

22 (i) Signs for Businesses or Other Authorized Uses.

23 A. Window Signs. Window signs shall be permitted. The total area of all window
24 signs shall not exceed 1/3 the area of the window on or in which the signs are located. Such
25 signs may be non-illuminated, indirectly illuminated or directly illuminated.

1 B. Wall Signs. One wall sign per business or authorized use which fronts and
2 opens on the street is permitted, provided that for a business or authorized use located at the
3 street intersection that fronts on two streets two wall signs shall be permitted. The area of a
4 wall sign shall not exceed 50 square feet and the height of the wall sign shall not exceed 20
5 feet. The wall sign may be non-illuminated, indirectly illuminated or directly illuminated.

6 C. Projecting Signs. One projecting sign per business or authorized use that fronts
7 and opens on the street is permitted, provided that for a business or use located at the street
8 intersection that fronts on two streets two signs shall be permitted. In no case shall more than
9 five such projecting signs be permitted within this California-Presidio Special Use District. The
10 area of the projecting signs shall not exceed 32 square feet and the height shall not exceed
11 30 feet. Projecting signs may be non-illuminated, indirectly illuminated, or directly illuminated.

12 D. Signs on Awnings. One awning or marquee per business or authorized use
13 which fronts and opens on the street shall be permitted, provided that for a business or use
14 located at a street intersection which fronts on two streets two awnings or marquees may be
15 permitted. The area of the sign copy on such marquee shall not exceed 40 square feet and
16 may be non-illuminated or indirectly illuminated.

17 Only one wall sign, awning sign, or projecting sign as described in this Subsection is
18 permitted for each business or authorized use fronting on a street, provided that for a
19 business or use at the intersection fronting on two streets, any two of such signs is permitted.

20 (ii) Projecting Signs (Banner Type). Up to four banner-type projecting signs
21 adjacent to the main entrance are permitted. The area of these projecting signs shall not
22 exceed 32 square feet and the height shall not exceed 50 feet. Such signs shall be non-
23 illuminated or indirectly illuminated non-fluttering fixed banner types (principally used to
24 celebrate holidays or announce events).

1 (iii) Identifying Sign. One project name identifying sign above the main entrance to
2 the building shall be permitted and the area of the identifying sign shall not exceed 200 square
3 feet and 40 feet in height. The identifying sign may be non-illuminated or indirectly
4 illuminated.

5 (iv) Directly Illuminated Wall Sign. A directly illuminated digitally programmable sign
6 or signs attached to the building facade at or around the corner of the building at California
7 Street and Presidio Avenue to display announcements about community center events,
8 programs and related matters consistent with the purposes and uses of the project is
9 permitted.

10 Unless otherwise provided, signs described in this Section shall not exceed 100 square
11 feet.

12 Section 34. The Planning Department concluded environmental review of this
13 ordinance pursuant to the California Environmental Quality Act. Documentation of that review
14 is on file with the Clerk of the Board of Supervisors in File No. 031739.

15
16
17 APPROVED AS TO FORM:
DENNIS J. HERRERA, City Attorney

18 By: 
19 Deputy City Attorney