

1 [Planning Code - Implementing the Western South of Market Area Plan]

2

3 **Ordinance amending the Planning Code, by adding and amending various sections to**
4 **implement the goals, objectives, and policies of the Western South of Market Area**
5 **Plan, bounded generally by 7th Street, Mission Street, Division Street, and Bryant**
6 **Street on the western portion of the plan area, and 7th Street, Harrison Street, 4th**
7 **Street, and Townsend Street on the eastern portion of the plan area; and making**
8 **findings, including environmental findings, and findings of consistency with the**
9 **General Plan and the Priority Policies of Planning Code, Section 101.**

10 NOTE: Additions are *single-underline italics Times New Roman*;
11 deletions are *strike-through italics Times New Roman*.
12 Board amendment additions are double-underlined;
13 Board amendment deletions are ~~strike-through normal~~.

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

15 Section 1. Findings.

16 (a) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
17 Ordinance will serve the public necessity, convenience, and welfare for the reasons set forth
18 in Planning Commission Resolution No. 18759, and incorporates those reasons herein by
19 reference. A copy of said Planning Commission Resolution is on file with the Clerk of the
20 Board of Supervisors in File No. 130002.

21 (b) The Board of Supervisors finds that this Ordinance is, on balance, consistent with
22 the General Plan and the Priority Policies of Planning Code Section 101.1(b) for the reasons
23 set forth in Planning Commission Resolution No. 18759, and incorporates those reasons
24 herein by reference.

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1 (c) In accordance with the actions contemplated herein, this Board adopted Ordinance
2 No. _____, concerning findings pursuant to the California Environmental Quality Act
3 (California Public Resources Code sections 21000 et seq.). A copy of said Ordinance is on
4 file with the Clerk of the Board of Supervisors in File No. 130001 and is incorporated by
5 reference herein.

6 (d) Notwithstanding any contrary technical requirements that may exist in the Planning
7 or Administrative Codes, the Board hereby finds that the Planning Department provided
8 adequate notice for all documents and decisions, including environmental documents, related
9 to the Western SoMa Area Plan. This finding is based on the extensive mailed, posted,
10 electronic, and published notices that the Planning Department provided. Copies of such
11 notices are available for review through the Custodian of Records at the Planning
12 Department, 1650 Mission Street, San Francisco.

13
14 Section 2. The San Francisco Planning Code is hereby amended by amending
15 Sections 121.1, 121.2, 121.7, 124, 134, 135, 141, 145.1, 151.1, 155, 163, 182, 201, 204.4,
16 207.4, 207.5, 207.6, 208, 235, 270.2, 316, 329, 401, 423 et seq., 429.2, 607.1, 702.1, 703.2,
17 802.1, 802.4, 802.5, 803.3, 803.6, 803.7, 803.9, 813, 823, and 890.88, deleting Section 803.7,
18 and adding Sections 175.5, 261.2, 263.28, 263.29, 703.9, 743, 744, 844, 845, 846, 847, and
19 890.81, to read as follows:

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21 **SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL**
22 **DISTRICTS.**

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District	Lot Size Limits
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SoMa, <i>RCD, Folsom Street</i> ...	10,000 sq. ft.
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SEC. 121.2. USE SIZE LIMITS (NON-RESIDENTIAL), NEIGHBORHOOD COMMERCIAL DISTRICTS.

District	<i>Use Lot</i> Size Limits
... NC-2, NCT-2, SoMa, Ocean Avenue, Glen Park, <i>Folsom Street</i> ...	4,000 sq. ft.

...
SEC. 121.7. RESTRICTION OF LOT MERGERS IN ~~RESIDENTIAL~~ CERTAIN DISTRICTS AND ON PEDESTRIAN-ORIENTED STREETS.

In order to promote, protect, and maintain a fine-grain scale of development in residential districts and on important pedestrian-oriented commercial streets which is appropriate to each district, compatible with adjacent buildings; provide for a diverse streetscape; ensure the maintenance and creation of multiple unique buildings and building frontages rather than large single structures superficially treated; promote diversity and multiplicity of land ownership and discourage consolidation of property under single ownership, merger of lots *in RTO and NCT Districts* are regulated as follows:

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

Street <i>or</i> District	Lot Frontage Limit
Hayes, from Franklin to Laguna	50 feet
<i>RED and RED-MX</i>	<i>50 feet</i>
Church Street, from Duboce to 16th Street	100 <i>feet</i>
<i>Folsom Street NCT, RCD, WMUG, WMUO, and SALI</i>	<i>100 feet</i>
Market, from Octavia to Noe ...	150 <i>feet</i>

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

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SEC. 124. BASIC FLOOR AREA RATIO.

TABLE 124

BASIC FLOOR AREA RATIO LIMITS

District	Basic Floor Area Ratio Limit
...	
RED, <i>RED-MX</i>	1.0 to 1
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<i>Folsom Street</i>	2.5 to 1

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<u>RCD</u> ...	
MUG, MUO, MUR, UMU, <u>WMUG</u> , <u>WMUO</u> , <u>SALI</u> , PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 40, 45, or 48 foot height district	3.0 to 1
MUG, MUO, MUR, UMU, <u>WMUG</u> , <u>WMUO</u> , <u>SALI</u> , PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 50, 55, or 58 foot height district	4.0 to 1
MUG, MUO, MUR, UMU, <u>WMUG</u> , <u>WMUO</u> , <u>SALI</u> , PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 65 or 68 foot height district	5.0 to 1
MUG, MUO, MUR, UMU, <u>WMUG</u> , <u>WMUO</u> , <u>SALI</u> , PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a 85 foot height district	6.0 to 1
MUG, MUO, MUR, UMU, <u>WMUG</u> , <u>WMUO</u> , <u>SALI</u> , PDR-1-B, PDR-1-D, PDR-1-G, and PDR-2 in a height district over 85 feet	7.5 to 1

1 **SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU, RED,**
2 **RED-MX, RSD, SLR, SLI AND SSO DISTRICTS.**

3 The rear yard requirements established by this Section 134 shall apply to every
4 building in an R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted
5 in Subsection (a), except those buildings which contain only single room occupancy (SRO) or
6 live/work units and except in the Bernal Heights Special Use District, Western SoMa Special Use
7 District, and Residential Character Districts to the extent these provisions are inconsistent with
8 the requirements set forth in Sections 242 and 823 of this Code. With the exception of
9 dwellings in the South of Market Mixed Use and Eastern Neighborhoods Mixed Use Districts
10 containing only SRO units, the rear yard requirements of this Section 134 shall also apply to
11 every dwelling in a(n) MUG, WMUG, MUO, MUR, UMU, SPD, RED, RED-MX, RSD, SLR, SLI,
12 SSO, NC-2, NCT-1, NCT-2, NC-3, NCT-3, Individual Area Neighborhood Commercial Transit
13 District, Individual Neighborhood Commercial District as noted in Subsection (a), C or M
14 District. Rear yards shall not be required in NC-S Districts. These requirements are intended
15 to assure the protection and continuation of established midblock, landscaped open spaces,
16 and maintenance of a scale of development appropriate to each district, consistent with the
17 location of adjacent buildings.

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

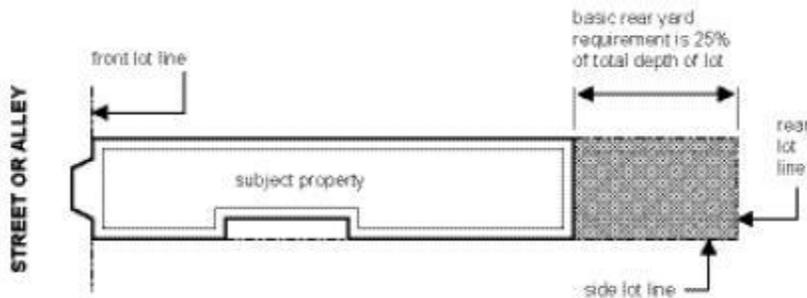
20 (1) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC, C, M,**
21 **MUG, WMUG, MUO, MUR, UMU, RED, RED-MX, SPD, RSD, SLR, SLI and SSO Districts.**

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

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

8 (B) **NC-2, NCT-2, Ocean Avenue, Castro Street, Inner Clement Street,
9 Upper Fillmore Street, North Beach, Union Street, Valencia Street, 24th Street-Mission,
10 and Glen Park, RCD and Folsom Street Districts.** Rear yards shall be provided at the second
11 story, and at each succeeding story of the building, and at the first story if it contains a
12 dwelling unit.



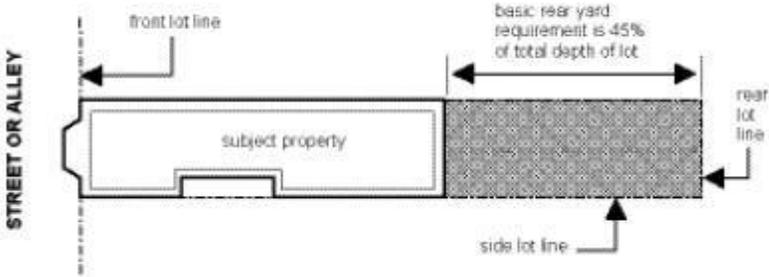
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18 (C) **RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, NCT,
19 Upper Market Street, Upper Market Street NCT, SoMa, NCT, Mission Street, NCT, Polk
20 Street, Pacific Avenue, C, M, ~~RED~~, SPD, RSD, SLR, SLI, SSO, MUR, MUG, MUO, and UMU
21 Districts.** Rear yards shall be provided at the lowest story containing a dwelling unit, and at
22 each succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east
23 side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M,
24 N, R, S, T, U, and V) are not required to provide rear yards at any level of the building,
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1 provided that the project fully meets the usable open space requirement for dwelling units per
2 Section 135 of this Code, the exposure requirements of Section 140, and gives adequate
3 architectural consideration to the light and air needs of adjacent buildings given the
4 constraints of the project site.

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

10 (E) **RED, RED-MX and WMUG Districts.** *Rear yards shall be provided at the*
11 *ground level for any building containing a dwelling unit, and at each succeeding level or story of the*
12 *building.*

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



1 **(c) Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2**

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

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

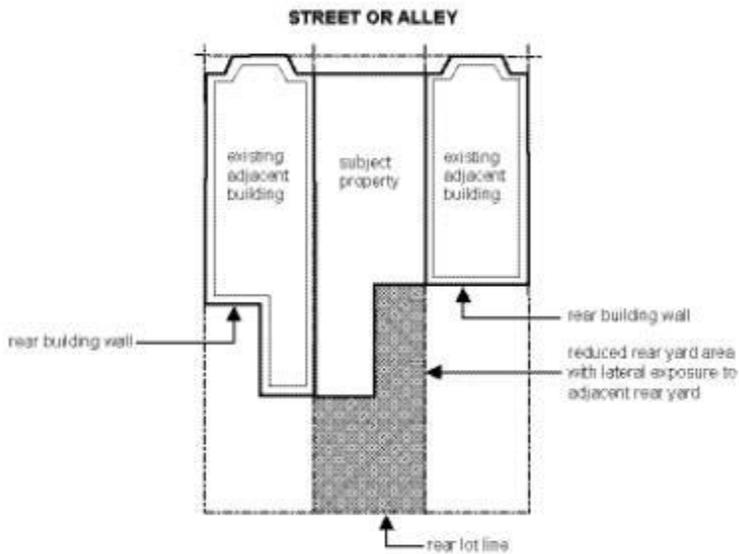
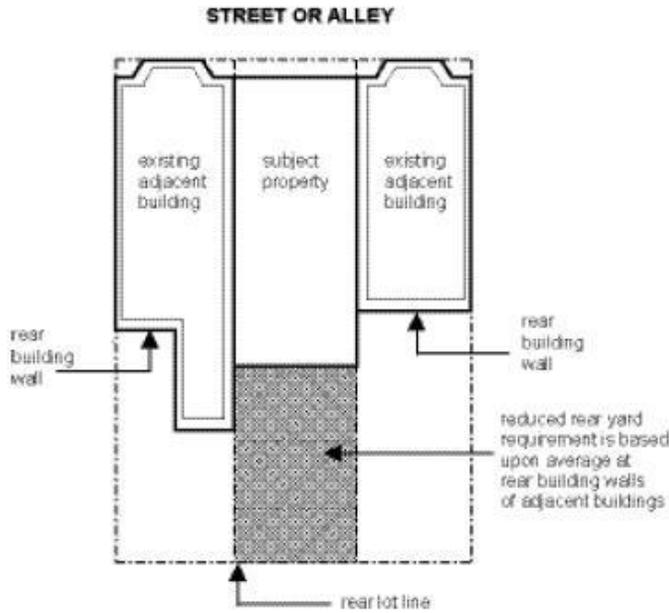
20 **(2) Alternative Method of Averaging.** If, under the rule stated in Paragraph
21 (c)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively
22 be averaged in an irregular manner; provided that the area of the resulting reduction shall be
23 no more than the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

4 (3) **Method of Measurement.** For purposes of this Subsection (c), an "adjacent
5 building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all
6 cases the location of the rear building wall of an adjacent building shall be taken as the line of
7 greatest depth of any portion of the adjacent building which occupies at least ½ the width
8 between the side lot lines of the lot on which such adjacent building is located, and which has
9 a height of at least 20 feet above grade, or two stories, whichever is less, excluding all
10 permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining
11 the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an
12 RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, RED-MX, MUG, WMUG, MUR, UMU, SPD,
13 RSD, SLR, SLI, SSO, NC, C, M or P District, such adjoining lot shall, for purposes of the
14 calculations in this Subsection (c), be considered to have an adjacent building upon it whose
15 rear building wall is at a depth equal to 75 percent of the total depth of the subject lot.

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

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(A) **Corner Lots and Lots at Alley Intersections.** On a corner lot as defined by this Code, or a lot at the intersection of a street and an alley or two alleys, the

1 forward edge of the required rear yard shall be reduced to a line on the subject lot which is at
2 the depth of the rear building wall of the one adjacent building.

3 **(B) Lots Abutting Properties with Buildings that Front on Another**

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

12 **(C) Through Lots Abutting Properties that Contain Two Buildings.**

13 Where a lot is a through lot having both its front and its rear lot line along streets, alleys, or a
14 street and an alley, and both adjoining lots are also through lots, each containing two
15 dwellings or group housing structures that front at opposite ends of the lot, the subject through
16 lot may also have two buildings according to such established pattern, each fronting at one
17 end of the lot, provided all the other requirements of this Code are met. In such cases the rear
18 yard required by this Section 134 for the subject lot shall be located in the central portion of
19 the lot, between the two buildings on such lot, and the depth of the rear wall of each building
20 from the street or alley on which it fronts shall be established by the average of the depths of
21 the rear building walls of the adjacent buildings fronting on that street or alley. In no case,
22 however, shall the total minimum rear yard for the subject lot be thus reduced to less than a
23 depth equal to 25 percent of the total depth of the subject lot, or to less than 15 feet,
24 whichever is greater. Furthermore, in all cases in which this Subparagraph (c)(4)(C) is
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1 applied, the requirements of Section 132 of this Code for front setback areas shall be
2 applicable along both street or alley frontages of the subject through lot.

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4 (f) **Modification of Requirements in the Eastern Neighborhoods Mixed Use**
5 **Districts.** The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be
6 modified or waived by the Planning Commission pursuant to Section 329, ~~and~~ *The rear yard*
7 *requirement in Eastern Neighborhoods Mixed Use Districts may be* modified by the Zoning
8 Administrator pursuant to the procedures set forth in Section 307(h) for other projects,
9 provided that:

10 (1) A comparable, but not necessarily equal amount of square footage as
11 would be created in a code conforming rear yard is provided elsewhere within the
12 development;

13 (2) The proposed new or expanding structure will not significantly impede the
14 access to light and air from adjacent properties or adversely affect the interior block open
15 space formed by the rear yards of adjacent properties; and

16 (3) The modification request is not combined with any other residential open
17 space modification or exposure variance for the project, except exposure modifications in
18 designated landmark buildings under Section 307(h)(1).

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

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<p>24 TABLE 135A</p> <p>25 MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT</p>

District	Square Feet Of Usable Open Space Required For Each Dwelling Unit If All Private	Ratio of Common Usable Open Space That May Be Substituted for Private
. . . NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street- Mission, 24th Street-Noe Valley, NCT-3, SoMa, Mission Street, <i>Folsom</i> <i>Street, RCD</i> . . .	80	1.33

SEC. 141. SCREENING OF ROOFTOP FEATURES R, NC, C, M, MUG, WMUG, MUO, WMUO, MUR, UMU, RED, RED-MX, DTR, SPD, RSD, SLR, SLI, SALI AND SSO DISTRICTS.

(a) In R, SPD, RSD, NC, C, M, MUG, WMUG, MUO, WMUO, MUR, UMU, RED, RED-MX, SLR, SLI, SALI and SSO Districts, rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building shall be arranged so as not to be visible from any point at or below the roof level of the subject building. This requirement shall apply in construction of new buildings, and in any alteration of mechanical systems of existing buildings that results in significant changes in such rooftop equipment and appurtenances. The features so regulated shall in all cases be either enclosed by outer building walls or

1 parapets, or grouped and screened in a suitable manner, or designed in themselves so that
2 they are balanced and integrated with respect to the design of the building. Minor features not
3 exceeding one foot in height shall be exempted from this regulation.

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5 **SEC. 145.1. STREET FRONTAGES IN NEIGHBORHOOD COMMERCIAL,**
6 **RESIDENTIAL-COMMERCIAL, COMMERCIAL, AND MIXED USE DISTRICTS.**

7 . . .

8 (c) **Controls.** The following requirements shall generally apply, except for those
9 controls listed in subsections (1) Above Grade Parking Setback and (4) Ground Floor Ceiling
10 Height, which only apply to a "development lot" as defined above.

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

13 (1) **Above-Grade Parking Setback.** Off-street parking at street grade on a
14 development lot must be set back at least 25 feet on the ground floor and at least 15 feet on
15 floors above, from any facade facing a street at least 30 feet in width. Parking above the
16 ground level shall be entirely screened from all public rights-of-way in a manner that
17 accentuates ground floor uses, minimizes mechanical features and is in keeping with the
18 overall massing and architectural vocabulary of the building. In C-3 Districts, parking above
19 the ground level, where permitted, shall also be designed to facilitate conversion to other uses
20 by maintaining level floors and a clear ceiling height of nine feet or equal to that of the
21 adjacent street-fronting active uses, whichever is greater. Removable parking ramps are
22 excluded from this requirement.

23 The following shall apply to projects subject to this section:

24 (A) when only one parking space is permitted. if a space is proposed it
25 must be within the first 25 feet of the building;

1 (B) when two or more parking spaces are proposed, one space may be
2 within the first 25 feet of the building;

3 (C) when three or more parking spaces are proposed, all parking spaces
4 must be set back at least 25 feet from the front of the development.

5 (2) **Parking and Loading Entrances.** No more than one-third of the width or 20
6 feet, whichever is less, of any given street frontage of a new or altered structure parallel to
7 and facing a street shall be devoted to parking and loading ingress or egress. In NC-S
8 Districts, no more than one-third or 50 feet, whichever is less, of each lot frontage shall be
9 devoted to ingress/egress of parking. In RED Districts, no more than one garage door shall be
10 permitted per lot, and the garage door shall be limited to no more than 10 feet in width. Street-facing
11 garage structures and garage doors may not extend closer to the street than a primary
12 building facade unless the garage structure and garage door are consistent with the features
13 listed in Section 136 of this Code. The total street frontage dedicated to parking and loading
14 access should be minimized, and combining entrances for off-street parking with those for off-
15 street loading is encouraged. The placement of parking and loading entrances should
16 minimize interference with street-fronting active uses and with the movement of pedestrians,
17 cyclists, public transit, and autos. Entrances to off-street parking shall be located at least six
18 feet from a lot corner located at the intersection of two public rights-of-way. Off-street parking
19 and loading entrances should minimize the loss of on-street parking and loading spaces. Off-
20 street parking and loading are also subject to the provisions of Section 155 of this Code. In C-
21 3 Districts, so as not to preclude the conversion of parking space to other uses in the future,
22 parking at the ground-level shall not be sloped, and the floor shall be aligned as closely as
23 possible to sidewalk level along the principal pedestrian frontage and/or to those of the street-
24 fronting commercial spaces and shall have a minimum clear ceiling height of 14 feet or equal
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1 to that of street-fronting commercial spaces, whichever is greater. Removable parking ramps
2 are excluded from this requirement.

3 (3) **Active Uses Required.** With the exception of space allowed for parking and
4 loading access, building egress, and access to mechanical systems, space for active uses as
5 defined in Subsection (b)(2) and permitted by the specific district in which it is located shall be
6 provided within the first 25 feet of building depth on the ground floor and 15 feet on floors
7 above from any facade facing a street at least 30 feet in width. Building systems including
8 mechanical, electrical, and plumbing features may be exempted from this requirement by the
9 Zoning Administrator only in instances where those features are provided in such a fashion as
10 to not negatively impact the quality of the ground floor space.

11 (4) **Ground Floor Ceiling Height.** Unless otherwise established elsewhere in
12 this Code:

13 (A) Ground floor non-residential uses in UMU Districts shall have a
14 minimum floor-to-floor height of 17 feet, as measured from grade.

15 (B) Ground floor non-residential uses in all C-3, C-M, NCT, DTR,
16 Chinatown Mixed Use, RSD, SLR, SLI, SPD, SSO, RED-MX, WMUG, MUG, MUR, WMUO and
17 MUO Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade.

18 (C) Ground floor non-residential uses in all RC districts, C-2 districts,
19 RED districts, and NC districts other than NCT, shall have a minimum floor-to-floor height of
20 14 feet, as measured from grade except in 40-foot and 50-foot height districts, where
21 buildings shall have a minimum floor-to-floor height of 10 feet.

22 (5) **Street-Facing Ground-Level Spaces.** The floors of street-fronting interior
23 spaces housing non-residential active uses and lobbies shall be as close as possible to the
24 level of the adjacent sidewalk at the principal entrance to these spaces. Street-facing ground-
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1 level spaces housing non-residential active uses in hotels, office buildings, shopping centers,
2 and other large buildings shall open directly onto the street, rather than solely into lobbies and
3 interior spaces of the buildings. Such required street-facing entrances shall remain open to
4 the public during business hours.

5 (6) **Transparency and Fenestration.** Frontages with active uses that are not
6 residential or PDR must be fenestrated with transparent windows and doorways for no less
7 than 60 percent of the street frontage at the ground level and allow visibility to the inside of the
8 building. The use of dark or mirrored glass shall not count towards the required transparent
9 area. Buildings located inside of, or within an unobstructed line of less than 300 feet of an
10 Urban Bird Refuge, as defined in Section 139(c)(1), shall follow glazing requirements within
11 Section 139(c) of this Code.

12 (7) **Gates, Railings, and Grillwork.** Any decorative railings or grillwork, other
13 than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 75
14 percent open to perpendicular view. Rolling or sliding security gates shall consist of open
15 grillwork rather than solid material, so as to provide visual interest to pedestrians when the
16 gates are closed, and to permit light to pass through mostly unobstructed. Gates, when both
17 open and folded or rolled as well as the gate mechanism, shall be recessed within, or laid
18 flush with, the building facade.

19 . . .

20 **SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN**
21 **SPECIFIED DISTRICTS.**

22 (a) **Applicability.** This subsection shall apply only to DTR, NCT, RCD, Upper Market
23 Street NCD, RTO, Eastern Neighborhood Mixed Use, South of Market Mixed Use, M-1, PDR-
24 1-D, and PDR-1-G, C-M, or C-3 Districts.

25 . . .

Table 151.1

OFF-STREET PARKING PERMITTED AS ACCESSORY

Use or Activity	Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
<p>...</p> <p>Dwelling units and SRO units in SLI, <u>SALI</u>, SSO, MUG, <u>WMUG</u>, MUR, MUO, <u>WMUO</u>, SPD Districts, except as specified below</p>	<p>P up to one car for each four dwelling units; <u>C</u> up to 0.75 cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.</p>
<p>Dwelling units in SLI, <u>SALI</u>, SSO, MUG, <u>WMUG</u>, MUR, MUO, <u>WMUO</u>, SPD Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area</p>	<p>P up to one car for each four dwelling units; <u>C</u> up to one car for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above one car for each dwelling unit.</p>
<p>...</p> <p>Dwelling units in the Ocean Avenue NCT Districts and Glen Park NCT District</p> <p><u>Dwelling units in the Folsom Street NCT and RCD Districts</u></p>	<p>P up to one car for each unit; NP above.</p> <p><u>P up to one car for each two dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.</u></p>
<p>Dwelling units and SRO units in RTO and RED <u>and RED-MX</u> Districts, except as specified below</p>	<p>P up to three cars for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above one car for each dwelling unit.</p>
<p>...</p> <p>All office uses in C-3, DTR, C-M, SSO, SPD, MUG, <u>WMUG</u>, MUR, and <u>WMUO</u> MUO Districts</p>	<p>P up to seven percent of the gross floor area of such uses and subject to the pricing conditions of Section 155(g); NP above.</p>
<p>Office uses in M-1, UMU, <u>SALI</u>, PDR-1-D, and PDR-1-G Districts, except as specified below</p>	<p>P up to one car per 1,000 square feet of gross floor area and subject to the pricing conditions of Section 155(g);</p>

	NP above.
Office uses in M-1, UMU, <u>SALI</u> , PDR-1-D, and PDR-1-G Districts where the entire parcel is greater than ¼-mile from Market, Mission, 3rd Streets and 4th Street north of Berry Street ...	P up to one car per 500 square feet of gross floor area; NP above.

...

(g) In RTO, NCT, C-M, ~~and~~ South of Market Mixed Use Districts, ~~and the~~ Upper Market Street NCD, RED, RED-MX, and WMUG, any request for accessory parking in excess of what is principally permitted in Table 151.1, but which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by the Planning Commission as a Conditional Use. In MUG, WMUG, MUR, MUO, RED, RED-MX, and SPD Districts, any project subject to Section 329 and that requests residential accessory parking in excess of that which is principally permitted in Table 151.1, but which does not exceed the maximum amount stated in Table 151.1, shall be reviewed by the Planning Commission according to the procedures of Section 329. Projects that are not subject to Section 329 shall be reviewed under the procedures detailed in subsection (h) below.

(1) In granting such Conditional Use or exception per 329 for parking in excess of that principally permitted in Table 151.1, the Planning Commission shall make the following affirmative findings according to the uses to which the proposed parking is accessory:

(A) Parking for All Uses.

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

1 (ii) Accommodating excess accessory parking does not degrade
2 the overall urban design quality of the project proposal;

3 (iii) All above-grade parking is architecturally screened and lined
4 with active uses according to the standards of Section 145.1, and the project sponsor is not
5 requesting any exceptions or variances requiring such treatments elsewhere in this Code; and

6 (iv) Excess accessory parking does not diminish the quality and
7 viability of existing or planned streetscape enhancements.

8 **(B) Parking for Residential Uses.**

9 (i) For projects with 50 dwelling units or more, all residential
10 accessory parking in excess of 0.5 spaces per unit shall be stored and accessed by
11 mechanical stackers or lifts, valet, or other space-efficient means that reduces space used for
12 parking and maneuvering, and maximizes other uses.

13 **(C) Parking for Non-Residential Uses.**

14 (i) Projects that provide more than 10 spaces for non-residential
15 uses must dedicate 5% of these spaces, rounded down to the nearest whole number, to
16 short-term, transient use by vehicles from certified car sharing organizations per Section 166,
17 vanpool, rideshare, taxis, or other co-operative auto programs. These spaces shall not be
18 used for long-term storage nor satisfy the requirement of Section 166, but rather to park them
19 during trips to commercial uses. These spaces may be used by shuttle or delivery vehicles
20 used to satisfy subsection (B).

21 (ii) Retail uses larger than 20,000 square feet, including but not
22 limited to grocery, hardware, furniture, consumer electronics, greenhouse or nursery, and
23 appliance stores, which sell merchandise that is bulky or difficult to carry by hand or by public
24 transit, shall offer, at minimal or no charge to its customers, door-to-door delivery service
25

1 and/or shuttle service. This is encouraged, but not required, for retail uses less than 20,000
2 square feet.

3 (iii) Parking shall be limited to short-term use only.

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

6 (2) Additionally, in granting approval for such accessory parking above that
7 permitted by right, the Commission may require the property owner to pay the annual
8 membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any
9 resident of the project who so requests and who otherwise qualifies for such membership,
10 provided that such requirement shall be limited to one membership per dwelling unit, when the
11 findings set forth in Section 151.1(e)(2) are made.

12 (h) **Small residential projects in MUG, WMUG, MUR, MUO, WMUO, RED, RED-MX**
13 **and SPD Districts.** Any project that is not subject to the requirements of Section 329 and that
14 requests residential accessory parking in excess of what is principally permitted in Table
15 151.1 shall be reviewed by the Zoning Administrator subject to Section 307(h). The Zoning
16 Administrator may grant parking in excess of what is principally permitted in Table 151.1, not
17 to exceed the maximum amount stated in Table 151.1, only if the Zoning Administrator
18 determines that all of the following conditions are met:

19 (1) all the conditions of subsection (g)(1)(A) above have been met.

20 (2) parking is not accessed from any protected Transit or Pedestrian Street
21 described in Section 155(r), and

22 (3) where more than ten spaces are proposed at least half of them, rounded
23 down to the nearest whole number, are stored and accessed by mechanical stackers or lifts,

24

25

1 valet, or other space-efficient means that reduces space used for parking and maneuvering,
2 and maximizes other uses.

3 . . .

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

6 . . .

7 (d) All off-street freight loading and service vehicle spaces in the C-3, DTR, MUO,
8 WMUO, MUG, WMUG, MUR, and South of Market Mixed Use Districts shall be completely
9 enclosed and access from a public street or alley shall be provided by means of a private
10 service driveway, which is totally contained within the structure. Such a private service
11 driveway shall include adequate space to maneuver trucks and service vehicles into and out
12 of all provided spaces, and shall be designed so as to facilitate access to the subject property
13 while minimizing interference with street and sidewalk circulation. Any such private service
14 driveway shall be of adequate width to accommodate drive-in movement from the adjacent
15 curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if
16 an adjacent street or alley is determined by the Zoning Administrator to be primarily used for
17 building service, up to four off-street freight or loading spaces may be allowed to be
18 individually accessible directly from such a street or alley, pursuant to the provisions of
19 Section 309 in a C-3 District, the provisions of Section 307(g) in a South of Market Mixed Use
20 District, the provisions of Section 309.1 in a DTR District, the provisions of Section 329 for
21 projects subject to Section 329 in a MUO, WMUO, MUG, WMUG, or MUR District, or by
22 administrative decision of the Zoning Administrator for projects that are not subject to Section
23 329 in a MUO, WMUO, MUG, WMUG, or MUR District.

24 . . .

1 (g) In order to discourage long-term commuter parking, any off-street parking spaces
2 provided for a structure or use other than residential or hotel in a C-3, C-M, DTR, SLR, SSO,
3 SPD, MUG, WMUG, MUR WMUO or MUO District, whether classified as an accessory or
4 conditional use, which are otherwise available for use for long-term parking by downtown
5 workers shall maintain a rate or fee structure for their use such that the rate charge for four
6 hours of parking duration is no more than four times the rate charge for the first hour, and the
7 rate charge for eight or more hours of parking duration is no less than 10 times the rate
8 charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly,
9 monthly or similar time-specific periods.

10 . . .

11 (r) **Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages.** In
12 order to preserve the pedestrian character of certain downtown and neighborhood commercial
13 districts and to minimize delays to transit service, garage entries, driveways or other vehicular
14 access to off-street parking or loading (except for the creation of new publicly-accessible
15 streets and alleys) shall be regulated on development lots as follows on the following street
16 frontages:

17 (1) Folsom Street, from Essex Street to the Embarcadero, not permitted except
18 as set forth in Section 827.

19 (2) Not permitted:

20 (A) The entire portion of Market Street from The Embarcadero to Castro
21 Street,

22 (B) Hayes Street from Franklin Street to Laguna Street, Church Street in
23 the NCT-3 and Upper Market NCT Districts,

24 (C) Van Ness Avenue from Hayes Street to Mission Street,
25

- 1 (D) Mission Street from The Embarcadero to Annie Street and from 10th
2 Street to Division Street,
- 3 (E) Octavia Street from Hayes Street to Fell Street,
- 4 (F) Embarcadero in the DTR Districts,
- 5 (G) 22nd Street between 3rd Street and Minnesota Streets within the
6 NCT-2 District,
- 7 (H) Valencia Street between 15th and 23rd Streets in the Valencia Street
8 NCT District,
- 9 (I) Mission Street for the entirety of the Mission Street NCT District,
- 10 (J) 24th Street for the entirety of the 24th Street-Mission NCT,
- 11 (K) 16th Street between Guerrero and Capp Streets within the Valencia
12 Street NCT and Mission Street NCT Districts,
- 13 (L) 16th Street between Kansas and Mississippi Streets in the UMU and
14 PDR-1-D Districts,
- 15 (M) 6th Street for its entirety within the SoMa NCT District,
- 16 (N) 3rd Street, in the UMU districts for 100 feet north and south of
17 Mariposa and 100 feet north and south of 20th Streets, and 4th Street between Bryant and
18 Townsend in the SLI and MUO District,
- 19 (O) Ocean Avenue within the Ocean Avenue NCT District,
- 20 (P) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2
21 District,
- 22 (Q) Columbus Avenue between Washington and North Point Streets,
- 23 (R) Broadway from the Embarcadero on the east to Polk Street on the
24 west, and
- 25

- 1 (S) All alleyways in the Chinatown Mixed Use Districts,
- 2 (T) Diamond Street within the Glen Park NCT District,
- 3 (U) Chenery Street within the Glen Park NCT District,
- 4 (V) Natoma Street from 300 feet westerly of 1st Street to 2nd Street,
- 5 (W) Ecker Alley in its entirety,
- 6 (X) Shaw Alley in its entirety,
- 7 (Y) 2nd Street from Market to Folsom Streets.

8 (3) Not permitted except with a Conditional Use authorization, except that in the
9 C-3-O(SD) District, the Planning Commission may grant such permission as an exception
10 pursuant to Section 309 in lieu of a Conditional Use authorization where the amount of
11 parking proposed does not exceed the amounts permitted as accessory according to Section
12 151.1.

- 13 (A) The entire portion of California Street, The Embarcadero, Folsom
14 Street, Geary Street, Mission Street, Powell Street and Stockton Street in the C-3 Districts,
- 15 (B) Grant Avenue from Market Street to Bush Street,
- 16 (C) Montgomery Street from Market Street to Columbus Avenue,
- 17 (D) Haight Street from Market Street to Webster Street,
- 18 (E) Church Street and 16th Street in the RTO District,
- 19 (F) Duboce Street from Noe Street to Market Street,
- 20 (G) Duboce Street from Noe Street to Market Street,
- 21 (H) Octavia Street from Fell Street to Market Street, and
- 22 (I) 1st, Fremont and Beale Streets from Market to Folsom Street.

23 (4) In C-3, NCT and RTO Districts, no curb cuts accessing off-street parking or
24 loading shall be created or utilized on street frontages identified along any Transit Preferential,
25

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

14 (5) For corner lots in the SALI District, no new curb cut shall be permitted, nor any
15 existing curb cut expanded, on any Street or Alley identified as an alley in the Western SoMa Area Plan
16 of the General Plan if any property on the same block with frontage along that Street or Alley is
17 designated as a RED or RED-MX District.

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

23 . . .

24

25

1 **SEC. 175.5. APPLICABILITY OF WESTERN SOMA CONTROLS TO PENDING PROJECTS IN**
2 **THE WMUO SALI DISTRICT.**

3 *(a) Intent. It is the intent of this Section to provide for an orderly transition from prior*
4 *zoning and planning requirements to the requirements imposed in implementing the Western SoMa*
5 *Controls, without impairing the validity of prior actions by the City, or frustrating completion of*
6 *actions authorized prior to the effective date of those Controls.*

7 *(b) Applicability. This Section applies only to projects located in a WMUO SALI District*
8 *within the boundaries of the Eastern Neighborhoods Program Area as defined in Section 401 that have*
9 *a Development Application pending as of ~~August 14, 2008~~ June 20, 2012. Notwithstanding any*
10 *contrary provision in this Section, if a project does not receive its first building or site permit within 36*
11 *months after the effective date of the Western SoMa Controls, then it shall be subject to all applicable*
12 *Planning Code and Zoning Maps controls in effect at the date its first building or site permit is issued.*
13 *The 36-month time period is extended until the expiration of any appeal period, or if an appeal or*
14 *litigation challenging the project authorization is filed, until final resolution of the appeal or litigation.*

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

16 *(1) "Code Conforming Project" shall mean a project which complies with the*
17 *Planning Code prior to the effective date of the Western SoMa controls.*

18 *(2) "Development Application" shall mean any application for a building permit,*
19 *site permit, environmental review, Conditional Use or Variance.*

20 *(3) "Pending," with respect to a Development Application, shall mean first filed*
21 *with the Planning Department on the date specified in Section (b) above for a project that has not*
22 *obtained a Project Approval prior to the effective date of the Western SoMa Controls.*

1 (4) “Project Approval” shall mean any required approval or determination on a
2 Development Application by the Planning Commission, Planning Department, or Zoning
3 Administrator.

4 (5) “Residential Project” shall mean any project which includes at least one
5 dwelling unit, group housing bedroom, or other residential use or uses.

6 (6) “Western SoMa Controls” shall mean all Ordinances adopted in furtherance of
7 the Western SoMa Area Plan Process, including but not limited to Ordinance Numbers _____,
8 and _____, and associated amendments to the Planning Code, Zoning Map, and Administrative Code.

9 **(d) Effect of Western SoMa Controls on pending Residential Code Conforming Projects.**

10 (1) Articles 1, 1.2, 1.5, and 2.5 of the Planning Code as amended by the Western
11 SoMa Controls shall apply; and

12 (2) The impact fees set forth in Section 423 et seq. shall apply; and

13 (3) The Planning Director may grant an increase beyond the otherwise-superseded
14 height limits of no more than 8 feet when an equal or greater increase would be allowed under the
15 Western SoMa Controls and when such increase is necessary to comply with Subsection (d)(1), above;
16 and

17 (4) If compliance with Subsection (d)(1) would require a substantial re-design of the
18 project or a significant change to the type or size of uses originally proposed, the applicant may seek
19 complete or partial relief from that requirement through the Conditional Use authorization process as
20 set forth in Section 303; and

21 (5) For proposed Residential Projects where such uses are not permitted under the
22 Western SoMa Controls, Subsection (d)(1), above shall apply as if the residential use were located in
23 an Western SoMa Mixed Use General (WMUG) District.

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

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

9 (b) Applicability. The requirements of this Section apply to any project meeting one of
10 the following conditions:

11 (1) In the C-3, Eastern Neighborhoods, Mixed Use and South of Market Mixed Use
12 Districts, projects where the gross square feet of new construction, conversion, or added floor
13 area for office use equals at least 100,000 square feet;

14 (2) In the C-3-O(SD) District, where new construction, conversion, or added floor
15 area for residential use equals at least 100,000 square feet equals at least 100 dwelling units;

16 (3) In the C-3-O(SD) District, projects where the gross square feet of new
17 construction or added floor area for any non-residential use equals at least 100,000 square
18 feet; or

19 (4) In the case of the SSO, WMUO, or MUO District, where the gross square feet of
20 new, converted or added floor area for office use equals at least 25,000 square feet.

21 . . .

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

23 The following provisions shall apply to nonconforming uses with respect to changes of
24 use:
25

1 (a) A nonconforming use shall not be changed or modified so as to increase the degree
2 of nonconformity under the use limitations of this Code, with respect to the type of use or its
3 intensity except as provided in Section 181 for nighttime entertainment activities within the
4 RSD, MUG, MUR, or SLR Districts ~~and in Subsection (f) below~~. The degree of nonconformity
5 shall be deemed to be increased if the new or modified use is less widely permitted by the use
6 districts of the City than the nonconforming use existing immediately prior thereto.

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

11 (1) A nonconforming use in a Residential District (other than a Residential-
12 Commercial Combined District ~~or an RED District~~), which use is located more than ¼ mile from
13 the nearest Individual Area Neighborhood Commercial District or Restricted Use Subdistrict
14 described in Article 7 of this Code, may change to another use which is permitted as a
15 principal use at the first story and below in an NC-1 District, or it may change to another use
16 which is permitted as a conditional use at the first story and below in an NC-1 District only
17 upon approval of a conditional use application pursuant to the provisions of Article 3 of this
18 Code. If the nonconforming use is seeking to change in use to a retail sales activity or retail
19 sales establishment which is also a formula retail use, as defined in Section 703.3 of this
20 Code, it shall comply with the provisions of Section 703.3 of this Code. The nonconforming
21 use shall comply with other building standards and use limitations of NC-1 Districts, as set
22 forth in Sections 710.10 through 710.95 of this Code.

23 If the nonconforming use is located within ¼ mile from any Individual Area
24 Neighborhood Commercial District or Restricted Use Subdistrict described in Article 7 of this
25

1 Code, the nonconforming use may change to another use which is permitted as a principal
2 use at the first story and below in an NC-1 District and in the Individual Area Neighborhood
3 Commercial District or Restricted Use Subdistrict or Districts within ¼ mile of the use, or it
4 may change to another use which is permitted as a conditional use at the first story and below
5 in an NC-1 District and in the Individual Area Neighborhood Commercial District or Districts
6 within ¼ mile of the use only upon approval of a conditional use application pursuant to the
7 provisions of Article 3 of this Code. If the nonconforming use is seeking to change in use to a
8 retail sales activity or retail sales establishment which is also a formula retail use, as defined
9 in Section 703.3 of this Code, it shall comply with the provisions of Section 703.3 of this Code.

10 The nonconforming use shall comply with other building standards and use limitations
11 of NC-1 Districts and any Individual Area NC District or Districts located within ¼ mile of the
12 use, as set forth in Article 7 of this Code.

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

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

19 (4) A nonconforming use in any district other than a Residential, Downtown
20 Residential, or Neighborhood Commercial District may be changed to another use listed in
21 Articles 2 or 7 of this Code as a principal use for the district in which the existing use would
22 first be permitted as a principal use.

23 (5) A nonconforming use in any South of Market Mixed Use District may not be
24 changed to an office, retail, bar, restaurant, nighttime entertainment, adult entertainment,
25

1 hotel, motel, inn, hostel, or movie theater use in any district where such use is otherwise not
2 permitted or conditional, except as provided in Subsection (g) below.

3 . . .

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

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

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

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

19 (3) Upon restoration of a previous nonconforming use as permitted by
20 Subsection (1) or (2) above, any modification, enlargement, extension, or change of use, from
21 circumstances which last lawfully existed prior to the creation of the live/work unit, or prior to
22 the change from office use, shall be subject to the provisions of this Article, and the restored
23 nonconforming use shall be considered to have existed continuously since its original
24 establishment, prior to the live/work unit or change to office use, for purposes of this Article.

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

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

6 ...

7 ...
8 <i>Individual Area Named Neighborhood Commercial Districts (Defined in Sec.</i>
9 <i>702.1)</i>
10 <i>Noriega Street Neighborhood Commercial District (Defined in Sec. 739.1)</i>
11 <i>Irving Street Neighborhood Commercial District (Defined in 740.1)</i>
12 <i>Taraval Street Neighborhood Commercial District (Defined in 741.1)</i>
13 <i>Judah Street Neighborhood Commercial District (Defined in Sec. 742.1)</i>
14 <i>Regional Commercial District (Defined in Sec. 744)</i>

17
18 <i>Individual Area Named Neighborhood Commercial Transit (NCT)</i>
19 <i>Districts (Defined in Sec. 702.1)</i>
20 ...
21 <i>Folsom Street NCT</i>

22

23 South of Market Use Mixed Use Districts
24 (Also see Article 8 <u>Sec. 802.5</u>)

<u>RED</u>	<u>Residential Enclave Districts</u>
...	

Eastern Neighborhoods Mixed Use Districts	
(Also see Article 8)	
...	
<u>RED</u>	<u>Residential Enclave District</u>
<u>RED-MX</u>	<u>Residential Enclave District - Mixed</u>
<u>WMUG</u>	<u>Western SoMa Mixed Use – General</u>
<u>WMUO</u>	<u>Western SoMa Mixed Use - Office</u>
<u>SALI</u>	<u>Service/Arts/Light Industrial</u>

...

In addition to the classes of use districts in the above table, the following terms shall apply:

"R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-1, RM-1, RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, or RC-4, or ~~RED District~~;

...

SEC. 204.4. DWELLING UNITS ACCESSORY TO OTHER USES.

...

(b) In any NC, C, M, PDR, or Eastern Neighborhood Mixed Use District, except for

1 properties within the Western SoMa Special Use District, dwelling units which are integrated with
 2 the working space of artists, artisans and other craftspersons shall be permitted as an
 3 accessory use to such working space, when such dwelling units are occupied by a group of
 4 persons including no more than four adults, and where the occupancy meets all applicable
 5 provisions of the Building Code and Housing Code.

6 (1) In PDR and WMUG Districts, dwelling units permitted by Section 204.4(b)
 7 may not represent more than one-fourth (1/4) of the total floor area occupied by such use and
 8 the principal use to which it is accessory.

9 . . .

10 **SEC. 207.4. DENSITY OF DWELLING UNITS IN NEIGHBORHOOD COMMERCIAL**
 11 **DISTRICTS.**

12 . . .

13 (c) The dwelling unit density in the RCD District and NCT Districts, as listed in Section
 14 702.1(b), shall not be limited by lot area, but by the applicable requirements and limitations
 15 elsewhere in this Code, including but not limited to height, bulk, setbacks, open space,
 16 exposure, and unit mix, as well as by applicable design guidelines, applicable elements and
 17 area plans of the General Plan, and design review by the Planning Department.

18 **SEC. 207.5. DENSITY OF DWELLING UNITS IN MIXED USE DISTRICTS.**

19 . . .

20 **Table 207.5(b)**

21 **Density of Dwelling Units in**

22 **South of Market Mixed Use Districts**

General Area District	Residential Density Limits
------------------------------	---------------------------------------

<p>1 <i>Residential Enclave</i></p> <p>2 (RED)</p> <p>3 ...</p>	<p><i>One dwelling unit for each 400 sq. ft. of lot</i></p> <p><i>area</i></p>
--	--

5 **SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, RCD, NCT, DTR,**
6 **AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.**

7 ...

8 ...

9 **(b) Applicability.**

10 (1) This Section shall apply in the RTO, RCD, NCT, DTR and Eastern
11 Neighborhoods Mixed Use Districts.

12 (2) This Section shall apply to all applications for building permits and/or
13 Planning Commission entitlements which propose the creation of five or more dwelling units.

14 (3) This Section does not apply to buildings for which 100 percent of the
15 residential uses are: group housing, dwelling units which are provided at below market rates
16 pursuant to Section ~~326.3(h)(2)(B)~~ 406(b)(1) of this Code, Single Room Occupancy Units,
17 Student Housing (as defined in Sec. ~~106.36~~ 102.36), or housing specifically and permanently
18 designated for seniors or persons with physical disabilities.

19 **(c) Controls.**

20 (1) For the RTO, Hayes-Gough NCT, Upper Market Street NCT, and NCT-3
21 districts, no less than 40 percent of the total number of dwelling units on site shall contain at
22 least two bedrooms. Any fraction resulting from this calculation shall be rounded to the
23 nearest whole number of dwelling units. While existing dwelling units in buildings which do not
24 comply with this Subsection need not be expanded to meet this requirement, all new dwelling
25

1 units shall provide at least two bedrooms when less than 40 percent of the total number of
2 dwelling units contain less than two bedrooms.

3 (2) For all other RTO, RCD and NCT districts, as well as DTR and Eastern
4 Neighborhoods Mixed Use Districts, one of the following two must apply;

5 (A) no less than 40 percent of the total number of proposed dwelling units
6 shall contain at least two bedrooms. Any fraction resulting from this calculation shall be
7 rounded to the nearest whole number of dwelling units, or

8 (B) no less than 30 percent of the total number of proposed dwelling units
9 shall contain at least three bedrooms. Any fraction resulting from this calculation shall be
10 rounded to the nearest whole number of dwelling units.

11 (d) **Modifications.**

12 (1) In NCT, RCD and RTO Districts, these requirements may be waived or
13 modified with Conditional Use Authorization. In addition to those conditions set forth in Section
14 303, the Planning Commission shall consider the following criteria:

15 (A) The project demonstrates a need or mission to serve unique
16 populations, or

17 (B) The project site or existing building(s), if any, feature physical
18 constraints that make it unreasonable to fulfill these requirements.

19 (2) In Eastern Neighborhoods Mixed Use Districts, these requirements may be
20 waived in return for provision of family-sized affordable units, pursuant to Section 319.4(b). To
21 receive this waiver, 100 percent of the total number of inclusionary units required under
22 Section 315.4 or Section 319.4 shall contain at least two bedrooms. Also in Eastern
23 Neighborhoods Mixed Use Districts, these requirements may be waived or modified through
24
25

1 the Variance process set forth in Section 305, or in the case of projects subject to Section
2 329, through the procedures of that section.

3 (3) In DTR Districts, these requirements may be modified per the procedures of
4 Section 309.1.

5 **SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING.**

6 . . .

7 (a) The maximum number of bedrooms on each lot shall be as specified in the
8 following table for the district in which the lot is located, except that in RTO, RTO-M, RCD,
9 UMU, MUG, WMUG, MUR, MUO, WMUO, RED, RED-MX, SPD, DTR and all NCT districts the
10 density of group housing shall not be limited by lot area, and except that for lots in NC
11 Districts, the group housing density shall not exceed the number of bedrooms permitted in the
12 nearest Residential District provided that the maximum density not be less than the amount
13 permitted by the ratio specified for the NC District in which the lot is located.

14 **Table 208**
15 **MAXIMUM DENSITY FOR**
16 **GROUP HOUSING**

District	Minimum Number of Square Feet of Lot Area for Each Bedroom
. . . <i>RED</i>	<i>140</i>

24 . . .

1 **SEC. 261.2. ADDITIONAL HEIGHT LIMITS FOR THE FOLSOM STREET NCT**
2 **DISTRICT.**

3 (a) Purpose. Folsom Street is intended to be the main street of the Western SoMa
4 neighborhood, with neighborhood-serving uses and a high-quality pedestrian environment. As such, it
5 is important to allow for appropriate development heights while also maximizing light and air to the
6 sidewalks, parks, plazas, and frontages along the street.

7 (b) Controls. In the Folsom Street NCT District, any portion of a building above 55 feet in
8 height shall be set back at least 15 feet from any property line fronting Folsom Street, except for those
9 features listed in Section 260(b) of this Code.

10 **SEC. 263.28. SPECIAL EXCEPTIONS. SALI DISTRICTS IN THE 40-55-X HEIGHT AND**
11 **BULK DISTRICT.**

12 (a) Purpose. Arts activities are encouraged in the Western SoMa Planning Area Special Use
13 District, and especially in the SALI District. Therefore, additional development potential is provided in
14 the SALI District when additional space is provided for the exclusive use of arts activities.

15 (b) Applicability. This Section shall apply to all properties zoned SALI and a Height and Bulk
16 district of 40-55-X.

17 (c) Controls.

18 (1) Additional Height Permitted. In SALI Districts in the 40-55-X Height and Bulk
19 District, buildings are limited to a maximum height of 40 feet unless all of the following criteria are
20 met, in which case they may extend to a maximum height of 55 feet:

21 (A) At least one story of the building, as defined in Section 102.23, located on
22 the ground story or above, as defined in Section 102.24, is designated for the exclusive use of Arts
23 Activities, as defined in Section 102.2. If the ground floor is designed for the use of Arts Activities, it
24 shall also be permitted to contain lobbies, egress, building services, and other features necessary for
25 the operation of the building and permitted uses elsewhere in the building.

1 (B) Any such story dedicated to arts activities pursuant to subsections (2) and
2 (3) below, regardless of its location within the building, shall have a minimum floor-to-floor height of
3 15 feet.

4 (2) **Timing of Designation.** In the case of the new construction of a building that extends
5 beyond 40 feet in height, exclusive of permitted obstructions under Section 260(b), any designated arts
6 activity story shall be established prior to the issuance of a first building permit or along with any
7 associated Planning Commission action, whichever occurs first. In the case of buildings that were
8 constructed prior to the effective date of this Section that would be expanded such that they would
9 extend beyond 40 feet in height, exclusive of permitted obstructions under Section 260(b), any such
10 story shall be designated prior to the issuance of any building permit or along with any associated
11 Planning Commission action, whichever occurs first.

12 (3) **Recordation of Designation.** Notice of the designation of the arts activities story
13 shall be recorded as a restriction on the deed of the property along with plans clearly depicting the
14 designated story in relation to the balance of the building. A designated arts activity story may be re-
15 designated to a different story within the same building only if the newly designated story meets the
16 minimum criteria listed above. Such re-designation shall follow all required procedures listed in this
17 Section for the initial designation of an arts activities story. In no case may the designated arts activity
18 story be converted to a use other than arts activity without complete removal of all portions of the
19 building that extend above 40 feet in height, exclusive of permitted obstructions under Section 260(b).

20
21 **SEC. 263.29. SPECIAL HEIGHT EXCEPTIONS. PERMITTED BUILDING HEIGHTS IN THE**
22 **WESTERN SOMA SPECIAL USE DISTRICT.**

23 In the 40-X/50-X, 40-X/65-B, 45-X/65-B, 55-X/65-B, and 65-B/75-B Height and Bulk Districts,
24 as designated on Section Maps HT01, HT07, and HT08 of the Zoning Map, located within the
25 boundaries of the Western SoMa Special Use District, but excluding those properties in the SALI
District, height exceptions above the base height limit to the maximum height limit may be approved for

1 a project in accordance with the procedures and criteria required for a conditional use authorization
2 as set forth in Sections 303 and 823(c)(12) of this Code.

3 **SEC. 235. SPECIAL USE DISTRICTS.**

4 In addition to the use districts that are established by Section 201 of this Code, there
5 shall also be in the City such special use districts as are established in this Section and
6 Sections 236 through 249.5, and 823 in order to carry out further the purposes of this Code.
7 The designations, locations and boundaries of these special use districts shall be as provided
8 in Sections 236 through 249.5, and 823 and as shown on the Zoning Map referred to in
9 Section 105 of this Code, subject to the provisions of Section 105. The original of the
10 numbered sectional maps of the Zoning Map for Special Use Districts referred to in Sections
11 236 through 249.5 and 823 is on file with the Clerk of the Board of Supervisors under File No.
12 191-67-2. and No. 273.80. In any special use district the provisions of the applicable use
13 district established by Section 201 shall prevail, except as specifically provided in Sections
14 236 through 249.5 and 823.

15 **SEC. 270.2. SPECIAL BULK AND OPEN SPACE REQUIREMENT: MID-BLOCK ALLEYS IN LARGE LOT DEVELOPMENT IN THE EASTERN NEIGHBORHOODS MIXED USE, SOUTH OF MARKET MIXED USE, C-3, C-M, AND DTR DISTRICTS.**

16 . . .

17
18 (e) **Design and Performance Standards.** The alleys provided per subsections (a) and
19 (b) above shall meet the following standards:

- 20 (1) Generally be located as close to the middle portion of the subject block face
21 as possible, perpendicular to the subject frontage and connect to existing adjacent streets and
22 alleys;
23 (2) Provide pedestrian access;
24 (3) Provide no, limited or full vehicular access, as specific conditions warrant;
25

1 (4) Have a minimum width of 20 feet from building face to building face,
2 exclusive of those obstructions allowed pursuant to Section 136, and a minimum clearance
3 height from grade of 15 feet at all points. In RED, RED-MX, WMUG, WMUO, and SALI Districts,
4 the minimum width shall be 30 feet;

5 (5) Have a minimum clear walking width of 10 feet free of any obstructions in the
6 case of a pedestrian-only right-of-way, and dual sidewalks each of not less than 6 feet in width
7 with not less than 4 feet minimum clear walking width in the case of an alley with vehicular
8 access;

9 (6) In the Eastern Neighborhoods Mixed Use Districts, be at least 60% open to
10 the sky, including those encroachments permitted in front setbacks by Section 136 of this
11 Code;

12 (7) Provide such ingress and egress as will make the area easily accessible to
13 the general public;

14 (8) Be protected from uncomfortable wind, as called for elsewhere in this Code;

15 (9) Be ungated and publicly accessible 24 hours per day, as defined elsewhere
16 in this Section;

17 (10) Be provided with appropriate paving, furniture, and other amenities that
18 encourage pedestrian use, and be landscaped to greatest extent feasible;

19 (11) Be provided with ample pedestrian lighting to ensure pedestrian comfort
20 and safety;

21 (12) Be free of any changes in grade or steps not required by the underlying
22 natural topography and average grade; and

23 (13) Be fronted by active ground floor uses, as defined in Section 145.1, to the
24 extent feasible.

1 (14) New buildings abutting mid-block alleys provided pursuant to this Section
2 270.2 shall feature upper story setbacks according to the provisions of Section 261.1.
3 . . .

4
5 **SEC. 316. PROCEDURES FOR CONDITIONAL USE AUTHORIZATION IN**
6 **NEIGHBORHOOD COMMERCIAL, EASTERN NEIGHBORHOODS MIXED USE**
7 **DISTRICTS, AND SOUTH OF MARKET MIXED USE DISTRICTS AND FOR LIVE/WORK**
8 **UNITS IN RH AND RM DISTRICTS.**

9 In addition to the provisions of Sections 306.1, 306.4, and 306.5 of this Code, the
10 following procedures set forth in this and the following sections shall govern applications for
11 conditional use authorization where this authorization is required pursuant to Sections 178,
12 179, 181(f) or (g), 209.9(f), 209.9(h), 260(b)(2)(P) or 263.11 of this Code; zoning categories
13 .10, .11, .21, .24 through .27, .38 through .90, and .95 of Sections 710 through 729 of this
14 Code for each Neighborhood Commercial District; Sections 813 through 818 for the South of
15 Market Mixed Use Districts; ~~or~~ Section 840 through 843 for the Eastern Neighborhoods Mixed
16 Use Districts; or Section 823 for the Western SoMa Special Use District. The criteria for
17 determinations on such applications are set forth in Section 303(c) of this Code. Additional
18 criteria for determinations on applications pursuant to zoning categories .10, .11, and .21 of
19 Article 7 are set forth in the Section of this Code containing the control. Additional criteria for
20 determinations on certain applications within Mixed Use Districts are set forth in Sections
21 263.11 and 803.5 through 803.9 of this Code. Additional criteria for determination on certain
22 applications within the Western SoMa Special Use District are set forth in Section 823 of this Code.

23
24 **SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS**
25 **MIXED USE DISTRICTS.**

. . .

1 (b) **Applicability.** This Section applies to all projects in the Eastern Neighborhoods
2 Mixed Use, except projects in the Western SoMa Special Use District, subject to Section 823(c)(12),
3 that meet at least one of the following criteria:

4 (1) The project includes the construction of a new building greater than 75 feet in
5 height (excluding any exceptions permitted per Section 260(b)), or includes a vertical addition
6 to an existing building with a height of 75 feet or less resulting in a total building height greater
7 than 75 feet; or

8 (2) The project involves a net addition or new construction of more than 25,000
9 gross square feet.

10 . . .

11 **SEC. 401. DEFINITIONS.**

12 . . .

13 “Eastern neighborhoods Public Benefits Program.” The program intended to
14 implement the community improvements identified in the ~~four~~ five Area Plans affiliated with the
15 Eastern Neighborhoods (Central Waterfront, East SoMa, Western SoMa, Mission, and
16 Showplace Square/Potrero Hill), as articulated in the Eastern Neighborhoods Public Benefits
17 Program Document, on file with the Clerk of the Board in File No. 081155, and the Western
18 SoMa Public Benefits Program Document, on file with the Clerk of the Board in File No. 130004.)

19 . . .

20 **SEC. 423.1. FINDINGS.**

21 **A. New Housing and Other Land Uses.** San Francisco is experiencing a severe
22 shortage of housing available to people at all income levels. In addition, San Francisco has an
23 ongoing affordable housing crisis. Many future San Francisco workers will be earning below
24 80% of the area's median income, and even those earning moderate or middle incomes,

1 above the City's median, are likely to need assistance to continue to live in San Francisco. In
2 2007, the median income for a family of four in the city was about \$86,000. Yet median home
3 prices suggest that nearly twice that income is needed to be able to a dwelling suitable for a
4 family that size. Only an estimated 10% of households in the City can afford a median-priced
5 home.

6 The Association of Bay Area Governments' (ABAG) Regional Housing Needs
7 Determination (RHND) forecasts that San Francisco must produce over 31,000 new units in
8 the next five years, or over 6,000 new units of housing annually, to meet projected needs. At
9 least 60%, or over 18,000, of these new units should be available to households of very low,
10 low, and moderate incomes. With land in short supply in the City, it is increasingly clear that
11 the City's formerly industrial areas offer a critical source of land where this great need for
12 housing, particularly affordable housing, can be partially addressed.

13 San Francisco's Housing Element establishes the Eastern Neighborhoods as a target
14 area for development of new housing to meet San Francisco's identified housing targets. The
15 release of some of the area's formerly industrial lands, no longer needed to meet current
16 industrial or PDR needs, offer an opportunity to achieve higher affordability, and meet a
17 greater range of need. The Mission, Showplace Square - Potrero Hill, East SoMa, Western
18 SoMa and Central Waterfront Area Plans of the General Plan (Eastern Neighborhoods Plans)
19 thereby call for creation of new zoning intended specifically to meet San Francisco's housing
20 needs, through higher affordability requirements and through greater flexibility in the way
21 those requirements can be met, as described in Section 419. To support this new housing,
22 other land uses, including PDR businesses, retail, office and other workplace uses will also
23 grow in the Eastern Neighborhoods.

24 . . .

25

1 **D. Programmed Improvements.** General public improvements and amenities needed
2 to meet the needs of both existing residents, as well as those needs generated by new
3 development, have been identified through the community planning processes of the Area
4 Plans, In the Mission, Showplace Square, Potrero Hill, Eastern SoMa and Central Waterfront Areas,
5 these general public improvements and amenities were based on the standards-based analysis
6 contained in the Eastern Neighborhoods Needs Assessment, San Francisco Planning
7 Department, Case No. 2004.0160UU on file with the Clerk of the Board in File No. 081155,
8 and on community input during the Plan adoption process. The Planning Department
9 developed generalized cost estimates, based on similar project types implemented by the City
10 in the relevant time period, to provide reasonable approximates for the eventual cost of
11 providing necessary Public Benefits in the Plan Areas (information on these cost estimates is
12 located in the Eastern Neighborhoods and Western SoMa Public Benefits Program Documents).
13 However specific public improvements are still under development and will be further clarified
14 through interdepartmental efforts with input from the Interagency Plan Implementation
15 Committee, the Citizens Advisory Committee, and other stakeholders. Specific project
16 identification, design work, engineering, and environmental review will still be required and
17 may alter the nature of the improvements, as well as the sum total of the cost for these
18 improvements.

19 **E. Eastern Neighborhoods Impact Fee.** Development impact fees are an effective
20 approach to mitigate impacts associated with growth in population. The proposed Eastern
21 Neighborhoods Impact Fee would be dedicated to infrastructure improvements in the Plan
22 Area, directing benefits of the fund clearly to those who pay into the fund, by providing
23 necessary infrastructure improvements and housing needed to serve new development. The
24 net increases in individual property values in these areas due to the enhanced neighborhood
25

1 amenities financed with the proceeds of the fee are expected to exceed the payments of fees
2 by project sponsors.

3 The fee rate has been calculated by the Planning Department based on accepted
4 professional methods for the calculation of such fees, and described fully in the Eastern
5 Neighborhoods and Western SoMa Nexus Studies, San Francisco Planning Department, Case
6 No. 2004.0160UU and 2008.0877 on file with the Clerk of the Board in File No. 081155 for the
7 Mission, Showplace Square, Potrero Hill, East SoMa and Central Waterfront Areas, and File No.
8 130002 for the Western SoMa Plan Area. The Eastern Neighborhoods and Western SoMa Public
9 Benefits Program Document contains a full discussion of impact fee rationale.

10 The proposed fee would cover less than the full nexus as calculated by the Eastern
11 Neighborhoods Nexus Studies. The proposed fees only cover impacts caused by new
12 development and are not intended to remedy existing deficiencies. Those costs will be paid
13 for by public, community, and other private sources as described in the Eastern
14 Neighborhoods Public Benefits Program. Residential and non-residential impact fees are only
15 one of many revenue sources necessary to create the "complete neighborhoods" that will
16 provide appropriate amenities for residents of the Eastern Neighborhoods.

17 **SEC. 423.2. DEFINITIONS.**

18 (a) In addition to the definitions set forth in Section 401 of this Article, the following
19 definitions shall govern interpretation of Section 423.1 et seq.

20 (1) **Tier 1.**

21 (A) All development on sites which received a height increase of eight
22 feet or less, or received a reduction in height, as part of the Eastern Neighborhoods Plan (on
23 file with the Clerk of the Board of Supervisors in File No. 081154 or the Western SoMa
24 Community Plan (on file with the Clerk of the Board of Supervisors in File No. 130001);

25 (B) The residential portion of all 100% affordable housing projects;

1 (C) The residential portion of all projects within the Urban Mixed Use
2 (UMU) district; and

3 (D) All changes of use within existing structures.

4 (2) **Tier 2.** All additions to existing structures or new construction on other sites
5 not listed in subsection (1) above which received a height increase of nine to 28 feet as part of
6 the Eastern Neighborhoods Plan (on file with the Clerk of the Board of Supervisors in File No.
7 081154) or the Western SoMa Community Plan (on file with the Clerk of the Board of Supervisors in
8 File No. 130001);

9 For the purposes of this Section, increase in heights in the WMUG District in Assessor's Blocks
10 3733 and 3752 shall be measured by the base height (as defined in Section 263.11) prior to the effective
11 date of the Western SoMa Plan (Ordinance No. _____);

12 (3) **Tier 3.** All additions to existing structures or new construction on other sites
13 not listed in subsection (1) above which received a height increase of 29 feet or more as part
14 of the Eastern Neighborhoods Plan (on file with the Clerk of the Board of Supervisors in File
15 No. 081154) or the Western SoMa Community Plan (on file with the Clerk of the Board of Supervisors
16 in File No. 130001).

17 For purposes of this Section, increase in heights in the MUR District shall be measured
18 by the base height (as defined in Section 263.11) prior to the effective date of the Eastern
19 Neighborhoods (Ordinance #298-08).

20 **SEC. 423.3. APPLICATION OF EASTERN NEIGHBORHOODS INFRASTRUCTURE**
21 **IMPACT FEE.**

22 . . .

1 (d) **Option for In-Kind Provision of Community Improvements and Fee Credits.**

2 Project sponsors may propose to directly provide community improvements to the City. In
3 such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor
4 and issue a fee waiver for the Eastern Neighborhoods Infrastructure Impact Fee from the
5 Planning Commission, subject to the following rules and requirements:

6 (1) **Approval criteria.** The City shall not enter into an In-Kind Agreement unless
7 the proposed in-kind improvements meet an identified community need as analyzed in the
8 Eastern Neighborhoods Community Improvements Program and where they substitute for
9 improvements that could be provided by the Eastern Neighborhoods ~~Community Improvements~~
10 Public Benefits Fund (as described in Section 423.5). The City may reject in-kind
11 improvements if they are not consistent with the priorities identified in the Eastern
12 Neighborhoods Area Plans (Central Waterfront, East SoMa, Western SoMa, Mission, and
13 Showplace Square/Potrero Hill), by the Interagency Plan Implementation Committee (see
14 Section 36 of the Administrative Code), the Eastern Neighborhoods Citizens Advisory
15 Committee, or other prioritization processes related to Eastern Neighborhoods Citizens
16 community improvements programming. No physical improvement or provision of space
17 otherwise required by the Planning Code or any other City Code shall be eligible for
18 consideration as part of this In-Kind Improvements Agreement.

19 (2) **Valuation.** The Director of Planning shall determine the appropriate value of
20 the proposed in-kind improvements. For the purposes of calculating the total value, the project
21 sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind
22 improvement(s) from two independent sources or, if relevant, real estate appraisers. If the City
23 has completed a detailed site-specific cost estimate for a planned improvement this may
24 serve as one of the cost estimates provided it is indexed to current cost of construction.

1 **(3) Content of the In-Kind Improvements Agreement.** The In-Kind

2 Improvements Agreement shall include at least the following items:

3 (i) A description of the type and timeline of the proposed in-kind
4 improvements.

5 (ii) The appropriate value of the proposed in-kind improvement, as
6 determined in subsection (2) above.

7 (iii) The legal remedies in the case of failure by the project sponsor to
8 provide the in-kind improvements according to the specified timeline and terms in the
9 agreement. Such remedies shall include the method by which the City will calculate accrued
10 interest.

11 **(4) Approval Process.** The Planning Commission must approve the material

12 terms of an In-Kind Agreement. Prior to the parties executing the Agreement, the City
13 Attorney must approve the agreement as to form and to substance. The Director of Planning
14 is authorized to execute the Agreement on behalf of the City. If the Planning Commission
15 approves the In-Kind Agreement, it shall waive the amount of the Eastern Neighborhoods
16 Infrastructure Impact Fee by the value of the proposed In-Kind Improvements Agreement as
17 determined by the Director of Planning. No credit shall be made for land value unless
18 ownership of the land is transferred to the City or a permanent public easement is granted, the
19 acceptance of which is at the sole discretion of the City. The maximum value of the In-Kind
20 Improvements Agreement shall not exceed the required Eastern Neighborhoods Infrastructure
21 Impact Fee.

22 **(5) Administrative Costs.** Project sponsors that pursue an In-Kind

23 Improvements Agreement will be billed time and materials for any administrative costs that the
24
25

1 Planning Department or any other City entity incurs in negotiating, drafting, and monitoring
2 compliance with the In-Kind Improvements Agreement.

3 . . .

4 **SEC. 423.5. THE EASTERN NEIGHBORHOODS PUBLIC BENEFITS FUND.**

5 . . .

6 (b) Expenditures from the Fund shall be recommended by the Planning Commission,
7 and administered by the Board of Supervisors.

8 (1) All monies deposited in the Fund or credited against Fund obligations shall be
9 used to design, engineer, acquire, and develop and improve public open space and
10 recreational facilities; transit, streetscape and public realm improvements; and community
11 facilities including child care and library materials, as defined in the Eastern Neighborhoods
12 and Western SoMa Nexus Studies; or housing preservation and development within the Eastern
13 Neighborhoods Plan Area. Funds may be used for childcare facilities that are not publicly
14 owned or "publicly-accessible." Funds generated for 'library resources' should be used for
15 materials in branches that directly service Eastern Neighborhoods residents. Monies from the
16 Fund may be used by the Planning Commission to commission economic analyses for the
17 purpose of revising the fee, and/or to complete an updated nexus study to demonstrate the
18 relationship between development and the need for public facilities if this is deemed
19 necessary.

20 (2) Funds may be used for administration and accounting of fund assets, for
21 additional studies as detailed in the Eastern Neighborhoods Public Benefits Program
22 Document, and to defend the Community Stabilization fee against legal challenge, including
23 the legal costs and attorney's fees incurred in the defense. Administration of this fund includes
24 time and materials associated with reporting requirements, facilitating the Eastern
25

1 Neighborhoods Citizens Advisory Committee meetings, and maintenance of the fund. All
2 interest earned on this account shall be credited to the Eastern Neighborhoods Public
3 Benefits Fund.

4 (c) Funds shall be deposited into specific accounts according to the improvement type
5 for which they were collected. Funds from a specific account may be used towards a different
6 improvement type, provided said account or fund is reimbursed over a five-year period of fee
7 collection. Funds shall be allocated to accounts by improvement type as described below:

8 (1) Funds collected from all zoning districts in the Eastern Neighborhoods
9 Program Area, excluding Designated Affordable Housing Zones shall be allocated to accounts
10 by improvement type according to Table 423.5.

11 (2) Funds collected in designated affordable housing zones (Mission NCT and
12 MUR (as defined in 401), shall be allocated to accounts by improvement type as described in
13 Table 423.5A. The revenue devoted to affordable housing preservation and development shall
14 be deposited into a specific amount to be held by the Mayor's Office of Housing.

15 A. All funds collected from projects in the Mission NCT that are
16 earmarked for affordable housing preservation and development shall be expended on
17 housing programs and projects within the Mission Area Plan boundaries.

18 B. All funds collected from projects in the MUR that are earmarked for
19 affordable housing preservation and development shall be expended on housing programs
20 and projects shall be expended within the boundaries of 5th to 10th Streets/Howard to
21 Harrison Streets.

22 C. Collectively, the first \$10 million in housing fees collected between the
23 two Designated Affordable Housing Zones shall be utilized for the acquisition and
24 rehabilitation of existing housing.

25

1 (3) All funds are supported by the Eastern Neighborhoods *and Western SoMa*
2 Nexus Studies, San Francisco Planning Department, Case No. 2004.0160 *and 2008-0877*,
3 and monitored according to the Eastern Neighborhoods Area Plans Monitoring Program
4 required by the Administrative Code Section 10E and detailed by separate resolution.

5 . . .

6 **SEC. 429.2. APPLICATION.**

7 This section shall apply to:

8 . . .

9 (b) all non-residential projects that involve construction of a new building or addition of
10 floor area in excess of 25,000 square feet and that have submitted their first complete
11 Development Application on or after January 1, 2013 on the following parcels:

12 (1) all parcels in RH-DTR, TB-DTR, SB-DTR, SLI, SLR, SSO, C-M, ~~and~~ UMU,
13 WMUG, WMUO and SALI Districts;

14 (2) properties that are zoned MUG, MOU, or MUR and that are north of
15 Division/Duboce/13th Streets; and

16 (3) all parcels zoned C-2 except for those on Blocks 4991 (Executive Park) and
17 7295 (Stonestown Galleria Mall).

18 For the purposes of this Section, a "Development Application" shall mean any
19 application for a building permit, site permit, environmental review, Preliminary Project
20 Assessment (PPA), Conditional Use, or Variance.

21 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL DISTRICTS.**

22 . . .

23 (f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in
24 all Neighborhood Commercial Districts subject to the limits set forth below.

25

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

2 **(A) Window Signs.** The total area of all window signs, as defined in
3 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
4 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

5 **(B) Wall Signs.** The area of all wall signs shall not exceed one square
6 foot per square foot of street frontage occupied by the business measured along the wall to
7 which the signs are attached, or 50 square feet for each street frontage, whichever is less.
8 The height of any wall sign shall not exceed 15 feet or the height of the wall to which it is
9 attached. Such signs may be nonilluminated or indirectly illuminated; or during business
10 hours, may be directly illuminated.

11 **(C) Projecting Signs.** The number of projecting signs shall not exceed
12 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24
13 square feet. The height of such sign shall not exceed 15 feet or the height of the wall to which
14 it is attached. No part of the sign shall project more than 75 percent of the horizontal distance
15 from the street property line to the curblineline, or six feet six inches, whichever is less. The sign
16 may be nonilluminated or indirectly illuminated, or during business hours, may be directly
17 illuminated.

18 **(D) Signs on Awnings.** Sign copy may be located on permitted awnings
19 in lieu of wall signs and projecting signs. The area of such sign copy as defined in Section
20 602.1(c) shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly
21 illuminated.

22 **(2) NC-2, NCT-2, NC-S, Broadway, Castro Street, Inner Clement Street,**
23 **Outer Clement Street, Upper Fillmore Street, Inner Sunset, Haight Street, Hayes-Gough,**
24 **Upper Market Street, North Beach, Ocean Avenue, Pacific Avenue, Polk Street,**
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1 **Sacramento Street, SoMa, Union Street, Valencia Street, 24th Street - Mission, 24th**
2 **Street - Noe Valley, West Portal Avenue, *and* Glen Park, RCD, Folsom Street**
3 **Neighborhood Commercial Districts.**

4 (A) **Window Signs.** The total area of all window signs, as defined in
5 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
6 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

7 (B) **Wall Signs.** The area of all wall signs shall not exceed two square
8 feet per foot of street frontage occupied by the use measured along the wall to which the
9 signs are attached, or 100 square feet for each street frontage, whichever is less. The height
10 of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the
11 height of the lowest of any residential windowsill on the wall to which the sign is attached,
12 whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

13 (C) **Projecting Signs.** The number of projecting signs shall not exceed
14 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24
15 square feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which
16 it is attached, or the height of the lowest of any residential windowsill on the wall to which the
17 sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of
18 the horizontal distance from the street property line to the curblin, or six feet six inches,
19 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
20 business hours, may be directly illuminated.

21 (D) **Signs on Awnings and Marquees.** Sign copy may be located on
22 permitted awnings or marquees in lieu of projecting signs. The area of such sign copy as
23 defined in Section 602.1(c) shall not exceed 30 square feet. Such sign copy may be
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1 nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters
2 or places of entertainment may be directly illuminated during business hours.

3 (E) **Freestanding Signs and Sign Towers.** With the exception of
4 automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4), one
5 freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign, if the
6 building or buildings are recessed from the street property line. The existence of a
7 freestanding business sign shall preclude the erection of a freestanding identifying sign on the
8 same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
9 shall not exceed 20 square feet nor shall the height of the sign exceed 24 feet. No part of the
10 sign shall project more than 75 percent of the horizontal distance from the street property line
11 to the curblineline, or six feet, whichever is less. Such signs may be nonilluminated or indirectly
12 illuminated; or during business hours, may be directly illuminated.

13 (3) **Mission Street NCT, NC-3, and NCT-3 Neighborhood Commercial**
14 **Districts.**

15 (A) **Window Signs.** The total area of all window signs, as defined in
16 Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are
17 located. Such signs may be nonilluminated, indirectly illuminated, or directly illuminated.

18 (B) **Wall Signs.** The area of all wall signs shall not exceed three square
19 feet per foot of street frontage occupied by the use measured along the wall to which the
20 signs are attached, or 150 square feet for each street frontage, whichever is less. The height
21 of any wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the
22 height of the lowest of any residential windowsill on the wall to which the sign is attached,
23 whichever is lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

1 (C) **Projecting Signs.** The number of projecting signs shall not exceed
2 one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed 32
3 square feet. The height of the sign shall not exceed 24 feet, or the height of the wall to which it
4 is attached, or the height of the lowest of any residential windowsill on the wall to which the
5 sign is attached, whichever is lower. No part of the sign shall project more than 75 percent of
6 the horizontal distance from the street property line to the curblin, or six feet six inches,
7 whichever is less. Such signs may be nonilluminated, indirectly, or directly illuminated.

8 (D) **Sign Copy on Awnings and Marquees.** Sign copy may be located
9 on permitted awnings or marquees in lieu of projecting signs. The area of such sign copy, as
10 defined in Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be
11 nonilluminated or indirectly illuminated; except that sign copy on marquees for movie theaters
12 or places of entertainment may be directly illuminated during business hours.

13 (E) **Freestanding Signs and Sign Towers.** With the exception of
14 automotive gas and service stations, which are regulated under Paragraph 607.1(f)(4) of this
15 Code, one freestanding sign or sign tower per lot shall be permitted in lieu of a projecting sign
16 if the building or buildings are recessed from the street property line. The existence of a
17 freestanding business sign shall preclude the erection of a freestanding identifying sign on the
18 same lot. The area of such freestanding sign or sign tower, as defined in Section 602.1(a),
19 shall not exceed 30 square feet nor shall the height of the sign exceed 24 feet. No part of the
20 sign shall project more than 75 percent of the horizontal distance from the street property line
21 to the curblin, or six feet, whichever is less. Such signs may be nonilluminated or indirectly
22 illuminated, or during business hours, may be directly illuminated.

23 (4) **Special Standards for Automotive Gas and Service Stations.** For
24 automotive gas and service stations in Neighborhood Commercial Districts, only the following
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1 signs are permitted, subject to the standards in this Paragraph (f)(4) and to all other standards
2 in this Section 607.1.

3 (A) A maximum of two oil company signs, which shall not extend more
4 than 10 feet above the roofline if attached to a building, or exceed the maximum height
5 permitted for freestanding signs in the same district if freestanding. The area of any such sign
6 shall not exceed 180 square feet, and along each street frontage, all parts of such a sign or
7 signs that are within 10 feet of the street property line shall not exceed 80 square feet in area.
8 No such sign shall project more than five feet beyond any street property line. The areas of
9 other permanent and temporary signs as covered in Subparagraph (B) below shall not be
10 included in the calculation of the areas specified in this Subparagraph.

11 (B) Other permanent and temporary business signs, not to exceed 30
12 square feet in area for each such sign or a total of 180 square feet for all such signs on the
13 premises. No such sign shall extend above the roofline if attached to a building, or in any case
14 project beyond any street property line or building setback line.

15 . . .

16 **SEC. 702.1. NEIGHBORHOOD COMMERCIAL USE DISTRICTS.**

17 (a) The following districts are established for the purpose of implementing the
18 Commerce and Industry element and other elements of the General Plan, according to the
19 objective and policies stated therein. Description and Purpose Statements outline the main
20 functions of each Neighborhood Commercial (NC) District in the Zoning Plan for San
21 Francisco, supplementing the statements of purpose contained in Section 101 of this Code.

22 The description and purpose statements and land use controls applicable to each of
23 the general and individual area districts are set forth in Sections 710.1 through 784 of this Code
24 for each district class. The boundaries of the various Neighborhood Commercial Districts are
25

1 shown on the Zoning Map referred to in Sections 105 and 106 of this Code, subject to the
 2 provisions of that Section.

<u>Named</u> Neighborhood Commercial Individual Area Districts	Section Number
...	
<i>Glen Park Neighborhood Commercial Transit District</i>	<u>§ 738.1</u>
<i>Noriega Street Neighborhood Commercial District</i>	<u>§ 739.1</u>
<i>Irving Street Neighborhood Commercial District</i>	<u>§ 740.1</u>
<i>Taraval Street Neighborhood Commercial District</i>	<u>§ 741.1</u>
<i>Judah Street Neighborhood Commercial District</i>	<u>§ 742.1</u>
<i>Folsom Street Neighborhood Commercial Transit District</i>	<u>§ 743.1</u>
<i>Regional Commercial District</i>	<u>§ 744.1</u>

16 (b) The following districts are Neighborhood Commercial Transit (NCT) Districts,
 17 including both general area districts and individual area districts identified by street or area
 18 name. These districts are a subset of the Neighborhood Commercial (NC) Districts.

Neighborhood Commercial Transit Districts	Section Number
...	
<i>Folsom Street Neighborhood Commercial Transit District</i>	<u>§ 743.1</u>

23 **SEC. 703.2. USES PERMITTED IN NEIGHBORHOOD COMMERCIAL DISTRICTS.**

24 ...

1 (b) **Use Limitations.** The uses permitted in Neighborhood Commercial Districts are
 2 either principal, conditional, accessory, or temporary uses as stated in this Section, and
 3 include those uses set forth or summarized and cross-referenced in the zoning control
 4 categories as listed in *Paragraph (a) in Sections 710.1 through 737.1* of this Code for each district
 5 class.

6 (1) **Permitted Uses.** All permitted uses shall be conducted within an enclosed building
 7 in Neighborhood Commercial Districts, unless otherwise specifically allowed in this Code.
 8 Exceptions from this requirement are: uses which, when located outside of a building, qualify
 9 as an outdoor activity area, as defined in Section 790.70 of this Code; accessory off-street
 10 parking and loading and other uses listed below which function primarily as open-air uses, or
 11 which may be appropriate if located on an open lot, outside a building, or within a partially
 12 enclosed building, subject to other limitations of this Article 7 and other sections of this Code.

No.	Zoning Control Category
.56	Automobile Parking
.57	Automotive Gas Station
.58	Automotive Service Station
.60	Automotive Wash
.61	Automobile Sale or Rental
.81	Other Institutions, Large (selected)
.83	Public Use (selected)
.95	Community Residential Parking

1 If there are two or more uses in a structure and none is classified below under Section
2 703.2(b)(1)(C) of this Code as accessory, then each of these uses will be considered
3 separately as independent principal, conditional or temporary uses.

4 (A) **Principal Uses.** Principal uses are permitted as of right in a Neighborhood
5 Commercial District, when so indicated in ~~Sections 710.1 through 737.1~~ of this Code for each
6 district class.

7 (B) **Conditional Uses.** Conditional uses are permitted in a Neighborhood Commercial
8 District when authorized by the Planning Commission; whether a use is conditional in a given
9 district is indicated in ~~Sections 710.10 through 737.1~~ of this Code. Conditional uses are subject to
10 the provisions set forth in Sections 178, 179, 303, and 316 through 316.6 of this Code.

11 (i) An establishment which sells beer or wine with motor vehicle fuel is a conditional
12 use, and shall be governed by Section 229.

13 (ii) Notwithstanding any other provision of this Article, a change in use or demolition of
14 a movie theater use, as set forth in Section 790.64, shall require conditional use authorization.

15 This Subsection shall not authorize a change in use if the new use or uses are
16 otherwise prohibited.

17 (iii) Notwithstanding any other provision of this Article, a change in use or demolition of
18 a general grocery store use, as defined in Section 790.102(a), which use exceeds 5,000 gross
19 square feet shall require conditional use authorization. This Subsection shall not authorize a
20 change in use if the new use or uses are otherwise prohibited.

21 (iv) Large-Scale Urban Agriculture, as defined in Section 102.35(b), shall require
22 conditional use authorization.

1 (C) **Accessory Uses.** Except as prohibited in Section 728 and subject to the limitations
2 set forth below and in Sections 204.1 (Accessory Uses for Dwelling Units in R and NC
3 Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading
4 as Accessory Uses) of this Code, a related minor use which is either necessary to the
5 operation or enjoyment of a lawful principal use or conditional use, or is appropriate, incidental
6 and subordinate to any such use, shall be permitted as an accessory use when located on the
7 same lot. Any use which does not qualify as an accessory use shall be classified as a
8 principal or conditional use, unless it qualifies as a temporary use under Sections 205 through
9 205.4 of this Code.

10 No use will be considered accessory to a permitted principal or conditional use which
11 involves or requires any of the following:

12 (i) The use of more than 1/3 of the total floor area occupied by such use and the
13 principal or conditional use to which it is accessory, except in the case of accessory off-street
14 parking and loading and accessory wholesaling, manufacturing or processing of foods, goods,
15 or commodities;

16 (ii) Any Bar or Restaurant, or any other retail establishment which serves liquor for
17 consumption on-site;

18 (iii) Any Take-Out Food use, as defined in Section 790.122, except for a Take-Out
19 Food use which occupies 1/3 of the total floor area or up to 500 s/f whichever is more
20 restrictive in a general grocery or specialty grocery store. This Take-Out Food use includes
21 the area devoted to food preparation and service and excludes storage and waiting areas;

22 (iv) Any Take-Out Food use, as defined in Section 790.122, except for a Take-Out
23 Food use operating as a minor and incidental use within a Restaurant or Limited-Restaurant
24 use;

1 (v) The wholesaling, manufacturing or processing of foods, goods, or commodities on
2 the premises of an establishment which does not also use or provide for retail sale of such
3 foods, goods or commodities at the same location where such wholesaling, manufacturing or
4 processing takes place.

5 (vi) Any retail liquor sales, as defined in Section 790.55, except for beer, wine, and/or
6 liquor sales for the consumption off the premises with a State of California Alcoholic Beverage
7 Control ("ABC") Board License type 20 (off-sale beer and wine) or type 21 (off-sale general)
8 which occupy less than 15% of the gross square footage of the establishment (including all
9 areas devoted to the display and sale of alcoholic beverages) in a general grocery store or
10 specialty grocery store, or Limited-Restaurant use (ABC license type 20 only).

11 (vii) Medical Cannabis Dispensaries as defined in 790.141.

12 The foregoing rules shall not prohibit take-out food activity which operates in conjunction with
13 a Limited-Restaurant or a Restaurant. A Limited-Restaurant or a Restaurant, by definition,
14 includes take-out food as an accessory and necessary part of its operation.

15 (viii) 1 Any other entertainment use, as defined in Section 790.38, except for one that
16 *both (1) involves a Limited Live Performance Permit as set forth in Police Code Section 1060*
17 *et seq. and (2) is located outside of the RCD.*

18 (D) **Temporary Uses.** Temporary uses are permitted uses, subject to the provisions
19 set forth in Section 205 of this Code.

20 (2) **Not Permitted Uses.**

21 (A) Uses which are not specifically listed in this Article are not permitted unless they
22 qualify as a nonconforming use pursuant to Sections 180 through 186.1 of this Code or are
23 determined by the Zoning Administrator to be permitted uses in accordance with Section
24 307(a) of this Code.

1 (B) No use, even though listed as a permitted use, shall be permitted in a
2 Neighborhood Commercial District which, by reason of its nature or manner of operation,
3 creates conditions that are hazardous, noxious, or offensive through the emission of odor,
4 fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried waste, or excessive
5 noise.

6 (C) The establishment of a use that sells alcoholic beverages, other than beer and
7 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 229.
8 Except in the SoMa NCT, where these uses are permitted accessory uses.

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

11 *The following controls are intended to support the economic viability of buildings of historic*
12 *importance within the Folsom NCT and RCD Districts.*

13 *(a) This subsection applies only to buildings that are a designated landmark building per*
14 *Article 10 of the Planning Code, buildings designated as Category I-IV pursuant to Article 11 of this*
15 *Code and located within the Extended Preservation District, or a building listed in or determined*
16 *individually eligible for the National Register of Historic Places or the California Register of*
17 *Historical Resources by the State Office of Historic Preservation.*

18 *(b) All office uses, as defined in Planning Code Section 790.69, are permitted as of right,*
19 *provided that prior to the issuance of any necessary permits, the Zoning Administrator, with the advice*
20 *of the Historic Preservation Commission, determines that allowing the use will enhance the feasibility*
21 *of preserving the building.*

22 *(c) The Historic Preservation Commission shall review the proposed project for compliance*
23 *with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any applicable provisions*
24 *of the Planning Code.*

1 **SEC. 743.1. FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**

2 *The Folsom Street Neighborhood Commercial Transit District (Folsom Street NCT) is located*
3 *along Folsom Street in the Western SoMa area, generally between 7th Street and 10th Streets.*

4 *The Folsom Street NCT has a pattern of ground floor commercial and upper story residential*
5 *units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above*
6 *the ground story and at residential levels. Active, neighborhood-serving commercial development is*
7 *required at the ground story where transparency and fenestration requirements add to the activation at*
8 *the street level. While offices and general retail sales uses may locate on the second story, most*
9 *commercial uses are prohibited above the second story. In order to protect the balance and variety of*
10 *retail use, bars and restaurants are permitted on the ground floor, and liquor stores are allowed with a*
11 *conditional use. Continuous non-residential frontage is promoted by prohibiting drive-up facilities,*
12 *some automobile uses, and permitting a mix of commercial and production, distribution, and repair*
13 *uses. Parking is required to be setback if above grade or locate below ground. Active, pedestrian-*
14 *oriented ground floor uses are required.*

15 *Housing development in new buildings is encouraged above the ground story, and student*
16 *housing is only permitted in newly constructed buildings. Housing density is not controlled by the size*
17 *of the lot or by density controls, but by bedroom counts. Given the area's central location and*
18 *accessibility to the City's transit network, parking for residential and commercial uses is not required.*

19 **Table 743**

20 **FOLSOM STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT ZONING**

21 **CONTROL TABLE**

			<u>Folsom Street</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			

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<u>743.10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105, 106, 250--252, 260, 270, 271</u>	<u>65-X to 75-X. See Sectional Zoning Maps 1 and 7. Height sculpting required on narrow streets, §261.1</u>
<u>743.11</u>	<u>Lot Size [Per Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 9,999 sq. ft. C 10,000 sq. ft. & above</u>
<u>743.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at the second story and above and at all residential levels</u>
<u>743.13a</u>	<u>Street Frontage, Above-Grade Parking Setback and Active Uses</u>	<u>§ 145.1</u>	<u>Minimum 25 feet on ground floor, 15 feet on floors above</u>
<u>743.13b</u>	<u>Street Frontage, Required Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>None.</u>
<u>743.13c</u>	<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>Requirements apply.</u>
<u>743.14</u>	<u>Awning</u>	<u>§§ 136.1(a), 790.20</u>	<u>P</u>
<u>743.15</u>	<u>Canopy</u>	<u>§§ 136.1(b), 790.26</u>	<u>P</u>
<u>743.16</u>	<u>Marquee</u>	<u>§§ 136.1(c), 790.58</u>	<u>P</u>

1	<u>743.</u>			
2	<u>17</u>	<u>Street Trees</u>	<u>§ 138.1</u>	<u>Required</u>
3	<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
4			<u>§§ 102.9, 102.11,</u>	
5	<u>743.</u>	<u>Floor Area Ratio</u>	<u>123, 124(a),</u>	<u>2.5 to 1</u>
6	<u>20</u>		<u>124(b)</u>	
7	<u>743.</u>			<u>P up to 3,999 sq. ft.; C</u>
8	<u>21</u>	<u>Use Size [Non-Residential]</u>	<u>§§ 121.2, 790.130</u>	<u>4,000 sq. ft. & above</u>
9				
10	<u>743.</u>	<u>Off-Street Parking,</u>	<u>§§ 150, 151.1, 153-</u>	<u>None required. Limits set</u>
11	<u>22</u>	<u>Commercial/Institutional</u>	<u>-157, 159--160,</u>	<u>forth in Section 151.1</u>
12			<u>166, 204.5</u>	
13	<u>743.</u>		<u>§§ 150, 152--155,</u>	<u>Generally, none required if</u>
14	<u>23</u>	<u>Off-Street Freight Loading</u>	<u>161(b), 204.5</u>	<u>gross floor area is less than</u>
15				<u>10,000 sq. ft.</u>
16	<u>743.</u>		<u>§§ 790.70,</u>	<u>P at 1st and 2nd Floors if</u>
17	<u>24</u>	<u>Outdoor Activity Area</u>	<u>145.2(a)</u>	<u>located in front; C if</u>
18				<u>located elsewhere</u>
19	<u>743.</u>			
20	<u>25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	<u>NP</u>
21	<u>743.</u>		<u>§§ 145.2(b),</u>	<u>P if recessed 3 ft.; C if not</u>
22	<u>26</u>	<u>Walk-Up Facility</u>	<u>790.140</u>	<u>recessed</u>
23	<u>743.</u>			<u>P 6 a.m.--2 a.m. C 2 a.m.--</u>
24	<u>27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>6 a.m.</u>
25				

1	<u>743.</u>		<u>§§ 262, 602--604,</u>	
2	<u>30</u>	<u>General Advertising Sign</u>	<u>608, 609</u>	<u>NP</u>
3			<u>§§ 262, 602--604,</u>	
4	<u>743.</u>	<u>Business Sign</u>	<u>607.1(f)(2), 608,</u>	<u>P</u>
5	<u>31</u>		<u>609</u>	
6			<u>§§ 262, 602--604,</u>	
7	<u>743.</u>	<u>Other Signs</u>	<u>607.1(c)(d)(g),</u>	<u>P</u>
8	<u>32</u>		<u>608, 609</u>	

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Folsom Street</u>		
			<u>Controls by Story</u>		
		<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<u>743.</u>	<u>Residential</u>	<u>§§ 790.84,</u>			
<u>37</u>	<u>Conversion</u>	<u>207.7, 317</u>	<u>C</u>	<u>C</u>	
<u>743.</u>	<u>Residential</u>	<u>§§ 790.86,</u>			
<u>38</u>	<u>Demolition</u>	<u>207.7, 317</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>743.</u>	<u>Residential</u>	<u>§§ 207.8, 317</u>			
<u>39</u>	<u>Division</u>		<u>C</u>	<u>C</u>	<u>C</u>
<u>-Non-Retail Sales and Services</u>					
	<u>Other Retail</u>				
	<u>Sales and</u>				
<u>743.</u>	<u>Services [Not</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	
<u>40</u>	<u>Listed Below]</u>				

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<u>743.41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>		
<u>743.43</u>	<u>Limited-Restaurant</u>	<u>§ 790.90</u>	<u>P up to 10,000 gsf per lot; NP above</u>		
<u>743.44</u>	<u>Restaurant</u>	<u>§ 790.91</u>	<u>P up to 10,000 gsf per lot; NP above</u>		
<u>743.45</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>C</u>		
<u>743.46</u>	<u>Movie Theater</u>	<u>§ 790.64</u>			
<u>743.47</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>			
<u>743.48</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>			
<u>743.49</u>	<u>Services, Professional; Services, Financial; Services, Medical</u>	<u>§§ 790.110, 790.114, 790.116</u>	<u>P when primarily open to the general public on a client-oriented basis.</u>		
<u>743.</u>	<u>Limited</u>	<u>§ 790.112</u>			

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<u>50</u>	<u>Financial Service</u>				
<u>743.53</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>			
<u>743.54</u>	<u>Massage Establishment</u>	<u>§ 790.60, § 1900 Health Code</u>	<u>C</u>	<u>C</u>	
<u>743.55</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>	<u>P up to 25 rooms per hotel; NP above.</u>	<u>P up to 25 rooms per hotel; NP above.</u>	<u>P up to 25 rooms per hotel; NP above.</u>
<u>743.56</u>	<u>Automobile Parking</u>	<u>§§ 790.8, 790.10, 158.1, 160, 166,</u>			
<u>743.57</u>	<u>Automotive Gas Station</u>	<u>§ 790.14</u>			
<u>743.58</u>	<u>Automotive Service Station</u>	<u>§ 790.17</u>			
<u>743.59</u>	<u>Automotive Repair</u>	<u>§ 790.15</u>	<u>C with no ingress/egress onto alleys, as defined in the</u>		

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			<u>Western SoMa Community Plan, containing RED or RED-MX Districts</u>		
<u>743. 60</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>			
<u>743. 61</u>	<u>Automobile Sale or Rental</u>	<u>§ 790.12</u>			
<u>743. 62</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>	<u>P</u>		
<u>743. 62a</u>	<u>Animal Services</u>	<u>§ 224(c)</u>	<u>P for grooming and daycare only. No 24 hour care.</u>		
<u>743. 63</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>			
<u>743. 64</u>	<u>Mortuary</u>	<u>§ 790.62</u>			
<u>743. 65</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	
<u>743. 65a</u>	<u>Light Manufacturing</u>	<u>§ 790.54(a)</u>	<u>P</u>	<u>P</u>	

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<u>743.65b</u>	<u>Wholesale Sales</u>	<u>§ 790.54(b)</u>	<u>P</u>	<u>P</u>	
<u>743.66</u>	<u>Storage</u>	<u>§ 790.117</u>			
<u>743.68</u>	<u>Fringe Financial</u>	<u>§ 790.111</u>			
<u>743.69c</u>	<u>Neighborhood Agriculture</u>	<u>§ 102.35(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>743.69d</u>	<u>Large-Scale Urban Agriculture</u>	<u>§ 102.35(b)</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>Institutions and Non-Retail Sales and Services</u>					
<u>743.80</u>	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>	—	—	—
<u>743.81</u>	<u>Assembly and Social Service</u>	<u>§ 790.50(a)</u>	<u>C</u>	<u>C</u>	
<u>743.82a</u>	<u>Child Care</u>	<u>§§ 790.50(b), 790.51(a)</u>	<u>P</u>	<u>P</u>	
<u>743.82b</u>	<u>Residential Care, Small</u>	<u>§ 790.51(b)</u>		<u>C</u>	<u>C</u>
<u>743.82c</u>	<u>Religious Facility</u>	<u>§ 790.50(d)</u>			
<u>743.</u>	<u>Elementary</u>	<u>§217(f)</u>	<u>P</u>	<u>P</u>	<u>P</u>

1	<u>82d</u>	<u>School</u>				
2	<u>743.</u>	<u>Secondary</u>				
3	<u>82e</u>	<u>School</u>	<u>§217(g)</u>	<u>P</u>	<u>P</u>	<u>P</u>
4	<u>743.</u>	<u>Postsecondary</u>				
5	<u>82f</u>	<u>school</u>	<u>§217(h)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
6	<u>743.</u>					
7	<u>84</u>	<u>Public Use</u>	<u>§ 790.80</u>	<u>C</u>	<u>C</u>	<u>C</u>
8		<u>Medical</u>				
9	<u>743.</u>	<u>Cannabis</u>	<u>§ 790.141</u>	-	-	-
10	<u>85</u>	<u>Dispensary</u>				
11						
12	<u>743.</u>	<u>Office</u>	<u>§ 790.69</u>	<u>P on first or</u>	<u>P on first or</u>	
13	<u>86</u>			<u>second floor, but</u>	<u>second floor,</u>	
14				<u>not both</u>	<u>but not both</u>	
15		<u>Office uses in</u>				
16		<u>Landmark</u>	<u>§§ 790.69,</u>	<u>P</u>	<u>P</u>	<u>P</u>
17	<u>743.</u>	<u>Historic</u>	<u>703.9</u>			
18	<u>86A</u>	<u>Buildings</u>				
19	<u>RESIDENTIAL STANDARDS AND USES</u>					
20	<u>743.</u>		<u>§§ 145.4,</u>			
21	<u>90</u>	<u>Residential Use</u>	<u>790.88(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>
22			<u>§§ 145.4,</u>			
23	<u>743.</u>	<u>SRO Housing</u>	<u>823,</u>	<u>P</u>	<u>P</u>	<u>P</u>
24	<u>90a</u>		<u>890.88(c)</u>			
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<u>743.90b</u>	<u>Group Housing</u>	§§ <u>145.4, 790.88(b)</u>	<u>C, except NP on lots with more than 25 ft of street frontage</u>	<u>C</u>	<u>C</u>
<u>743.90c</u>	<u>Student Housing</u>	§ <u>102.36</u>	# <u>C in newly constructed buildings; NP otherwise</u>	# <u>C in newly constructed buildings; NP otherwise</u>	# <u>C in newly constructed buildings; NP otherwise</u>
<u>734.91</u>	<u>Residential Density, Dwelling Units</u>	§§ <u>207, 207.1, 207.4, 207.6, 790.88(a)</u>	<u>No density limit.</u>		
<u>743.92</u>	<u>Residential Density, Group Housing</u>	§§ <u>207.1, 790.88(b)</u>	<u>No density limit.</u>		
<u>734.93</u>	<u>Usable Open Space [Per Residential Unit]</u>	§§ <u>135, 136</u>	<u>Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)</u>		
<u>743.94</u>	<u>Off-Street Parking, Residential</u>	§§ <u>145.1, 150, 151.1, 153--157, 159--160, 166, 167</u>	<u>None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit.</u>		

		<u>204.5</u>			
<u>743.95</u>	<u>Community Residential Parking</u>	<u>§§ 145.1, 151.1(f), 155(r), 166, 790.10</u>	<u>NP</u>		

SPECIFIC PROVISIONS FOR FOLSOM STREET NCT DISTRICTS

<u>Article Code Section</u>	<u>Other Code Section</u>	<u>Zoning Controls</u>
<u>§ 743.90C</u> <u>§ 102.36</u>		<u>Existing buildings may not be converted to Student Housing. Student Housing may only be approved in newly constructed buildings through a conditional use authorization pursuant to Section 303.</u>

SEC. 744.1. REGIONAL COMMERCIAL DISTRICT

The Regional Commercial District (RCD) is located along the 9th Street and 10th Street corridors, generally running from Mission Street to Harrison Street, and provides for a wide variety of commercial uses and services to a population greater than the immediate neighborhood. While

providing convenience goods and services to the surrounding neighborhood, the RCD corridors are also heavily trafficked thoroughfares into and out of the City that serve shoppers from other neighborhoods and cities.

Large-scale lots and buildings and wide streets distinguish the RCD from smaller-scaled neighborhood commercial streets, although the district also includes small as well as moderately scaled lots. Buildings typically range in height from two to four stories with occasional taller structures.

A diverse commercial environment is encouraged for the RCD. Eating and drinking establishments, general retail, office, certain auto uses, and production, distribution, and repair uses generally are permitted with certain limitations at the first and second stories. Arts activities are encouraged on all floors, but nighttime entertainment uses are prohibited.

Housing development is encouraged at the second story and above, and permitted on the ground floor on smaller lots. Student housing is not permitted, and existing residential units are protected by limitations on demolitions and conversions.

Table 744

REGIONAL COMMERCIAL DISTRICT

ZONING CONTROL TABLE

			<u>Regional Commercial</u>
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<u>744.</u> <u>10</u>	<u>Height and Bulk Limit</u>	<u>§§ 102.12, 105,</u> <u>106, 250--252, 260,</u> <u>261.1, 263.18, 270,</u> <u>271</u>	<u>55-X, 65-X. See Sectional</u> <u>Zoning Maps 1 and 7.</u> <u>Height sculpting required</u> <u>on narrow streets, §261.1</u>

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<u>744.11</u>	<u>Lot Size [Per Development]</u>	<u>§§ 790.56, 121.1</u>	<u>P up to 10,000 sq. ft.</u> <u>C above 10,000 sq. ft.</u>
<u>744.12</u>	<u>Rear Yard</u>	<u>§§ 130, 134, 136</u>	<u>Required at the second story and above and at all residential levels</u>
<u>744.13a</u>	<u>Street Frontage, Above-Grade Parking Setback and Active Uses</u>	<u>§ 145.1</u>	<u>Minimum 25 feet on ground floor, 15 feet on floors above</u>
<u>744.13b</u>	<u>Street Frontage, Required Ground Floor Commercial</u>	<u>§ 145.4</u>	<u>Requirements apply.</u>
<u>744.13c</u>	<u>Street Frontage, Parking and Loading access restrictions</u>	<u>§ 155(r)</u>	<u>Requirements apply.</u>
<u>744.14</u>	<u>Awning</u>	<u>§§ 136.1(a), 790.20</u>	<u>P</u>
<u>744.15</u>	<u>Canopy</u>	<u>§§ 136.1(b), 790.26</u>	<u>P</u>
<u>744.16</u>	<u>Marquee</u>	<u>§§ 136.1(c), 790.58</u>	<u>P</u>
<u>744.17</u>	<u>Street Trees</u>	<u>§ 138.1</u>	<u>Required</u>
<u>COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES</u>			
<u>744.20</u>	<u>Floor Area Ratio</u>	<u>§§ 102.9, 102.11, 123, 124</u>	<u>2.5 to 1</u>

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<u>744.21</u>	<u>Use Size [Non-Residential]</u>	<u>§§ 121.2, 790.130</u>	<u>P up to 10,000 sq. ft.; C above; NP above 25,000 sq. ft.</u>
<u>744.22</u>	<u>Off-Street Parking, Commercial/Institutional</u>	<u>§§ 150, 151.1, 153--157, 159--160, 166, 204.5</u>	<u>None required. Limits set forth in Section 151.1</u>
<u>744.23</u>	<u>Off-Street Freight Loading</u>	<u>§§ 150, 152--155, 161(b), 204.5</u>	<u>Generally, none required if gross floor area is less than 10,000 sq. ft.</u>
<u>744.24</u>	<u>Outdoor Activity Area</u>	<u>§§ 145.2(a), 790.70</u>	<u>P at 1st and 2nd Floors if located in front; C if located elsewhere</u>
<u>744.25</u>	<u>Drive-Up Facility</u>	<u>§ 790.30</u>	<u>NP</u>
<u>744.26</u>	<u>Walk-Up Facility</u>	<u>§§ 145.2(b), 790.140</u>	<u>P if recessed 3 ft.; C if not recessed</u>
<u>744.27</u>	<u>Hours of Operation</u>	<u>§ 790.48</u>	<u>P 6 a.m.--2 a.m. C 2 a.m.-6 a.m.</u>
<u>744.30</u>	<u>General Advertising Sign</u>	<u>§§ 262, 602--604, 608, 609</u>	<u>NP</u>
<u>744.31</u>	<u>Business Sign</u>	<u>§§ 262, 602--604, 607.1(f)(2), 608, 609</u>	<u>P</u>

1		<u>§§ 262, 602--604,</u>	
2	<u>744. Other Signs</u>	<u>607.1(c)(d)(g),</u>	<u>P</u>
3	<u>32</u>	<u>608, 609</u>	

<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Regional Commercial</u>		
			<u>Controls by Story</u>		
		<u>§ 790.118</u>	<u>1st</u>	<u>2nd</u>	<u>3rd+</u>
<u>744.3</u>	<u>Residential</u>	<u>§§ 790.84,</u>			
<u>7</u>	<u>Conversion</u>	<u>207.7, 317</u>	<u>C</u>	<u>C</u>	
<u>744.3</u>	<u>Residential</u>	<u>§§ 790.86,</u>			
<u>8</u>	<u>Demolition</u>	<u>207.7, 317</u>	<u>C</u>	<u>C</u>	<u>C</u>
<u>744.3</u>	<u>Residential</u>	<u>§ 207.8, 317</u>			
<u>9</u>	<u>Division</u>		<u>C</u>	<u>C</u>	<u>C</u>
<u>Non-Retail Sales and Services</u>					
<u>744.4</u>	<u>Other Retail</u>				
<u>0</u>	<u>Sales and</u>	<u>§ 790.102</u>	<u>P</u>	<u>P</u>	
	<u>Services [Not</u>				
	<u>Listed Below]</u>				
<u>744.</u>					
<u>41</u>	<u>Bar</u>	<u>§ 790.22</u>	<u>P</u>		
<u>744.4</u>	<u>Limited-</u>		<u>P up to 10,000 gsf</u>		
<u>3</u>	<u>Restaurant</u>	<u>§ 790.90</u>	<u>per lot; NP above</u>		
<u>744.4</u>	<u>Restaurant</u>	<u>§ 790.91</u>	<u>P up to 10,000 gsf</u>		

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<u>4</u>			<i>per lot; NP above</i>		
<u>744.4</u> <u>5</u>	<u>Liquor Store</u>	<u>§ 790.55</u>	<u>C</u>		
<u>744.4</u> <u>6</u>	<u>Movie Theater</u>	<u>§ 790.64</u>			
<u>744.4</u> <u>7</u>	<u>Adult Entertainment</u>	<u>§ 790.36</u>			
<u>744.4</u> <u>8</u>	<u>Other Entertainment</u>	<u>§ 790.38</u>			
<u>744.4</u> <u>9</u>	<u>Services, Professional; Services, Financial; Services, Medical</u>	<u>§§ 790.110, 790.114, 790.116</u>	<u>P when primarily open to the general public on a client-oriented basis</u>		
<u>744.5</u> <u>0</u>	<u>Limited Financial Service</u>	<u>§ 790.112</u>			
<u>744.5</u> <u>3</u>	<u>Business or Professional Service</u>	<u>§ 790.108</u>			
<u>744.5</u> <u>4</u>	<u>Massage Establishment</u>	<u>§ 790.60, § 1900 Health Code</u>	<u>C</u>	<u>C</u>	
<u>744.5</u>	<u>Tourist Hotel</u>	<u>§ 790.46</u>			

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<u>5</u>					
<u>744.5</u> <u>6</u>	<u>Automobile</u> <u>Parking</u>	<u>§§ 790.8,</u> <u>790.10,</u> <u>158.1, 160,</u> <u>166.</u>	<u>C; subject to criteria</u> <u>of Sec. 158.1.</u>		
<u>744.5</u> <u>7</u>	<u>Automotive Gas</u> <u>Station</u>	<u>§ 790.14</u>			
<u>744.5</u> <u>8</u>	<u>Automotive</u> <u>Service Station</u>	<u>§ 790.17</u>			
<u>744.5</u> <u>9</u>	<u>Automotive</u> <u>Repair</u>	<u>§ 790.15</u>	<u>C with no</u> <u>ingress/egress onto</u> <u>alleys, as defined in</u> <u>the Western SoMa</u> <u>Community Plan,</u> <u>containing RED or</u> <u>RED-MX Districts</u>		
<u>744.6</u> <u>0</u>	<u>Automotive Wash</u>	<u>§ 790.18</u>			
<u>744.6</u> <u>1</u>	<u>Automobile Sale</u> <u>or Rental</u>	<u>§ 790.12</u>			
<u>744.6</u> <u>2</u>	<u>Animal Hospital</u>	<u>§ 790.6</u>			
<u>744.6</u>	<u>Animal Services</u>	<u>§ 224(c)</u>	<u>P for grooming and</u>		

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<u>2a</u>			<u>daycare only. No 24 hour care.</u>		
<u>744.6</u> <u>3</u>	<u>Ambulance Service</u>	<u>§ 790.2</u>			
<u>744.6</u> <u>4</u>	<u>Mortuary</u>	<u>§ 790.62</u>			
<u>744.6</u> <u>5</u>	<u>Trade Shop</u>	<u>§ 790.124</u>	<u>P</u>	<u>C</u>	
<u>744.6</u> <u>5a</u>	<u>Light Manufacturing</u>	<u>§ 790.54(a)</u>	<u>P</u>	<u>P</u>	
<u>744.6</u> <u>5b</u>	<u>Wholesale Sales</u>	<u>§ 790.54(b)</u>	<u>P</u>	<u>P</u>	
<u>744.6</u> <u>6</u>	<u>Storage</u>	<u>§ 790.117</u>			
<u>744.6</u> <u>7</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>	<u>C</u>	
<u>744.6</u> <u>8</u>	<u>Fringe Financial</u>	<u>§ 790.111</u>			
<u>744.6</u> <u>9c</u>	<u>Neighborhood Agriculture</u>	<u>§ 102.35(a)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>744.6</u> <u>9d</u>	<u>Large-Scale Urban Agriculture</u>	<u>§ 102.35(b)</u>	<u>C</u>	<u>C</u>	<u>C</u>

Institutions and Non-Retail Sales and Services

744.8 0	<u>Hospital or Medical Center</u>	<u>§ 790.44</u>			
744.8 1	<u>Assembly and Social Service</u>	<u>§ 790.50(a)</u>	<u>C</u>	<u>C</u>	<u>C</u>
744.8 2a	<u>Child Care</u>	<u>§§ 790.50(b), 790.51(a)</u>	<u>P for 12 children or fewer. C for 13 children or more.</u>	<u>P for 12 children or fewer. C for 13 children or more.</u>	
744.8 2b	<u>Residential Care, Small</u>	<u>§ 790.51(b)</u>		<u>C</u>	<u>C</u>
744.8 2c	<u>Religious Facility</u>	<u>§ 790.50(d)</u>			
744.8 2d	<u>Elementary School</u>	<u>§217(f)</u>	<u>P</u>	<u>P</u>	<u>P</u>
744.8 2e	<u>Secondary School</u>	<u>§217(g)</u>	<u>P</u>	<u>P</u>	<u>P</u>
744.8 2f	<u>Postsecondary school</u>	<u>§217(h)</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>
744.8 4	<u>Public Use</u>	<u>§ 790.80</u>	<u>P</u>	<u>P</u>	<u>P</u>

1		<u>Medical</u>				
2	<u>744.8</u>	<u>Cannabis</u>	<u>§ 790.141</u>			
3	<u>5</u>	<u>Dispensary</u>				
4					<u>P on first</u>	
5		<u>Office</u>	<u>§ 790.69</u>	<u>P on first or second</u>	<u>or second</u>	
6	<u>744.8</u>			<u>floor, but not both</u>	<u>floor, but</u>	
7	<u>6a</u>				<u>not both</u>	
8		<u>Office uses in</u>				
9		<u>Landmark</u>	<u>§§ 790.69,</u>	<u>P</u>	<u>P</u>	<u>P</u>
10	<u>744.8</u>	<u>Historic</u>	<u>703.9</u>			
11	<u>6b</u>	<u>Buildings</u>				
12	<u>RESIDENTIAL STANDARDS AND USES</u>					
13						
14	<u>744.9</u>	<u>Residential Use</u>	<u>§§ 145.4,</u>	<u>P</u>	<u>P</u>	<u>P</u>
15	<u>0</u>		<u>790.88(a)</u>			
16	<u>744.9</u>	<u>SRO Housing</u>	<u>§§ 145.4,</u>		<u>P</u>	<u>P</u>
17	<u>0a</u>		<u>823, 890.88(c)</u>			
18				<u>C, except NP on</u>		
19		<u>Group Housing</u>	<u>§§ 145.4,</u>	<u>lots with more than</u>	<u>C</u>	<u>C</u>
20	<u>744.9</u>		<u>790.88(b)</u>	<u>25 ft of street</u>		
21	<u>0b</u>			<u>frontage</u>		
22	<u>744.9</u>	<u>Student Housing</u>	<u>§§ 145.4, 401</u>			
23	<u>0c</u>					
24	<u>744.9</u>	<u>Residential</u>	<u>§§ 207, 207.1,</u>	<u>No density limit.</u>		
25						

1	<u>1</u>	<u>Density, Dwelling Units</u>	<u>207.4, 207.6,</u> <u>790.88(a)</u>	
2				
3		<u>Residential</u>		
4	<u>744.9</u>	<u>Density, Group</u>	<u>§§ 207.1,</u> <u>790.88(b)</u>	<u>No density limit.</u>
5	<u>2</u>	<u>Housing</u>		
6		<u>Usable Open</u>		
7	<u>744.9</u>	<u>Space [Per</u>	<u>§§ 135, 136</u>	<u>Generally, either 80 sq. ft if private, or 100 sq.</u>
8	<u>3</u>	<u>Residential Unit]</u>		<u>ft. if common</u>
9				
10		<u>Off-Street</u>	<u>§§ 145.1, 150,</u> <u>151.1, 153--</u>	<u>None required. P up to 0.5 parking spaces per</u>
11		<u>Parking,</u>	<u>157, 159--160,</u>	<u>unit; C up to 0.75 parking spaces per unit.</u>
12	<u>744.9</u>	<u>Residential</u>	<u>166, 167</u>	
13	<u>4</u>		<u>204.5</u>	
14				
15		<u>Community</u>	<u>§§ 145.1,</u>	<u>C; subject to</u>
16	<u>744.9</u>	<u>Residential</u>	<u>151.1(f),</u>	<u>criteria of Sec.</u>
17		<u>Parking</u>	<u>155(r), 158.1,</u>	<u>158.1.</u>
18	<u>5</u>		<u>166, 790.10</u>	

SEC. 802.1. MIXED USE DISTRICTS.

...

Districts	Section Number
<u>WMUG – WSoMa Mixed Use – General District</u>	<u>§ 844</u>

<u>WMUO – Western SoMa Mixed Use – Office District</u>	<u>§ 845</u>
<u>SALI – Service/Arts/Light Industrial District</u>	<u>§ 846</u>
<u>RED – MX – Residential Enclave – Mixed District</u>	<u>§ 847</u>

SEC. 802.4. EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

Throughout the Planning Code, the term "Eastern Neighborhoods Mixed Use Districts" refers to the following districts: Residential Enclave District (RED), Residential Enclave – Mixed District (RED-MX), Mixed Use – General (MUG), Western SoMa Mixed Use – General (WMUG), Mixed Use – Office (MUO), Western SoMa Mixed Use – Office (WMUO), Mixed Use – Residential (MUR), South Park District (SPD), Service/Arts/Light Industrial (SALI), and Urban Mixed Use (UMU).

SEC. 802.5. SOUTH OF MARKET MIXED USE DISTRICTS.

Throughout the Planning Code, the term "South of Market Mixed Use Districts" refers to the following districts: Residential Enclave District (RED), Residential/Service District (RSD), Service/Light Industrial (SLI), Service/Light Industrial/Residential (SLR), and Service/Secondary Office (SSO).

SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS AND SOUTH OF MARKET USE MIXED USE DISTRICTS.

(a) **Use Categories.** A use is the specified purpose for which a property or building is used, occupied, maintained, or leased. Whether or not a use is permitted in a specific Eastern Neighborhood Mixed Use District and South of Market Mixed Use District is generally set forth, summarized or cross-referenced in Sections 813.3 through 818 and 840 through ~~843~~ 847 of this Code for each district class.

1 (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts and South of
2 Market Mixed Use Districts are either permitted, conditional, accessory, temporary or are not
3 permitted.

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

7 (A) **Principal Uses.** Principal uses are permitted as of right in an Eastern
8 Neighborhood Mixed Use District and South of Market Mixed Use District, when so indicated
9 in Sections 813 through 818 and 840 through ~~843~~847 of this Code for the district. Additional
10 requirements and conditions may be placed on particular uses as provided pursuant to
11 Section 803.5 through 803.9 and other applicable provisions of this Code.

12 (B) **Conditional Uses.** Conditional uses are permitted in an Eastern
13 Neighborhood Mixed Use District and South of Market Mixed Use District, when authorized by
14 the Planning Commission; whether a use is conditional in a given district is generally indicated
15 in Sections 813 through 818 and 840 through ~~843~~847 of this Code. Conditional uses are
16 subject to the applicable provisions set forth in Sections 178, 179, 263.11, 303, 316, and
17 803.5 through 803.9 of this Code.

18 (i) An establishment which sells beer or wine with motor vehicle
19 fuel is a conditional use, and shall be governed by Section 229.

20 (ii) Notwithstanding any other provision of this Article, a change in
21 use or demolition of a movie theater use, as set forth in Section 890.64, shall require
22 conditional use authorization. This Section shall not authorize a change in use if the new use
23 or uses are otherwise prohibited.

1 (iii) Notwithstanding any other provision of this Article, a change in
2 use or demolition of a general grocery store use, as set forth in Section 890.102(a) and as
3 further defined in Section 790.102(a), shall require conditional use authorization. This
4 Subsection shall not authorize a change in use if the new use or uses are otherwise
5 prohibited.

6 (iv) Large-Scale Urban Agriculture, as defined in Section
7 102.35(b), shall require conditional use authorization.

8 (C) **Accessory Uses.** Subject to the limitations set forth below and in
9 Sections 204.1 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory
10 Uses for Uses Other Than Dwellings in R Districts); 204.4 (Dwelling Units Accessory to Other
11 Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory use is
12 a related minor use which is either necessary to the operation or enjoyment of a lawful
13 principal use or conditional use, or is appropriate, incidental and subordinate to any such use,
14 and shall be permitted as an accessory use in an Eastern Neighborhoods Mixed Use District
15 and South of Market Mixed Use District. In order to accommodate a principal use which is
16 carried out by one business in multiple locations within the same general area, such
17 accessory use need not be located in the same structure or lot as its principal use provided
18 that (1) the accessory use is located within 1,000 feet of the principal use; and (2) the multiple
19 locations existed on April 6, 1990 (the effective date of this amendment). Accessory uses to
20 non-office uses (as defined in Section 890.70) may occupy space which is non-contiguous or
21 on a different story as the principal use so long as the accessory use is located in the same
22 building as the principal use and complies with all other restrictions applicable to such
23 accessory uses. Any use which does not qualify as an accessory use shall be classified as a
24 principal use.

1 No use will be considered accessory to a principal use which involves or requires any
2 of the following:

3 (i) The use of more than one-third of the total occupied floor area
4 which is occupied by both the accessory use and principal use to which it is accessory,
5 combined, except in the case of accessory off-street parking or loading which shall be subject
6 to the provisions of Sections 151, 156 and 157 of this Code;

7 (ii) A hotel, motel, inn, hostel, adult entertainment, massage
8 establishment, large fast food restaurant, or movie theater use in a RED, RED-MX, SPD, RSD,
9 SLR, SLI, SSO, DTR, MUG, WMUG, MUR, MUO, WMUO, SALI or UMU District;

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

14 (iv) Any sign not conforming to the limitations of Section
15 607.2(f)(3).

16 (v) Medical Cannabis Dispensaries as defined in 890.133.

17 (vi) Any nighttime entertainment use, as defined in Section 102.17;
18 provided, however, that a Limited Live Performance Permit as set forth in Police Code Section
19 1060 et seq. is allowed in any District except for ~~(a) an SLI District that is included in the Western~~
20 ~~SoMa Planning Area Special Use District or (b) an RED, RED-MX, RSD, SLR, MUR, WMUG, or~~
21 MUG District.

22 (D) **Temporary Uses.** Temporary uses not otherwise permitted are
23 permitted in Eastern Neighborhoods Mixed Use Districts and South of Market Mixed Use
24 Districts to the extent authorized by Sections 205 through 205.3 of this Code.

1 **SEC. 803.6. FORMULA RETAIL USES IN THE CHINATOWN MIXED USE**
2 **DISTRICTS AND IN THE WESTERN SOMA ~~PLANNING AREA~~ SPECIAL USE DISTRICT.**

3 ...

4 **(b) Formula Retail Uses.**

5 **(1) Formula Retail Uses Permitted as a Conditional Use.** Formula retail uses
6 are permitted in the MUG District, UMU District, Western SoMA ~~Planning Area~~ Special Use
7 District, the Chinatown Community Business District and the Chinatown Residential
8 Neighborhood Commercial District only as a conditional use. When considering an application
9 for a conditional use permit under this Section, the Planning Commission shall consider the
10 criteria defined in Section 303(i) of this Code.

11 **(2) Formula Retail Uses Prohibited.** The establishment of new formula retail
12 uses in the Chinatown Visitor Retail District is prohibited. The establishment of new
13 Restaurant or Limited-Restaurant uses that are also defined as formula retail in any
14 Chinatown Mixed Use Districts is prohibited.

15 ...

16 ~~**SEC. 803.7. PERMIT REVIEW PROCEDURES IN THE WESTERN SOMA PLANNING**~~
17 ~~**AREA SPECIAL USE DISTRICT ESTABLISHED PURSUANT TO SECTION 823 OF THIS**~~
18 ~~**CODE.**~~

19 ~~*All building permit applications for demolition, new construction, alterations which expand the*~~
20 ~~*exterior dimensions of a building, or changes in use to a formula retail use as defined in Section 803.6*~~
21 ~~*of this Code, a bar as defined in Section 890.22, a walk-up facility as defined in Section 890.140, other*~~
22 ~~*institution as defined in Section 890.50, a full-service restaurant as defined in Section 890.92, a large*~~
23 ~~*fast food restaurant as defined in Section 890.91, a small fast-food restaurant as defined in Section*~~
24 ~~*890.90, a massage establishment as defined in Section 890.60, an outdoor activity area as defined in*~~
25 ~~*Section 890.71, or an adult or other entertainment use as defined in Sections 890.36 and 890.37,*~~

1 *respectively, shall be subject to the notification and review procedures required by Section 312 of this*
2 *Code.*

3 **SEC. 803.9. COMMERCIAL USES IN MIXED USE DISTRICTS.**

4 (a) **Preservation of ~~Landmark Buildings, Significant or Contributory Buildings Within the~~**
5 **~~Extended Preservation District and/or Contributory~~ Historic Buildings ~~Within Designated Historic~~**
6 **~~Districts~~ within the South of Market Mixed Use Districts.** Within the South of Market Mixed
7 Use Districts, any use which is permitted as a principal or conditional use within the SSO
8 District, excluding nighttime entertainment use, may be permitted as a conditional use in (a) a
9 landmark building located outside a designated historic district, (b) a contributory building
10 which is proposed for conversion to office use of an aggregate gross square footage of 25,000
11 or more per building and which is located outside the SSO District yet within a designated
12 historic district, or (c) a building designated as significant or contributory pursuant to Article 11
13 of this Code and located within the Extended Preservation District. For all such buildings the
14 following conditions shall apply:

15 (1) the provisions of Sections 316 through 318 of this Code must be met;

16 (2) in addition to the conditional use criteria set out in Sections 303(c)(6) and
17 316 through 316.8, it must be determined that allowing the use will enhance the feasibility of
18 preserving the landmark, significant or contributory building; and

19 (3) the landmark, significant or contributory building will be made to conform
20 with the San Francisco Building Code standards for seismic loads and forces which are in
21 effect at the time of the application for conversion of use.

22 A contributory building which is in a designated historic district outside the SSO District
23 may be converted to any use which is a principal use within the SSO District provided that: (1)
24 such use does not exceed an aggregate square footage of 25,000 per building; and (2) prior
25

1 to the issuance of any necessary permits the Zoning Administrator (a) determines that
2 allowing the use will enhance the feasibility of preserving the contributory building; and (b) the
3 contributory building will be made to conform with the San Francisco Building Code standards
4 for seismic loads and forces which are in effect at the time of the application for conversion of
5 use.

6 ~~(b) Preservation of Historic Buildings within the MUG, MUO, and MUR Districts. The~~
7 ~~following controls are intended to support the economic viability of buildings of historic importance~~
8 ~~within the MUG, MUO, and MUR Districts.~~

9 ~~(1) This subsection applies only to buildings that are a designated landmark building or a~~
10 ~~contributory building within a designated historic district per Article 10 of the Planning Code, or a~~
11 ~~building listed on or determined eligible for the California Register of Historical Resources by the State~~
12 ~~Office of Historic Preservation.~~

13 ~~(2) All uses are permitted as of right, provided that:~~

14 ~~(A) The project does not contain nighttime entertainment.~~

15 ~~(B) Prior to the issuance of any necessary permits, the Zoning Administrator, with the advice of~~
16 ~~the Landmarks Preservation Advisory Board, determines that allowing the use will enhance the~~
17 ~~feasibility of preserving the building.~~

18 ~~(C) Residential uses meet the affordability requirements of the Residential Inclusionary~~
19 ~~Affordable Housing Program set forth in Section 315.1 through 315.9.~~

20 ~~(3) The Landmarks Preservation Advisory Board shall review the proposed project for~~
21 ~~compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any applicable~~
22 ~~provisions of the Planning Code.~~

1 (b) Preservation of Historic Buildings within Certain Eastern Neighborhoods Mixed Use
2 Districts. The following controls are intended to support the economic viability of buildings of historic
3 importance within Eastern Neighborhoods.

4 (1) This subsection applies only to buildings in SPD, MUG, MUO, or MUR Districts
5 that are designated landmark buildings or contributory buildings within a designated historic district
6 per Article 10 of the Planning Code, or buildings listed on or determined eligible for the California
7 Register of Historical Resources by the State Office of Historic Preservation.

8 (A) All uses are principally permitted, provided that:

9 (i) The project does not contain any nighttime entertainment use.

10 (ii) Prior to the issuance of any necessary permits, the Zoning
11 Administrator, with the advice of the Historic Preservation Commission, determines that allowing the
12 use will enhance the feasibility of preserving the building.

13 (iii) Residential uses meet the affordability requirements of the
14 Residential Inclusionary Affordable Housing Program set forth in Section 415 through 415.9.

15 (B) The Historic Preservation Commission shall review the proposed project
16 for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any
17 applicable provisions of the Planning Code.

18 (2) This subsection applies only to buildings in RED and RED-MX Districts that are
19 a designated landmark building per Article 10 of the Planning Code, buildings designated as Category
20 I-IV pursuant to Article 11 of this Code and located within the Extended Preservation District, or a
21 building listed in or determined individually eligible for the National Register of Historic Places or the
22 California Register of Historical Resources by the State Office of Historic Preservation.

1 (A) Retail and office uses, as defined in Planning Code Sections 890.104 and
2 890.70, respectively, are permitted only with conditional use authorization, pursuant to Planning Code
3 Section 303, provided that:

4 (i) The project does not contain any nighttime entertainment use.

5 (ii) Prior to the issuance of any necessary permits, the Zoning
6 Administrator, with the advice of the Historic Preservation Commission, determines that allowing the
7 use will enhance the feasibility of preserving the building.

8 (B) The Historic Preservation Commission shall review the proposed project
9 for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any
10 applicable provisions of the Planning Code.

11 (3) This subsection applies only to buildings in the WMUG District that are a
12 designated landmark building per Article 10 of the Planning Code, buildings designated as Category I-
13 IV pursuant to Article 11 of this Code and located within the Extended Preservation District, or a
14 building listed in or determined individually eligible for the National Register of Historic Places or the
15 California Register of Historical Resources by the State Office of Historic Preservation.

16 (A) Office uses, as defined in Planning Code Section 890.70, are principally
17 permitted, provided that:

18 (i) Prior to the issuance of any necessary permits, the Zoning
19 Administrator, with the advice of the Historic Preservation Commission, determines that allowing the
20 use will enhance the feasibility of preserving the building.

21 (B) The Historic Preservation Commission shall review the proposed project
22 for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and any
23 applicable provisions of the Planning Code.

24 . . .

SEC. 813. RED – RESIDENTIAL ENCLAVE DISTRICT.

Residential Enclave Districts (RED) encompass many of the the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the ~~SLR and MUR Districts~~ South of Market area. Within these predominantly residential enclaves lie a number of vacant parcels, parking lots and other properties in open storage use. These properties are undeveloped or underdeveloped and are viewed as opportunity sites for new, moderate-income, in-fill housing.

The zoning controls for this district are tailored to the design needs and neighborhood characteristics of these enclaves and are intended to encourage and facilitate the development of attractive, compatible and economically feasible in-fill housing while providing adequate residential amenities to the site and neighborhood.

Dwelling units are permitted as a principal use. ~~Social services and institutional uses are permitted as conditional uses. Group housing, retail, entertainment, general commercial and services light industrial uses~~ Nonresidential uses, except art related activities, are not permitted, except for certain uses in historic buildings. Existing commercial activities in nonresidential structures may continue as nonconforming uses subject to the termination requirements of Sections 185 and 186. ~~Live/work units limited to arts activities are permitted within the district as a principal use. Existing live/work units with other nonresidential uses may continue as nonconforming uses.~~

Table 813

RED – RESIDENTIAL ENCLAVE DISTRICT

ZONING CONTROL TABLE

			Residential Enclave
No.	Zoning Category	§ References	Controls

BUILDING STANDARDS			
813.01	Height	See Zoning Map	Generally 40 feet See Sectional Zoning Maps 1, and 7 and 8.
813.02	Bulk	§ 270	See Sectional Zoning Maps 1, and 7 and 8.
USE STANDARDS			
813.03	Residential Density	§§ 124(b), 207.5 , 208	<i>No density limit 1:400 for dwelling units; 1 bedroom for each 140 sq. ft. of lot area for group housing</i>
813.04	Non-Residential Density	§§ 102.9, 123, 124, 127	Generally, 1.0 to 1 floor area ratio
813.05	Usable Open Space for Dwelling Units and Group Housing	§ 135, 823	<i>80 sq. ft. per unit 60 sq. ft. per unit, if private, 80 sq. ft. if common</i>
813.06	Usable Open Space for Live/Work Units in Newly Constructed Buildings or Additions	§ 135.2	36 sq. ft. per unit

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813.07	Usable Open Space for Other Uses	§ 135.3	Varies by use
813.09	Outdoor Activity Area	§ 890.71	<u>NP P</u>
813.10	Walk-up Facility, except <i>Automated Bank Teller Machine</i>	§ 890.140	<u>NP P</u>
813.11	Automated Bank Teller Machine	§ 803.9(d)	NP
813.12	Residential Conversion	§ 803.8(a) 317	<u>NP C</u>
813.13	Residential Demolition	§ 803.8(a) 317	C
USES			
Residential Use			
813.14	Dwelling Units	§ 102.7	P
813.15	Group Housing	§ 890.88(b)	NP
813.16	SRO Units	§ 890.88(c), <u>823</u>	<u>NP P</u>
<u>813.16A</u>	<u>Student Housing</u>	<u>§ 102.36</u>	<u>NP</u>
Institutions			
813.17	Hospital, Medical Centers	§ 890.44	NP
813.18	Residential Care	§ 890.50(e)	<u>NP C</u>

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813.19	Educational Services	§ 890.50(c)	<u>NP</u> €
813.20	Religious Facility	§ 890.50(d)	<u>NP</u> €
813.21	Assembly and Social Service, except Open Recreation or Horticulture	§ 890.50(a)	<u>NP</u> €
813.22	Child Care	§ 890.50(b)	P
813.23	Medical Cannabis Dispensary	§ 890.133	<u>NP</u> P#
Vehicle Parking			
813.25	Automobile Parking Lot, Community Residential	§ 890.7	<u>NP</u> P
813.26	Automobile Parking Garage, Community Residential	§ 890.8	<u>NP</u> €
813.27	Automobile Parking Lot, Community Commercial	§ 890.9	<u>NP</u> P
813.28	Automobile Parking Garage, Community Commercial	§ 890.10	<u>NP</u> €
813.29	Automobile Parking Lot,	§ 890.11	<u>NP</u> P

	Public		
813.30	Automobile Parking Garage, Public	§ 890.12	<u>NP</u> €
Retail Sales and Service			
813.31	All Retail Sales and Service except per § 813.32	§ 890.104	NP
813.32	Retail Sales and Service Use in a <u>Landmark Historic</u> Building or a <i>Contributory Building in an Historic District</i>	§ 803.9(eb)	C
Assembly, Recreation, Arts and Entertainment			
813.37	Nighttime Entertainment	§§ 102.17, 803.5(b), 823	NP
813.38	Meeting Hall, not within § 813.21	§ 221(c)	NP
813.39	Recreation Building, not within § 813.21	§ 221(e)	NP
813.40	Pool Hall, Card Club, not within § 813.21	§§ 221(f), 803.4	NP

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813.41	Theater, falling within § 221(d), except Movie Theater	§§ 221(d), 890.64	NP
Home and Business Service			
813.42	Trade Shop	§ 890.124	NP
813.43	Catering Services	§ 890.25	NP
813.45	Business Goods and Equipment Repair Service	§ 890.23	NP
813.46	Arts Activities, except within a Live/Work Unit	§ 102.2	<u>C</u> NP
813.47	Business Services	§ 890.111	NP
Office			
813.48	Office Uses in <u>Landmark Historic Buildings</u> or Contributory Buildings in Historic Districts	§ 803.9(a <u>b</u>)	C
813.53	All Other Office Uses	§ 890.70	NP
Live/Work Units			
813.54	Live/Work Unit where	§§ 102.2, 102.13,	<u>NP</u> P

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	the Work Activity is an Arts Activity	209.9(f), (g), 233	
813.55	Live/Work Units in Landmark Buildings or Contributory Buildings in Historic Districts	§ 803.9(ab)	<u>NP</u> €
813.56	All Other Live/Work Units	§§ 102.13, 233	NP
Automotive Services			
813.57	Vehicle Storage - Open Lot	§ 890.131	NP
813.58	Vehicle Storage - Enclosed Lot or Structure	§ 890.132	<u>NP</u> P
813.59	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	NP
813.60	Motor Vehicle Repair	§ 890.15	NP
813.61	Motor Vehicle Tow Service	§ 890.19	NP
813.62	Non-Auto Vehicle Sales or Rental	§ 890.69	NP

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813.63	Public Transportation Facility	§ 890.80	NP
Industrial			
813.64	Wholesaling, Storage, Distribution and Open Air Handling of Materials and Equipment, Manufacturing and Processing	§§ 225, 890.54	NP
Other Uses			
813.65	Animal Service	§ 224	NP
813.66	Open Air Sales	§§ 890.38, 803.9(<u>ee</u>)	NP
813.67	Ambulance Service	§ 890.2	NP
813.68	Open Recreation	§§ 209.5(a), 209.5(b)	P
813.69	Public Use, except Public Transportation Facility	§ 890.80	C
813.70	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	<u>NP</u> €

1	813.71	Greenhouse or Plant Nursery	§ 227(a)	NP
2				
3	813.72	Mortuary Establishment	§ 227(c)	NP
4				
5	813.73	General Advertising Sign	§ 607.2(b) & (e)	NP
6				
7	813.74A	Neighborhood Agriculture	§ 102.35(a)	P
8				
9	813.74B	Large-Scale Urban Agriculture	§ 102.35(b)	<u>NP</u> €
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SPECIFIC PROVISIONS FOR RED DISTRICTS

<i>Article Code Section</i>	<i>Other Code Section</i>	<i>Zoning Controls</i>
17 18 19 20 21 22 23 24 25		<p><i>–Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of federal, State</i></p>

		<p><i>or local law, may apply for a medical cannabis dispensary permit in an RED District.</i></p>
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SEC. 822. SOUTH OF MARKET SPECIAL HALL OF JUSTICE LEGAL SERVICES DISTRICT.

The South of Market Special Hall of Justice Legal Services District, as shown on Sectional Map 8SU of the Zoning Map, is governed by Sections 803.9(f), ~~and 817.50 and 846.65b~~ of this Code.

SEC. 823. WESTERN SOMA ~~PLANNING AREA~~ SPECIAL USE DISTRICT.

(a) The Western SoMa ~~Planning Area~~ Special Use District, as shown on Section Maps 1SU, 7SU, and 8SU of the Zoning Map, is governed by Sections 803.6 and 803.7 of this Code, and Board of Supervisors Resolution No. 731-04.

~~(b) The area of the City known as Western South of Market ("Western SoMa") is currently undergoing a comprehensive community-based planning process pursuant to Resolution No. 731-04, which was adopted by the Board of Supervisors on November 23, 2004. Resolution 731-04 established a 22-member Western SoMa Citizens Planning Task Force charged with advising the Board of Supervisors and Planning Commission on future planning for the area. The Western SoMa Planning Area Special Use District will further recognition of the Western SoMa as a special planning area of the City.~~

~~(c) Educational Service uses as defined by Section 890.50(c) in the Western SoMa Planning Area Special Use District are subject to conditional use authorization in accordance with Section 303.~~

(b) **Design Standards.** The construction of new buildings and alteration of existing buildings in the Western SoMa Special Use District shall be consistent with the design policies and guidelines of the "WSoMa Design Standards" as adopted and periodically amended by the Planning Commission.

1 (c) **Controls.** All provisions of the Planning Code shall apply except as otherwise provided in
2 this Section.

3 (1) **Rear Yard.** The requirements of Section 134 shall apply except as follows:

4 (A) **Front setback credit for rear yards in the RED-MX District.** The required
5 rear yard in the RED-MX District may be reduced by the distance of any provided front setback, as
6 measured from the property line to the main building wall. The front setback shall be measured as the
7 line of greatest depth of any portion of the front building wall that occupies at least ½ the width
8 between the side lot lines of the property. However, in no case shall the rear yard be reduced to less
9 than 15 feet.

10 (B) **Modification.** Only corner lots are eligible for rear yard modifications
11 from the Zoning Administrator pursuant to Sections 134(f), 134(e,) and 307(h) of this Code.

12 (2) **Open Space.** The requirements of Section 135 shall apply except as follows:

13 (A) **Publicly Accessible Open Space.** Dwelling units within Eastern
14 Neighborhood Mixed Use Districts shall provide 80 square feet per unit of useable open space
15 regardless of whether the open space is privately or publicly accessible. Off-site, publicly accessible
16 open space shall not qualify as required common open space pursuant to Section 135 of this Code.

17 (B) **Roof decks.** Roof decks shall not qualify as required private or common
18 useable open space pursuant to Section 135 of this Code. For the purpose of this section, a roof deck
19 shall be defined as a deck located on the roof of the highest story of a building, or a deck at the highest
20 story of a building if the enclosed gross floor area of that story is less than 50 percent of the gross
21 square footage of the footprint of the subject building.

22 (3) **Exposure.** The dwelling unit exposure requirements of Section 140 of this Code
23 shall apply to all bedrooms in group housing developments in newly constructed buildings, such that
24 each bedroom faces directly on one of the open areas specified in Section 140.

1 (4) **Nonconforming Uses.** A legal nonconforming nighttime entertainment use located
2 in a building that is demolished may be re-established within a newly constructed replacement building
3 on the same lot with a conditional use authorization pursuant to Section 303 of this Code, and pursuant
4 to the following criteria:

5 (A) The gross floor area of the re-established nonconforming nighttime
6 entertainment use may be increased up to 25 percent more than the area it occupied in the building
7 proposed for demolition;

8 (B) If the nonconforming nighttime entertainment use is not re-established in
9 the new building within three years of vacating the building proposed for demolition it shall be
10 considered abandoned pursuant to Planning Code Section 183.

11 (5) **Vertical Architectural Elements.** Vertical architectural elements, pursuant to
12 Section 263.21 of this Code, shall not be permitted.

13 (6) **Good Neighbor Policies.** Good Neighbor Policies for certain uses in the Eastern
14 Neighborhood Mixed Use Districts, pursuant to Section 803.5(b) of this Code, shall apply throughout
15 the Western SoMa Special Use District regardless of the underlying zoning district.

16 (7) **Single Room Occupancy (SRO) Units.** SRO units, as defined in Section 890.88(c)
17 of this Code, shall have a minimum size of 275 gross square feet.

18 (8) **Recreation Facilities.** The demolition of recreation facilities, as defined in Section
19 890.81 of this Code, shall be governed by the following:

20 (A) Demolition of an existing recreation facility shall require conditional use
21 authorization from the Planning Commission, pursuant to Section 303 of this Code. In granting such
22 conditional use authorization, the Planning Commission must also find the following:

1 (i) The project sponsor demonstrates that the loss of the recreational
2 facility and the associated services to the neighborhood or to the population of existing users can be
3 met by other recreational facilities that:

4 a. are either existing or proposed as part of the associated
5 project;

6 b. are or will be within the boundaries of the Western SoMa
7 Special Use District; and

8 c. will provide similar facilities, services, and affordability as the
9 recreational facility proposed to be removed.

10 (9) **Buffers from nighttime entertainment and animal services.** Additional
11 requirements applicable to nighttime entertainment uses and kennels, as defined in Section 224, are as
12 follows:

13 (A) **Nighttime entertainment.** No portion of a nighttime entertainment use, as
14 defined in Section 102.17 of this Code, shall be permitted within 200 linear feet of any property within
15 a RED or RED-MX District.

16 (B) **Animal Services.** No portion of an animal service use, as defined in
17 Section 224 of this Code, and that operates as a 24-hour facility, shall be permitted within 200 linear
18 feet of an existing building containing a legal residential use, as defined in Section 890.88, within an
19 RED or RED-MX District.

20 ~~(10) Educational Services. Educational Services, as defined by Section~~
21 ~~890.50(c) of this Code, shall require conditional use authorization pursuant to Section 303 of~~
22 ~~this Code.—~~

1 (104) **Formula Retail Uses.** In addition to existing findings required in Planning
2 Code Section 803.6 for formula retail uses requiring conditional use authorization in the Western
3 SoMa Special Use District, the Planning Commission shall consider the following criteria.

4 (A) **Size.** The new formula retail use shall be similar in size to other nearby
5 retail uses. For the purposes of this subsection, “nearby” shall mean all other retail uses on the subject
6 and opposite block face.

7 (B) **Clustering.** The new formula retail use shall have sufficient separation
8 from other formula retail uses in the area and would thereby avoid clustering. For purposes of this
9 subsection, “sufficient separation” shall mean no more than two formula retail uses on the proposed
10 block face and two formula retail uses on the opposite block face.

11 (C) **Design.** The new formula retail use should:
12 (i) not be located in a stand-alone building, have a drive-thru window, or
13 have multiple curb cuts;
14 (ii) be integrated with non-formula uses within the same building or
15 development;
16 (iii) have its primary retail frontage, and provide pedestrian access, from
17 a public sidewalk and not from a parking lot;
18 (iv) provide publicly accessible open space whenever possible.

19 (D) **Other.** The new formula retail use should participate in formalized local
20 resident job hiring programs.

21 (112) **Major Developments Requesting Height Bonuses.**

22 (A) **Applicability.** The controls of this Subsection shall apply to any project
23 that meets all of the following thresholds:

- 24 (i) The project site is greater than .5 acre;
25 (ii) The project is located within a split height district;

1 c. **Site access.** Avoid loading and vehicular entries near
2 pedestrian entries, open space, and high traffic areas, and locations that would disturb other users on
3 the site.

4 d. **Environmental conflicts.** Commercial uses that create
5 noise, fumes, and light shall be designed to minimize any impacts on sensitive users of the site.
6 Buildings shall be designed to minimize the impact of wind and shadows on open spaces on the
7 development site and adjacent properties.

8 e. **Architectural design.** Locate fenestration, decks, doors,
9 and open spaces to minimize potential on-site conflicts between uses and users (e.g. residential and
10 commercial uses).

11 (v) Projects on development sites of 3 acres or greater are permitted to
12 contain up to 24,999 gross square feet of office use, and up to 24,999 gross square feet of retail use,
13 regardless of the controls of the underlying zoning district.

14 (vi) Projects on development sites greater than .5 acre, but less than 3
15 acres, shall be subject to the Tier ~~BAB~~ affordable housing requirements of Section 419.3(b)(2) of this
16 Code. ~~The residential portions of such projects shall also be subject to the Tier 1 Eastern~~
17 ~~Neighborhood infrastructure impact fees, regardless of the Tier level of the subject property.~~

18 **SEC. 844. WMUG— WSOMA MIXED USE – GENERAL DISTRICT**

19 The WSoMa Mixed Use-General (WMUG) District is largely comprised of the low-scale,
20 production, distribution, and repair uses mixed with housing and small-scale retail. The WMUG is
21 designed to maintain and facilitate the growth and expansion of small-scale light industrial, wholesale
22 distribution, arts production and performance/exhibition activities, general commercial and
23 neighborhood-serving retail and personal service activities while protecting existing housing and

encouraging the development of housing at a scale and density compatible with the existing neighborhood.

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

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

Table 844

WMUG— WSOMA MIXED USE – GENERAL DISTRICT

ZONING CONTROL TABLE

		<u>WSoMa Mixed Use-General District</u>	
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING AND SITING STANDARDS</u>			
<u>844.01</u>	<u>Height Limit</u>	<u>See Zoning Map, §§ 260-261.1, 263.20</u>	<u>As shown on Sectional Maps 1 and 7 of the Zoning Map</u> <u>Height sculpting required on narrow streets, §261.1</u>
<u>844.02</u>	<u>Bulk Limit</u>	<u>See Zoning Map, §§ 270, 270.1, 270.2</u>	<u>As shown on Sectional Maps 1 and 7 of the Zoning Map</u> <u>Mid-block alleys required.</u>

1			<u>§270.2</u>
2	844.	<u>Non-residential density</u>	<u>Generally contingent upon</u>
3	03	<u>limit</u>	<u>permitted height, per</u>
4		<u>§§ 102.9, 123, 124,</u>	<u>Section 124</u>
5	844.	<u>Setbacks</u>	<u>Generally not required</u>
6	04	<u>§§ 136, 136.2, 145.1</u>	
7	844.	<u>Awnings and Canopies</u>	<u>P</u>
8	05	<u>§§ 136, 136.1, 136.2</u>	
9	844.	<u>Parking and Loading</u>	<u>None</u>
10	06	<u>Access: Prohibition</u>	
11		<u>§ 155</u>	
12	844.	<u>Parking and Loading</u>	<u>Requirements apply</u>
13	07	<u>Access: Siting and</u>	
14		<u>Dimensions</u>	
15	844.	<u>Off-Street Parking,</u>	<u>None required. Limits set</u>
16	08	<u>Residential</u>	<u>forth in Section 151.1</u>
17	844.	<u>Off-Street Parking, Non-</u>	<u>None required. Limits set</u>
18	10	<u>Residential</u>	<u>forth in Section 151.1</u>
19	844.	<u>Usable Open Space for</u>	
20	11	<u>Dwelling Units and Group</u>	<u>80 sq.ft. per unit</u>
21		<u>Housing</u>	
22	844.	<u>Usable Open Space for</u>	<u>Required; amount varies</u>
23	12	<u>Non-Residential</u>	<u>based on use; may also pay</u>
24		<u>§ 135.3</u>	<u>in-lieu fee</u>
25			

1	844.			<i>P if located in front; C if</i>
2	13	<u>Outdoor Activity Area</u>	<u>§ 890.71</u>	<i>located elsewhere §</i>
3				<i>145.2(a)</i>
4	844.			<i>P 6 a.m.--2 a.m. C 2 a.m.--</i>
5	14	<u>Hours of Operation</u>	<u>§ 890.48</u>	<i>6 a.m.</i>
6	844.			
7	15	<u>General Advertising Sign</u>	<u>§§ 607.2(b) & (e) and</u> <u>611</u>	<i>NP</i>
8	<u>Residential Uses</u>			
9	844.			
10	20	<u>Dwelling Units</u>	<u>§ 102.7</u>	<i>P</i>
11	844.			
12	21	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<i>P</i>
13	844.			
14	22	<u>SRO Units</u>	<u>§§ 823, 890.88(c)</u>	<i>P with minimum SRO unit</i> <i>size of 275 sf</i>
15	844.			
16	23	<u>Student Housing</u>	<u>§102.36</u>	<i># C in newly constructed</i> <i>buildings only. NP</i> <i>otherwise</i>
17	844.			
18	24	<u>Dwelling Unit Density</u> <u>Limit</u>	<u>§§ 124, 207.5, 208</u>	<i>No density limit</i>
19	844.			
20	25	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<i>At least 40% of all dwelling</i> <i>units must contain two or</i> <i>more bedrooms or 30% of</i> <i>all dwelling units must</i>
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1			<u>contain three or more</u>
2			<u>bedrooms.</u>
3	844.	<u>Affordability Requirements</u>	<u>§ 415</u>
4	26		<u>In lieu fee, 15% onsite or</u>
5			<u>20% off-site</u>
6	844.	<u>Residential Demolition or</u>	
7	27	<u>Conversion</u>	<u>§ 317</u>
8			<u>C</u>
9	<u>Institutions</u>		
10	844.	<u>Hospital, Medical Centers</u>	<u>§ 890.44</u>
11	30		<u>NP</u>
12	844.	<u>Residential Care</u>	<u>§ 890.50(e)</u>
13	31		<u>C up to 6 beds. NP above</u>
14	844.	Educational Services	§§ 823, 890.50(c)
15	32		<u>C</u>
16	<u>844.</u>	<u>Elementary School</u>	<u>§ 217(f)</u>
17	<u>32a</u>		<u>P</u>
18	<u>844.</u>	<u>Secondary School</u>	<u>§ 217(g)</u>
19	<u>32b</u>		<u>P</u>
20	<u>844.</u>	<u>Postsecondary School</u>	<u>§ 217(h)</u>
21	<u>32c</u>		<u>C</u>
22	<u>844.</u>	<u>Religious Facility</u>	<u>§ 890.50(d)</u>
23	<u>33</u>		<u>C</u>
24	<u>844.</u>	<u>Assembly and Social</u>	<u>§ 890.50(a)</u>
25	<u>34</u>	<u>Service</u>	<u>C</u>

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<u>844.35</u>	<u>Child Care</u>	<u>§ 890.50(b)</u>	<u>P</u>
<u>844.36</u>	<u>Medical Cannabis Dispensary</u>	<u>§ 890.133</u>	<u>NP</u>
<u>Vehicle Parking</u>			
<u>844.40</u>	<u>Automobile Parking Lot</u>	<u>§§ 890.7, 890.9, 890.11, 157.1</u>	<u>C</u>
<u>844.41</u>	<u>Automobile Parking Garage</u>	<u>§§ 145.1, 145.4, 155(r), 157.1, 890.8, 890.10, 890.12, 157.1</u>	<u>C</u>
<u>Retail Sales and Services</u>			
<u>844.45</u>	<u>All Retail Sales and Services which are not listed below</u>	<u>§§ 890.104, 121.6</u>	<u>P up to 10,000 gsf per lot.</u> <u>NP above</u>
<u>844.46</u>	<u>Formula Retail</u>	<u>§ 803.6</u>	<u>C</u>
<u>844.49</u>	<u>Ambulance Service</u>	<u>§ 890.2</u>	<u>C up to 10,000 gsf per lot.</u> <u>NP above. No ingress/egress onto alleys, as defined in the Western SoMa Community Plan, containing RED or RED-MX Districts</u>

1	<u>844.</u>			
2	<u>50</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
3	<u>844.</u>			
4	<u>51</u>	<u>Tourist Hotel</u>	<u>§ 890.46</u>	<u>NP</u>
5	<u>Assembly, Recreation, Arts and Entertainment</u>			
6	<u>844.</u>			
7	<u>55</u>	<u>Arts Activity</u>	<u>§ 102.2</u>	<u>P</u>
8	<u>844.</u>			
9	<u>56</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 181(f),</u> <u>803.5(b), 823</u>	<u>NP</u>
10	<u>844.</u>			
11	<u>57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>NP</u>
12	<u>844.</u>			
13	<u>58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u>	<u>C</u>
14	<u>844.</u>			
15	<u>59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u>	<u>C</u>
16	<u>844.</u>			
17	<u>60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>NP</u>
18	<u>844.</u>			
19	<u>61</u>	<u>Pool Hall not falling within</u> <u>Category 890.50(a)</u>	<u>§221 (f)</u>	<u>C</u>
20	<u>844.</u>			
21	<u>63</u>	<u>Recreation Facility</u>	<u>§ 890.81</u>	<u>NP</u>
22	<u>Office</u>			
23	<u>844.</u>			
24	<u>63</u>	<u>Office Uses in Landmark</u>	<u>§§ 890.70, 803.9(b)</u>	<u>P</u>
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1	65	<u>Historic Buildings</u>		
2	844. 65a	<u>Services, Professional;</u>	<u>§§ 790.110, 790.114,</u>	<u>P on the ground floor only if</u>
3		<u>Services, Financial;</u>		
4		<u>Services, Medical</u>		
5			<u>790.116</u>	<u>primarily open to the</u>
6				<u>general public on a client-</u>
7				<u>oriented basis; C above</u>
8	844. 66	<u>All Other Office Uses</u>	<u>§§ 890.70, 890.118</u>	<u>NP</u>
9	844. 67	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
11	<u>Motor Vehicle Services</u>			
13	844. 70	<u>Vehicle Storage--Open Lot</u>	<u>§ 890.131</u>	<u>NP</u>
15	844. 71	<u>Vehicle Storage--Enclosed Lot or Structure</u>	<u>§ 890.132, 157.1</u>	<u>C subject to 157.1</u>
17	844. 72	<u>Motor Vehicle Service Station, Automotive Wash</u>	<u>§§ 890.18, 890.20</u>	<u>P with no ingress/egress</u>
18				<u>onto alleys, as defined in the</u>
19				<u>Western SoMa Community</u>
20				<u>Plan, containing RED or</u>
21				<u>RED-MX Districts</u>
22	844. 73	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>P with no ingress/egress</u>
23				<u>onto alleys, as defined in the</u>
24				<u>Western SoMa Community</u>

1			<u>Plan, containing RED or</u>
2			<u>RED-MX Districts</u>
3	<u>844.</u>	<u>Automobile Tow Service</u>	<u>§ 890.19</u>
4	<u>74</u>		<u>C with no ingress/egress</u>
5			<u>onto alleys, as defined in the</u>
6			<u>Western SoMa Community</u>
7			<u>Plan, containing RED or</u>
8			<u>RED-MX Districts</u>
8	<u>844.</u>	<u>Non-Auto Vehicle Sales or</u>	
9	<u>75</u>	<u>Rental</u>	<u>§ 890.69</u>
10	<u>Industrial, Home, and Business Service</u>		
11	<u>844.</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>
12	<u>78</u>		<u>P</u>
13	<u>844.</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>
14	<u>79</u>		<u>P</u>
15	<u>844.</u>	<u>Trade Shop</u>	<u>§ 890.124</u>
16	<u>80</u>		<u>P</u>
17	<u>844.</u>	<u>Catering Service</u>	<u>§ 890.25</u>
18	<u>81</u>		<u>P</u>
19	<u>844.</u>	<u>Business Goods and</u>	<u>§ 890.23</u>
20	<u>82</u>	<u>Equipment Repair Service</u>	<u>P</u>
21	<u>844.</u>	<u>Business Service</u>	<u>§ 890.111</u>
22	<u>83</u>		<u>P</u>
23	<u>844.</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>
24			<u>C</u>
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1	<u>84</u>			
2	<u>844.</u>	<u>Laboratory, life science</u>	<u>§ 890.53(a)</u>	<u>NP</u>
3	<u>85</u>			
4	<u>844.</u>	<u>Laboratory, not including</u>	<u>§§ 890.52, 890.53(a)</u>	<u>NP</u>
5	<u>86</u>	<u>life science laboratory</u>		
6	<u>844.</u>	<u>Non-Retail Greenhouse or</u>	<u>§ 227(a)</u>	<u>P</u>
7	<u>87</u>	<u>Plant Nursery</u>		
8	<u>844.</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>NP</u>
9	<u>88</u>			
10	<u>Other Uses</u>			
11	<u>844.</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
12	<u>90</u>			
13	<u>844.</u>	<u>Animal Services</u>	<u>§ 224, 823</u>	<u>P for grooming only. No 24</u>
14	<u>91</u>			<u>hour care.</u>
15		<u>Public Use, except Public</u>		
16		<u>Transportation Facility,</u>		
17	<u>844.</u>	<u>Internet Service Exchange,</u>	<u>§§ 890.80, 209.6(c),</u>	<u>P</u>
18	<u>92</u>	<u>and Commercial Wireless</u>	<u>227(h)</u>	
19		<u>Transmitting, Receiving or</u>		
20		<u>Relay Facility</u>		
21	<u>844.</u>	<u>Commercial Wireless</u>	<u>§ 227(h)</u>	<u>C</u>
22	<u>93</u>	<u>Transmitting, Receiving or</u>		
23		<u>Relay Facility</u>		
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<u>844.94</u>	<u>Internet Services Exchange</u>	<u>§ 209.6(c)</u>	<u>NP</u>
<u>844.95</u>	<u>Public Transportation Facilities</u>	<u>§ 890.80</u>	<u>P</u>
<u>844.96</u>	<u>Open Air Sales</u>	<u>§§ 803.9(e), 890.38</u>	<u>P up to 10,000 gsf per lot.</u> <u>NP above.</u>
<u>844.97a</u>	<u>Open Recreation</u>	<u>§§ 209.5(a), 209.5(b)</u>	<u>P</u>
<u>844.97b</u>	<u>Neighborhood Agriculture</u>	<u>§ 102.35(a)</u>	<u>P</u>
<u>844.97c</u>	<u>Large-Scale Urban Agriculture</u>	<u>§ 102.35(b)</u>	<u>NP</u>
<u>844.98</u>	<u>Walk-up Facility, including Automated Bank Teller Machine</u>	<u>§§ 890.140, 803.9(b)</u>	<u>P</u>

SPECIFIC PROVISIONS FOR WMUG DISTRICTS

<u>Article Code</u>	<u>Other Code</u>	<u>Zoning Controls</u>
<u>Section</u>	<u>Section</u>	

§ 844.23		<u>Existing buildings may not be converted</u>
§ 102.36		<u>to Student Housing. Student Housing may</u>
		<u>only be approved in newly constructed</u>
		<u>buildings through a conditional use</u>
		<u>authorization pursuant to Section 303.</u>

SEC. 845. WMUO – WSOMA MIXED USE – OFFICE DISTRICT

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

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

Table 845

WMUO— WSOMA MIXED USE – OFFICE DISTRICT

ZONING CONTROL TABLE

		<u>Mixed Use – Office District</u>	
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>

BUILDING AND SITING STANDARDS

1			
2			<i>As shown on Sectional</i>
3			<i>Maps 1 and 7 of the</i>
4		<i>See Zoning Map,</i>	<i>Zoning Map</i>
5	<i>845.01</i>	<i>Height Limit</i>	
6		<i>§§ 260-261.1</i>	<i>Height sculpting required</i>
7			<i>on narrow streets, §261.1</i>
8			<i>As shown on Sectional</i>
9			<i>Maps 1 and 7 of the</i>
10		<i>See Zoning Map,</i>	<i>Zoning Map</i>
11	<i>845.02</i>	<i>Bulk Limit</i>	
12		<i>§§ 270, 270.1,</i>	
13		<i>270.2</i>	<i>Mid-block alleys required,</i>
14			<i>§270.2</i>
15	<i>845.03</i>	<i>Non-residential density</i>	<i>Generally contingent upon</i>
16		<i>limit</i>	<i>permitted height, per</i>
17		<i>§§ 102.9, 123, 124,</i>	<i>Section 124</i>
18		<i>127</i>	
19	<i>845.04</i>	<i>Setbacks</i>	<i>Generally not required</i>
20	<i>845.05</i>	<i>Awnings and Canopies</i>	<i>P</i>
21		<i>§§ 136, 136.1,</i>	
22		<i>136.2</i>	
23	<i>845.07</i>	<i>Parking and Loading</i>	<i>Requirements apply</i>
24		<i>Access: Siting and</i>	
25		<i>Dimensions</i>	
	<i>845.09</i>	<i>Residential to non-</i>	<i>None</i>

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	<u>residential ratio</u>		
<u>845.10</u>	<u>Off-Street Parking, Non-Residential</u>	<u>§§ 150, 151, 151.1, 153-157, 204.5</u>	<u>None required. Limits set forth in Section 151.1</u>
<u>845.12</u>	<u>Usable Open Space for Non-Residential</u>	<u>§ 135.3</u>	<u>Required; amount varies based on use; may also pay in-lieu fee</u>
<u>845.13</u>	<u>Outdoor Activity Area</u>	<u>§ 890.71</u>	<u>P if located in front; C if located elsewhere § 145.2(a)</u>
<u>845.14</u>	<u>General Advertising Sign</u>	<u>§§ 607.2(b) & (e) and 611</u>	<u>NP</u>
<u>Residential Uses</u>			
<u>845.20</u>	<u>Dwelling Units</u>	<u>§ 102.7</u>	<u>NP</u>
<u>845.21</u>	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>NP</u>
<u>845.22</u>	<u>SRO Units</u>	<u>§§ 823, 890.88(c)</u>	<u>NP</u>
<u>845.23</u>	<u>Student Housing</u>	<u>§ 102.36</u>	<u>NP</u>
<u>845.24</u>	<u>Dwelling Unit Density Limit</u>	<u>§§ 124, 207.5, 208</u>	<u>No density limit</u>
<u>845.25</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>At least 40% of all dwelling units must contain two or more bedrooms or 30% of all</u>

1			<i><u>dwelling units must</u></i>
2			<i><u>contain three or more</u></i>
3			<i><u>bedrooms.</u></i>
4	<u>845.26</u>	<i><u>Affordability</u></i>	
5		<i><u>Requirements</u></i>	<i><u>15% onsite /20% off-site</u></i>
6	<u>845.27</u>	<i><u>Residential Demolition,</u></i>	
7		<i><u>Division or Conversion</u></i>	<i><u>C</u></i>
8	<u>Institutions</u>		
9	<u>845.30</u>	<i><u>Hospital, Medical</u></i>	
10		<i><u>Centers</u></i>	<i><u>NP</u></i>
11	<u>845.31</u>	<i><u>Residential Care</u></i>	<i><u>NP</u></i>
12	<u>845.32</u>	<i><u>Educational Services</u></i>	<i><u>C</u></i>
13	<u>845.33</u>	<i><u>Religious Facility</u></i>	<i><u>P</u></i>
14	<u>845.34</u>	<i><u>Assembly and Social</u></i>	
15		<i><u>Service</u></i>	<i><u>C</u></i>
16	<u>845.35</u>	<i><u>Child Care</u></i>	<i><u>P</u></i>
17	<u>845.36</u>	<i><u>Medical Cannabis</u></i>	
18		<i><u>Dispensary</u></i>	<i><u>NP</u></i>
19	<u>Vehicle Parking</u>		
20	<u>845.40</u>	<i><u>Automobile Parking Lot</u></i>	
21		<i><u>§§ 890.7, 890.9,</u></i>	
22		<i><u>890.11 , 157.1</u></i>	<i><u>C</u></i>
23	<u>845.41</u>	<i><u>Automobile Parking</u></i>	
24		<i><u>§§ 890.8, 890.10,</u></i>	
25		<i><u>890.12, 157.1</u></i>	<i><u>C</u></i>

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<u>Retail Sales and Services</u>			
<u>845.45</u>	<u>All Retail Sales and Services which are not listed below</u>	<u>§§ 890.104, 803.9(i), 121.6</u>	<u>P up to 10,000 gsf per lot; C up to 25,000 gsf; NP above.</u>
<u>845.46</u>	<u>Formula Retail</u>	<u>§ 803.6</u>	<u>C up to 25,000 gsf per lot; NP above.</u>
<u>845.47</u>	<u>Ambulance Service</u>	<u>§ 890.2</u>	<u>C up to 25,000 gsf per lot; NP above.</u>
<u>845.48</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
<u>845.49</u>	<u>Tourist Hotel</u>	<u>§ 890.46</u>	<u>P up to 75 rooms</u>
<u>Assembly, Recreation, Arts and Entertainment</u>			
<u>845.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u>	<u>P</u>
<u>845.56</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17, 181(f), 803.5(b), 823</u>	<u>C</u>
<u>845.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>NP</u>
<u>845.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u>	<u>NP</u>
<u>845.59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u>	<u>NP</u>
<u>845.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>P, up to three screens</u>
<u>845.61</u>	<u>Pool Hall not falling within Category 890.50(a)</u>	<u>§ 221(f)</u>	<u>P</u>
<u>845.62</u>	<u>Recreation Building or Facility</u>	<u>§§ 221(e), 823, 890.81</u>	<u>P</u>

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<u>Office</u>			
<u>845.65</u>	<u>Office Uses in Landmark-Historic Buildings or Contributory Buildings in Historic Districts</u>	<u>§§ 890.70, 803.9(b)</u>	<u>P</u>
<u>845.66</u>	<u>All Other Office Uses</u>	<u>§ 890.70</u>	<u>P</u>
<u>845.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
<u>Motor Vehicle Services</u>			
<u>845.70</u>	<u>Vehicle Storage--Open Lot</u>	<u>§ 890.131</u>	<u>NP</u>
<u>845.71</u>	<u>Vehicle Storage-- Enclosed Lot or Structure</u>	<u>§§ 890.132, 157.1</u>	<u>C</u>
<u>845.72</u>	<u>Motor Vehicle Service Station, Automotive Wash</u>	<u>§§ 890.18, 890.20</u>	<u>P</u>
<u>845.73</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>P</u>
<u>845.74</u>	<u>Automobile Tow Service</u>	<u>§ 890.19</u>	<u>C</u>
<u>845.75</u>	<u>Non-Auto Vehicle Sales or Rental</u>	<u>§ 890.69</u>	<u>P</u>
<u>Industrial, Home, and Business Service</u>			
<u>845.78</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>	<u>P</u>

1	<u>845.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P</u>
2	<u>845.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P</u>
3	<u>845.81</u>	<u>Catering Service</u>	<u>§ 890.25</u>	<u>P</u>
4		<u>Business Goods and</u>		
5	<u>845.82</u>	<u>Equipment Repair</u>	<u>§ 890.23</u>	<u>P</u>
6		<u>Service</u>		
7	<u>845.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
8	<u>845.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>
9	<u>845.85</u>	<u>Laboratory, life science</u>	<u>§ 890.53(a)</u>	<u>P</u>
10		<u>Laboratory, not</u>		
11	<u>845.86</u>	<u>including life science</u>	<u>§§ 890.52,</u>	<u>P</u>
12		<u>laboratory</u>	<u>890.53(a)</u>	
13				
14	<u>845.87</u>	<u>Non-Retail Greenhouse</u>	<u>§ 227(a)</u>	<u>P</u>
15		<u>or Plant Nursery</u>		
16	<u>845.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>P in applicable buildings</u>
17	<u>Other Uses</u>			
18	<u>845.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>NP</u>
19	<u>845.91</u>	<u>Animal Services</u>	<u>§ 224, 823</u>	<u>P</u>
20		<u>Public Use, except</u>		
21		<u>Public Transportation</u>		
22	<u>845.92</u>	<u>Facility, Internet Service</u>	<u>§§ 890.80, 209.6(c),</u>	<u>P</u>
23		<u>Exchange, and</u>	<u>227(h)</u>	
24		<u>Commercial Wireless</u>		
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	<u>Transmitting, Receiving or Relay Facility</u>		
<u>845.93</u>	<u>Commercial Wireless Transmitting, Receiving or Relay Facility</u>	<u>§ 227(h)</u>	<u>C</u>
<u>845.94</u>	<u>Internet Services Exchange</u>	<u>§ 209.6(c)</u>	<u>C</u>
<u>845.95</u>	<u>Public Transportation Facilities</u>	<u>§ 890.80</u>	<u>P</u>
<u>845.96</u>	<u>Open Air Sales</u>	<u>§§ 803.9(e), 890.38</u>	<u>P</u>
<u>845.97a</u>	<u>Open Recreation</u>	<u>§§ 209.5(a), 209.5(b)</u>	<u>P</u>
<u>845.97b</u>	<u>Neighborhood Agriculture</u>	<u>§ 102.35(a)</u>	<u>P</u>
<u>845.97c</u>	<u>Large-Scale Urban Agriculture</u>	<u>§ 102.35(b)</u>	<u>NP</u>
<u>845.98</u>	<u>Walk-up Facility, including Automated Bank Teller Machine</u>	<u>§§ 890.140, 803.9(b)</u>	<u>P</u>

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

The Service/Arts/Light Industrial (SALI) District is largely comprised of low-scale buildings with production, distribution, and repair uses. The district is designed to protect and facilitate the expansion of existing general commercial, manufacturing, home and business service, and light industrial activities, with an emphasis on preserving and expanding arts activities. Nighttime entertainment is permitted, although limited by buffers around RED and RED-MX districts. Residential uses, offices, hotels, movie theaters, and adult entertainment uses are not permitted.

Table 846

SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT
ZONING CONTROL TABLE

		<u>SALI District</u>	
<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING AND SITING STANDARDS</u>			
<u>846.01</u>	<u>Height Limit</u>	<u>See Zoning Map, §§ 260-261.1</u>	<u>As shown on Sectional Maps 1 and 7 of the Zoning Map</u> <u>Height sculpting required on narrow streets, §261.1</u>
<u>846.02</u>	<u>Bulk Limit</u>	<u>See Zoning Map,</u>	<u>As shown on Sectional</u>

1		<u>§§ 270, 270.1,</u>	<u>Maps 1 and 7 of the</u>
2		<u>270.2</u>	<u>Zoning Map</u>
3			
4			<u>Mid-block alleys required,</u>
5			<u>§270.2</u>
6	<u>846.03</u>	<u>Non-residential density</u>	<u>Generally contingent upon</u>
7		<u>limit</u>	<u>permitted height, per</u>
8		<u>§§ 102.9, 123, 124,</u>	<u>Section 124</u>
9		<u>127</u>	
10	<u>846.04</u>	<u>Setbacks</u>	<u>Generally not required</u>
11		<u>§§ 136, 136.2,</u>	
12	<u>846.05</u>	<u>Awnings and Canopies</u>	<u>P</u>
13		<u>145.1</u>	
14		<u>§§ 136, 136.1,</u>	<u>No curb cuts permitted on</u>
15		<u>136.2</u>	<u>corner lots onto alleys, as</u>
16	<u>846.06</u>	<u>Parking and Loading</u>	<u>defined in the Western</u>
17		<u>Access: Prohibition</u>	<u>SoMa Community Plan,</u>
18		<u>§ 155(r)</u>	<u>containing RED or RED-</u>
19			<u>MX Districts</u>
20	<u>846.07</u>	<u>Parking and Loading</u>	<u>Requirements apply</u>
21		<u>Access: Siting and</u>	
22		<u>Dimensions</u>	
23	<u>846.09</u>	<u>Residential to non-</u>	
24		<u>residential ratio</u>	<u>None</u>
25	<u>846.10</u>	<u>Off-Street Parking, Non-</u>	<u>None required. Limits set</u>

1		<u>Residential</u>	<u>153-157, 204.5</u>	<u>forth in Section 151.1</u>
2				<u>Required; amount varies</u>
3		<u>Usable Open Space for</u>		<u>based on use; may also</u>
4	<u>846.12</u>	<u>Non-Residential</u>	<u>§ 135.3</u>	<u>pay in-lieu fee</u>
5				
6				<u>P if located in front; C if</u>
7	<u>846.13</u>	<u>Outdoor Activity Area</u>	<u>§ 890.71</u>	<u>located elsewhere §</u>
8				<u>145.2(a)</u>
9				
10	<u>846.14</u>	<u>General Advertising</u>	<u>§§ 607.2(b) &</u>	<u>NP</u>
11		<u>Sign</u>	<u>(e) and 611</u>	
12	<u>846.15</u>	<u>Hours of Operation</u>	<u>§ 890.48</u>	<u>P 6 a.m.--2 a.m. C 2 a.m.-</u>
13				<u>-6 a.m.</u>
14	<u>Residential Uses</u>			
15	<u>846.20</u>	<u>Dwelling Units</u>	<u>§ 102.7</u>	<u>NP</u>
16	<u>846.21</u>	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>NP</u>
17	<u>846.22</u>	<u>SRO Units</u>	<u>§§ 823, 890.88(c)</u>	<u>NP</u>
18	<u>846.23</u>	<u>Student Housing</u>	<u>§ 102.36</u>	<u>NP</u>
19				
20	<u>846.24</u>	<u>Dwelling Unit Density</u>		
21		<u>Limit</u>	<u>§§ 124, 207.5, 208</u>	<u>No density limit</u>
22	<u>846.25</u>	<u>Dwelling Unit Mix</u>	<u>§ 207.6</u>	<u>Not applicable</u>
23				
24	<u>846.26</u>	<u>Affordability</u>		
		<u>Requirements</u>	<u>§ 315</u>	<u>15% onsite /20% off-site</u>
25	<u>846.27</u>	<u>Residential Demolition,</u>	<u>§ 317</u>	<u>C</u>

1		<u>Division or Conversion</u>		
2	<u>Institutions</u>			
3	<u>846.30</u>	<u>Hospital, Medical</u>	<u>§ 890.44</u>	<u>NP</u>
4		<u>Centers</u>		
5	<u>846.31</u>	<u>Residential Care</u>	<u>§ 890.50(e)</u>	<u>NP</u>
6	<u>846.32</u>	<u>Educational Services</u>	<u>§§ 823, 890.50(c)</u>	<u>NP</u>
7	<u>846.33</u>	<u>Religious Facility</u>	<u>§ 890.50(d)</u>	<u>C</u>
8	<u>846.34</u>	<u>Assembly and Social</u>	<u>§ 890.50(a)</u>	<u>P</u>
9		<u>Service</u>		
10	<u>846.35</u>	<u>Child Care</u>	<u>§ 890.50(b)</u>	<u>C</u>
11	<u>846.36</u>	<u>Medical Cannabis</u>	<u>§ 890.133</u>	<u>P#</u>
12		<u>Dispensary</u>		
13	<u>Vehicle Parking</u>			
14	<u>846.40</u>	<u>Automobile Parking Lot</u>	<u>§§ 890.7, 890.9,</u>	<u>C</u>
15			<u>890.11, 157.1</u>	
16	<u>846.41</u>	<u>Automobile Parking</u>	<u>§§ 890.8, 890.10,</u>	<u>C</u>
17		<u>Garage</u>	<u>890.12, 157.1</u>	
18	<u>Retail Sales and Services</u>			
19	<u>846.45</u>	<u>All Retail Sales and</u>		<u>P up to 10,000 gsf per lot;</u>
20		<u>Services which are not</u>	<u>§§ 890.104, 121.6</u>	<u>C up to 25,000 gsf; NP</u>
21		<u>listed below</u>		<u>above.</u>
22	<u>846.46</u>	<u>Formula Retail</u>	<u>§ 803.6</u>	<u>C up to 25,000 gsf per lot;</u>
23				<u>NP above.</u>

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<u>846.47</u>	<u>Ambulance Service</u>	<u>§ 890.2</u>	<u>C up to 10,000 gsf per lot.</u> <u>NP above. No</u> <u>ingress/egress onto</u> <u>alleys, as defined in the</u> <u>Western SoMa</u> <u>Community Plan,</u> <u>containing RED or</u> <u>RED-MX Districts</u>
<u>846.48</u>	<u>Self-Storage</u>	<u>§ 890.54(d)</u>	<u>NP</u>
<u>846.49</u>	<u>Tourist Hotel</u>	<u>§ 890.46</u>	<u>NP</u>
<u>Assembly, Recreation, Arts and Entertainment</u>			
<u>846.55</u>	<u>Arts Activity</u>	<u>§ 102.2</u>	<u>P</u>
<u>846.56</u>	<u>Nighttime</u> <u>Entertainment</u>	<u>§§ 102.17, 181(f),</u> <u>803.5(b), 823</u>	<u>P</u>
<u>846.57</u>	<u>Adult Entertainment</u>	<u>§ 890.36</u>	<u>NP</u>
<u>846.58</u>	<u>Amusement Arcade</u>	<u>§ 890.4</u>	<u>C</u>
<u>846.59</u>	<u>Massage Establishment</u>	<u>§ 890.60</u>	<u>C</u>
<u>846.60</u>	<u>Movie Theater</u>	<u>§ 890.64</u>	<u>P, up to three screens</u>
<u>846.61</u>	<u>Pool Hall not falling</u> <u>within Category</u> <u>890.50(a)</u>	<u>§221(f)</u>	<u>C</u>
<u>846.62</u>	<u>Recreation Building or</u> <u>Facility</u>	<u>§ 221(e), 823,</u> <u>890.81</u>	<u>P</u>

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<u>Office</u>			
<u>846.65</u>	<u>Office Uses in Historic Landmark Buildings or Contributory Buildings in Historic Districts</u>	<u>§§ 890.70, 803.9(b)</u>	<u>NP</u>
<u>846.65b</u>	<u>Office Uses Related to the Hall of Justice</u>	<u>§§ 803.9(f), 822</u>	<u>P in Special Use District, pursuant to § 803.9(f)</u>
<u>846.66</u>	<u>All Other Office Uses</u>	<u>§ 890.70</u>	<u>NP</u>
<u>846.67</u>	<u>Live/Work Units</u>	<u>§ 233</u>	<u>NP</u>
<u>Motor Vehicle Services</u>			
<u>846.70</u>	<u>Vehicle Storage--Open Lot</u>	<u>§ 890.131</u>	<u>NP</u>
<u>846.71</u>	<u>Vehicle Storage--Enclosed Lot or Structure</u>	<u>§§ 890.132, 157.1</u>	<u>C</u>
<u>846.72</u>	<u>Motor Vehicle Service Station, Automotive Wash</u>	<u>§§ 890.18, 890.20</u>	<u>P with no ingress/egress onto alleys, as defined in the Western SoMa Community Plan, containing RED or RED-MX Districts</u>
<u>846.73</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>P with no</u>

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			ingress/egress onto alleys, as defined in the Western SoMa Community Plan, containing RED or RED-MX Districts
<u>846.74</u>	<u>Automobile Tow Service</u>	<u>§ 890.19</u>	<u>P</u> with no ingress/egress onto alleys, as defined in the Western SoMa Community Plan, containing RED or RED-MX Districts
<u>846.75</u>	<u>Non-Auto Vehicle Sales or Rental</u>	<u>§ 890.69</u>	<u>P</u>
<u>Industrial, Home, and Business Service</u>			
<u>846.78</u>	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>	<u>P</u>
<u>846.79</u>	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P</u>
<u>846.80</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P</u>
<u>846.81</u>	<u>Catering Service</u>	<u>§ 890.25</u>	<u>P</u>
<u>846.82</u>	<u>Business Goods and Equipment Repair Service</u>	<u>§ 890.23</u>	<u>P</u>

1	<u>846.83</u>	<u>Business Service</u>	<u>§ 890.111</u>	<u>P</u>
2	<u>846.84</u>	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P</u>
3	<u>846.85</u>	<u>Laboratory, life science</u>	<u>§ 890.53(a)</u>	<u>NP</u>
4		<u>Laboratory, not</u>		
5	<u>846.86</u>	<u>including life science</u>	<u>§§ 890.52,</u>	<u>P except subsection (e) of</u>
6		<u>laboratory</u>	<u>890.53(a)</u>	<u>890.52</u>
7				
8	<u>846.87</u>	<u>Non-Retail Greenhouse</u>	<u>§ 227(a)</u>	<u>P</u>
9		<u>or Plant Nursery</u>		
10	<u>846.88</u>	<u>Integrated PDR</u>	<u>§ 890.49</u>	<u>NP</u>
11	<u>Other Uses</u>			
12	<u>846.90</u>	<u>Mortuary Establishment</u>	<u>§ 227(c)</u>	<u>P</u>
13	<u>846.91</u>	<u>Animal Services</u>	<u>§§ 224, 823</u>	<u>P</u>
14		<u>Public Use, except</u>		
15		<u>Public Transportation</u>		
16		<u>Facility, Internet Service</u>		
17	<u>846.92</u>	<u>Exchange, and</u>	<u>§§ 890.80, 209.6(c),</u>	<u>P</u>
18		<u>Commercial Wireless</u>	<u>227(h)</u>	
19		<u>Transmitting, Receiving</u>		
20		<u>or Relay Facility</u>		
21				
22	<u>846.93</u>	<u>Commercial Wireless</u>		
23		<u>Transmitting, Receiving</u>	<u>§ 227(h)</u>	<u>C</u>
24		<u>or Relay Facility</u>		
25	<u>846.94</u>	<u>Internet Services</u>	<u>§ 209.6(c)</u>	<u>P</u>

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	<u>Exchange</u>		
<u>846.95</u>	<u>Public Transportation Facilities</u>	<u>§ 890.80</u>	<u>P</u>
<u>846.96</u>	<u>Open Air Sales</u>	<u>§§ 803.9(e), 890.38</u>	<u>P up to 10,000 gsf per lot; C up to 25,000 gsf; NP above.</u>
<u>846.97a</u>	<u>Open Recreation</u>	<u>§§ 209.5(a), 209.5(b)</u>	<u>P</u>
<u>846.97b</u>	<u>Neighborhood Agriculture</u>	<u>§ 102.35(a)</u>	<u>P</u>
<u>846.97c</u>	<u>Large-Scale Urban Agriculture</u>	<u>§ 102.35(b)</u>	<u>NP</u>
<u>846.98</u>	<u>Walk-up Facility, including Automated Bank Teller Machine</u>	<u>§§ 890.140, 803.9(b)</u>	<u>P</u>

SPECIFIC PROVISIONS FOR SALI DISTRICTS

<u>Article Code</u> <u>Section</u>	<u>Other Code</u> <u>Section</u>	<u>Zoning Controls</u>
§ 846.36 § 890.133		<u>Medical cannabis dispensaries in the SALI may only operate between the hours of 8:00am and 10:00pm.</u>

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

Residential Enclave-Mixed Districts (RED-MX) encompass some of the clusters of low-scale, medium density, predominantly residential neighborhoods located along the narrow side streets of the Western SoMa area. Many parcels in these residential enclaves are underdeveloped and represent opportunities for new residential and low-intensity commercial uses.

While residential uses are encouraged throughout these districts, group housing is limited, and student housing and single-room-occupancy units are prohibited. Small-scale retail, restaurants, arts activities, and other commercial uses are principally permitted to create the potential for more active, mixed use alleys. Some automobile-related and production, distribution, and repair uses are also permitted with limitations. Existing commercial activities in nonresidential structures may continue as nonconforming uses subject to the termination requirements of Article 1.7.

Table 847

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

	<u>Residential Enclave-Mixed</u>
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<u>No.</u>	<u>Zoning Category</u>	<u>§ References</u>	<u>Controls</u>
<u>BUILDING STANDARDS</u>			
<u>847.01</u>	<u>Height</u>	<u>See Zoning Map</u>	<u>Generally 45 feet See Sectional Zoning Maps 1 and 7</u>
<u>847.02</u>	<u>Bulk</u>	<u>§ 270</u>	<u>See Sectional Zoning Maps 1 and 7</u>
<u>USE STANDARDS</u>			
<u>847.03</u>	<u>Residential Density</u>	<u>§§ 124(b), 208</u> -	<u>No density limit</u>
<u>847.04</u>	<u>Non-Residential Density</u>	<u>§§ 102.9, 123, 124, 127</u>	<u>Generally, 1.0 to 1 floor area ratio</u>
<u>847.05</u>	<u>Usable Open Space for Dwelling Units and Group Housing</u>	<u>§§ 135, 823</u>	<u>80 sq. ft. per unit</u>
<u>847.07</u>	<u>Usable Open Space for Other Uses</u>	<u>§ 135.3</u>	<u>Varies by use</u>
<u>847.09</u>	<u>Outdoor Activity Area</u>	<u>§ 890.71</u>	<u>P if located in front; C if located elsewhere § 145.2(a)</u>
<u>847.10</u>	<u>Walk-up Facility</u>	<u>§ 890.140</u>	<u>NP</u>
<u>847.12</u>	<u>Residential Conversion</u>	<u>§ 317</u>	<u>NP. C in Article 10 Landmark Buildings</u>
<u>847.13</u>	<u>Residential Demolition</u>	<u>§ 317</u>	<u>C</u>

1 **USES**

2 **Residential Use**

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847.14	<u>Dwelling Units</u>	<u>§ 102.7</u>	<u>P</u>
847.15	<u>Group Housing</u>	<u>§ 890.88(b)</u>	<u>C</u>
847.16	<u>SRO Units</u>	<u>§§ 823, 890.88(c)</u>	<u>NP</u>
847.16a	<u>Student Housing</u>	<u>§ 102.36</u>	<u>NP</u>

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9 **Institutions**

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847.17	<u>Hospital, Medical Centers</u>	<u>§ 890.44</u>	<u>NP</u>
847.18	<u>Residential Care</u>	<u>§ 890.50(e)</u>	<u>NP</u>
847.19	<u>Educational Services</u>	<u>§§ 823, 890.50(c)</u>	<u>C</u>
847.20	<u>Religious Facility</u>	<u>§ 890.50(d)</u>	<u>C</u>
847.21	<u>Assembly and Social Service</u>	<u>§ 890.50(a)</u>	<u>C</u>
847.22	<u>Child Care</u>	<u>§ 890.50(b)</u>	<u>P</u>
847.23	<u>Medical Cannabis Dispensary</u>	<u>§ 890.133</u>	<u>NP</u>

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19 **Vehicle Parking**

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847.25	<u>Automobile Parking Lot, Community Residential</u>	<u>§§ 890.7, 157.1</u>	<u>C</u>
847.26	<u>Automobile Parking Garage, Community Residential</u>	<u>§§ 890.8, 157.1</u>	<u>C</u>
847.27	<u>Automobile Parking Lot,</u>	<u>§§ 890.9, 157.1</u>	<u>C</u>

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1		<u>Community Commercial</u>		
2	<u>847.28</u>	<u>Automobile Parking Garage,</u>	<u>§§ 890.10,</u>	<u>C</u>
3		<u>Community Commercial</u>	<u>157.1</u>	
4	<u>847.29</u>	<u>Automobile Parking Lot,</u>	<u>§§ 890.11,</u>	<u>C</u>
5		<u>Public</u>	<u>157.1</u>	
6	<u>847.30</u>	<u>Automobile Parking Garage,</u>	<u>§§ 890.12,</u>	<u>C</u>
7		<u>Public</u>	<u>157.1</u>	
8	<u>Retail Sales and Service</u>			
9	<u>847.31</u>	<u>All Retail Sales and Services</u>	<u>§ 890.104</u>	<u>NP</u>
10		<u>which are not listed below</u>		
11	<u>847.32</u>	<u>Retail Sales and Service Use in</u>	<u>§ 803.9(b)</u>	<u>C</u>
12		<u>a <u>Landmark Historic Building</u></u>		
13	<u>847.33</u>	<u>Formula Retail</u>	<u>§ 803.6</u>	<u>NP</u>
14	<u>847.34a</u>	<u>Limited-Restaurant</u>	<u>§ 790.90</u>	<u>P up to 1,250 gsf per lot. C</u>
15				<u>above. NP above 1 FAR</u>
16	<u>847.34b</u>	<u>Restaurant</u>	<u>§ 790.91</u>	<u>P up to 1,250 gsf per lot. C</u>
17				<u>above. NP above 1 FAR</u>
18	<u>847.35</u>	<u>Other Retail Sales and</u>	<u>§ 890.102</u>	<u>P up to 1,250 gsf per lot. C</u>
19		<u>Services</u>		<u>above. NP above 1 FAR</u>
20	<u>847.36</u>	<u>Personal Service</u>	<u>§ 890.116</u>	<u>P up to 1,250 gsf per lot. C</u>
21				<u>above. NP above 1 FAR</u>
22	<u>Assembly, Recreation, Arts and Entertainment</u>			
23	<u>847.37</u>	<u>Nighttime Entertainment</u>	<u>§§ 102.17,</u>	<u>NP</u>
24				
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		<u>803.5(b), 823</u>	
<u>847.38</u>	<u>Meeting Hall, not within § 813.21</u>	<u>§ 221(c)</u>	<u>NP</u>
<u>847.39</u>	<u>Recreation Building or Facility</u>	<u>§§ 221(e), 823, 890.81</u>	<u>NP</u>
<u>847.40</u>	<u>Pool Hall, Card Club, not within § 813.21</u>	<u>§§ 221(f), 803.4</u>	<u>NP</u>
<u>847.41</u>	<u>Theater, falling within § 221(d), except Movie Theater</u>	<u>§§ 221(d), 890.64</u>	<u>P up to 1,250 gsf per lot. C above. NP above 1 FAR</u>
<u>Home and Business Service</u>			
<u>847.42</u>	<u>Trade Shop</u>	<u>§ 890.124</u>	<u>P up to 1,250 gsf per lot. C above. NP above 1 FAR</u>
<u>847.43</u>	<u>Catering Services</u>	<u>§ 890.25</u>	<u>P up to 1,250 gsf per lot. C above. NP above 1 FAR</u>
<u>847.45</u>	<u>Business Goods and Equipment Repair Service</u>	<u>§ 890.23</u>	<u>P up to 1,250 gsf per lot. C above. NP above 1 FAR</u>
<u>847.46</u>	<u>Arts Activities, except within a Live/Work Unit</u>	<u>§ 102.2</u>	<u>P up to 1 FAR. C above. NP above 1.5 FAR.</u>
<u>847.47</u>	<u>Business Services</u>	<u>§ 890.111</u>	<u>P up to 1,250 gsf per lot. C above. NP above 1 FAR</u>
<u>Office</u>			
<u>847.48</u>	<u>Office Uses in Landmark Historic Buildings</u>	<u>§ 803.9(b)</u>	<u>C</u>

1	<u>847.53</u>	<u>All Other Office Uses</u>	<u>§ 890.70</u>	<u>NP</u>
2	<u>Live/Work Units</u>			
3		<u>Live/Work Unit where the</u>	<u>§§ 102.2,</u>	
4	<u>847.54</u>	<u>Work Activity is an Arts</u>	<u>102.13, 209.9(f)</u>	<u>NP</u>
5		<u>Activity</u>	<u>(g), 233</u>	
6		<u>Live/Work Units in Landmark</u>		
7	<u>847.55</u>	<u>Buildings or Contributory</u>	<u>§ 803.9(b)</u>	<u>NP</u>
8		<u>Buildings in Historic Districts</u>		
9			<u>§§ 102.13, 233</u>	
10	<u>847.56</u>	<u>All Other Live/Work Units</u>	-	<u>NP</u>
11				
12	<u>Automotive Services</u>			
13	<u>847.57</u>	<u>Vehicle Storage--Open Lot</u>	<u>§ 890.131</u>	<u>NP</u>
14		<u>Vehicle Storage--Enclosed Lot</u>	<u>§§ 890.132,</u>	
15	<u>847.58</u>	<u>or Structure</u>	<u>157.1</u>	<u>C</u>
16		<u>Motor Vehicle Service Station,</u>	<u>§§ 890.18,</u>	
17	<u>847.59</u>	<u>Automotive Wash</u>	<u>890.20</u>	<u>NP</u>
18				<u>P up to 1,250 gsf per lot. C</u>
19	<u>847.60</u>	<u>Motor Vehicle Repair</u>	<u>§ 890.15</u>	<u>above. NP above 1 FAR</u>
20				
21	<u>847.61</u>	<u>Motor Vehicle Tow Service</u>	<u>§ 890.19</u>	<u>NP</u>
22		<u>Non-Auto Vehicle Sales or</u>		
23	<u>847.62</u>	<u>Rental</u>	<u>§ 890.69</u>	<u>NP</u>
24	<u>847.63</u>	<u>Public Transportation Facility</u>	<u>§ 890.80</u>	<u>NP</u>
25	<u>Industrial</u>			

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847.13	<u>Wholesale Sales</u>	<u>§ 890.54(b)</u>	<u>P up to 1,250 gsf per lot. C above. NP above 1 FAR</u>
847.13a	<u>Light Manufacturing</u>	<u>§ 890.54(a)</u>	<u>P up to 1,250 gsf per lot. C above. NP above 1 FAR</u>
847.13b	<u>Commercial Storage</u>	<u>§ 890.54(c)</u>	<u>P up to 1,250 gsf per lot. C above. NP above 1 FAR</u>
847.13c	<u>Laboratory, life science</u>	<u>§ 890.53(a)</u>	<u>NP</u>
847.13d	<u>Laboratory, not including life science laboratory</u>	<u>§§ 890.52, 890.53(a)</u>	<u>NP</u>
847.13e	<u>Non-Retail Greenhouse or Plant Nursery</u>	<u>§ 227(a)</u>	<u>P up to 1,250 gsf per lot. C above. NP above 1 FAR</u>
<u>Other Uses</u>			
847.66	<u>Open Air Sales</u>	<u>§§ 890.38, 803.9(e)</u>	<u>P up to 1,250 gsf per lot. C above. NP above 1 FAR</u>
847.69	<u>Public Use, except Public Transportation Facility</u>	<u>§ 890.80</u>	<u>C</u>
847.68	<u>Open Recreation</u>	<u>§§ 209.5(a), 209.5(b)</u>	<u>P</u>
847.74a	<u>Neighborhood Agriculture</u>	<u>§ 102.35(a)</u>	<u>P</u>
847.74b	<u>Large-Scale Urban Agriculture</u>	<u>§ 102.35(b)</u>	<u>NP</u>

1 **SEC. 890.81. RECREATION FACILITY.**

2 A publicly or privately owned facility of at least 10,000 gross square feet that offers free or fee-
3 based membership to the general public and is used for recreational activities such as ice skating,
4 bowling, swimming, soccer, tennis, racquetball, basketball, softball, baseball, and similar activities.
5 The facility may also include play areas for children and accessory accommodations such as locker
6 rooms and activity rooms.

7 **SEC. 890.88. RESIDENTIAL USE.**

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9 (c) **Single Room Occupancy (SRO) Unit.** A dwelling unit or group housing room
10 consisting of no more than one occupied room with a maximum gross floor area of 350 square
11 feet and meeting the Housing Code's minimum floor area standards. The unit may have a
12 bathroom in addition to the occupied room. As a dwelling unit, it would have a cooking facility
13 and bathroom. As a group housing room, it would share a kitchen with one or more other
14 single room occupancy unit/s in the same building and may also share a bathroom. A single
15 room occupancy building (or "SRO" building) is one that contains no residential uses other than
16 only SRO units and ~~non non~~ accessory living space.

17
18 Section 3. Effective Date. This ordinance shall become effective 30 days from the
19 date of passage.

1 Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to
2 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,
3 punctuation, charts, diagrams, or any other constituent part of the Name of Code here Code
4 that are explicitly shown in this legislation as additions, deletions, Board amendment

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1 additions, and Board amendment deletions in accordance with the "Note" that appears under
2 the official title of the legislation.

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

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7 By: ANDREA RUIZ-ESQUIDE
8 Deputy City Attorney

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