

[Planning Code - Reproductive Health Clinics]

Ordinance amending the Planning Code to indicate districts where Reproductive Health Clinics are principally permitted and to make other conforming changes to the Planning Code and Zoning Control Tables, as required by Proposition O, passed by the voters in November 2024; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and making findings of public necessity, convenience, and welfare pursuant to Planning Code, Section 302.

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

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

Section 1. Environmental and Land Use Findings.

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

(b) On _____, the Planning Commission, in Resolution No. _____, adopted findings that the actions contemplated in this ordinance are consistent, on balance,

1 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
2 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
3 the Board of Supervisors in File No. _____, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, this Board finds that this ordinance will
5 serve the public necessity, convenience, and welfare for the reasons set forth in Planning
6 Commission Resolution No. _____, and incorporates such reasons by this reference
7 thereto. A copy of said resolution is on file with the Clerk of the Board of Supervisors in File
8 No. _____.

9
10 Section 2. Background and General Findings.

11 In November 2024, City voters passed Proposition O, which requires the Planning
12 Department to further implement Proposition O by submitting for introduction an ordinance
13 that "makes all changes necessary to conform the Planning Code to the requirements of
14 Section 202.5 . . . including but not limited to, amending Zoning Control Tables to list
15 Reproductive Health Clinics as a Principally Permitted use." This ordinance is intended to
16 satisfy the aforementioned requirements of Proposition O. Proposition O included the
17 following in its Purpose and Findings section:

18 (a) Comprehensive reproductive health care is a fundamental human right that should
19 not be taken away, restricted, or denied.

20 (b) Access to safe and legal abortions, contraception, in vitro fertilization, and accurate
21 information about reproductive health is a critical factor in the health, safety, and quality of life
22 of women and people with capacity for pregnancy.

23 (c) According to recent studies conducted at the University of California San
24 Francisco, people who obtained an abortion presented with fewer mental health struggles,

1 were more financially stable, and raised children under more stable conditions, as compared
2 to people who were unable to receive abortions.

3 (d) Despite the vital importance of women and people with the capacity for pregnancy
4 maintaining bodily autonomy and access to the reproductive health care services they need,
5 all around the country, many states and municipalities are taking away these critical services.

6 (e) The landmark Roe v. Wade decision protected access to abortion for nearly 50
7 years, and the United States Supreme Court's decision to overturn this long-established
8 precedent took our country backwards and dramatically reduced access to abortion for
9 millions of people. Many jurisdictions across the country have since weaponized their
10 newfound ability to limit abortions, by criminalizing the procedure, controlling and monitoring
11 pregnancies, and imposing onerous conditions on providers that make it harder and legally
12 risky for them to operate.

13 (f) Access to abortion is fundamental to comprehensive reproductive health care.
14 Abortion is a critical medical procedure that is the foundation of reproductive freedom and an
15 essential aspect of routine pregnancy care and miscarriage management. Pregnant patients
16 in states that restrict access to abortion are being forced to endure traumatic miscarriages,
17 carry non-viable pregnancies, and experience other complications that can be life-threatening
18 and dramatically risk their overall health and future fertility. Patients who need abortion care
19 also are often forced to travel hours to access that care. If San Francisco residents or visitors
20 experience difficulty or delays in obtaining care, it can lead them to seek more invasive and
21 expensive options, endangering their health, and costs may fall upon City health facilities that
22 provide medical services of last resort for patients who are indigent.

23 (g) San Francisco recognizes First Amendment protections including the freedom of
24 speech and religion. This measure is not intended to curtail those protections. Instead, this
25

1 measure is intended to ensure that factual, comprehensive, and science-based health care
2 services can be accessible to all San Francisco residents and visitors.

3 (h) San Francisco has always been and will continue to be a City that strives to protect
4 fundamental human rights.

5 (i) San Francisco will continue to be a beacon of hope, care, and compassion,
6 including by upholding the right to access unbiased, fact-based health care.

7 (j) The City supports the autonomy of all women and people with capacity for
8 pregnancy, including young people and members of the LGBTQ+ community, to exercise their
9 reproductive rights and freedoms at any point in their pregnancy.

10 (k) San Francisco is a welcoming place for abortion clinics and providers.

11 (l) People in San Francisco should always be able to access reproductive health care
12 services free from coercion, threat, violence, or fear.

13 (m) No person in San Francisco should be criminalized for the reproductive health
14 decisions they make.

15 (n) Governments should not be involved in a person's reproductive health care
16 decisions, as those decisions should be made by an individual, along with their provider and
17 any other natural supports they choose to include in these very personal decisions.

18 (o) San Francisco will remain a safe and secure place for women to access
19 comprehensive reproductive health care, including accurate medical information, in vitro
20 fertilization, contraception, and abortion.

21
22 Section 3. Article 2 of the Planning Code is hereby amended by revising Sections
23 209.3, 210.3, 211.1, and 249.5, to read as follows, with relevant portions of Sections 102 and
24 202.5 provided here for context only:
25

1 **SEC. 102. DEFINITIONS.**

2 * * * *

3 **Reproductive Health Clinic.** A Retail Sales and Service Use that is a clinic licensed
4 pursuant to applicable provisions of the California Health and Safety Code that meets both of
5 the following requirements: a) provides directly to patients medical services consisting of
6 Abortions or Emergency Contraception as those terms are defined in Administrative Code
7 Section 93.3; and b) primarily specializes in reproductive health services as defined in
8 California Penal Code 423.1. A Reproductive Health Clinic that meets the foregoing
9 requirements may also provide additional medical and allied health services by physicians or
10 other healthcare professionals.

11 * * * *

12
13 **SEC. 202.5. REPRODUCTIVE HEALTH CLINICS.**

14 Notwithstanding any other provision of this Code, a Reproductive Health Clinic is a
15 Principally Permitted use on all stories in all use districts, except the following residential
16 districts: Residential, House (Section 209.1); Residential, Mixed (Section 209.2); and
17 Residential, Transit-Oriented (Section 209.4). In the aforementioned residential districts,
18 Reproductive Health Clinics shall be permitted as a Limited Corner Commercial Use pursuant
19 to Section 231, to the same extent such uses were permitted under Section 231 as of the
20 effective date of this ordinance. If development of a Reproductive Health Clinic would require
21 Residential Conversion of a Residential Unit or Unauthorized Unit under Section 317, the
22 development shall be subject to Section 317 and may require Conditional Use authorization,
23 or may be prohibited in the aforementioned residential districts. It shall not be deemed a
24 change in use for a Health Services use or a use categorized as Institutional under this Code
25 to become a Reproductive Health Clinic use. For any Reproductive Health Clinic established

prior to the effective date of the ordinance adding this Section 202.5, it shall not be deemed a change in use to revert to the use in existence prior to the effective date of said ordinance, such as Health Services.

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

* * * *

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	§ References	RC-3	RC-4
* * * *			
NON-RESIDENTIAL STANDARDS AND USES			
* * * *			
Sales and Service Category			
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P(4)	P(4)
* * * *			
<i>Reproductive Health Clinic</i>	<i>§§ 102, 202.5</i>	<i>P</i>	<i>P</i>
Storage, Self	§ 102	C	C
* * * *			

* * * *

(4) C required if located on the second floor or above.

* * * *

SEC. 210.3. PDR DISTRICTS.

* * * *

Table 210.3

ZONING CONTROL TABLE FOR PDR DISTRICTS

Zoning Category	§ References	PDR-1-B	PDR-1-D	PDR-1-G	PDR-2
* * * *					
NON-RESIDENTIAL STANDARDS AND USES					
* * * *					
Sales and Service Category					
Retail Sales and Service Uses*	§§ 102, 202.2(a)	P (1)	P (10)	P (9)	P (1)
* * * *					
<i>Reproductive Health Clinic</i>	<i>§§ 102, 202.5</i>	<i>P</i>	<i>P</i>	<i>P</i>	<i>P</i>
Services, Health	§ 102	P (3)	P (8)	P (8)	P (5)
* * * *					

* Not listed below.

(1) See Table 210.3A.

* * * *

(3) NP above 7,500 Gross Square Feet.

* * * *

(5) NP above 5,000 Gross Square Feet.

* * * *

(8) C if above 5,000 Gross Square Feet.

(9) In this District, all uses with this reference number are limited to a cumulative total of 2,500 Gross Square Feet per lot.

(10) In this District, except for Personal Service uses at Assessor's Parcel Block No. 3912, Lot 002, all uses with this reference number are limited to a cumulative total of 5,000 Gross Square Feet per lot. No use size limits shall apply to Personal Service uses at Assessor's Parcel Block No. 3912, Lot 002.

* * * *

1 **SEC. 211.1. PRINCIPAL USES PERMITTED, P DISTRICTS.**

2 The following uses are principally permitted in all P Districts when found to be in
3 conformity with the General Plan:

4 * * * *

5 (i) Residential Uses in 100% Affordable Housing Projects and Educator Housing
6 Projects, as defined in Section 206.9, unless such property is under the jurisdiction of the San
7 Francisco Recreation and Parks Department and used as a public park. Except for
8 modifications otherwise allowed by this Code, any such Residential Uses shall comply with
9 controls and notification requirements for the closest zoning district that allows Residential
10 Uses.

11 (j) Reproductive Health Clinics, as defined in Section 102 of this Code.

12
13 **SEC. 249.5. NORTH OF MARKET RESIDENTIAL SPECIAL USE DISTRICT.**

14 * * * *

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

18 * * * *

19 (2) Notwithstanding the Zoning Control Table for RC Districts found in Section
20 209.3 of this Code, commercial establishments shall be limited to the ground floor and the first
21 basement floor, except that such establishments may be permitted on the second story as a
22 conditional use if authorized pursuant to Section 303 and Section 249.5(c)(1) of this Code and
23 except as required by Section 202.5 of this Code.

24 * * * *

Section 4. Articles 7 and 8 of the Planning Code are hereby amended by revising the Zoning Control Tables of Sections 710, 711, 713-719, 721-736, 738, 741-743, 745, 746, 750, 751, 753, 755-759, 761-764, 811, and 812, individually listed below, to insert under the Retail Sales and Service Uses category, in alphabetical order among the other uses listed in the category, a new row listing “Reproductive Health Clinic” as Principally Permitted on all stories and referencing Sections 102 and 202.5, as shown in the sample chart below.

* * * *				
Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
* * * *	Controls by Story			
	1st	2nd	3rd+	
* * * *				
Sales and Service Use Category				
Retail Sales and Service Uses*	* * * *	* * * *	* * * *	* * * *
* * * *				
Reproductive Health Clinic	§§ 102, 202.5	P	P	P
* * * *				

- SEC. 710. NC-1 – Neighborhood Commercial Cluster District.
- SEC. 711. NC-2 – Small-Scale Neighborhood Commercial District.
- SEC. 713. NC-S – Neighborhood Commercial Shopping Center District.
- SEC. 714. Broadway Neighborhood Commercial District.
- SEC. 715. Castro Street Neighborhood Commercial District.
- SEC. 716. Inner Clement Street Neighborhood Commercial District.
- SEC. 717. Outer Clement Street Neighborhood Commercial District.

- 1 SEC. 718. Upper Fillmore Street Neighborhood Commercial District.
- 2 SEC. 719. Haight Street Neighborhood Commercial District.
- 3 SEC. 721. Japantown Neighborhood Commercial District.
- 4 SEC. 722. North Beach Neighborhood Commercial District.
- 5 SEC. 723. Polk Street Neighborhood Commercial District.
- 6 SEC. 724. Sacramento Street Neighborhood Commercial District.
- 7 SEC. 725. Union Street Neighborhood Commercial District.
- 8 SEC. 726. Pacific Avenue Neighborhood Commercial District.
- 9 SEC. 727. Lakeside Village Neighborhood Commercial District.
- 10 SEC. 728. 24th Street – Noe Valley Neighborhood Commercial District.
- 11 SEC. 729. West Portal Avenue Neighborhood Commercial District.
- 12 SEC. 730. Inner Sunset Neighborhood Commercial District
- 13 SEC. 731. Noriega Street Neighborhood Commercial District.
- 14 SEC. 732. Irving Street Neighborhood Commercial District.
- 15 SEC. 733. Taraval Street Neighborhood Commercial District.
- 16 SEC. 734. Judah Street Neighborhood Commercial District.
- 17 SEC. 735. Inner Balboa Street Neighborhood Commercial District.
- 18 SEC. 736. Outer Balboa Street Neighborhood Commercial District.
- 19 SEC. 738. Cortland Avenue Neighborhood Commercial District.
- 20 SEC. 741. San Bruno Avenue Neighborhood Commercial District.
- 21 SEC. 742. Cole Valley Neighborhood Commercial District.
- 22 SEC. 743. Lower Haight Street Neighborhood Commercial District.
- 23 SEC. 745. Inner Taraval Street Neighborhood Commercial District.
- 24 SEC. 746. Leland Avenue Neighborhood Commercial District.
- 25 SEC. 750. NCT-1 – Neighborhood Commercial Transit Cluster District.

- SEC. 751. NCT-2 – Small-Scale Neighborhood Commercial Transit District.
- SEC. 753. Soma Neighborhood Commercial Transit District.
- SEC. 755. Ocean Avenue Neighborhood Commercial Transit District.
- SEC. 756. Glen Park Neighborhood Commercial Transit District.
- SEC. 757. Folsom Street Neighborhood Commercial Transit District.
- SEC. 758. Regional Commercial District.
- SEC. 759. Divisadero Street Neighborhood Commercial Transit District.
- SEC. 761. Hayes-Gough Neighborhood Commercial Transit District.
- SEC. 762. Valencia Street Neighborhood Commercial Transit District.
- SEC. 763. 24th Street – Mission Neighborhood Commercial Transit District.
- SEC. 764. Upper Market Street Neighborhood Commercial Transit District.
- SEC. 811. Chinatown Visitor Retail District.
- SEC. 812. Chinatown Residential Neighborhood Commercial District.

Section 5. Articles 7 and 8 of the Planning Code are hereby amended by revising the Zoning Control Tables of Sections 712, 737, 739, 740, 744, 752, 754, 760, and 810, individually listed below, to insert into the “Retail Sales and Services Uses*” row, in the “§ References” column, a reference to Section 202.5, as shown in the sample chart below.

* * * *			
Zoning Category	§ References	Controls	
* * * *			
NON-RESIDENTIAL STANDARDS AND USES			
* * * *			
* * * *		Controls by Story	
		1st	2nd
			3rd+

* * * *				
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3, <u>202.5</u>	P	P	P
* * * *				

SEC. 712. NC-3 – Moderate-Scale Neighborhood Commercial District.

SEC. 737. Bayview Neighborhood Commercial District.

SEC. 739. Geary Boulevard Neighborhood Commercial District.

SEC. 740. Mission Bernal Neighborhood Commercial District.

SEC. 744. Lower Polk Street Neighborhood Commercial District.

SEC. 752. NCT-3 – Moderate-Scale Neighborhood Commercial Transit District.

SEC. 754. Mission Street Neighborhood Commercial Transit District.

SEC. 760. Fillmore Street Neighborhood Commercial Transit District.

SEC. 810. Chinatown Community Business District.

Section 6. Article 8 of the Planning Code is hereby amended by revising the Zoning Control Tables of Sections 830-832 and 834-840, individually listed below, to insert under the Retail Sales and Services Uses category, in alphabetical order among the other uses listed in this category, a new row listing “Reproductive Health Clinic” as Principally Permitted on all stories and referencing Sections 102 and 202.5, as shown in the sample chart below.

* * * *		
Zoning Category	§ References	* * * * Controls
* * * *		
NON-RESIDENTIAL STANDARDS AND USES		

* * * *		
Sales and Service Category		
Retail Sales and Service Uses*	* * * *	* * * *
* * * *		
<i>Reproductive Health Clinic</i>	<u>§§ 102, 202.5</u>	<u>P</u>
* * * *		

* * * *

SEC. 830. Central SoMa Mixed Use – Office District

SEC. 831. Mixed Use – General

SEC. 832. Mixed Use – Office

SEC. 834. Residential Enclave District

SEC. 835. Residential Enclave District – Mixed

SEC. 836. Service/Arts/Light Industrial

SEC. 837. South Park District

SEC. 838. Urban Mixed Use

SEC. 839. Western SoMa Mixed Use – General

SEC. 840. Western SoMa Mixed Use – Office

Section 7. Article 7 of the Planning Code is hereby amended by revising the Zoning Control Table of Section 720, to read as follows:

SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

* * * *				
Zoning Category	§ References	Controls		
* * * *				
NON-RESIDENTIAL STANDARDS AND USES				
* * * *				
* * * *		Controls by Story		
		1st	2nd	3rd+
* * * *				
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a) ₁ <u>202.5</u>	P	P	P
* * * *				

Section 8. Preexisting Rights.

Pursuant to Section 202.5, approved by the voters of the City in November 2024 as part of Proposition O, Reproductive Health Clinics are principally permitted in all districts in the City, except Residential, House (R-H); Residential, Mixed (R-M), and Residential, Transit-Oriented (RTO) districts, as specified. In connection with the application of this ordinance as it relates to development agreements or similar contracts, or approved development plans administered by the Office of Community Investment and Infrastructure, the Planning Department shall consult with the City Attorney to determine whether a decision on an authorization or approval would violate the terms of contracts that the City entered into before the effective date of this ordinance or the ordinance that enacted Section 202.5.

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

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

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

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11
12 APPROVED AS TO FORM:
13 DAVID CHIU, City Attorney

14 By: /s/ HEATHER GOODMAN
15 HEATHER GOODMAN
Deputy City Attorney

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