

BOARD of SUPERVISORS



City Hall  
Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

## MEMORANDUM

LAND USE AND TRANSPORTATION COMMITTEE

SAN FRANCISCO BOARD OF SUPERVISORS

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

FROM: John Carroll, Assistant Clerk

DATE: December 9, 2024

SUBJECT **COMMITTEE REPORT, BOARD MEETING**  
Tuesday, December 10, 2024

The following file should be presented as COMMITTEE REPORT during the Board meeting on Tuesday, December 10, 2024. This ordinance was acted upon during the Land Use and Transportation Committee meeting on Monday, December 9, 2024, at 1:30 p.m., by the votes indicated.

**BOS Item No. 59**

**File No. 241055**

**[Building, Planning Codes - Code Corrections and Updates]**

Ordinance amending the Building and Planning Codes to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions; directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Department of Housing and Community Development upon final passage; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

**RECOMMENDED AS A COMMITTEE REPORT**

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

Cc: Board of Supervisors  
Angela Calvillo, Clerk of the Board  
Alisa Somera, Legislative Deputy  
Brad Russi, Deputy City Attorney

File No. 241055

Committee Item No. 1

Board Item No. 59

# COMMITTEE/BOARD OF SUPERVISORS

## AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation

Date: Dec 9, 2024

Board of Supervisors Meeting:

Date: Dec 10, 2024

### Cmte Board

- Motion
- Resolution
- Ordinance
- Legislative Digest
- Budget and Legislative Analyst Report
- Youth Commission Report
- Introduction Form
- Department/Agency Cover Letter and/or Report
- MOU
- Grant Information Form
- Grant Budget
- Subcontract Budget
- Contract / DRAFT Mills Act Agreement
- Form 126 – Ethics Commission
- Award Letter
- Application
- Public Correspondence

### OTHER

- Planning Commission Transmittal – October 24, 2024
- BIC Transmittal – August 22, 2024
- CEQA Determination – November 15, 2024
- Committee Report Request Memo – December 4, 2024
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Prepared by: John Carroll

Date: December 5, 2024

Prepared by: John Carroll

Date: December 9, 2024

Prepared by: \_\_\_\_\_

Date: \_\_\_\_\_

1 [Building, Planning Codes - Code Corrections and Updates]

2

3 **Ordinance amending the Building and Planning Codes to correct typographical errors,**  
4 **update outdated cross-references, make non-substantive revisions to clarify or**  
5 **simplify Code language, and make other minor, substantive updates to various Code**  
6 **provisions; directing the Clerk of the Board of Supervisors to forward this Ordinance to**  
7 **the California Department of Housing and Community Development upon final**  
8 **passage; affirming the Planning Department's determination under the California**  
9 **Environmental Quality Act; making findings of consistency with the General Plan, and**  
10 **the eight priority policies of Planning Code, Section 101.1; and adopting findings of**  
11 **public necessity, convenience, and general welfare under Planning Code, Section 302.**

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

16

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

18 Section 1. Environmental and Land Use Findings.

19 (a) The Planning Department has determined that the actions contemplated in this  
20 ordinance comply with the California Environmental Quality Act (California Public Resources  
21 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
22 Supervisors in File No. 241055 and is incorporated herein by reference. The Board affirms  
23 this determination.

24 (b) On September 19, 2024, the Planning Commission, in Resolution No. 21614,  
25 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. 241055, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the Board finds that this Planning Code  
5 amendment will serve the public necessity, convenience, and welfare for the reasons set forth  
6 in Planning Commission Resolution No. 21614, and the Board incorporates such reasons  
7 herein by reference. A copy of said resolution is on file with the Clerk of the Board of  
8 Supervisors in File No. 241055.

9 (d) On August 21, 2024, at a duly noticed public hearing, the Building Inspection  
10 Commission considered this ordinance in accordance with Charter Section 4.121 and Building  
11 Code Section 104A.2.11.1.1. A copy of a letter from the Secretary of the Building Inspection  
12 Commission regarding the Commission’s recommendation is on file with the Clerk of the  
13 Board of Supervisors in File No. 241055.

14 (e) No local findings are required under California Health and Safety Code Section  
15 17958.7 because the amendments to the Building Code contained in this ordinance do not  
16 regulate materials or manner of construction or repair, and instead relate in their entirety to  
17 administrative procedures for implementing the code, which are expressly excluded from the  
18 definition of a “building standard” by California Health and Safety Code Section 18909(c).

19  
20 Section 2. Articles 1, 1.2, 2, 3, and 7 of the Planning Code are hereby amended by  
21 revising Sections 102, 132, 134, 136, 206.6, 207.1, 207.2, 209.1, 249.5, 303, 303.1, 311, 317,  
22 and 723, to read as follows:

23 **SEC. 102. DEFINITIONS.**

24 \* \* \* \*

1           **Dwelling Unit, Junior Accessory, or JADU.** A Dwelling Unit that meets all the  
2 requirements of ~~Sub~~section 207.2, and that:

3           (a) is accessory to at least one other Dwelling Unit on the same lot;

4           \* \* \* \*

5           (g) includes an efficiency kitchen that meets the requirements of California  
6 Government Code Section ~~65852.22(a)(6)~~66333(f), including a cooking facility with appliances,  
7 and a food preparation counter and storage cabinets that are of reasonable size in relation to  
8 the size of the Junior Accessory Dwelling Unit.

9           \* \* \* \*

10           **Historic Building.** A Historic Building is a building or structure that meets at least one  
11 of the following criteria:

- 12           • It is individually designated as a landmark under Article 10;
- 13           • It is listed as a contributor to an historic district listed in Article 10, or if the historic  
14 district does not list contributors, is determined to be a contributor through historic resource review;
- 15           • It is a Significant or Contributory Building under Article 11, with a Category I, II, III  
16 or IV rating;
- 17           • It has been listed or has been determined eligible for listing in the California  
18 Register of Historical Resources; or,
- 19           • It has been listed or has been determined eligible for listing in the National  
20 Register of Historic Places.

21           \* \* \* \*

22  
23           **SEC. 132. FRONT SETBACK AREAS IN RTO, RH, AND RM DISTRICTS AND FOR**  
24 **REQUIRED SETBACKS FOR PLANNED UNIT DEVELOPMENTS.**

25           \* \* \* \*

1 (a) **Basic Requirement.** Where one or both buildings adjacent to the subject property  
2 have front setbacks along a Street or Alley, any building or addition constructed,  
3 reconstructed, or relocated on the subject property shall be set back to no less than the depth  
4 of the adjacent building with the shortest front setback, except as provided in subsection (c).  
5 In any case in which the lot constituting the subject property is separated from the lot  
6 containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less  
7 parallel to the Street or Alley, such nearest building shall be deemed to be an “adjacent  
8 building,” but a building on a lot so separated for a greater distance shall not be deemed to be  
9 an “adjacent building.” *However, aside from the scenarios described in subsection (c) below, a lot*  
10 *that only has one adjacent building shall provide a front setback equal to one half the front setback of*  
11 *such adjacent building.*

12 \* \* \* \*

13 (c) **Applicability to Special Lot Situations.**

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

19 (2) **Lots Abutting Properties That Front on Another Street or Alley.** In the  
20 case of any lot that abuts along its side lot line upon a lot that fronts on another Street or  
21 Alley, the lot on which it so abuts shall be disregarded, and the required setback for the  
22 subject lot shall be equal to the front setback of the adjacent building on its opposite side.

23 [diagrams omitted for convenience; not deleted]

24 (3) **Lots Abutting RC, C, M, and P Districts.** In the case of any lot that abuts  
25 property in an RC, C, M, or P District, any property in such district shall be disregarded, and

1 the required setback for the subject lot shall be equal to the front setback of the adjacent  
2 building in the RH, RTO, or RM District.

3  
4 **SEC. 134. REAR YARDS IN R, RC, NC, M, CMUO, MUG, MUO, MUR, RED, RED-MX, SPD,**  
5 **UMU ~~and~~AND WMUG DISTRICTS; AND LOT COVERAGE REQUIREMENTS IN C**  
6 **DISTRICTS.**

7 \* \* \* \*

8 (b) **Applicability.** The rear yard requirements established by this Section 134 shall  
9 apply to every building in the districts listed below, except NC-S Districts, where no rear yard is  
10 required. To the extent that these provisions are inconsistent with any Special Use District or  
11 Residential Character District, the provisions of the Special Use District or Residential  
12 Character District shall apply.

13 \* \* \* \*

14 **(k) Modification of Requirements in NC Districts.** The rear yard requirement in NC Districts  
15 may be modified or waived by the Zoning Administrator pursuant to the procedures which are  
16 applicable to variances, as set forth in Sections 306.1 through 306.5 and 308.2, if all the following  
17 criteria are met:

18 (1) Residential Uses are included in the new or expanding development and a  
19 comparable amount of usable open space is provided elsewhere on the lot or within the development  
20 where it is more accessible to the residents of the development; and

21 (2) The proposed new or expanding structure will not adversely affect the interior block  
22 open space formed by the rear yards of adjacent properties.

23  
24 **SEC. 136. OBSTRUCTIONS OVER STREETS AND ALLEYS AND IN REQUIRED**  
25 **SETBACKS, YARDS, AND USABLE OPEN SPACE.**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Streets and Alleys	Set- backs	Yards	Usable Open Space	
		X		<p>* * * *</p> <p>(c) The permitted obstructions shall be as follows:</p> <p>* * * *</p> <p>(24) Decks, whether attached to a building or not, at or below the adjacent first floor of occupancy, if developed as usable open space and meeting the following requirements:</p> <p>* * * *</p>
				<p>(C) Slope of more than <del>70% percent</del>.</p> <p>Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the <del>light, air, view, and</del> privacy of adjacent lots <del>are</del> is not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:</p> <p>(i) The deck shall be designed to provide the minimum obstruction to <del>light, air, view and</del> privacy.</p>



(ii) The deck shall be at least two feet inside all side lot lines;  
(iii) On downhill slopes, a horizontal angle of 30 degrees drawn inward from each side lot line at each corner of the rear building line shall be maintained clear, and the deck shall be kept at least 10 feet inside the rear lot line;

\* \* \* \*

**SEC. 206.6. STATE DENSITY BONUS PROGRAM: INDIVIDUALLY REQUESTED.**

\* \* \* \*

(e) **Review Procedures.** Except as provided in Section 317 or where a Conditional Use Authorization is required to permit a non-residential use, an application for any Individually Requested Density Bonus project shall not be subject to any other underlying entitlement approvals related to the proposed housing, such as a Conditional Use Authorization, *Mandatory Discretionary Review*, or a Large Project Authorization. *Further, any entitled project that was previously approved under the Individually Requested Density Bonus program that seeks an amendment to their approved application, including those projects outlined in Planning Code Section 415A.5, shall also not require an underlying entitlement approval related to the proposed housing.* If an entitlement is otherwise required, an application for a Density Bonus, Incentive, Concession, or waiver shall be acted upon concurrently with the application for the required entitlement.

\* \* \* \*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**SEC. 207.1. LOCAL ACCESSORY DWELLING UNIT PROGRAM.**

(a) **Exception to Dwelling Unit Density Limits for Certain Accessory Dwelling Units Under City’s Local Program.** An exception to the calculations under Section 207 of this Code shall be made for Accessory Dwelling Units (“ADUs”), as defined in Section 102 of this Code, meeting the requirements of this Section 207.1.

\* \* \* \*

(e) **Restrictions on Subdivisions.** Notwithstanding the provisions of Article 9 of the Subdivision Code, a lot with an ADU authorized under this Section 207.1 shall not be subdivided in a manner that would allow for the ADU to be sold or separately financed pursuant to any condominium plan, housing cooperative, or similar form of separate ownership. This prohibition on separate sale or finance of the ADU shall not apply to an ADU in a building that consisted entirely of condominium units as of July 11, 2013, and has had no evictions pursuant to Sections 37.9(a) through 37.9(a)(12) and 37.9(a)(14) of the Administrative Code since July 11, 1996. This prohibition on separate sale or finance of the ADU shall not apply to an ADU that meets the requirements of California Government Code Section ~~65852.2666341~~.

\* \* \* \*

**SEC. 207.2. STATE MANDATED ACCESSORY DWELLING UNIT PROGRAM.**

(a) **Exception to Dwelling Unit Density Limits for Certain Accessory Dwelling Units Under the State-Mandated Program.** An exception to the calculations under Section 207 of this Code shall be made for Accessory Dwelling Units (“ADUs”) and Junior Accessory Dwelling Units (“JADUs”), as defined in Section 102 of this Code, meeting the requirements of this Section 207.2. The purpose of this Section 207.2 is to implement California Government

1 Code Sections ~~65852.2266314~~ and ~~65852.2266333~~, which require ministerial consideration of  
2 ADUs and JADUs that meet certain standards.

3 \* \* \* \*

4 (d) **Specific Controls for Hybrid ADUs.** The purpose of this subsection 207.2(d)  
5 is to implement California Government Code Sections ~~65852.2(e)66323~~ and ~~65852.2266333~~,  
6 which require ministerial consideration of ADUs and JADUs that meet certain standards  
7 (“Hybrid ADUs”). California Government Code Section ~~65852.2(e)(6)66323~~ authorizes the City  
8 to impose objective standards, including, but not limited to, design, development, and historic  
9 standards, on ADUs approved under this subsection 207.2(d). ADUs and JADUs shall strictly  
10 meet the requirements set forth in this subsection 207.2(d), and all other applicable Planning  
11 Code standards, including open space, exposure, buildable area, and other standards,  
12 without requiring a waiver of Code requirements pursuant to subsection 207.1(g); provided,  
13 however, that adding an ADU or JADU in compliance with this subsection 207.2(d) does not  
14 exceed the allowable density for the lot. The City shall approve ADUs and JADUs meeting the  
15 following requirements, in addition to the requirements of subsection 207.2(b) and any other  
16 applicable standards:

17 (1) **ADUs and JADUs within proposed space of a proposed single-**  
18 **family dwelling or within existing space of a single-family dwelling or accessory**  
19 **structure meeting the following conditions:**

20 \* \* \* \*

21 (F) If a JADU is proposed, it meets the requirements of Planning Code  
22 Section 102 and California Government Code Section ~~65852.2266333~~.

23 \* \* \* \*

24 (e) **Specific Controls for State ADUs.** The purpose of this subsection 207.2(e) is  
25 to implement California Government Code Sections ~~65852.2(a) through (d)66314~~, which require

1 streamlined, ministerial approval of ADUs meeting certain standards (“State ADUs”). An ADU  
2 located on a lot that is zoned for single-family or multifamily use and contains an existing or  
3 proposed dwelling, and that is constructed pursuant to this subsection 207.2(e), shall meet all  
4 of the following requirements, in addition to the requirements of subsection 207.2(b) and any  
5 other applicable standards; ~~provided~~, however, that the City shall not impose any  
6 requirement for a zoning clearance or separate zoning review, any minimum or maximum size  
7 for an ADU, any size based upon a percentage of the proposed or existing primary dwelling,  
8 or any limits on lot coverage, floor area ratio, open space, front setbacks, and minimum lot  
9 size, for either attached or detached dwellings, that does not permit construction of an ADU  
10 meeting all other requirements that is 800 square feet or less in Gross Floor Area, 16 feet or  
11 less in height, and with four foot side and rear yard setbacks. ADUs under this subsection  
12 207.2(e) shall meet the following conditions:

13 \* \* \* \*

14 (7) **Setbacks.** No setback is required for an ADU located within an existing  
15 living area or an existing accessory structure, or an ADU that replaces an existing structure  
16 and is located in the same location and constructed to the same dimensions as the structure  
17 being replaced. A setback of no more than four feet from the side and rear lot lines shall be  
18 required for an ADU that is not converted from either an existing structure or a new structure  
19 constructed in the same location and to the same dimensions as an existing structure;  
20 *provided, however, that for an ADU that is part of new construction, such setback shall be required*  
21 *only for the portions of the ADU outside of the buildable area of the lot.*

22 \* \* \* \*

23 (f) **Permit Application Review and Approval.** No requests for discretionary  
24 review shall be accepted by the Planning Department for ~~permit applications~~ an ADU or JADU  
25 meeting the requirements of this Section 207.2. The Planning Commission shall not hold a

1 public hearing for discretionary review of ~~permit applications~~an ADU or JADU meeting the  
2 requirements of this Section 207.2. ~~Permit applications~~An ADU or JADU meeting the  
3 requirements of this Section 207.2 shall not be subject to the notification or review  
4 requirements of Section 311 of this Code.

5 \* \* \* \*

6 (h) **Prohibition of Short-Term Rentals.** An ADU or JADU authorized under this  
7 Section 207.2 shall not be used for Short-Term Residential Rentals under Chapter 41A of the  
8 Administrative Code. ~~This restriction shall be recorded as a Notice of Special Restriction on the~~  
9 ~~subject lot.~~

10 (i) **Rental; Restrictions on Subdivisions.** An ADU or JADU constructed  
11 pursuant to this Section 207.2 may be rented and is subject to all applicable provisions of the  
12 Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative  
13 Code). Notwithstanding the provisions of Article 9 of the Subdivision Code, a lot with an ADU  
14 or JADU authorized under this Section 207.2 shall not be subdivided in a manner that would  
15 allow for the ADU or JADU to be sold or separately financed pursuant to any condominium  
16 plan, housing cooperative, or similar form of separate ownership, except that this prohibition  
17 on separate sale or finance of the ADU shall not apply to an ADU that meets the requirements  
18 of California Government Code Section ~~65852.2666333~~(f).

19 (j) **Recordation for Junior ADUs.** The following restrictions shall be recorded as  
20 a Notice of Special Restriction, as required by California Government Code Section 66333(c), on  
21 the subject lot on which a JADU is constructed under this Section 207.2 and shall be binding  
22 on all future owners and successors in interest:

23 (1) Notwithstanding the provisions of Article 9 of the Subdivision Code, a lot  
24 with a JADU authorized under this Section 207.2 shall not be subdivided in a manner that  
25 would allow for the JADU to be sold or separately financed pursuant to any condominium

1 plan, housing cooperative, or similar form of separate ownership, except that this prohibition  
 2 on separate sale or finance of the JADU shall not apply to a JADU that meets the  
 3 requirements of California Government Code Section ~~65852.2666333~~(f).

4 (2) The size and attributes of a JADU constructed pursuant to this Section  
 5 207.2 shall comply with the requirements of this Section 207.2 and California Government  
 6 Code Section 65852.2266333.

7 (~~jk~~) **Department Report.** In addition to the information required by subsection  
 8 207.1(i)(3), the annual Housing Inventory shall include a description and evaluation of the  
 9 number and types of units being developed pursuant to this Section 207.2, their affordability  
 10 rates, and such other information as the Director or the Board of Supervisors determines  
 11 would inform decision\_makers and the public.

12 (~~kl~~) **Fees.** No impact fees shall be imposed on ADUs or JADUs authorized under  
 13 this Section 207.2, where the ADU or JADU is smaller than 750 square feet of Gross Floor  
 14 Area, or for ADUs that are proposed in lots with three existing units or fewer. Impact fees for  
 15 all other ADUs shall be imposed proportionately in relation to the Gross Floor Area of the  
 16 primary dwelling unit.

17  
 18 **SEC. 209.1. RH (RESIDENTIAL, HOUSE) DISTRICTS.**

19 \* \* \* \*

20 Table 209.1

21 ZONING CONTROL TABLE FOR RH DISTRICTS

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
* * * *						
RESIDENTIAL STANDARDS AND USES						

1	* * * *					
2	Residential Uses					
3	* * * *					
4	Homeless	§§ 102,	P <del>P</del>	P <del>P</del>	P <del>P</del>	P
5	Shelter	208				P

6 \* \* \* \*

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

8 (a) **General.** A special use district entitled the "North of Market Residential Special  
 9 Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on  
 10 Sectional Map No. SU01, and SU02 of the Zoning Map of the City and County of San  
 11 Francisco, is hereby established for the purposes set forth below.

12 \* \* \* \*

13 **SEC. 303. CONDITIONAL USES.**

14 \* \* \* \*

15 (i) **Large-Scale Retail Uses.** With respect to applications for the establishment of  
 16 large-scale retail uses under Section 121.6, in addition to the criteria set forth in §Subsections  
 17 (c) and (d) above, the Commission shall consider the following:

- 18 (1) The extent to which the retail use's parking is planned in a manner that  
 19 creates or maintains active street frontage patterns;
- 20 (2) The extent to which the retail use is a component of a mixed-use project or  
 21 is designed in a manner that encourages mixed-use building opportunities;
- 22 (3) The shift in traffic patterns that may result from drawing traffic to the  
 23 location of the proposed use;
- 24 (4) The impact that the employees at the proposed use will have on the  
 25 demand in the City for housing, public transit, childcare, and other social services; and

1 (5) An economic impact study. The Planning Department shall prepare an  
2 economic impact study using qualified City staff or shall select a consultant from a pool of pre-  
3 qualified consultants to prepare the economic impact study required by this ~~sub~~Subsection *(i)(5)*.  
4 The analysis, in the form of a study, shall be considered by the Planning Commission in its  
5 review of the application. The applicant shall bear the cost of paying the consultant for *the*  
6 *consultant's*~~his or her~~ work preparing the economic impact study, and any necessary  
7 documents prepared as part of that study. ~~The applicant shall also pay an administrative fee to~~  
8 ~~compensate Planning Department and City staff for its time reviewing the study, as set forth in Section~~  
9 ~~359 of this Code.~~ The study shall evaluate the potential economic impact of the applicant's  
10 proposed project, including:

11 \* \* \* \*

12  
13 **SEC. 303.1. FORMULA RETAIL USES.**

14 \* \* \* \*

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

18 \* \* \* \*

19 (9) Third Street Formula Retail Restricted Use District, as defined in Section  
20 786; and

21 (10) ~~C-3-G District with frontage on Market Street, between 6th Street and the~~  
22 ~~intersection of Market Street, 12th Street and Franklin Street; and~~

23 ~~(H)~~ Central SoMa Special Use District as defined in Section 848, except for  
24 those uses not permitted pursuant to subsection (f) below.

25 \* \* \* \*



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

\* \* \* \*

**(b) Applicability.**

(1) Within the Priority Equity Geographies SUD, all planning entitlement applications in Residential, NC, NCT, Chinatown Mixed Use Districts, and Eastern Neighborhoods Mixed Use Districts for demolition, new construction, or alteration of buildings shall be subject to the notification and review procedures required by this Section 311. Notwithstanding the foregoing or any other requirement of this Section 311, planning entitlement applications to construct an Accessory Dwelling Unit pursuant to Section 207.2 shall not be subject to the notification or review requirements of this Section 311.——

—————~~(B)~~ A change of use to a principally permitted use in the Western SoMa Plan Area, Central SoMa Plan Area, or East SoMa Plan Area shall not be subject to the provisions of this Section 311.

\* \* \* \*

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

1 review process and shall set forth the mailing date of the notice and the expiration date of the  
2 notification period.

3 \* \* \* \*

4 (7) **Notification Package.** The notification package for a project subject to  
5 notice under this Section 311 shall include a written notice and reduced-size drawings of the  
6 project. Distributed plans and drawings may be limited to comply with applicable state laws.

7 \* \* \* \*

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

11 \* \* \* \*

12 (c) **Applicability; Exemptions.**

13 (1) Within the Priority Equity Geographies Special Use District, any application  
14 for a permit that would result in the Removal of one or more Residential Units or Unauthorized  
15 Units is required to obtain Conditional Use authorization.

16 (2) Outside the Priority Equity Geographies Special Use District, any  
17 application for a permit that would result in the Removal of one or more Residential Units or  
18 Unauthorized Units is required to obtain Conditional Use authorization unless it meets all the  
19 following criteria:

20 \* \* \* \*

21 (D) The proposed project is adding at least one more ~~unit~~ Residential Unit  
22 than would be demolished;

23 \* \* \* \*

24 \_\_\_\_\_(4) For Unauthorized Units, this Conditional Use authorization will not be  
25 required for Removal if the Zoning Administrator has determined in writing that the unit cannot

1 be legalized under any applicable provision of this Code. The application for a replacement  
2 building or alteration permit shall also be subject to Conditional Use requirements.

3 \* \* \* \*

4 (7) **Exemptions for Unauthorized Dwelling Units.** The Removal of an  
5 Unauthorized Unit does not require a Conditional Use authorization pursuant to subsections  
6 (c)(1) or (c)(2) if:

7 (A) the Unauthorized Unit requires a waiver of open space or dwelling  
8 unit exposure requirements, and the Unauthorized Unit is ineligible for a waiver or exemption  
9 from those standards pursuant to Section 307, Section 207~~(e)(4)~~.1 (Accessory Dwelling Units -  
10 Local Program), Section 207~~(e)(6)~~.2 (Accessory Dwelling Units - State Mandated Program), or  
11 Section 207.3 (Dwelling Unit Legalization Program); or

12 (B) the Unauthorized Unit has no contiguous area that meets both the  
13 required minimum superficial floor area in Housing Code Section 503(b) and the minimum  
14 legal floor-to-ceiling height requirement in Housing Code Section 503(a).

15 \* \* \* \*

16  
17 **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

18 \* \* \* \*

19 **Table 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT**  
20 **ZONING CONTROL TABLE**

21 \* \* \* \*

		Polk Street NCD
Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
* * * *		

<b>Street Frontage and Public Realm</b>		
* * * *		
Ground Floor Commercial	§ 145.4	<i><del>Not Required</del> Required on any street frontage that is in the Polk Street Neighborhood Commercial District.</i>
* * * *		

Section 3. Article 8 of the Planning Code is hereby amended by revising Sections 810, 811, 812, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, and 840, to read as follows:

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

\* \* \* \*

**Table 810**

**CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

		<b>Chinatown Community Business District</b>
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
<b>RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Use Characteristics</b>		
<i>Intermediate Length Occupancy</i>	<i>§§102, 202.10</i>	<i>NP</i>
Single Room Occupancy	§102	P

* * * *		
<b>NON-RESIDENTIAL STANDARDS</b>		
<b>Development Standards</b>		
* * * *		
Use Size	§ 121.4	P up to <del>5,000</del> <u>2,500</u> sq. ft.; C <u>5,000 sq. ft. &amp; above</u> <u>2,501 to</u> <u>5,000 sq. ft.</u>
* * * *		

\* \* \* \*

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

\* \* \* \*

**Table 811  
CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Controls
<b>RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Use Characteristics</b>		
<i>Intermediate Length Occupancy</i>	<u>§§102, 202.10</u>	<u>NP</u>
Single Room Occupancy	§102	P
* * * *		

\* \* \* \*

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

2 \* \* \* \*

3 **Table 812**

4 **CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**  
 5 **ZONING CONTROL TABLE**

6 \* \* \* \*

Zoning Category	§ References	Controls
<b>RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Use Characteristics</b>		
<i>Intermediate Length Occupancy</i>	<u>§§102, 202.10</u>	<u>NP</u>
Single Room Occupancy	§102	P
* * * *		

15 \* \* \* \*

17 **SEC. 830. CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT.**

18 \* \* \* \*

19 **Table 830**

20 **CMUO – CENTRAL SOMA MIXED USE – OFFICE DISTRICT ZONING CONTROL TABLE**

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

1	<i>Intermediate Length Occupancy</i>	<u>§§102, 202.10</u>	<u>NP</u>
2	Single Room Occupancy	§102	P
3	* * * *		

4 \* \* \* \*

5

6 **SEC. 831. MUG – MIXED USE-GENERAL DISTRICT.**

7 \* \* \* \*

8 **Table 831**

9 **MUG – MIXED USE – GENERAL DISTRICT ZONING CONTROL TABLE**

10	Zoning Category	§ References	Mixed Use-General District Controls
11	<b>RESIDENTIAL STANDARDS AND USES</b>		
12	* * * *		
13	<b>Use Characteristics</b>		
14	Intermediate Length	§§102, 202.10	<u>NP</u> <del>P(2)</del>
15	Occupancy		
16	* * * *		

17 \* \* \* \*

18 (2) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or*

19 *more Dwelling Units.*

20 \* \* \* \*

21

22 **SEC. 832. MUO – MIXED USE-OFFICE DISTRICT.**

23 \* \* \* \*

24 **Table 832**

**MUO – MIXED USE – OFFICE DISTRICT ZONING CONTROL TABLE**

<b>Zoning Category</b>	<b>§ References</b>	<b>Mixed Use-Office District Controls</b>
<b>RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Use Characteristics</b>		
Intermediate Length	§§102, 202.10	<u>NP P(3)</u>
Occupancy		
* * * *		

\* \* \* \*

(3) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.*

\* \* \* \*

**SEC. 833. MUR – MIXED USE-RESIDENTIAL DISTRICT.**

\* \* \* \*

**Table 833**

**MUR – MIXED USE RESIDENTIAL – DISTRICT ZONING CONTROL TABLE**

<b>Zoning Category</b>	<b>§ References</b>	<b>Mixed Use-Residential District Controls</b>
<b>RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Use Characteristics</b>		
Intermediate Length	§§102, 202.10	<u>NP P(4)</u>
Occupancy		



1 \* \* \* \*

2 \* \* \* \*

3 (4) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or*  
4 *more Dwelling Units.*

5 \* \* \* \*

7 **SEC. 834. RED – RESIDENTIAL ENCLAVE DISTRICT.**

8 \* \* \* \*

9 **Table 834**

10 **RED – RESIDENTIAL ENCLAVE DISTRICT ZONING CONTROL TABLE**

Zoning Category	§ References	Residential Enclave District Controls
<b>RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Use Characteristics</b>		
Intermediate Length	§§102, 202.10	<i>NP P(5)</i>
Occupancy		
* * * *		

18 \* \* \* \*

19 (5) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or*  
20 *more Dwelling Units.*

21 \* \* \* \*

23 **SEC. 835. RED-MX – RESIDENTIAL ENCLAVE-MIXED DISTRICT.**

24 \* \* \* \*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

Table 835

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

\* \* \* \*

Zoning Category	§ References	Residential Enclave-Mixed District Controls
<b>RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Use Characteristics</b>		
Intermediate Length Occupancy	§§102, 202.10	<u>NP P(2)</u>
* * * *		

\* \* \* \*

*(2) [Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.*

\* \* \* \*

**SEC. 836. SALI – SERVICE/ARTS/LIGHT INDUSTRIAL DISTRICT.**

\* \* \* \*

Table 836

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

\* \* \* \*

<b>Zoning Category</b>	<b>§ References</b>	<b>Service/Arts/Light Industrial District Controls</b>
<b>RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Use Characteristics</b>		
Intermediate Length	§§102, 202.10	<u>NP P(2)</u>
Occupancy		
* * * *		

\*Not listed below

\* \* \* \*

(2) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.*

\* \* \* \*

(10) Nighttime Entertainment subject to buffer in Section 249.39(c)(7)249.6(e)(9).

**SEC. 837. SPD – SOUTH PARK DISTRICT.**

\* \* \* \*

**Table 837**

**SPD – SOUTH PARK DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

<b>Zoning Category</b>	<b>§ References</b>	<b>South Park District Controls</b>
* * * *		
<b>RESIDENTIAL STANDARDS AND USES</b>		

* * * *		
<b>Use Characteristics</b>		
Intermediate Length Occupancy	§§102, 202.10	<del>NP P(4)</del>
* * * *		

\* \* \* \*

(4) ~~[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units~~

\* \* \* \*

**SEC. 838. UMU – URBAN MIXED USE DISTRICT.**

The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses while maintaining the characteristics of this formerly industrially-zoned area. It is also intended to serve as a buffer between residential districts and PDR districts in the Eastern Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair uses such as light manufacturing, home and business services, arts activities, warehouse, and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime entertainment. Housing is also permitted, but is subject to higher affordability requirements. Family-sized dwelling units are encouraged. Within the UMU, office uses are generally prohibited in the Mission Area Plan and elsewhere are restricted to the upper floors of multiple story buildings. In considering any new land use not contemplated in this District, the Zoning Administrator shall take into account the intent of this District as expressed in this Section 843~~8~~ and in the General Plan. Accessory Dwelling Units are permitted within the district pursuant to Sections 207.1 and ~~(e)(6)~~207.2 of this Code.

\* \* \* \*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**Table 838**

**UMU – URBAN MIXED USE DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Urban Mixed Use District Controls
<b>RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Use Characteristics</b>		
Intermediate Length	§§102, 202.10	<u>NP P(1)</u>
Occupancy		
* * * *		

\* \* \* \*

(1) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.*

\* \* \* \*

**SEC. 839. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.**

\* \* \* \*

**Table 839**

**WMUG – WSOMA MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

Zoning Category	§ References	Western SoMa Mixed Use-General District Controls
<b>RESIDENTIAL STANDARDS AND USES</b>		
* * * *		

<b>Use Characteristics</b>		
Intermediate Length	§§102, 202.10	<u>NP P(3)</u>
Occupancy		
* * * *		

\* \* \* \*

(3) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.*

\* \* \* \*

**SEC. 840. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.**

\* \* \* \*

**Table 840**

**WMUO – WSOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE**

\* \* \* \*

<b>Zoning Category</b>	<b>§ References</b>	<b>Western SoMa Mixed Use-General District Controls</b>
<b>RESIDENTIAL STANDARDS AND USES</b>		
* * * *		
<b>Use Characteristics</b>		
Intermediate Length	§§102, 202.10	<u>NP P(3)</u>
Occupancy		
* * * *		

(3) *[Note Deleted] NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.*

\* \* \* \*



## LEGISLATIVE DIGEST

[Building, Planning Codes - Code Corrections and Updates]

**Ordinance amending the Building and Planning Codes to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions; directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Department of Housing and Community Development upon final passage; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

### Existing Law

This ordinance amends multiple sections of the Planning Code.

### Amendments to Current Law

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

In addition, this ordinance would make several minor, substantive clarifications to the code, including:

- amending the definition of Historic Resource to include resources that are determined to be a contributor through historic resource review.
- clarifying that the rear yard requirement does not apply in NC-S Districts.
- adding back language that allows the ZA to modify or waive the required rear yard in NC Zoning Districts administratively. This was inadvertently removed in a prior ordinance.
- adding back front setback requirements in Section 132, which were inadvertently removed a provision for properties that only have one adjacent building, such as buildings on corner lots. This was inadvertently removed in a prior ordinance.
- clarifying that Mandatory Discretionary Review is included in the types of entitlements that are not required for projects seeking approval pursuant to Section 206.6.
- modifying the specific materials that must be included in mailed notice.
- reinstating controls for Intermediate Length Occupancy, which were inadvertently removed.
- clarifying that Ground Floor Commercial uses are required in the Polk Street NCD.



Background Information

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

n:\legana\as2024\2400386\01796265.docx



October 24, 2024

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

Re: **Transmittal of Planning Department Case Number 2024-005931PCA:**  
2024 Code Corrections Ord  
Board File No. TBD

**Planning Commission Recommendation: Approval with Modification**

Dear Ms. Calvillo,

On September 19, 2024, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, initiated by the Planning Commission on August 1, 2024. The proposed ordinance would amend Planning Code to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions. At the hearing the Planning Commission adopted a recommendation for approval with modifications. The commission's proposed modifications have already been incorporated into the proposed ordinance.

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Aaron D. Starr". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Aaron D. Starr  
*Manager of Legislative Affairs*

cc: Austin Yang, Deputy City Attorney  
John Carroll, Office of the Clerk of the Board

**ATTACHMENTS :**

Planning Commission Resolution  
Planning Department Executive Summary  
Signed to Form Ordinance  
Legislative Digest



# PLANNING COMMISSION RESOLUTION NO. 21614

**HEARING DATE:** September 19, 2024

*Project Name:* 2024 Code Corrections Ordinance  
*Case Number:* 2024-005931PCA [Board File No. TBD]  
*Initiated by:* Planning Commission / Introduced August 1, 2024  
*Staff Contact:* Aaron D Starr, Manager of Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

**RESOLUTION ADOPTING A RECOMMENDATION FOR APPROVAL OF A PROPOSED ORDINANCE THAT WOULD AMEND THE BUILDING AND PLANNING CODES TO CORRECT TYPOGRAPHICAL ERRORS, UPDATE OUTDATED CROSS-REFERENCES, MAKE NON-SUBSTANTIVE REVISIONS TO CLARIFY OR SIMPLIFY CODE LANGUAGE, AND MAKE OTHER MINOR, SUBSTANTIVE UPDATES TO VARIOUS CODE PROVISIONS; DIRECTING THE CLERK OF THE BOARD OF SUPERVISORS TO FORWARD THIS ORDINANCE TO THE CALIFORNIA DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT UPON FINAL PASSAGE; AFFIRMING THE PLANNING DEPARTMENT'S DETERMINATION UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT; MAKING FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND THE EIGHT PRIORITY POLICIES OF PLANNING CODE SECTION 101.1; AND ADOPTING FINDINGS OF PUBLIC NECESSITY, CONVENIENCE, AND GENERAL WELFARE UNDER PLANNING CODE, SECTION 302.**

WHEREAS, on August 1, 2024, the Planning Commission initiated a proposed Ordinance, which would amending the Building and Planning Codes to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions; and,

WHEREAS, the Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on September 19, 2024; and,

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

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of

Department staff and other interested parties; and

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

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

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

MOVED, that the Planning Commission hereby adopts a **recommendation for approval with modifications** of the proposed ordinance. The Commission’s proposed recommendations are as follows:

1. Delete the proposed language in Section 134(k)(2), which reads: (2) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and
2. Amend footnote #9 in Section 836 (SALI) and 840 (WMUO) to change the Section reference from 249.6(c)(9) to 249.39(c)(7).
3. Amend Section 209.1 for RH Zoning Districts as follows:

Residential Uses						
****						
Homeless Shelter	§§ <a href="#">102</a> , <a href="#">208</a>	LP	LP	LP	P	P

\* \* \* \*

4. Amended Planning Code Section 303(i) as follows:

(5) **An economic impact study.** The Planning Department shall prepare an economic impact study using qualified City staff or shall select a consultant from a pool of pre-qualified consultants to prepare the economic impact study required by this Subsection. The analysis, in the form of a study, shall be considered by the Planning Commission in its review of the application. The applicant shall bear the cost of paying the consultant for his or her work preparing the economic impact study, and any necessary documents prepared as part of that study. ~~The applicant shall also pay an administrative fee to compensate Planning Department and City staff for its time reviewing the study, as set forth in Section [359](#) of this Code.~~ The study shall evaluate the potential economic impact of the applicant's proposed project, including:

5. Amend Planning Code Section 723 (Polk Street NCD) as follows:

Street Frontage and Public Realm		
Street Frontage Requirements	§ <a href="#">145.1</a>	Required; controls apply to above-grade parking setbacks, parking and loading entrances, active uses, ground floor ceiling height, street-facing ground-level spaces, transparency and fenestration, and gates, railings, and grillwork. Exceptions permitted for historic buildings.
Ground Floor Commercial	§ <a href="#">145.4</a>	<del>Not Required</del> <u>Required on any street frontage that is in the Polk Street Neighborhood Commercial District.</u>
***		

6. Amend Section 303.1 Formula Retail Uses as follows:

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

- (1) All Neighborhood Commercial Districts in Article [7](#);

\*\*\*

- (9) Third Street Formula Retail Restricted Use District, as defined in Section [786](#); and

(10) ~~C-3-G District with frontage on Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street; and~~

~~(H)~~ Central SoMa Special Use District as defined in Section 848, except for those uses not permitted pursuant to subsection (f) below.

7. Amend Planning Code Section 249.5: North of Market Residential Special Use District as follows:

(a) **General.** A special use district entitled the "North of Market Residential Special Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on Sectional Map No. SU01 and SU02 of the Zoning Map of the City and County of San Francisco, is hereby established for the purposes set forth below.

8. Amend Section 145.1(b)(2)(D) as follows:

(D) Public ~~Facilities~~ Use defined in Section [102](#) are considered active uses except utility installations.

9. Amend Section 206.6(e)- State Density Bonus Projects, as follows:

(e) **Review Procedures.** Except as provided in Section 317 or where a Conditional Use Authorization is required to permit a non-residential use, an application for any Individually Requested Density Bonus project shall not be subject to any other underlying entitlement approvals related to the proposed housing, such as a Conditional Use Authorization, Mandatory Discretionary Review, or a Large Project Authorization. Further, any entitled project for Individually Requested Density Bonus project that seeks an amendment to their approved application, including those outlined in Planning Code Section 415A.5, shall also not require an underlying entitlement approval related to the proposed housing. If an

entitlement is otherwise required, an application for a Density Bonus, Incentive, Concession, or waiver shall be acted upon concurrently with the application for the required entitlement.

10. In response to the letter sent to the Planning Commission on September 17, 2024, by John Kevlin of Rubin Junius and Rose, LLP, the Commission also directs staff to work with Mr. Kevlin on specific language that would amend Planning Code Section 210.3 (PDR Zoning Districts), footnote (22). The language would allow “any other PDR uses, excluding Parcel Delivery Service” to the list of uses allowed for the exception outlined in the subject footnote. This language will be presented before the Board of Supervisor’s Land Use Committee as a proposed amendment to the ordinance.

## Findings

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

The Commission recommends approval of the proposed ordinance because it will correct errors and outdated references in the Planning Code aiding in more efficient implementation of the Planning Code. While drafting this ordinance additional errors were identified by the public and staff. To make the most out of this Code Corrections ordinance and to further clarify the code, the Commission is recommending additional amendments be added to the ordinance.

## General Plan Compliance

The proposed Ordinance and the Commission’s recommended modifications are consistent with the following Objectives and Policies of the General Plan:

### HOUSING ELEMENT

#### POLICY 40:

ENFORCE AND IMPROVE PLANNING PROCESSES AND BUILDING REGULATIONS TO ENSURE A HEALTHY ENVIRONMENT FOR NEW HOUSING DEVELOPMENTS, ESPECIALLY IN ENVIRONMENTAL JUSTICE.

*The proposed Ordinance will bring more consistency to the Planning Code, including areas that concern the development of housing. The proposed Ordinance will serve the General Plan by amending sections of the Planning Code to be consistent, clear, and concise. These amendments will improve the quality of the Planning Code and thereby make it easier for the objectives and policies of the Code to be carried out.*

## Planning Code Section 101 Findings

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

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

*The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail.*

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

*The proposed Ordinance would not have a negative effect on housing or neighborhood character.*

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

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

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

*The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.*

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

*The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.*

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

*The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.*

7. That the landmarks and historic buildings be preserved;

*The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.*

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

*The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.*



**Planning Code Section 302 Findings.**

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

NOW THEREFORE BE IT RESOLVED that the Commission hereby ADOPTS A RECOMMENDATION FOR APPROVAL WITH MODIFICATIONS the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on September 19, 2024.



Jonas P. Ionin  
Commission Secretary

Jonas P Ionin

Digitally signed by Jonas P  
Ionin  
Date: 2024.10.11 16:16:06  
-07'00'

AYES: Campbell, McGarry, Williams, Braun, Imperial, Moore, So  
NOES: None  
ABSENT: None  
ADOPTED: September 19, 2024



# EXECUTIVE SUMMARY

## PLANNING AND BUILDING CODE TEXT AMENDMENT

**HEARING DATE:** September 19, 2024

**90-Day Deadline:** N/A

*Project Name:* 2024 Code Corrections Ord  
*Case Number:* 2024-005931PCA [Board File No. TBD]  
*Initiated by:* Planning Commission / Introduced August 1, 2024  
*Staff Contact:* aaron starr, Legislative Affairs  
aaron.starr@sfgov.org, 628-652-7533

*Environmental Review:* Not a Project Under CEQA

**RECOMMENDATION:** Adopt of Recommendation for Approval with Modifications

### Planning Code Amendment

Ordinance amending the Building and Planning Codes to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions.

	The Way It Is Now	The Way It Would Be
1	The Planning Code contains several errors and incorrect references due in part to the numerous times the code has been amended.	Various errors and incorrect references will be corrected. (Found on various pages throughout)
2	The Planning and Building Codes contains incorrect references and outdated language regarding the state-mandated ADU program.	Incorrect references to state law and development requirements concerning ADUs will be corrected. (Pages 8-12, and 26)

3	<p>The Constraints Reduction Ordinance<sup>1</sup> added the definition of Historic Building to the Planning Code with the purpose of identifying known historic resources including contributors to historic districts; however, the definition did not include contributors to historic districts determined through historic resource review.</p>	<p>The following language will be added to the definition of Historic Building in Section 102:</p> <p>“It is listed as a contributor to an historic district listed in Article 10, <u>or if the historic district does not list contributors, is determined to be a contributor through historic resource review;</u>”  (Page 3, lines 11-12)</p>
4	<p>The Constraints Reduction Ordinance amended the Front Setback requirements in Section 132. In the process it inadvertently removed a provision for properties that only have one adjacent building, such as buildings on corner lots.</p>	<p>The following language will be added back to the front setback requirements in Section 132:  <i>However, aside from the scenarios described in subsection (c) below, a lot that only has one adjacent building shall provide a front setback equal to one half the front setback of such adjacent building.</i>  (Page 4, Lines 7-9)</p>
5	<p>Rear yards are not required in NC-S Districts; however, Section 134 does not explicitly state this, leading to some confusion in interpretation.</p>	<p>Planning Code Section 134(b) will be amended to clarify that no rear yards are required in NC-S zoning districts. (Page 5, Lines 6-7)</p>
6	<p>The Constraint’s Reduction Ordinance amended required rear yard requirements by standardizing rear yards at 25% and 30% depending on the intensity of the district. In the process it inadvertently removed a provision that allowed the Zoning Administrator to administer amend the rear yard in requirement in NC Districts if certain conditions are met.</p>	<p>Language that allows the ZA to modify or waive the required rear yard in NC Zoning Districts will be added back into the Planning Code. (Page 5, Lines 11-21)</p>
7	<p>The Constraints Reduction ordinance amended the Code so that an application for any Individually Requested Density Bonus project is not subject to any other underlying entitlement related to the proposed housing. The language included Conditional Use authorization and Large Project Authorization as examples of an underling entitlement.</p>	<p>“Mandatory Discretionary Review” will be added to the examples of underlying entitlements. (Page 7, line 18)</p>

<sup>1</sup> 2023-003676PCA, Board File No. [230446](#)

8	Planning Code Section 311 includes very specific information required on mailed notices. This specificity makes it difficult for the Planning Department to do the required translation and adjust our noticing language based on community feedback.	Specific language on what is required in the Section 311 neighborhood notice would be removed.
9	Historically, Intermediate Length Occupancy (ILOs) units have not been permitted in the Mixed-Use Districts; however, the Article 8 Reorganization effort inadvertently allowed this use in Mixed Use Districts.	Mixed-Use zoning districts in Article 8 will be amended to prohibit Intermediate Length Occupancy units. (page 15, line 22; page 16 line 19; page 17 lines 10 and 24; page 18, line 12, 16-17; page 19, line 4, 8-9, 21; page 20, line 1, 13, 17-18; page 21, line 8, 12-13; page 22, line 3, 8-9; page 23, line 1, 5-6; page 24, line 6, 10-11; and page 25, line 1, 5-6, 18, 21-22)

## Background

The Planning Code experiences frequent amendments. Although individual ordinances are reviewed by the Planning Department and the City Attorney’s Office, the volume of legislative actions and complexity of the Code as a legal, living document ensures that errors will inadvertently arise. The Planning Department actively collects these reported errors and presents them as a Code Corrections Ordinance. This ordinance will mostly fix errors from the Constraints Reduction Ordinance, Article 8 Reorganization Ordinance, and various ADU ordinances. A more complete evaluation of the proposed changes will be provided when this ordinance comes back to the Commission for adoption.

## Issues and Considerations

### Building Inspection Commission Review

The proposed ordinance was reviewed by the Building Department’s Administrative and General Design & Disability Access Subcommittee and the Code Advisory Committee on August 14, and on the Building Inspection Committee on August 21. All committees voted to recommend approval of the proposed ordinance as it effects the Building Code.

### Constraint’s Reduction Ordinance

The Constraint’s Reduction Ordinance, proposed by Mayor Breed and co-sponsored by Supervisor Engardio, made numerous changes to the Planning Code. The purpose of the ordinance was to remove unnecessary process for housing projects that comply with existing code requirements and otherwise simplify and clarify certain Planning Code requirements. Some of those changes simplified the front and rear setback requirements. In the process of amending those section, certain necessary provisions were inadvertently deleted. This ordinance seeks to put back those deleted section. In addition, this ordinance seeks to further clarify two additional provisions added to the code as part of the Constraints Reduction Ordinance, including

the definition of a Historic Resource (item 4 above), and further clarification on what is an underlying entitlement (item 7 above).

## State ADU Amendments

In March 2024, the California Legislature enacted Senate Bill 477 as an urgency measure. SB 477 was signed by Governor Newsom on March 26, 2024, and it took effect immediately. The bill's purpose is to make state law governing Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs") easier to read and navigate. It does so by relocating numerous Government Code sections into a new chapter, and, within that chapter, key regulations are divided into smaller sections by topic area. SB 477's changes to state law are only organizational; none is substantive. As such, the proposed amendments to the Building Code are also non-substantive. Amendments to the Planning Code are also non-substantive or they add additional clarification to the code to aid implementation.

## General Plan Compliance

Given the clerical nature of the proposed ordinance, there aren't specific General Plan goals and policies that apply; however, overall, the proposed ordinance, which seeks to correct errors in the Planning and Building Codes is consistent with the Goals and Policies of the General Plan.

## Racial and Social Equity Analysis

The proposed amendments cannot be directly tied to a negative or positive impact in advancing the City's racial and social equity; however, the proposed ordinance will correct outdated references and errors in two municipal codes helping to make them clearer and therefore more accessible to the public.

## Implementation

The Department has determined that this Ordinance will improve our current implementation procedures by correcting outdated references and errors in the Planning and Building Codes.

## Recommendation

The Department recommends that the Commission ***adopt a recommendation for approval with modifications*** of the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department's proposed recommendations are as follows:

1. Delete the proposed language in Section 134(k)(2), which reads: *(2) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and*
2. Amend footnote #9 in Section 836 (SALI) and 840 (WMUO) to change the section reference from 249.6(c)(9) to 249.39(c)(7).

3. Amend Section 209.1 for RH Zoning Districts as follows:

Residential Uses						
****						
Homeless Shelter	§§ <a href="#">102</a> , <a href="#">208</a>	P P	P P	P P	P	P

\* \* \* \*

4. Amended Planning Code Section 303(i) as follows:

(5) **An economic impact study.** The Planning Department shall prepare an economic impact study using qualified City staff or shall select a consultant from a pool of pre-qualified consultants to prepare the economic impact study required by this Subsection. The analysis, in the form of a study, shall be considered by the Planning Commission in its review of the application. The applicant shall bear the cost of paying the consultant for his or her work preparing the economic impact study, and any necessary documents prepared as part of that study. *The applicant shall also pay an administrative fee to compensate Planning Department and City staff for its time reviewing the study, as set forth in Section [359](#) of this Code.* The study shall evaluate the potential economic impact of the applicant's proposed project, including:

5. Amend Planning Code Section 723 (Polk Street NCD) as follows:

Street Frontage and Public Realm		
Street Frontage Requirements	§ <a href="#">145.1</a>	Required; controls apply to above-grade parking setbacks, parking and loading entrances, active uses, ground floor ceiling height, street-facing ground-level spaces, transparency and fenestration, and gates, railings, and grillwork. Exceptions permitted for historic buildings.
Ground Floor Commercial	§ <a href="#">145.4</a>	<del>Not Required</del> <i>Required on any street frontage that is in the Polk Street Neighborhood Commercial District.</i>
* * * *		

6. Amend Section 303.1 Formula Retail Uses as follows:

- (e) **Conditional Use Authorization Required.** A Conditional Use Authorization shall be required for a Formula Retail use in the following zoning districts unless explicitly exempted:
- (1) All Neighborhood Commercial Districts in Article [7](#);
- \* \* \* \*
- (9) Third Street Formula Retail Restricted Use District, as defined in Section [786](#); *and*
  - (10) ~~C-3-G District with frontage on Market Street, between 6th Street and the intersection of Market Street, 12th Street and Franklin Street; and~~

~~(H)~~ Central SoMa Special Use District as defined in Section 848, except for those uses not permitted pursuant to subsection (f) below.

7. Amend Planning Code Section 249.5: North of Market Residential Special Use District as follows:

(a) **General.** A special use district entitled the "North of Market Residential Special Use District," which includes RC-4 and P Use Districts, the boundaries of which are shown on Sectional Map No. SU01 *and* SU02 of the Zoning Map of the City and County of San Francisco, is hereby established for the purposes set forth below.

8. Amend Section 145.1(b)(2)(D) as follows:

(D) Public ~~Facilities~~ Use defined in Section [102](#) are considered active uses except utility installations.

9. Amend Section 206.6(e)- State Density Bonus Projects, as follows:

(e) **Review Procedures.** Except as provided in Section 317 or where a Conditional Use Authorization is required to permit a non-residential use, an application for any Individually Requested Density Bonus project shall not be subject to any other underlying entitlement approvals related to the proposed housing, such as a Conditional Use Authorization, Mandatory Discretionary Review, or a Large Project Authorization. Further, any entitled project for Individually Requested Density Bonus project that seeks an amendment to their approved application, including those outlined in Planning Code Section 415A.5, shall also not require an underlying entitlement approval related to the proposed housing. If an entitlement is otherwise required, an application for a Density Bonus, Incentive, Concession, or waiver shall be acted upon concurrently with the application for the required entitlement.

## Basis for Recommendation

The Department recommends approval of the proposed ordinance because it will correct errors and outdated references in the Planning Code aiding in more efficient and accurate implementation. While bringing this ordinance through the legislative process, additional errors were identified by the public and staff. To make the most out of this Code Corrections ordinance and to further clarify the code, the Department is recommending the following corrections be added to the ordinance.

**Recommendation 1: Delete the proposed language in Section 134(k)(2)-** The language that is proposed in the ordinance is taken verbatim from what was in the code prior to the Constraint's Reduction Ordinance; however, per HCDs Policies and Practices Review, terms such as "light, air, and views" cannot be used as justification for approving projects. The Department has endeavored to remove such terms from the rest of the Planning Code and from our case reports. The removal of this language is in line with that effort.

**Recommendation 2: Amend footnote #9 in Section 836 (SALI) and 840 (WMUO) to change the Section reference from 249.6(c)(9) to 249.39(c)(7)-** This is a clerical correction to fix and incorrect reference.

**Recommendation 3: Amend Section 209.1 for RH Zoning Districts regarding Homeless Shelters-** This was a drafting error in the Constraint's Reduction Ordinance identified by the publisher.

**Recommendation 4: Amended Planning Code Section 303(i) to delete reference to Section 359-**

Planning Code Section 359 no longer exists nor does the fee it references. The Planning Department recoups the time it takes reviewing studies through our time and materials billing. The proposed amendment removes the incorrect and outdated reference.

**Recommendation 5: Amend Planning Code Section 723 (Polk Street NCD) regarding required ground floor commercial-** The Zoning Control Table in Section 723 incorrectly states that ground floor commercial is not required in the Polk Street NCD. The proposed amendment will fix that error.

**Recommendation 6: Amend Section 303.1 Formula Retail Uses to remove reference to C-3-G districts -** Board File [230371](#) (Page 33-34) removed the Conditional Use requirement for Formula Retail along this stretch of Market Street; however, Planning Code Section 303.1 was not updated to reflect this. The proposed amendment will correct that error.

**Recommendation 7: Amend Planning Code Section 249.5: North of Market Residential Special Use District-** The North of Market Residential Special Use District appears on both Zoning Map SU01 and SU02, but Section 249.5 only references SU01. This amendment will correct that omission.

**Recommendation 8: Amend Section 145.1(b)(2)(D)-** The Code Reorganization effort changed “Public Facilities” to “Public Use”. Not all references to the old terminology were corrected at the time, this amendment will fix one that was missed.

**Recommendation 9: Amend Section 206.6(e)- State Density Bonus Projects-** This section is already being amended to add “Mandatory Discretionary Review” (See item 7 on page 2). The additional language not in the attached ordinance would clarify that State Density Bonus Projects that seek to amend their project entitlement after approval would also not require a hearing. This amendment is in line with the original intent of the Constraint’s Reduction Ordinance and is only adding clarifying language to remove any ambiguity.

## Required Commission Action

The proposed Ordinance is before the Commission so that it may adopt a recommendation of approval, disapproval, or approval with modifications.

## Environmental Review

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

## Public Comment

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.



**ATTACHMENTS:**

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Proposed Ordinance



## BUILDING INSPECTION COMMISSION (BIC)

Department of Building Inspection

Voice (628) 652 -3510

49 South Van Ness Avenue, 5<sup>th</sup> Floor San Francisco, California 94103

August 22, 2024

London N. Breed  
Mayor

### COMMISSION

Alysabeth  
Alexander-Tut  
President

Earl Shaddix  
Vice-President

Evita Chavez  
Catherine Meng  
Bianca Neumann  
Angie Sommer  
Kavin Williams

Sonya Harris  
Secretary

Monique Mustapha  
Asst. Secretary

Patrick O'Riordan,  
C.B.O., Director

Ms. Angela Calvillo  
Clerk of the Board  
Board of Supervisors, City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102-4694

Dear Ms. Calvillo:

### **RE: Building, Planning Codes – Code Corrections and Updates**

**Ordinance amending the Building and Planning Codes to correct typographical errors, update outdated cross-references, make non-substantive revisions to clarify or simplify Code language, and make other minor, substantive updates to various Code provisions; directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Department of Housing and Community Development upon final passage; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan and the eight priority policies of Planning Code Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

The Code Advisory Committee (CAC) considered this Ordinance on August 14, 2024 and voted unanimously to make a recommendation to the Building Inspection Commission to approve the changes to the San Francisco Building Code which revise California Government Code Sections involving Accessory Dwelling Units (ADU's) and Junior Accessory Dwelling Units (JADU's) as written.

The Building Inspection Commission met and held a public hearing on August 21, 2024 regarding the proposed amendment to the Building and Planning Codes contained in the Ordinance.

The Commissioners voted unanimously to **recommend approval of the Ordinance.**

President Alexander-Tut	Yes
Vice-President Shaddix	Yes
Commissioner Chavez	Yes
Commissioner Meng	Excused
Commissioner Neumann	Excused
Commissioner Sommer	Yes
Commissioner Williams	Yes

Should you have any questions, please do not hesitate to call me at (628) 652-3510.

Sincerely,

A handwritten signature in blue ink that reads "Sonya Harris". The signature is fluid and cursive, with the first name "Sonya" being more prominent than the last name "Harris".

Sonya Harris  
Commission Secretary

cc: Patrick O'Riordan, Director  
Mayor London N. Breed  
Planning Department  
Board of Supervisors

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. (415) 554-5184  
Fax No. (415) 554-5163  
TDD/TTY No. (415) 554-5227

---

---

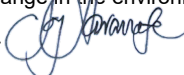
## MEMORANDUM

---

---

Date: November 13, 2024  
To: Planning Department/Planning Commission  
From: John Carroll, Assistant Clerk, Land Use and Transportation Committee  
Subject: Board of Supervisors Legislation Referral - File No. 241055  
Building, Planning Codes - Code Corrections and Updates

---

- California Environmental Quality Act (CEQA) Determination  
(*California Public Resources Code, Sections 21000 et seq.*)
- Ordinance / Resolution  
 Ballot Measure
- Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.  
11/15/2024 
- Amendment to the Planning Code, including the following Findings:  
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)  
 General Plan     Planning Code, Section 101.1     Planning Code, Section 302
- Amendment to the Administrative Code, involving Land Use/Planning  
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- General Plan Referral for Non-Planning Code Amendments  
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)  
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- Historic Preservation Commission  
 Landmark (*Planning Code, Section 1004.3*)  
 Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)  
 Mills Act Contract (*Government Code, Section 50280*)  
 Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to John Carroll at [john.carroll@sfgov.org](mailto:john.carroll@sfgov.org).



**MYRNA MELGAR**

---

DATE: December 4, 2024

TO: Angela Calvillo  
Clerk of the Board of Supervisors

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

RE: Land Use and Transportation Committee  
COMMITTEE REPORTS

---

A handwritten signature in blue ink, appearing to read "mm", located to the right of the "FROM:" line.

Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matters are of an urgent nature and request them be considered by the full Board on Tuesday, December 10, 2024.

- |                        |   |
|------------------------|---|
| <b>File No. 241055</b> | <b>Building, Planning Codes - Code Corrections and Updates</b>  |
| <b>File No. 241103</b> | <b>Planning Code - Landmark Designation - Ladies' Protection and Relief Society (3400 Laguna Street)</b><br>Sponsor: Peskin   |
| <b>File No. 241141</b> | <b>Endorsement of Key Terms - EQX Jackson SQ Holdco LLC - 425 Washington Street, 439-445 Washington Street, 447 Battery Street, and 530 Sansome Street</b><br>Sponsor: Peskin |
| <b>File No. 230596</b> | <b>Planning Code - Minimum Densities for Residential Projects in RM, RC, and RTO Districts</b><br>Sponsors: Peskin; Chan  |

These matters will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, December 9, 2024.

# REUBEN, JUNIUS & ROSE, LLP

September 17, 2024

## Delivered by Email

Vice President Kathrin Moore  
San Francisco Planning Commission  
49 South Van Ness Ave, Suite 1400  
San Francisco, CA 94103

**Re: 2024 Planning Code Corrections Ordinance [File No. 2024-005931PCA]  
2270 McKinnon Ave  
Planning Case Hearing Date: September 19, 2024**

Dear Vice President Moore and Commissioners:

I am writing on behalf of the 2270 McKinnon Avenue project (the “Project”), which was approved unanimously by the Planning Commission in November 2022. to request consideration of minor amendments to the Planning Code to expand allowable industrial uses at the site. We request that the Commission consider including these changes, which are outlined below, as part of its “code corrections” ordinance, which is up for consideration this Thursday, September 19th.

### 2270 McKinnon Project

The 2270 McKinnon Project proposes to build a five-story mixed-use building with approximately 151,000 square feet of Self-Storage use, and 23,000 square feet of Production, Distribution and Repair (PDR) and community uses. The Project will include a new headquarters for the San Francisco Brown Bombers, a Bayview-based youth football, cheer, and leadership non-profit that has been serving San Francisco kids for more than 20 years. In addition, the sponsor has signed a Project Labor Agreement with the San Francisco Building and Construction Trades Council ensuring the Project will be constructed by a skilled and trained workforce.

A Planning Code text amendment (made in Board of Supervisors File No. 220041) prescribed a specific list of allowable PDR uses for the ground floor of the Project, and our proposed amendment would expand that list to include a broader list of uses. The proposed amendment would not permit Parcel Delivery Service, Fleet Charging, or Laboratory uses at the site. Note that this modification would only apply to the Project, as it is the only Self-Storage project in a PDR-2 zoning district that is subject to this specific zoning table footnote.

### Proposed amendments to the code corrections ordinance

The code corrections ordinance before the Planning Commission on September 19th provides an opportunity to make minor changes to the permissible uses to encourage the construction of the approved project and the public benefits associated with it. We request the Planning Commission consider making the following changes to the applicable footnote accommodate these uses:

San Francisco Office  
One Bush Street, Suite 600, San Francisco, CA 94104  
tel: 415-567-9000 | fax: 415-399-9480

Oakland Office  
827 Broadway, 2<sup>nd</sup> Floor, Oakland, CA 94607  
tel: 510-527-5589

[www.reubenlaw.com](http://www.reubenlaw.com)

(22) NP except that any Self Storage use that submitted a development application on or before December 31, 2021 shall be Principally Permitted, and is exempt from the retail limits of Section 210.3A, provided that no less than 50% of the parcel area consists of ground floor Industrial, Agricultural, Automotive Repair, Catering, Trade Shop, Institutional Community use, ~~or~~ Arts Activities or any other PDR uses, excluding Parcel Delivery Service. This note shall expire by operation of law on December 31, 2026, unless the City enacts an ordinance with an effective date on or before that date that extends or re-enacts this note, provided that any authorization granted hereunder shall be valid for such period of time as the conditions of approval of such authorization provides, notwithstanding the expiration of this note. Following the expiration of this note, the City Attorney shall cause this note to be removed from the Municipal Code.

This amendment would enable the Project to market to a broader set of PDR users, specifically Ambulance Services, Animal Hospital, Automotive Service Station, Automotive Repair, Automotive Wash, Arts Activities, Business Services, Catering, Commercial Storage, Kennel, Motor Vehicle Tow Service, Livery Stable, Parcel Delivery Service, Public Utilities Yard, Storage Yard, Trade Office, Trade Shop, Wholesale Sales, and Wholesale Storage.

Thank you for your consideration,

Very truly yours,

**REUBEN, JUNIUS & ROSE, LLP**



John Kevlin

cc: Derek Braun, Commissioner  
Amy Campbell, Commissioner  
Theresa Imperial, Commissioner  
Sean McGarry, Commissioner  
Lydia So, Commissioner  
Gilbert Williams, Commissioner