

File No. 200077 Committee Item No. 3
Board Item No. _____

COMMITTEE/BOARD OF SUPERVISORS
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date March 30, 2020

Board of Supervisors Meeting Date _____

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Motion |
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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest |
| <input type="checkbox"/> | <input type="checkbox"/> | Budget and Legislative Analyst Report |
| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form |
| <input type="checkbox"/> | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/> | <input type="checkbox"/> | MOU |
| <input type="checkbox"/> | <input type="checkbox"/> | Grant Information Form |
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| <input type="checkbox"/> | <input type="checkbox"/> | Contract/Agreement |
| <input type="checkbox"/> | <input type="checkbox"/> | Form 126 – Ethics Commission |
| <input type="checkbox"/> | <input type="checkbox"/> | Award Letter |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PC Reso No. 20593 121219</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>PLN Ltr 012320</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral FYI 021220</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral FYI 031120</u> |
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Completed by: Erica Major Date March 27, 2020
Completed by: Erica Major Date _____

1 [Planning, Various Codes - Technical Corrections]

2
3 Ordinance amending the Planning Code to correct typographical errors, update
4 outdated cross-references, and make non-substantive revisions to clarify or simplify
5 Code language; amending Article 4 to move the language regarding timing of fee
6 payments to the beginning of the Article and cross-reference it in the individual impact
7 fee sections, and to add an additional fee waiver based on the replacement of gross
8 floor area in buildings damaged or destroyed by fire or other calamity; amending the
9 Administrative, Health, and Police Codes to correct outdated Planning Code cross-
10 references; affirming the Planning Department's determination under the California
11 Environmental Quality Act; making findings of consistency with the General Plan, and
12 the eight priority policies of Planning Code, Section 101.1; and adopting findings of
13 public necessity, convenience, and general welfare under Planning Code, Section 302.

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

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

22 Section 1. Findings.

23 (a) The Planning Department has determined that the actions contemplated in this
24 ordinance comply with the California Environmental Quality Act (California Public Resources
25 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of

1 Supervisors in File No. 200077 and is incorporated herein by reference. The Board affirms
2 this determination.

3 (b) On December 12, 2019, the Planning Commission, in Resolution No. 20593,
4 adopted findings that the actions contemplated in this ordinance are consistent, on balance,
5 with the City's General Plan and eight priority policies of Planning Code Section 101.1. The
6 Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of
7 the Board of Supervisors in File No. 200077, and is incorporated herein by reference.

8
9 Section 2. The Planning Code is hereby amended by revising Sections 102, 132, 134,
10 138, 138.1, 142, 155, 172, 175.6, 181, 186.3, 190, 201, 204.5, 205.4, 206.3, 206.5, 207,
11 207.6, 209.1, 209.2, 209.3, 210.1, 240, 240.1, 249.1, 249.33, 249.35, 249.35A, 249.40,
12 249.52, 249.59, 249.60, 249.63, 249.70, 249.74, 249.76, 249.78, 249.80, 260, 262, 263.32,
13 303, 303.1, 304, 305, 311, 317, 401, 402, 406, 412.6, 413.6, 414.8, 414A.4, 415.5, 415.6,
14 416.3, 417.3, 418.3, 419.3, 420.3, 421.3, 422.3, 423.3, 423.5, 424.3, 429.1, 430, 432.2,
15 433.2, 603, 607.1, 607.2, 703, 703.9, 710, 711, 712, 713, 720, 722, 725, 726, 727, 729, 742,
16 758, 759, 763, 764, 780, 780.1, 780.3, 781.9, 788, 803.2, 803.3, 803.4, 803.9, 810, 811, 812,
17 840, 841, 842, 844, 845, 846, 848, and Appendix C to Article 11, to read as follows:

18 **SEC. 102. DEFINITIONS.**

19 * * * *

20 **Accessory Use.** A related minor Use that is either necessary to the operation or enjoyment of
21 a lawful Principal Use or Conditional Use, or appropriate, incidental, and subordinate to any
22 such use, and is located on the same lot. Accessory Uses are regulated by Sections 204
23 through 204.5 and Sections 703(d), 803.2(d), 803.3(b)(1)(C), *and* 825(c)(1)(C), *and* 986 of this
24 Code.

25 * * * *

1 **Family.** A single and separate living unit, consisting of either one person, or two or more
2 persons related by blood, marriage or adoption or by legal guardianship pursuant to court
3 order, plus necessary domestic servants and not more than three roomers or boarders; a
4 group of not more than five persons unrelated by blood, marriage or adoption, or such legal
5 guardianship unless the group has the attributes of a family in that it (a) has control over its
6 membership and composition; (b) purchases its food and prepares and consumes its meals
7 collectively; and (c) determines its own rules or organization and utilization of the residential
8 space it occupies. A group occupying group housing or a hotel, motel, or any other building or
9 portion thereof other than a Dwelling, shall not be deemed to be a family.

10 * * * *

11 **Institutional Use.** A Use Category that includes Child Care Facility, Community Facility,
12 Private Community Facility, Hospital, Job Training, Medical Cannabis Dispensary,
13 ~~Philanthropic Administrative Services~~, Religious Institution, Residential Care Facility, Social
14 Service or Philanthropic Facility, Post-Secondary Educational Institution, Public Facility,
15 School, and Trade School.

16 * * * *

17 **Massage Establishment.** A Retail Sales and Service Use defined by Section 29.5 of the
18 Health Code. For purposes of the Planning Code only, "Massage Establishment" shall include
19 both a "Massage Establishment" and a "Sole Practitioner Massage Establishment," as these
20 terms are defined in Section 29.5 of the Health Code. The Massage Establishment shall first
21 obtain a permit from the Department of Public Health pursuant to Section 29.25 of the Health
22 Code, or a letter from the Director of the Department of Public Health certifying that the
23 establishment is exempt from such a permit under Section 29.25 of the Health Code.

24 ~~(a) **Controls.** Massage Establishments require a Conditional Use authorization from the~~
25 ~~Planning Commission, pursuant to Section 303 of this Code. When considering an application for a~~

1 Conditional Use authorization pursuant to this subsection (a), the Planning Commission shall consider,
2 in addition to the criteria listed in Section 303(e), the criteria outlined in Section 303(n).

3 (b) — ~~Exceptions. A Massage Establishment shall not require a Conditional Use~~
4 ~~authorization if the Massage Establishment satisfies one or more of the following conditions:~~

5 (1) — ~~The massage use is accessory to a principal use, if the massage use is accessed~~
6 ~~by the principal use and~~

7 (A) ~~the principal use is a dwelling unit and the massage use conforms to the~~
8 ~~requirements of Section 204.1, for accessory uses for dwelling units in R or NC districts; or~~

9 (B) ~~the principal use is a Tourist Hotel that contains 100 or more rooms or an~~
10 ~~Institutional Use as defined in this Code.~~

11 (2) — ~~The only massage service provided is chair massage, such service is visible to~~
12 ~~the public, and customers are fully clothed at all times.~~

13 (3) — ~~It is a Sole Practitioner Massage Establishment, as defined in Section 29.5 of the~~
14 ~~Health Code.~~

15 * * * *

16 **Residential Use.** A Use Category consisting of uses that provide housing for San Francisco
17 residents, rather than visitors, including Dwelling Units, Group Housing, Residential Hotels,
18 ~~and~~ Senior Housing, Homeless Shelters, and for the purposes of Article 4 only any residential
19 components of Institutional Uses. Single Room Occupancy and Student Housing designations
20 are considered ed characteristics of certain Residential Uses.

21 * * * *

22 **Restaurant, Limited.** A Retail Sales and Service Use that serves ready-to-eat foods and/or
23 drinks to customers for consumption on or off the premises, that may or may not have seating.
24 It may include wholesaling, manufacturing, or processing of foods, goods, or commodities on
25 the premises as an Accessory Use as set forth in Sections 204.3 or 703(d), 803.2(d)

1 ~~803.2(b)(1)(C)~~, 803.3(b)(1)(C) and 825(c)(1)(C) depending on the zoning district in which it is
2 located. It includes, but is not limited to, foods provided by sandwich shops, coffee houses,
3 pizzerias, ice cream shops, bakeries, delicatessens, and confectioneries meeting the above
4 characteristics, but is distinct from a Specialty Grocery, Restaurant, and Bar. Within the North
5 Beach SUD, it is also distinct from Specialty Food Manufacturing, as defined in Section
6 780.3(b). It shall not provide on-site beer and/or wine sales for consumption on the premises,
7 but may sell beer and/or wine for consumption off the premises with a California Alcoholic
8 Beverage Control Board License type 20 (off-sale beer and wine), if all areas devoted to the
9 display and sale of alcoholic beverages ~~that~~ occupy less than 15% of the Occupied Floor Area
10 of the establishment. Such businesses shall operate with the specified conditions in Section
11 202.2(a)(1).

12 * * * *

13 **Senior Housing.** A Residential Use defined as dwellings that are specifically designed for
14 and occupied by senior citizens. Senior Housing is subject to the conditions listed in Section
15 202.2(f ~~h~~).

16 * * * *

17 **Service, Business.** A Non-Retail Sales and Service Use that provides the following kinds of
18 services *primarily* to businesses and/or to the general public and does not fall under the
19 definition of Office: radio and television stations, newspaper bureaus, magazine and trade
20 publication publishing, microfilm recording, slide duplicating, bulk mail services, parcel
21 shipping services, parcel labeling and packaging services, messenger delivery/courier
22 services, sign painting and lettering services, or building maintenance services.

23 * * * *

24 **Service, Non-Retail Professional.** A Non-Retail Sales and Service Office Use that provides
25 professional services *primarily* to other businesses including, but not limited to, accounting,

1 legal, consulting, insurance, real estate brokerage, advertising agencies, public relations
2 agencies, computer and data processing services, employment agencies, management
3 consultants and other similar consultants, telephone message services, and travel services.
4 This use may also provide services to the general public but is not required to. This use shall
5 not include research services of an industrial or scientific nature in a commercial or medical
6 laboratory, other than routine medical testing and analysis by a health-care professional or
7 hospital.

8 * * * *

9 **Service, Retail Professional.** A Retail Sales and Service Use that provides *primarily* to the
10 general public, general business, or professional services including, but not limited to,
11 management, clerical, accounting, legal, consulting, insurance, real estate brokerage, and
12 travel services. It may provide services to the business community, provided that it also
13 provides services to the general public. Otherwise, it shall be considered a Non-Retail
14 Professional Service Use as defined in this Section 102.

15 This use does not include research service of an industrial or scientific nature in a
16 commercial or medical laboratory, other than routine medical testing and analysis by a health-
17 care professional or hospital.

18 * * * *

19 **Student Housing.** A Residential Use characteristic defined as a living space for students of
20 accredited Post-Secondary Educational Institutions that may take the form of Dwelling Units,
21 Group Housing, or SRO Units and is owned, operated, or otherwise controlled by an
22 accredited Post-Secondary Educational Institution. Unless expressly provided for elsewhere in
23 this Code, the use of Student Housing is permitted where the form of housing is permitted in
24 the underlying Zoning District in which it is located. Student Housing may consist of all or part
25

1 of a building, and Student Housing owned, operated, or controlled by more than one Post-
2 Secondary Educational Institution may be located in one building.

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

5 * * * *

6 (d) **Applicability to Special Lot Situations.**

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

12 **SEC. 134. REAR YARDS, IN R, RC, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU,**
13 **RED, AND RED-MX DISTRICTS.**

14 * * * *

15 (c) **Basic Requirements.** The basic rear yard requirements shall be as follows for
16 the districts indicated:

17 * * * *

18 (2) **RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue**
19 **NC District, C, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD**
20 **Districts.** Except as specified in this subsection (c), the minimum rear yard depth shall be
21 equal to 25% of the total depth of the lot on which the building is situated, but in no case less
22 than 15 feet.

23 (A) For buildings containing only SRO Units in the Eastern
24 Neighborhoods Mixed Use Districts, the minimum rear yard depth shall be equal to 25% of the
25 total depth of the lot on which the building is situated, but the required rear yard of SRO

1 buildings not exceeding a height of 65 feet shall be reduced in specific situations as described
2 in subsection (e) below.

3 (B) To the extent the lot coverage requirements of Section 249.78
4 apply to a project, those requirements shall control, rather than the requirements of this
5 Section 134.

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

10 (DB) NC-2, NCT-2, Ocean Avenue, Inner Balboa Street, Outer Balboa
11 Street, Castro Street, Cortland Avenue, Divisadero Street NCT, ~~Excelsior~~ Excelsior-Outer
12 Mission Street, Inner Clement Street, Upper Fillmore Street, Lower Haight Street, Judah
13 Street, Noriega Street, North Beach, San Bruno Avenue, Taraval Street, Inner Taraval Street,
14 Union Street, Valencia Street, 24th Street-Mission, Glen Park, Regional Commercial
15 District and Folsom Street Districts. Rear yards shall be provided at the second story, and
16 at each succeeding story of the building, and at the First Story if it contains a Dwelling Unit.

17 [Note: Diagram omitted but not deleted.]

18 (EE) RC-3, RC-4, NC-3, NCT-3, Bayview, Broadway, Fillmore Street
19 NCT, Geary Boulevard, Hayes- Gough NCT, Japantown, SoMa NCT, Mission Bernal,
20 Mission Street NCT, Polk Street, Lower Polk Street, Pacific Avenue, C, M, SPD, MUR,
21 MUG, MUO, and UMU Districts. Rear yards shall be provided at the lowest story containing
22 a Dwelling Unit, and at each succeeding level or story of the building. In the Hayes-Gough
23 NCT, lots fronting the east side of Octavia Boulevard between Linden and Market Streets
24 (Central Freeway Parcels L, M, N, R, S, T, U, and V) are not required to provide rear yards at
25 any level of the building, provided that the project fully meets the usable open space

1 requirement for Dwelling Units pursuant to Section 135 of this Code, the exposure
2 requirements of Section 140, and gives adequate architectural consideration to the light and
3 air needs of adjacent buildings given the constraints of the project site.

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

9 **(~~GE~~) RED, RED-MX and WMUG Districts.** Rear yards shall be
10 provided at the ground level for any building containing a ~~Dwell-ing~~ Dwelling Unit, and at each
11 succeeding level or story of the building.

12 * * * *

13 **(e) Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2**
14 **Districts.** The rear yard requirement stated in *subsection* subsection (c)(3) above and as
15 stated in *subsection* subsection (c)(2)(A) above for SRO buildings located in the Eastern
16 Neighborhoods Mixed Use Districts not exceeding a height of 65 feet, shall be reduced in
17 specific situations as described in this subsection (e), based upon conditions on adjacent lots.
18 Except for those SRO buildings referenced above in this subsection (e) whose rear yard can
19 be reduced in the circumstances described in subsection (e) to a 15-foot minimum, under no
20 circumstances shall the minimum rear yard be thus reduced to less than a depth equal to 25%
21 of the total depth of the lot on which the building is situated, or to less than 15 feet, whichever
22 is greater.

23 * * * *

24 **(2) Alternative Method of Averaging.** If, under the rule stated in subsection
25 (e)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively

1 be averaged in an irregular manner; provided that the area of the resulting reduction shall be
2 no more than the product of the width of the subject lot along the line established by
3 subsection (e)(1) above times the reduction in depth of rear yard permitted by *Paragraph*
4 subsection (e)(1); and provided further that all portions of the open area on the part of the lot
5 to which the rear yard reduction applies shall be directly exposed laterally to the open area
6 behind the adjacent building having the lesser depth of its rear building wall.

7 ~~epth of its rear building wall.~~

8 * * * *

9 **SEC. 138. PRIVATELY-OWNED PUBLIC OPEN SPACE (POPOS) REQUIREMENTS.**

10 (a) **Applicability.** The following projects shall provide open space in the amount
11 and in accordance with the standards set forth in this Section:

12 (1) In C-3 Districts, any project proposing new construction of a Non-
13 Residential building or an addition of Gross Floor Area equal to 20% percent or more of an
14 existing Non-Residential building. Institutional and Residential ~~Uses~~ in C-3 Districts are
15 exempt from the requirements of this Section 138.

16 (2) In the Central SoMa Special Use District, any project proposing new
17 construction or an addition of 50,000 gross square feet or more of Non-Residential use.
18 Retail, Institutional, and PDR uses in the Central SoMa Special Use District are exempt from
19 the requirements of this Section 138.

20 * * * *

21 (c) **Location.** The open space required by this Section may be on the same site as
22 the project for which the permit is sought, or within 900 feet of it on either private property or,
23 with the approval of all relevant public agencies, public property, provided that all open space
24 required by this Section for a project within the C-3 District shall be located entirely within the
25 C-3 District. Projects within the Central SoMa Special Use District may provide the open

space required by this Section 138 within one-half mile of the project if the required open space is on publicly-owned land underneath or adjacent to the I-80 freeway. Open space is within 900 feet of the building for which the permit is sought within the meaning of this Section 138 if any portion of the project is located within 900 feet of any portion of the open space. Off-site open space shall be developed and open for use prior to issuance of a first certificate of occupancy, as defined in Section 401 of this Code, of the project whose open space requirement is being met off-site. Failure to comply with the requirements of this subsection (c) shall be grounds for enforcement under this Code, including but not limited to the provisions of Sections 176 and 176.1.

* * * *

SEC. 138.1. STREETScape AND PEDESTRIAN IMPROVEMENTS.

* * * *

Table 2. Recommended Sidewalk Widths by Street Type

	Street Type (per Better Streets Plan)	Recommended Sidewalk Width (Minimum required for new streets)
Commercial	Downtown commercial	For Downtown Commercial Streets that are sited within the Downtown Streetscape Plan Area, the recommended sidewalk width shall be the width recommended in the

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		<p>Downtown Streetscape Plan. For Downtown Commercial Streets that are sited outside of the Downtown Streetscape Plan Area, the recommended sidewalk <i>with width</i> shall be 15 feet.</p>
* * * *	* * * *	* * * *

* * * *

SEC. 142. SCREENING AND GREENING OF PARKING AND VEHICULAR USE AREAS.

Off-street parking and Vehicular Use Areas adjacent to the public right-of-way shall be screened as provided in this Section.

* * * *

(b) **Vehicular Use Areas That Are Greater than 25 Linear Feet along the Public Right-of-Way.** All lots containing Vehicular Use Areas where such area has more than 25 linear feet along any public right-of-way shall provide screening in accordance with the requirements of this Section 142 and the Ornamental Fencing definition in Section 102. The following instances shall trigger the screening requirements for these Vehicular Use Areas:

* * * *

(2) Any repair, rehabilitation, or expansion of any existing Vehicular Use Area, if such repair, rehabilitation or expansion would increase the number of existing parking spaces by either more than 20% or by more than four spaces, whichever is greater; or

* * * *

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

3 * * * *

4 (r) Protected Pedestrian-, Cycling-, and Transit-Oriented Street Frontages. In
5 order to preserve the pedestrian character of certain districts and to minimize delays to transit
6 service, ~~regulation of~~ garage entries, driveways, or other vehicular access to off-street parking
7 or loading via curb cuts on development lots shall be regulated as set forth in this subsection (r)
8 ~~occur on the Street frontages listed below~~. These limitations do not apply to the creation of new
9 publicly-accessible Streets and Alleys. Any lot whose sole feasible vehicular access is via a
10 protected street frontage described in this subsection (r) shall be exempted from any off-street
11 parking or loading requirement found elsewhere in this Code.

12 * * * *

13 (2) Not permitted:

14 * * * *

15 (LL) Pine Street between Van Ness Avenue and Larkin Street, and

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

22 (MM GG) Howard Street from 5th Street to 13th Street,

23 (NN HH) Folsom Street from 2nd Street to 13th Street,

24 (OO H) Brannan Street from 2nd Street to 6th Street,

1 (PP JJ) Townsend Street from 2nd Street to 6th Street, except as
2 permitted pursuant to Section 329(e)(3)(B),

3 (QQ KK) 3rd Street from Folsom Street to Townsend Street,

4 (RR LL) 4th Street from Folsom Street to Townsend Street, and

5 (MM SS) 6th Street from Folsom Street to Brannan Street.

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

12 (3) Not permitted without Conditional Use authorization or Sections 309 or
13 329 exception. In the C-3-O(SD) and the Central SoMa Special Use Districts, the Planning
14 Commission may grant permission for a new curb cut or an expansion of an existing one as
15 an exception pursuant to Sections 309 or 329 in lieu of a Conditional Use authorization as
16 long as the Commission makes the findings required under Section 303(y) and where the
17 amount of parking proposed does not exceed the amounts permitted as accessory according
18 to Section 151.1. In addition, in the MUG, WMUG, MUR, MUO, RED, RED-MX, and SPD
19 Districts, the Planning Commission may grant permission for a new curb cut or an expansion
20 of an existing one as an exception pursuant to Section 329 in lieu of a Conditional Use
21 authorization as long as the Commission makes the findings required under Section 303(y). A
22 Planning Commission Conditional Use authorization subject to the additional findings under
23 Section 303(y) is required to allow a new curb cut or expansion of an existing one on any
24 other restricted street identified in this subsection 155(r)(3).

1 (A) Except as provided in Section 155(r), in all zoning districts except
2 RH, M, NC-S, P, PDR, and SALI, no curb cuts accessing off-street parking or loading shall be
3 created or expanded on street frontages identified along any Transit Preferential Street as
4 designated in the Transportation Element of the General Plan, or Neighborhood Commercial
5 Street *and Commercial Throughways*, as defined in the Better Streets Plan, or any SFMTA
6 Board of Directors adopted bicycle routes or lanes, where an alternative frontage is available.
7 On such bicycle routes or lanes where the bicycle facility is only on one side of the street, the
8 curb cut restriction shall apply to the side of the street with the bicycle facility, and shall not
9 apply to the opposite side of the street.

10 * * * *

- 11 (M) Dolores Street from Market Street to 16th Street.
12 (~~N K~~) Harrison Street from 2nd Street to 6th Street,
13 (~~O L~~) Bryant Street from 2nd Street to 6th Street, and
14 (~~P M~~) 5th Street from Howard Street to Townsend Street.

15 (4) Where an alternative frontage is not available, parking or loading access
16 along any Transit Preferential Street as designated in the Transportation Element of the
17 General Plan, or Neighborhood Commercial Street *or Commercial Throughways* as defined in
18 the Better Streets Plan, or any SFMTA Board of Directors adopted *Class II Bikeways (bicycle*
19 *lanes and buffered bike lanes) or Class IV Bikeways (protected bicycle lanes) bicycle routes or lanes,*
20 may be allowed on streets not listed in subsection (r)(2) above as an exception in the manner
21 provided in Section 309 for C-3-O(SD) Districts, Section 329 for Mixed-Use Districts, and in
22 Section 303 for all other Districts in cases where the Planning Commission can determine that
23 the final design of the parking access minimizes negative impacts to transit movement and to
24 the safety of pedestrians and bicyclists to the fullest extent feasible.

25 * * * *

1 **SEC. 172. COMPLIANCE OF STRUCTURES, OPEN SPACES, AND OFF-STREET**
2 **PARKING AND LOADING REQUIRED.**

3 (a) No structure shall be constructed, reconstructed, enlarged, altered, or relocated
4 so as to have or result in a greater height, bulk, or Floor Area Ratio, less Required Open
5 Space as defined in Section 102 *of* this Code, or less off-street loading space, than
6 permissible under the limitations set forth herein for the district or districts in which such
7 structure is located.; provided, however, that, except in the North Beach-Telegraph Hill
8 Residential Special Use District, for the purpose of creating habitable space or an Accessory
9 Dwelling Unit pursuant to Section 207(c)(4) of this Code where the exception is in
10 consideration of the property owner entering into a Regulatory Agreement pursuant to Section
11 207(c)(4)(H) subjecting the ADU to the San Francisco Rent Stabilization and Arbitration
12 Ordinance, and as long as the number of above-ground building stories is not increased:

13 (1) the ceiling height of an existing building story in a lawfully-existing
14 nonconforming structure may be increased to create an interior floor-to-ceiling height of up to
15 nine feet; and/or

16 (2) a flat roof may be replaced with a pitched roof.

17 The alterations permitted by subsections (a)(1) and (a)(2) above shall be subject to
18 applicable design guidelines, including the Residential Design Guidelines, for the zoning
19 district in which the building is located. If a building is a historic resource or located in a
20 historic district, the alterations shall also comply with applicable Secretary of Interior be
21 Standards and other Code provisions pertaining to historic properties. Building heights shall
22 measured according to the procedures of Section 260.

23 * * * *

24 **SEC. 175.6. EFFECTIVE DATE OF THE EASTERN NEIGHBORHOODS ZONING**
25 **CONTROLS.**

1 * * * *

2 (b) **Applicability.** This Section applies only to the specific types of development
3 projects identified herein and that are subject to changed regulations or procedures as a result
4 of the Eastern Neighborhoods Controls and are located in an Eastern Neighborhoods Mixed
5 Use District, ~~an SLI District,~~ or any PDR, R, or NC District located within the boundaries of the
6 Eastern Neighborhoods Project Area pursuant to Section 423. This Section shall not apply to
7 any other project.

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

10 The following provisions shall apply to nonconforming uses with respect to
11 enlargements, alterations and reconstruction:

12 * * * *

13 (f) **Nighttime Entertainment Uses in Certain Mixed-Use Districts.** A ~~n~~Nighttime
14 ~~e~~Entertainment use within the MUG or MUR Districts may be enlarged, intensified, extended,
15 or expanded, including the expansion to an adjacent lot or lots, provided that: (1) the
16 enlargement, intensification, extension or expansion is approved as a ~~e~~Conditional ~~u~~Use
17 pursuant to Sections 303 ~~and 316~~ of this Code; (2) the use as a whole meets the ~~parking and~~
18 signage requirements, floor area ratio limit, height and bulk limit, and all other requirements of
19 this Code that would apply if the use were a permitted one; and (3) the provisions of Section
20 803.5(b) of this Code are satisfied.

21 **SEC. 186.3. NON-RESIDENTIAL USES IN LANDMARK BUILDINGS IN RH, ~~AND~~ RM, RTO,**
22 **AND RTO-M DISTRICTS.**

23 Any use listed as a ~~p~~Principal or ~~e~~Conditional ~~u~~Use permitted on the ground floor in
24 an NC-1 District, when located in a structure on a landmark site designated pursuant to Article
25 10 of this Code, is permitted with Conditional Use authorization pursuant to Section 303 of this

Code, provided that no eConditional #Use shall be authorized under this provision unless (1) such authorization conforms to the applicable provisions of Section 303 of this Code, and (2) the specific use so authorized is essential to the feasibility of retaining and preserving the landmark.

SEC. 190. CONVERSION OF MEDICAL CANNABIS DISPENSARIES TO CANNABIS RETAIL ESTABLISHMENTS.

(a) **Conversion of MCDs with Planning Commission Approval to Cannabis Retail Uses.**

* * * *

(3) A Grandfathered MCD is subject to all other Planning Code requirements, including but not limited to the neighborhood notification requirement of Section 311 ~~312~~.

* * * *

SEC. 201. CLASSES OF USE DISTRICTS.

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

* * * *

<i><u>Eastern Neighborhoods Mixed Use Districts</u></i> <i><u>(Also see Sec. 802.4)</u></i>	
CMUO	Central SoMa Mixed Use – Office District (Defined in Sec. 848)
SPD	South Park District (Defined in Sec. 814)
MUG	Mixed Use – General (Defined in Sec. 840)
MUO	Mixed Use – Office (Defined in Sec. 842)
MUR	Mixed Use – Residential (Defined in Sec. 841)
UMU	Urban Mixed Use (Defined in Sec. 843)
RED	Residential Enclave District (Defined in Sec. 813)
RED-MX	Residential Enclave District – Mixed (Defined in Sec. 847)
WMUG	Western SoMa Mixed Use – General (Defined in Sec. 844)
WMUO	Western SoMa Mixed Use – Office (Defined in Sec. 845)

1	SALI	Service/Arts/Light Industrial (Defined in Sec. 846)
---	------	---

2
3 * * * *

4 **SEC. 204.5. PARKING AND LOADING AS ACCESSORY USES.**

5 In order to be classified as an Accessory Use, off-street parking and loading shall meet
6 all of the following conditions:

7 * * * *

8 (b) **Parking Accessory to Dwellings.** Unless rented on a monthly basis to serve a
9 nearby resident as described in subsection (c) below, required accessory parking facilities for
10 any Dwelling in any R District shall be limited, further, to storage of private passenger
11 automobiles, private automobile trailers, boats, bicycle parking, scooters, motorcycles, and
12 car-share vehicles as permitted by Section 150 and trucks of a rated capacity not exceeding
13 three-quarters of a ton.

14 * * * *

15 **SEC. 205.4. TEMPORARY USES: INTERMITTENT ACTIVITIES.**

16 An intermittent activity is an outdoor use which, while occasional, occurs with some
17 routine or regularity. Intermittent activities include, but are not limited to, the following uses:
18 mobile food facilities, farmers markets, and open-air craft markets. Such uses typically require
19 additional authorization(s) from other City Departments. An intermittent activity may be
20 authorized as a temporary use for a period not to exceed one year.

21 (a) In all Districts other than RH, RM, RED, and RTO Districts an intermittent activity
22 is permissible if it satisfies all of the following conditions:

23 * * * *

1 (4) If located in a District that is subject to any of the neighborhood
2 notification requirements as set forth in Section 311 ~~312~~ of this Code, notification pursuant to
3 Section 311 ~~312~~ shall be required as follows:

4 * * * *

5 (D) Notwithstanding Subsections (4)(A) and (B) above, and in order to
6 eliminate redundant notification, notification shall not be required for the resumption of an
7 intermittent activity or the extension of time for an intermittent activity when all of the following
8 criteria are met: (i) an intermittent activity is currently authorized on the property or has been
9 authorized on the property within the 12 months immediately preceding the filing of an
10 application for resumption or extension; (ii) the existing or recent intermittent activity lawfully
11 exceeds or exceeded the thresholds of Subsections (4)(A) and/or (B), above, and was the
12 subject of neighborhood notice under Section 311 ~~312~~ at the time of its establishment; and (iii)
13 the intermittent activity would not further exceed the thresholds of Subsections (4)(A) and/or
14 (B), above.

15 * * * *

16 **SEC. 206.3. HOUSING OPPORTUNITIES MEAN EQUITY - SAN FRANCISCO PROGRAM.**

17 (a) **Purpose.** This Section 206.3 sets forth the HOME-SF Program. The HOME-SF
18 Program or "HOME-SF" provides benefits to project sponsors of housing projects that set
19 aside residential units onsite at below market rate rent or sales price in an amount higher than
20 the amount required by the Inclusionary Housing Ordinance. The purpose of HOME-SF is to
21 expand the number of below market rate units produced in San Francisco and provide
22 housing opportunities to a wider range of incomes than traditional affordable housing
23 programs, such as the City's Inclusionary Affordable Housing Program, Planning Code
24 Sections 415 et seq., which typically provide housing only for very low, low or moderate
25 income households. The purpose of HOME-SF also is to provide an alternative method of

1 complying with the on-site inclusionary option set forth in Section 415.6. HOME-SF allows
2 market-rate projects to match the City's shared Proposition K (November 2014) housing goals
3 that 50% of new housing constructed or rehabilitated in the City by 2020 be within the reach of
4 working middle class San Franciscans, and at least 33% affordable for low and moderate
5 income households.

6 * * * *

7 (f) **Temporary provisions.** To facilitate the construction of HOME-SF projects, and
8 based on information from the inclusionary housing study prepared for the Divisadero and
9 Fillmore Neighborhood Commercial Transit District, in Board of Supervisors File No. 151258,
10 and the Office of the Controller's Inclusionary Housing Working Group final report (February
11 2016), the HOME-SF program shall include development incentives as specified in this
12 subsection (f) based on the amount and level of affordability provided in this subsection (f).
13 For any development project that has submitted a complete Development Application prior to
14 January 1, 2020, subsections (c)(1) and (d)(1), (d)(2), and (d)(3) shall not apply, and the
15 provisions in this subsection (f) shall apply. For any development project that submits a
16 complete Development Application on or after January 1, 2020, this subsection (f) shall apply
17 until such time as it may be amended based on the Triennial Economic Feasibility Analysis
18 established in Section 415.10.

19 * * * *

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

21 * * * *

22 (c) **Development Bonuses.** All Analyzed State Law Density Bonus Projects shall
23 receive, at the project sponsor's written request, any or all of the following:
24
25

1 (1) **Priority Processing.** Analyzed Projects that provide 30% or more of
2 Units as On-site Inclusionary Housing Units or Restricted Affordable Units that meet all of the
3 requirements *of* for an Inclusionary Housing Unit shall receive Priority Processing.

4 * * * *

5 **SEC. 207. DWELLING UNIT DENSITY LIMITS.**

6 * * * *

7 (c) **Exceptions to Dwelling Unit Density Limits.** An exception to the calculations
8 under this Section 207 shall be made in the following circumstances:

9 * * * *

10 (4) **Local Accessory Dwelling Unit Program; Accessory Dwelling Units**
11 **in Multifamily Buildings; Accessory Dwelling Units in Single-Family Homes That Do Not**
12 **Strictly Meet the Requirements in subsection (c)(6).**

13 * * * *

14 (B) **Applicability.** This subsection (c)(4) shall apply to the construction
15 of Accessory Dwelling Units on all lots located within the City and County of San Francisco in
16 areas that allow residential use, except that construction of an Accessory Dwelling Unit is
17 regulated by subsection (c)(6), and not this subsection (c)(4), if all of the following
18 circumstances exist:

19 * * * *

20 (iii) the ADU is either attached to or will be constructed entirely
21 within the "living area" (as defined in subsection (c)(6)(B)(iii)) or the buildable area of the
22 proposed or existing primary dwelling, or constructed within the built envelope of an existing
23 and authorized auxiliary structure on the same lot; provided, however, that (A) when a stand-
24 alone garage, storage structure, or other auxiliary structure is being converted to an ADU, an
25 expansion to the envelope is allowed to add dormers even if the stand-alone garage, storage

1 structure, or other auxiliary structure is in the required rear yard and (B) on a corner lot, a
2 legal stand-alone nonconforming garage, storage structure, or other auxiliary structure may be
3 expanded within its existing footprint by up to one additional story in order to create a
4 consistent street wall and improve the continuity of buildings on the block.

5 * * * *

6 (6) **State Mandated Accessory Dwelling Unit Program: Accessory**
7 **Dwelling Units in Existing or Proposed Single-Family Homes or in a Detached Auxiliary**
8 **Structure on the Same Lot.**

9 * * * *

10 (B) **Lots Zoned for Single-Family or Multifamily Use and**
11 **Containing an Existing or Proposed Single-Family Home; Controls on Construction.** An
12 Accessory Dwelling Unit located on a lot that is zoned for single-family or multifamily use and
13 contains an existing or proposed single-family dwelling and constructed pursuant to this
14 subsection (c)(6) shall meet all of the following:

15 * * * *

16 (x) When a stand-alone garage, storage, or other auxiliary
17 structure is being ~~con-verted~~ converted to an ADU, an expansion to the envelope is allowed to
18 add dormers even if the stand-alone garage, storage structure, or other auxiliary ~~struc-ture~~
19 structure is in the required rear yard.

20 * * * *

21 (H) **Notification.** Upon determination that an application is in
22 compliance with the standards of subsection 207(c)(6) of the Planning Code, the Planning
23 Department shall cause a notice to be posted on the site pursuant to rules established by the
24 Zoning Administrator and shall cause a written notice describing the proposed project to be
25 sent in the manner described below. This notice shall be in addition to any notices required by

1 the Building Code and shall have a format and content determined by the Zoning
2 Administrator. This notice shall include a description of the proposal compared to any existing
3 improvements on the site with dimensions of the basic features, elevations and site plan of the
4 proposed project including the position of any adjacent buildings, exterior dimensions and
5 finishes, and a graphic reference scale, existing and proposed uses or commercial or
6 institutional business name, if known. The notice shall describe the project review process
7 and shall set forth the mailing date of the notice.

8 * * * *

9 (ii) The notification package for a project subject to notice under
10 this subsection 207(c)(6) shall include a written notice and reduced-size drawings of the
11 project. The written notice shall compare the proposed project to the existing conditions at the
12 development lot. Change to basic features of the project that are quantifiable shall be
13 disclosed on the written notice. The basic features of existing and proposed conditions shall
14 include, where applicable, front setback, building depth, rear yard, depth, side, setbacks,
15 building height, number of stories, dwelling unit count and use of the building.

16 **SEC. 207.6. REQUIRED MINIMUM DWELLING UNIT MIX IN RTO, RCD, NCT, DTR,**
17 **EASTERN NEIGHBORHOODS MIXED USE DISTRICTS, THE POLK STREET AND**
18 **PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICTS.**

19 * * * *

20 (c) **Controls.** For all RTO, RCD and NCT districts, as well as DTR, Eastern
21 Neighborhoods Mixed Use Districts and the Pacific Avenue and Polk Street NCDs, one of the
22 following three must apply: ÷

23 * * * *

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

25 * * * *

Table 209.1

ZONING CONTROL TABLE FOR RH DISTRICTS

Zoning Category	§ References	RH-1(D)	RH-1	RH-1(S)	RH-2	RH-3
BUILDING STANDARDS						
Massing and Setbacks						
****	****	****			****	****
Rear Yard	§§ 130, 134	25 30 % of lot depth, but in no case less than 15 feet.			45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% or 15 feet, whichever is greater.	
****	****	****	****			

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

* * * *

Table 209.2

ZONING CONTROL TABLE FOR RM DISTRICTS

Zoning Category	§ References	RM-1	RM-2	RM-3	RM-4
BUILDING STANDARDS					
Massing and Setbacks					
Height and Bulk Limits	§§ 102, 105, 106, 250-252, 253, 260, <u>261.1</u> , 270, 271	Varies, See Height and Bulk Map and referenced sections. <u>Height sculpting on Alleys per § 261.1.</u>			
****	****	****			

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

* * * *

Table 209.3

ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS

Zoning Category	§ References	RC-3	RC-4
BUILDING STANDARDS			
Massing and Setbacks			
Height and Bulk Limits	§§ 102, 105, 106, 122, 250-252, 260, <u>261.1</u> , 270, 271	Varies. See <i>also</i> Height and Bulk <i>District</i> Map and referenced sections. <i>Height sculpting on Alleys per § 261.1.</i>	
* * * *			
NON-RESIDENTIAL STANDARDS AND USES			
Development Standards			
Floor Area Ratio	§§ 102, 123, 124	3.6 to 1.	4.8 to 1. Other FAR controls apply in the Van Ness SUD; § <u>243(c)(1)</u> .

* * * *

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

* * * *

Table 210.1

ZONING CONTROL TABLE FOR C-2 DISTRICTS

Zoning Category	§ References	C-2
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *	* * * *	* * * *

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	Residential Parking Requirements	§§ 151, 155,161	None required. None Required. Maximum permitted per § 151.
	****	****	****

SEC. 240. WATERFRONT SPECIAL USE DISTRICT.

* * * *

(c) Waterfront Design Review Process.

* * * *

(8) The determination of the Committee on urban design issues related to the proposed project shall be final as to those design issues, except as provided below. The Committee shall transmit the design recommendations to the Planning Department and Port, and to the Bay Conservation and Development Commission for proposed projects within its jurisdiction, within five days following the Committee action for consideration by those agencies prior to any action on the project.

(A) For a project that is permitted as a ~~p~~Principal ~~u~~Use, the Planning Commission can, by majority vote within 14 days of receipt of the design recommendations of the Committee, make a determination to review the design recommendations. If the item cannot be calendared for Commission consideration within that period due to a canceled meeting, the Commission may consider whether to review the design recommendations at its next available meeting. If the Commission requests review, it shall conduct a public hearing on the matter within 14 days following its determination to review the design recommendations, if legally adequate environmental documents have been completed, or at its first public meeting after such documents have been completed, unless the Port Director agrees to a different date. At the request of the Port Director, the meeting shall be conducted as a joint public hearing of the Planning Commission and the Port Commission. The Planning

1 Commission, by majority vote, may adopt, amend or reject the design recommendations of
2 the Committee, subject to the same standards and criteria that govern Committee decisions
3 as provided in §subsection (c)(6) above.

4 If the Port Commission accepts the design recommendations of the Committee or of
5 the Planning Commission, the Port Commission shall incorporate the design
6 recommendations into the Port action on the project.

7 If the Port Commission objects to or seeks to modify the design recommendations of
8 the Committee, the Port Commission may request Planning Commission review of the design
9 recommendations of the Committee. The Planning Commission shall schedule a public
10 hearing and review the design recommendations of the Committee within 20 days following
11 receipt of the request, if legally adequate environmental documents have been completed, or
12 at its first public meeting after such documents have been completed, unless the Port Director
13 agrees to a different date. At the request of the Port Director, the meeting shall be conducted
14 as a joint public hearing of the Planning Commission and the Port Commission.

15 If the Port Commission objects to or seeks to substantially modify design
16 recommendations that have been approved by the Planning Commission as set forth above,
17 the Port Commission may appeal the design recommendations to the Board of Supervisors
18 pursuant to the procedures set forth in Section 308.1 of this Code and in Charter Section
19 4.105 for appeals of eConditional uUses. The Board of Supervisors may disapprove the
20 decision of the Commission by a vote of not less than two-thirds of the members of the Board.

21 * * * *

22 **SEC. 240.1. WATERFRONT SPECIAL USE DISTRICT NO. 1.**

23 The following provisions shall apply within Waterfront Special Use District No. 1:

24 * * * *

25 ~~⊕~~

1 (f) The basic Floor Area Ratio limit shall be 5.0 to 1 to the extent provided in Section
2 124(e) of this Code. To calculate the Floor Area Ratio on piers under the jurisdiction of the
3 Port Commission, all building permit applications shall include a map of the lot or lease area
4 with precise boundaries showing its location on the pier under consideration. The proposed lot
5 shall be reviewed and approved as part of the building permit and be the basis for further
6 alterations or expansions of the structure.

7 **SEC. 249.1. FOLSOM AND MAIN RESIDENTIAL/COMMERCIAL SPECIAL USE**
8 **DISTRICT.**

9 * * * *

10 (b) **Controls.** The following zoning controls are applicable in the
11 Residential/Commercial Special Use District.

12 * * * *

13 (3) **Density.**

14 (A) **Residential Density.** There shall be no density limit for
15 Residential Uses in the Residential/Commercial Subdistrict. The provisions of Sections
16 207~~7~~ and 208 related to residential density shall not apply.

17 * * * *

18 **SEC. 249.33. VAN NESS & MARKET DOWNTOWN RESIDENTIAL SPECIAL USE**
19 **DISTRICT.**

20 * * * *

21 (b) **Use Controls.**

22 (1) **Non-residential Uses.** For newly-constructed buildings or additions
23 which exceed 20 percent or more of an existing structure's Gross Floor Area, Non-
24 Residential Uses are not permitted above the fourth story, and at least two occupied square
25 feet of Residential Use shall be provided for each occupied square foot of Non-Residential

1 ~~Use~~. In order to accommodate local government office uses near City Hall, publicly-owned or
2 leased buildings or lots are exempted from the requirements of this ~~Subsection~~.

3 (2) **Residential Density.** There shall be no density limit for ~~Residential~~
4 ~~Uses~~ by lot area, but by the applicable requirements and limitations elsewhere in this Code,
5 including but not limited to height, bulk, setbacks, open space, and exposure, as well as by
6 the Market & Octavia Area Plan Fundamental ~~Principles~~ ~~Principals~~ for Design, other applicable
7 design guidelines, applicable elements and area plans of the General Plan, and design review
8 by the Planning Department. The limitations set forth in the Zoning Control Table for the
9 district in which the lot is located shall not apply.

10 (3) **Residential Affordable Housing Program.** All projects in this District
11 shall be subject to all the terms of Section 415 and following of the Inclusionary Affordable
12 Housing Program. Notwithstanding the foregoing, projects within the Van Ness and Market
13 Downtown Residential Special Use District shall at a minimum fulfill the requirements to the
14 levels specified in this section. Should Section 415 require greater contributions to the
15 affordable housing program, those requirements shall ~~supersede~~ ~~supereede~~ this section.
16 Proposed exceptions to these requirements due to hardships associated with construction
17 type, specifically heights above 120 feet, are not applicable in this Special Use District
18 because parcels are receiving an up zoning through increased density and benefits through
19 the general transformation of the district to a transit oriented neighborhood with a mixed use
20 character. Requirements and administration of this program shall follow the conditions
21 outlined in Section 415 of this Code unless otherwise specified in this Section.

22 * * * *

23 (4) **Open Space Provider.** The off-site open space permitted by this Section
24 may be provided individually by the project sponsor or jointly by the project sponsor and other
25 project sponsors, provided that each square foot of jointly developed open space may count

1 toward only one sponsor's requirement. With the approval of the Planning Commission, a
2 public or private agency may develop and maintain the open space, provided that (A) the
3 project sponsor or sponsors pay for the cost of development of the number of square feet the
4 project sponsor is required to provide, (B) provision satisfactory to the Commission is made
5 for the continued maintenance of the open space for the actual lifetime of the building giving
6 rise to the open space requirement, and (C) the Commission finds that there is reasonable
7 assurance that the open space to be developed by such agency will be developed and open
8 for use by the time the building, the open space requirement of which is being met by the
9 payment, is ready for occupancy.

10 * * * *

11 (B) **Publicly-Accessible Open Space Standards.**

12 (~~i~~) Open Space Types. Open space must be of one or more of the
13 following types:

14 (~~i~~) a. An unenclosed park or garden at street grade or
15 following the natural topography, including improvements to hillsides or other unimproved
16 public areas according to the Market & Octavia Area Plan;

17 (~~ii~~) b. An unenclosed plaza at street grade, with seating
18 areas and landscaping and no more than 10 percent of the floor area devoted to food or
19 beverage service;

20 (~~iii~~) c. An unenclosed pedestrian pathway that meets the
21 minimum standards described in Section 827(g)(3)(A)-(E) of this Code;

22 (~~iv~~) d. A terrace or roof garden with landscaping;

23 (~~v~~) e. Streetscape improvements with landscaping and
24 pedestrian amenities that result in additional space beyond the pre-existing sidewalk width
25

1 and conform to the Market & Octavia Area Plan, such as sidewalk widening or building
2 setbacks; and

3 ~~(vi)~~ f. Streetscape improvements with landscaping and
4 pedestrian amenities on alleyways from building face to building face, beyond basic street tree
5 planting or street lighting as otherwise required by this Code, in accordance with the Market &
6 Octavia Area Plan.

7 ~~(iiD)~~ Open Space Standards. Open space must meet the following
8 standards:

9 ~~(i)~~ a. Be in such locations and provide such ingress and
10 egress as will make the area convenient, safe, secure and easily accessible to the general
11 public;

12 ~~(ii)~~ b. Be appropriately landscaped;

13 ~~(iii)~~ c. Be protected from uncomfortable winds;

14 ~~(iv)~~ d. Incorporate ample seating and, if appropriate,
15 access to limited amounts of food and beverage service, which will enhance public use of the
16 area;

17 ~~(v)~~ e. Be well signed and accessible to the public during
18 daylight hours;

19 ~~(vi)~~ f. Be well lighted if the area is of the type requiring
20 artificial illumination;

21 ~~(vii)~~ g. Be designed to enhance user safety and security;

22 ~~(viii)~~ h. Be of sufficient size to be attractive and practical
23 for its intended use; and

24 ~~(ix)~~ (i) Have access to drinking water and toilets if
25 feasible.

1 (CE) **Maintenance.** Open spaces shall be maintained at no public
2 expense, except as might be provided for by any community facilities district that may be
3 formed. The owner of the property on which the open space is located shall maintain it by
4 keeping the area clean and free of litter and keeping in a healthy state any plant material that
5 is provided. Conditions intended to assure continued maintenance of the open space for the
6 actual lifetime of the building giving rise to the open space requirement may be imposed in
7 accordance with the provisions of Section 309.1 of this Code.

8 (DF) **Informational Plaque.** Prior to issuance of a permit of occupancy,
9 a plaque of no less than 24 inches by 36 inches in size shall be placed in a publicly
10 conspicuous location outside the building at street level, or at the site of any publicly-
11 accessible open space, identifying said open space feature and its location, stating the right of
12 the public to use the space and the hours of use, describing its principal required features
13 (e.g., number of seats, availability of food service) and stating the name and address of the
14 owner or owner's agent responsible for maintenance.

15 (EG) **Hold Harmless Requirement.** The Zoning Administrator shall have
16 authority to require a property owner to hold harmless the City and County of San Francisco,
17 its officers, agents and employees, from any damage or injury caused by the design,
18 construction or maintenance of open space, and to require the owner or owners or
19 subsequent owner or owners of the property to be solely liable for any damage or loss
20 occasioned by any act or neglect in respect to the design, construction or maintenance of the
21 open space.

22 (5) **Lot Coverage.** The rear yard requirements of Section 134 of this Code
23 shall not apply. Lot coverage is limited to 80 percent at all residential levels except on levels in
24 which all residential units face onto a public right-of-way. The unbuilt portion of the lot shall be
25 open to the sky except for those obstructions permitted in yards per Section 136(c) of this

1 Code. Exceptions to the 20 percent open area may be granted pursuant to the procedures of
2 Section 309 for conversions of existing ~~Non-Residential~~ structures where it is determined
3 that provision of 20 percent open area would require partial demolition of the existing ~~Non-~~
4 ~~Residential~~ structure.

5 (6) Floor Area Ratio.

6 * * * *

7 (B) Floor Area Bonus Permitted for Public Improvements or In-
8 lieu Contributions to the Van Ness and Market Neighborhood Infrastructure Fund and
9 In lieu Contributions to the Citywide Affordable Housing Fund.

10 (i) The ~~g~~Gross ~~f~~Floor ~~a~~Area of a structure or structures on a lot
11 may exceed the maximum ratio described in Section 123(c) of this Code through participation
12 in the Van Ness and Market Affordable Housing and Neighborhood Infrastructure Program,
13 according to the procedures described in Section 424.

14 * * * *

15 **SEC. 249.35. FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT.**

16 * * * *

17 (b) Establishment of the Fringe Financial Service Restricted Use District. In
18 order to preserve the residential character and the neighborhood-serving commercial uses of
19 the following defined areas, a noncontiguous Fringe Financial Service Restricted Use District
20 (Fringe Financial Service RUD) is hereby established for the following properties:

21 (1) Properties in NC-1 and NCT-3 Districts, *and* in the Broadway (Sec. 714),
22 Castro Street (Sec. 715), Inner Clement Street (Sec. 716), Outer Clement Street (Sec. 717),
23 Cole Valley (Sec. 742), Excelsior Outer Mission Street (Sec. 720-745), Fillmore Street (Sec.
24 747), Upper Fillmore Street (Sec. 718), Haight Street (Sec. 719), ~~Upper Market Street (Sec. 721)~~,
25 ~~Upper Market Street NCT (Sec. 733)~~, ~~Mission Street (Sec. 736)~~, Lakeside Village (Sec. 727), North

1 Beach (Sec. 722), Pacific Avenue (Sec. ~~726 732~~), Polk Street (Sec. 723), Sacramento Street
2 (Sec. 724), Inner Sunset (Sec. 730), ~~24th Street – Mission (Sec. 727)~~, 24th Street – Noe Valley
3 (Sec. 728), Union Street (Sec. 725), ~~Valencia Street (Sec. 726)~~, and West Portal Avenue (Sec.
4 729) Neighborhood Commercial Districts; and in the Divisadero Street (Sec. 759), Hayes-Gough
5 (Sec. 761), Mission Street (Sec. 754), 24th Street – Mission (Sec. 763), Upper Market Street (Sec. 764),
6 and Valencia Street (Sec. 762) Neighborhood Commercial Transit Districts;

7 (2) Properties in the Mission Alcoholic Beverage Special Use District, as
8 described in Section 249.60 of this Code and as designated on Sectional Maps SU07 and
9 SU08 of the Zoning Map of the City and County of San Francisco;

10 (3) Properties in the North of Market Residential Special Use District, as
11 described in Section 249.5 of this Code and as designated on Sectional Maps SU01 and
12 SU02 of the Zoning Map of the City and County of San Francisco;

13 (4) Properties in the ~~Divisadero Street (Section 783)~~, Haight Street (Section
14 781.9) and Third Street (Section 782) Alcohol Restricted Use Districts; and

15 (5) Properties in the Chinatown Community Business (CCB)(Section 810), South
16 Park (SPD)(Section 814), and Rincon Hill (RH-DTR)(Section 827) Districts.

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

18 (d) **Controls.** The following controls apply to projects meeting the criteria of
19 subsection (c) and to any subsequent alterations or changes of use in a building approved
20 under this Section.

21 * * * *

22 (4) All subsequent changes of use shall require Conditional Use authorization
23 from the Planning Commission. The only Non-Residential Uses that may be permitted in the
24 space initially approved for a grocery store shall include Trade Shop, Institutional Uses,
25 excluding Medical Cannabis Dispensaries, and Hospitals and Philanthropic Administrative

1 *Services*, except that General Retail Sales and Services, Pharmacy, or Specialty Grocery uses
2 may be permitted provided that no individual tenant occupies more than 3,000 square feet of
3 Gross Floor Area.

4 * * * *

5 **249.40. POTRERO CENTER MIXED-USE SPECIAL USE DISTRICT.**

6 * * * *

7 (c) **Controls.** All provisions of the Planning Code shall continue to apply, except for
8 the following:

9 * * * *

10 (4) **Housing Requirements.** The Potrero Center is one of the largest
11 properties in the UMU zoning district that provides a unique opportunity for a mixed-use
12 project with the provision of a significant amount of affordable housing, through either on-site
13 inclusionary units, a dedication of a portion of the land or the air rights of the property to the
14 City. This would enable the City (or another affordable housing developer) to develop
15 affordable housing on such dedicated portion or provide for a combination of both on-site
16 inclusionary housing and land dedication. The City supports such affordable housing
17 production in this location, rather than in an off-site location or locations. The provisions of
18 Table 419.5 Sections 319.4(a)(3)(A) and 319.4(a)(3)(B) shall be modified to increase the off-site
19 affordable unit election and in lieu fee election requirements from 27 percent to 30 percent of
20 the total number of units produced in the principal project. The findings of Section 419.5(a)(2)
21 319.1 concerning the provision of affordable housing are incorporated herein by reference.

22 (5) **Land Dedication Election.** The Land Dedication Alternative for the
23 provision of inclusionary housing units specified in Section 419.5(a)(2) 319.4(b)(2) may be
24 satisfied incrementally over time in the event that portions of the SUD are redeveloped in
25 phases and may be satisfied through the dedication to the City of air space parcels above or

1 adjacent to retail, parking or other uses, as well as through dedications of land, upon the
2 approval of the Mayor's Office of Housing or a successor entity, and provided the
3 requirements of Section ~~419.5(a)(2)~~ ~~319.4(b)(2)(A)-(I)~~ are otherwise satisfied.

4 **SEC. 249.52. TREASURE ISLAND/YERBA BUENA ISLAND SPECIAL USE DISTRICT.**

5 * * * *

6 (e) **Development Controls.** Development and uses of property within this Special
7 Use District shall be regulated by the controls contained herein and in the Design for
8 Development, provided, however, that if there is any inconsistency between this Special Use
9 District and the Design for Development, this Special Use District shall control.

10 * * * *

11 (2) **Uses.** The uses listed in Figure ~~3 are~~ 3 are permitted in this Special Use
12 District as indicated by the following symbols in the respective column for each district: (i) P –
13 permitted as a Principal Use in this zoning designation; (ii) IC – subject to approval as an
14 Island Conditional Use pursuant to the procedures set forth in subsection (h) below; (iii) blank
15 – not permitted in this zoning designation.

16 * * * *

17 **SEC. 249.59. CALLE 24 SPECIAL USE DISTRICT.**

18 * * * *

19 (d) **Controls.** The following provisions, in addition to all other applicable provisions
20 of the Planning Code, shall apply within the Calle 24 Special Use District:

21 (1) **Eating and Drinking Establishments.** In addition to other prohibitions
22 on such uses found within this Code, a new Restaurant use, new Limited-Restaurant use,
23 new Bar use, or the physical expansion of any such existing use shall be prohibited where the
24 concentration of those uses exceeds, or would exceed with the proposed use or physical
25 expansion of an existing use, 35% of the total commercial frontage as measured in linear feet

1 within the immediate area of the subject site. For the purpose of calculating the concentration
2 of commercial frontage, the "immediate area" shall mean all properties located within 300 feet
3 of the subject property within the Calle 24 Special Use District and in a zoning district that is
4 not Residential or Public Use. Any project for which a development application, as defined in
5 Section 401, was submitted by March 31, 2017 ~~or~~ and any change in use from an existing
6 Limited-Restaurant use to a Restaurant use shall be exempt from the requirements of this
7 Section 249.59(d)(1).

8 **SEC. 249.60. MISSION ALCOHOLIC BEVERAGE SPECIAL USE DISTRICT.**

9 * * * *

10 (d) **Good Neighbor Policies.** The operating conditions established in Section 202.2
11 of this Code shall apply to all liquor establishments in this SUD in order to maintain the safety
12 and cleanliness of the premises and vicinity. In addition, all new, relocated, or expanded liquor
13 establishments, and any liquor establishment with a license referred for review to the Planning
14 Department by the State of California Department of Alcohol Beverage Control, shall comply
15 with the requirements set forth below. Liquor establishment shall have the meaning set forth in
16 subsection (c) above.

17 * * * *

18 (2) No more than 33% of the square footage of the windows and clear doors
19 of the liquor establishment shall bear advertising or signage of any sort, and all advertising
20 and signage shall be placed and maintained in a manner than ensures that law enforcement
21 personnel have a clear and unobstructed view of the interior of the premises from the exterior
22 public sidewalk or entrance to the premises. This requirement shall not apply to premises
23 where there are no windows, or where existing windows are located at a height that precludes
24 a view of the interior of the premises to a person standing outside the premises. Street facing
25 facades shall maintain at least 50% clear and visually-permeable glazing.

1 For any use authorized pursuant to a Conditional Use authorization after the effective
2 date of Ordinance No. 143-14 repeated violations of the Good Neighbor Policies set forth in
3 this ~~subection~~ subsection (d), of the operating conditions set forth in Section 202.2 of this Code,
4 or of any conditions associated with a Condition of Approval shall require a hearing at the
5 Planning Commission to consider revocation of the Conditional Use authorization.

6 * * * *

7 **SEC. 249.63. CAYUGA/ALEMANY SPECIAL USE DISTRICT.**

8 A Special Use District entitled the Cayuga/Alemanany Special Use District
9 (Cayuga/Alemanany SUD, or SUD), is hereby established for the purpose set forth in this
10 Section 249.63.

11 * * * *

12 (c) **Controls.** All provisions of the Planning Code applicable to the Excelsior Outer
13 Mission Neighborhood Commercial District shall apply to the Cayuga/Alemanany SUD except as
14 otherwise provided in this Section 249.63 .

15 (1) **Dwelling Unit Density.** There shall be no residential density limit within
16 this SUD.

17 (2) **Dwelling Unit Mix.** The following dwelling unit mix criteria shall apply in
18 this SUD:

19 (A ~~i~~) No less than 70% of the total number of proposed ~~d~~Dwelling ~~#~~Units
20 shall contain at least two bedrooms. Any fraction resulting from this calculation shall be
21 rounded to the nearest whole number of ~~d~~Dwelling ~~#~~Units;

22 (B ~~ii~~) No less than 10% of the total number of proposed ~~d~~Dwelling ~~#~~Units
23 shall contain at least three bedrooms. Any fraction resulting from this calculation shall be
24 rounded to the nearest whole number of ~~d~~Dwelling ~~#~~Units. Units counted towards this
25

1 requirement may also count towards the requirement for units with two or more bedrooms as
2 described in subsection (c)(2)(i).

3 (3) **Inclusionary Housing.** The requirements of Section 415 of this Code
4 shall apply in this SUD, except as expressly provided herein.

5 (A) Compliance with Section 415 shall be by providing affordable units
6 on-site in accordance with Section 415.6. Payment of an affordable housing fee under Section
7 415.5, or construction of units off-site under Section 415.7 are not permitted to satisfy Section
8 415.

9 (B) The number of Affordable Units constructed on-site shall be 50%
10 of the number of all units constructed on-site.

11 (i) Ten percent of the units shall be affordable to households
12 earning 55% of Area Median Income, with households earning up to 65% of Area Median
13 Income eligible to apply for units under this subsection (c)(3)(B)(i).

14 (ii) Ten percent of the units shall be affordable to households
15 earning 80% or less of Area Median Income, with households earning from 65% to 90% of
16 Area Median Income eligible to apply for units under this subsection (c)(3)(B)(ii).

17 (iii) Thirty percent of the units shall be affordable to households
18 earning up to 100% of Area Median Income, with households earning from 90% to 130% of
19 Area Median Income eligible to apply for units under this subsection (c)(3)(B)(iii).

20 * * * *

21 **SEC. 249.70. CENTRAL SUBWAY TUNNEL BORING MACHINE EXTRACTION SITE**
22 **SPECIAL USE DISTRICT.**

23 * * * *

24 (b) **Controls.** All otherwise applicable provisions of the Planning Code shall apply to
25 this Special Use District, except as specifically provided in this Section 249.70:

1 * * * *

2 (8) **Height and Bulk.** The height and bulk applicable to this Special Use
3 District shall be 55-X, provided, however, that in no case shall the height of any new structure
4 exceed the height of the existing Pagoda Palace structure. For purposes of measurement of
5 height in this District, the height of a projecting business sign shall be exempt, provided that
6 such sign is the reconstruction or rehabilitation of an existing projecting movie theater blade
7 sign as provided in ~~9~~ subsection (b)(9). Prior to demolition of the existing structure, the owner
8 or ~~owners~~ owner's authorized agent shall prepare and submit to the Planning Department a
9 detailed survey, including elevations and sections, which accurately dimension the height of
10 the existing theater building, including the heights of all rooftop features.

11 **SEC. 249.74. FIFTH AND MISSION SPECIAL USE DISTRICT.**

12 (a) **General.** A Special Use District entitled the Fifth and Mission Special Use
13 District ("District"), the boundaries of which are shown on Sectional Map ~~SU001~~ SU01 of the
14 Zoning Maps of the City and County of San Francisco, is hereby established for the purpose
15 set out below.

16 * * * *

17 (d) **Development Controls.** Applicable provisions of the Planning Code shall
18 control except as otherwise provided in this Section and the Design for Development. In the
19 event of a conflict between other provisions of the Planning Code, the Design for
20 Development, or this District, the provisions of this District shall control.

21 * * * *

22 (4) **Building Standards.**

23 (A) **Building Height.** The applicable height limits shall be as set forth in
24 Height Map ~~HT001~~ HT01 of the Zoning Maps of the City and County of San Francisco, and
25

1 shall be measured and regulated as provided in Article 2.5, with the following exceptions for
2 parcels zoned 365-X or 450-S:

3 * * * *

4 **SEC. 249.76. POTRERO HOPE SF SPECIAL USE DISTRICT.**

5 * * * *

6 (e) **Project Review and Approval.**

7 * * * *

8 (3) **Building Design Review and Approval.** The construction, expansion, or
9 major alteration of, or additions to, all structures within this Special Use District requires
10 applications for design review described in this Section 249.76. Applications for design review
11 may be submitted concurrently with or subsequent to a Development Phase Design Review
12 Application. The owner or authorized agent of the owner of the property for which the design
13 review is sought may file applications for design review. Department staff shall review the
14 application for completeness and advise the applicant in writing of any deficiencies within 30
15 days after receipt of the application or, if applicable, within 15 days after receipt of any
16 supplemental information requested pursuant to this section. If Department staff does not so
17 advise the applicant, and if the related Phase Application has been approved, the application
18 will be deemed complete. The application shall include the documents and materials
19 necessary to determine consistency with this Special Use District, the Design Standards and
20 Guidelines, and the applicable requirements of the Development Agreement, including site
21 plans, sections, elevations, renderings, landscape plans, and exterior material samples to
22 illustrate the overall concept design of the proposed buildings, and conformance with any
23 phasing plan. If any requests for a Major Modification or Minor Modification are sought in
24 accordance with the allowances of this Section, the application shall contain a narrative for
25 each modification sought that describes how the proposed project meets the full intent of the

1 Design Standards and Guidelines and provides architectural treatment and public benefit that
2 are equivalent to or superior to strict compliance with the standards.

3 * * * *

4 (B) **Staff Design Review.** The Department shall perform
5 administrative design review for each application as further detailed in the Development
6 Agreement. Department staff shall review the project to determine if it complies with this
7 Special Use District, the Design Standards and Guidelines, the Development Agreement, an
8 approved Development Phase Application, and any applicable mitigation measures. The
9 Department shall complete the initial review and respond to the project sponsor within 60 days
10 of receiving a complete application. The Department staff shall have 30 days to respond to
11 any modifications or revisions submitted by the project sponsor after the submission of the
12 initial application. Upon completing review, Department staff may draft a staff report to the
13 Planning Director or Planning Commission, as appropriate, including a recommendation
14 regarding any modifications to the project. The staff report shall be delivered to the applicant
15 no less than 14 days prior to Planning Director or Planning Commission action on the
16 application, and shall be kept on file for public review. The Department shall provide public
17 notice of the staff report and recommendation no less than 14 days prior to action on the
18 application by the Planning Director or Planning Commission. Written notice shall be mailed to
19 the notification group which shall include the project sponsor, tenants of the subject property,
20 relevant neighborhood organizations as maintained by the Planning Department, and all
21 individuals having made a written request for notification for the project site pursuant to
22 Planning Code Section 351.

23 **SEC. 249.78. CENTRAL SOMA SPECIAL USE DISTRICT.**

24 * * * *

25 (d) **Urban Design and Density Controls.**

1 (1) **Prevailing Building Height and Density.** In order to ensure adequate
2 provision of infrastructure and services in an area transitioning from industrial uses to more
3 intensive residential and commercial uses through adoption of the Central SoMa Plan,
4 Prevailing Building Height and Density Limits are herein established.

5 * * * *

6 (B) **Controls.** Notwithstanding the height limit indicated on the Zoning
7 Map and the Floor Area Ratio controls of subsection (3) below, the following hHeight and
8 Floor Area Ratio controls shall apply:

9 * * * *

10 (ii) For projects on lots where the Zoning Map indicates a
11 height limit of less than 85 feet, the project lot or lots shall be limited to a maximum Floor Area
12 Ratio of 3.0:1.

13 (2) **Design of Buildings.** New construction shall comply with the "Citywide
14 Central SoMa Guide to Urban Design Guidelines" as adopted and periodically amended by the
15 Planning Commission.

16 * * * *

17 **SEC. 249.80. MISSION ROCK SPECIAL USE DISTRICT.**

18 * * * *

19 (d) **Relationship to Other Planning Code Provisions.** The provisions of this SUD
20 and the Design Controls shall supersede the Planning Code in its entirety, with the result that
21 the Planning Code shall not apply in the SUD, except with respect to (1) Planning Code
22 definitions as specified in subsection (e) below; (2) Planning Code sections adopted or
23 amended in connection with this Special Use District as follows: Section 105 (Zoning Maps),
24 Section 201 (Mission Rock Mixed Use District), Section 249.80 (Mission Rock Special Use
25 District), Section 291 (Mission Rock Height and Bulk District), and Section 901 (Applicability

1 of Article 9 Provisions and Other Provisions of the Planning Code); (3) Planning Code
2 sections adopted by ballot proposition prior to the effective date of the ordinance (in Board of
3 Supervisors File No. 170940) adopting this SUD as follows, and only to the extent that such
4 provisions are applicable under the ballot proposition to development within the SUD: sections
5 of the Planning Code adopted or amended by Proposition M (November, 1986) (Sections
6 101.1, 164, and 320-325); Proposition K (June, 1984) (Section 295); and Proposition G
7 (March, 2002) (Sections 602.7 (recodified at 602) and 611); and (4) any other section of the
8 Planning Code referenced herein (but only to the extent and for the purposes stated herein).
9 Sections of the Planning Code adopted by ballot proposition that are limited geographically
10 and do not apply to the SUD are Proposition G (Small Business Protection Act) (November,
11 2006) (Section 303.1); and Proposition X (Limitation on Conversion of Production,
12 Distribution, and Repair Use, Institutional Community Use, and Arts Activities Use)
13 (November, 2016) (Section 202.8). In the event of a conflict between any provisions of the
14 Planning Code that are incorporated herein by reference pursuant to subsection (d)(4) above
15 and the Design Controls or this Section 249.80, this Section 249.80 and the Design Controls
16 shall control. Later amendments to the code sections referenced in this subsection as
17 applicable in the SUD shall apply where not conflict with this SUD, the DC or the DA.

18 (e) **Definitions.** If not explicitly superseded by definitions established in this SUD or
19 in the DC, the definitions in this Code shall apply. In addition to the specific definitions set
20 forth elsewhere in this Section 249.80, the following definitions shall govern interpretation of
21 this Section:

22 * * * *

23 "Block" is a development Block as depicted on Figure 249.80-MR1 ~~249.80-MR-1~~.

24 * * * *

25 (f) **Uses.**

1 * * * *

2 (5) **Interim Uses.** The Executive Director may approve any interim use listed
3 in this section without a public hearing for a period not to exceed five years if the Executive
4 Director finds that such use will not impede orderly development consistent with this Section
5 249.80, the Design Controls, and the DA. Interim uses under this ~~Section~~ subsection (f)(5) are
6 limited to uses at Pier 48 and the existing unimproved areas, open space and surface parking
7 lots in the SUD area. Any interim use listed in this section that is integral to development
8 under the DA, DDA or Vertical DDA and permitted by the Port under any Port lease or license
9 shall not require separate authorization as an interim or temporary use (for example, uses
10 incidental to environmental clean-up, demolition and construction, storage, and automobile
11 and truck parking and loading related to construction activities-). Any authorization granted
12 pursuant to this subsection (f)(5) shall not exempt the Applicant from obtaining any other
13 permit required by law. Additional time for such uses may be authorized upon a new
14 application. Interim uses that the Executive Director may authorize include, but are not limited
15 to the following or similar activities:

16 * * * *

17 (j) **Modification to Building Standards.** Modification of the Building Standards
18 may be approved as authorized by this subsection (j) on a project-by-project basis according
19 to the procedures of subsection (m).

20 (1) **No Modifications Permitted.** Major and Minor Modifications under
21 subsection (m) are not permitted for:

22 * * * *

23 (D) land use requirements established in subsections (f).

24 * * * *

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

2 * * * *

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

6 (1) The following features shall be exempt provided the limitations indicated
7 for each are observed; and provided further that the sum of the horizontal areas of all features
8 listed in this subsection (b)(1) shall not exceed 20% of the horizontal area of the roof above
9 which they are situated, or, in C-3 Districts and in the Rincon Hill Downtown Residential
10 District, where the top of the building has been separated into a number of stepped elements
11 to reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and
12 provided further that in any R, RC-3, or RC-4 District the sum of the horizontal areas of all
13 such features located within the first 10 feet of depth of the building, as measured from the
14 front wall of the building, shall not exceed 20% of the horizontal area of the roof in such first
15 10 feet of depth.

16 As an alternative, the sum of the horizontal areas of all features listed in this subsection
17 (b)(1) may be equal to but not exceed 20% of the horizontal area permitted for buildings and
18 structures under any bulk limitations in Section 270 of this Code applicable to the subject
19 property.

20 Any such sum of 20% heretofore described may be increased to 30% by unroofed
21 screening designed either to obscure the features listed under (A) and (B) below or to provide
22 a more balanced and graceful silhouette for the top of the building or structure.

23 * * * *

24 (B) Elevator, stair and mechanical penthouses, fire towers, skylights
25 and dormer windows. This exemption shall be limited to the top 10 feet of such features where

1 the height limit is 65 feet or less, and the top 16 feet of such features where the height limit is
2 more than 65 feet. However, for elevator penthouses, the exemption shall be limited to the top
3 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the
4 building. The design of all elevator penthouses in Residential Districts shall be consistent with
5 the "Residential Design Guidelines" as adopted and periodically amended for specific areas or
6 conditions by the *City* Planning Commission.

7 The Zoning Administrator may, after conducting a public hearing, grant a further height
8 exemption for an elevator penthouse for a building with a height limit of more than 65 feet but
9 only to the extent that the Zoning Administrator determines that such an exemption is required
10 to meet state or federal laws or regulations. All requests for height exemptions for elevator
11 penthouses located in Residential or Neighborhood Commercial Districts shall be subject to
12 the neighborhood notification requirements of Sections 311 ~~and 312~~ of this Code.

13 * * * *

14 (E) In any C-3 District, the CMUO District, and any MUR or MUG
15 District within the Central SoMa Special Use District, enclosed space related to the
16 recreational use of the roof, not to exceed 16 feet in height.

17 * * * *

18 (~~ML~~) In the Central SoMa Special Use District, additional building
19 volume used to enclose or screen from view the features listed in subsections (b)(1)(A) and
20 (b)(1)(B) above. The rooftop form created by the added volume shall not be subject to the
21 percentage coverage limitations otherwise applicable to the building, but shall meet the
22 requirements of Section 141; shall not exceed 10% ~~percent~~ of the total height of any building
23 taller than 200 feet; shall have a horizontal area not more than 100% ~~percent~~ of the total area
24 of the highest occupied floor; and shall contain no space for human occupancy. The features
25 described in subsection (b)(1)(B) shall not be limited to 16 feet for buildings taller than 200

1 feet, but shall be limited by the permissible height of any additional rooftop volume allowed by
2 this subsection (ML).

3 (NA) In any S-2 Bulk District for any building which exceeds 550 feet in
4 height, unoccupied building features including mechanical and elevator penthouses, enclosed
5 and unenclosed rooftop screening, and unenclosed architectural features not containing
6 occupied space that extend above the height limit, only as permitted by the Planning
7 Commission according to the procedures of Section 309 and meeting all of the following
8 criteria:

9 (i) such elements are demonstrated to not add more than
10 insignificant amounts of additional shadow compared to the same building without such
11 additional elements on any public open spaces as deemed acceptable by the Planning
12 Commission; and

13 (ii) such elements are limited to a maximum additional height
14 equivalent to 7.5% ~~percent~~ of the height of the building to the roof of the highest occupied floor,
15 except that in the case of a building in the 1,000-foot height district such elements are not
16 limited in height, and any building regardless of building height or height district may feature a
17 single spire or flagpole with a diagonal in cross-section of less than 18 feet and up to 50 feet
18 in height in addition to elements allowed according to this subsection (NA); and

19 * * * *

20 **SEC. 262. ADDITIONAL HEIGHT LIMITS APPLICABLE TO SIGNS.**

21 (a) The height limits established by this Article 2.5 shall apply to all signs regulated
22 by this Code, except *for those identified as Historic Signs and Vintage Signs defined in within an*
23 *Historic Sign District pursuant to Sections 602, and Historic Movie Theater Projecting Signs and*
24 *Historic Movie Theater Marquees defined in Section 188(e) 302, 303 and 608.14* of this Code. No
25 sign shall be erected, placed, replaced, reconstructed or relocated except in conformity with

1 the provisions of this Article, whether such sign is freestanding or attached to a building or
2 structure.

3 (b) The height of signs is also regulated by Article 6 of this Code, and in each case
4 the most restrictive of the applicable height limitations shall prevail, except for ~~h~~Historic sSigns,
5 Vintage Signs, Historic Movie Theater Projecting Signs, and Historic Movie Theater Movie Marquees
6 within Historic Sign Districts which are exempt from height limits pursuant to Section 260 of this
7 Code.

8 **SEC. 263.32. SPECIAL HEIGHT EXCEPTIONS: PERMITTED BUILDING HEIGHTS IN THE**
9 **CENTRAL SOMA SPECIAL USE DISTRICT.**

10 * * * *

11 (c) **Controls.** An additional 25 feet of height above the otherwise applicable height
12 limit is permitted for a development project subject to this Section 263.32 without requiring
13 ~~e~~Conditional ~~#~~Use authorization by the Planning Commission only if it meets the following
14 conditions:

15 * * * *

16 (3 ~~2~~) The additional height shall not cause any new or substantially increased
17 significant impacts that cannot be mitigated to less than significant levels related to wind and
18 shadow that would not have occurred without the additional height, as determined by the
19 Environmental Review Officer.

20 (4 ~~3~~) A project using a special height exception pursuant to this Section 263.32
21 shall be subject to Sections 132.4 and 270(h), based on the otherwise applicable Height limit
22 for the lot.

23 (5 ~~4~~) A project using a special height exception pursuant to this Section 263.32
24 may add 25 feet above the otherwise applicable Height limit for purposes of calculating its
25 Apparent Mass Reduction pursuant to Section 270(h).

1 **SEC. 303. CONDITIONAL USES.**

2 * * * *

3 (n) **Massage Establishments.** With respect to Massage Establishments that are
4 subject to Conditional Use authorization, in addition to the criteria set forth in subsection (c)
5 above, the Commission shall make the following findings:

6 * * * *

7 Exceptions. A Massage Establishment shall not require a Conditional Use authorization if the
8 Massage Establishment satisfies one or more of the following conditions:

9 (1) The massage use is accessory to a Principal Use, if the massage use is accessed
10 by the Principal Use and

11 (A) the Principal Use is a Dwelling Unit and the massage use conforms to the
12 requirements of Section 204.1, for Accessory Uses for Dwelling Units in All Districts; or

13 (B) the Principal Use is a Tourist Hotel that contains 100 or more rooms or
14 an Institutional Use as defined in this Code.

15 (2) The only massage service provided is chair massage, such service is visible to
16 the public, and customers are fully clothed at all times.

17 (3) It is a Sole Practitioner Massage Establishment, as defined in Section 29.5 of the
18 Health Code.

19 * * * *

20 (z) **Liquor Stores.** With regard to the Conditional Use application for a Liquor Store
21 use, the Planning Commission shall consider, in addition to the criteria set forth in subsection
22 (c) above:

23 (1 A) the existing concentration of Liquor Store uses within 300 feet of the
24 proposed location; and
25

1 (2 B) the availability of General Grocery or Specialty Grocery stores in the area
2 selling alcoholic beverages as well as a range of foods.

3 **SEC. 303.1. FORMULA RETAIL USES.**

4 * * * *

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

8 * * * *

9 (11 ~~13~~) The Central SoMa Special Use District as defined in Section 848, except
10 for those uses not permitted pursuant to subsection (f) below.

11 * * * *

12 **SEC. 304. PLANNED UNIT DEVELOPMENTS.**

13 In districts other than C-3, the Eastern Neighborhoods Mixed Use Districts, ~~or~~ the DTR
14 Districts, or the North Beach Special Use District, the Planning Commission may authorize as
15 Conditional Uses, in accordance with the provisions of Section 303, Planned Unit
16 Developments subject to the further requirements and procedures of this Section 304. After
17 review of any proposed development, the Planning Commission may authorize such
18 development as submitted or may modify, alter, adjust or amend the plan before
19 authorization, and in authorizing it may prescribe other conditions as provided in Section
20 303(d). The development as authorized shall be subject to all conditions so imposed and shall
21 be excepted from other provisions of this Code only to the extent specified in the
22 authorization.

23 * * * *

24 **SEC. 305. VARIANCES.**

25 * * * *

1 (c) **Determination.** The Zoning Administrator shall hold a hearing on the
2 application, provided, however, that if the variance requested involves a deviation of less than
3 10% ~~percent~~ from the Code requirement, the Zoning Administrator may at the Zoning
4 Administrator's ~~his~~ option either hold or not hold such a hearing. No variance shall be granted
5 in whole or in part unless there exist, and the Zoning Administrator specifies in his or her
6 findings as part of a written decision, facts sufficient to establish:

7 * * * *

8 Upon issuing ~~his~~ the written decision either granting or denying the variance in whole or
9 in part, the Zoning Administrator shall forthwith transmit a copy thereof to the applicant. The
10 action of the Zoning Administrator shall be final and shall become effective 10 days after the
11 date of ~~his~~ the written decision except upon the filing of a valid appeal to the Board of Appeals
12 as provided in Section 308.2 of this Code.

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

14 * * * *

15 (b) **Applicability.** Except as indicated herein, all building permit applications in
16 Residential, NC, NCT, and Eastern Neighborhoods Mixed Use Districts for a change of use;
17 establishment of a Micro Wireless Telecommunications Services Facility; establishment of a
18 Formula Retail Use; demolition, new construction, or alteration of buildings, and the removal
19 of an authorized or unauthorized residential unit shall be subject to the notification and review
20 procedures required by this Section 311. In addition, all building permit applications that would
21 establish Cannabis Retail or Medical Cannabis Dispensary uses, regardless of zoning district,
22 shall be subject to the review procedures required by this Section 311. Notwithstanding the
23 foregoing or any other requirement of this Section 311, a change of use to a Child Care
24 Facility, as defined in Section 102, shall not be subject to the review requirements of this
25 Section 311. Notwithstanding the foregoing or any other requirement of this Section 311,

1 building permit applications to construct an Accessory Dwelling Unit pursuant to Section
2 207(c)(6) shall not be subject to the notification or review requirements of this Section 311.

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

5 * * * *

6 (B) **Eastern Neighborhood Mixed-Use Districts.** In all Eastern
7 Neighborhood Mixed Use Districts a change of use shall be defined as a change in, or addition
8 of, a new land use category. A “land use category” shall mean those categories used to
9 organize the individual land uses that appear in the use tables, immediately preceding a group
10 of individual land uses, including but not limited to the following: Residential Use; Institutional
11 Use; Retail Sales and Service Use; Assembly, Recreation, Arts and Entertainment Use; Office
12 Use; Live/Work Units Use; Motor Vehicle Services Use; Vehicle Parking Use; Industrial Use;
13 Home and Business Service Use; or Other Use.

14 * * * *

15 (d) **Notification.** Upon determination that an application is in compliance with the
16 development standards of the Planning Code, the Planning Department shall cause a notice
17 to be posted on the site pursuant to rules established by the Zoning Administrator and shall
18 cause a written notice describing the proposed project to be sent in the manner described
19 below. This notice shall be in addition to any notices required by the Building Code and shall
20 have a format and content determined by the Zoning Administrator. It shall include a
21 description of the proposal compared to any existing improvements on the site with
22 dimensions of the basic features, elevations and site plan of the proposed project including
23 the position of any adjacent buildings, exterior dimensions and finishes, and a graphic
24 reference scale, existing and proposed uses or commercial or institutional business name, if
25

1 known. The notice shall describe the project review process and shall set forth the mailing
2 date of the notice and the expiration date of the 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.

7 (A) The written notice shall compare the proposed project to the existing
8 conditions at the development lot. Change to basic features of the project that are quantifiable
9 shall be disclosed on the written notice. The basic features of existing and proposed
10 conditions shall include, where applicable, front setback, building depth, rear yard, depth, side,
11 setbacks, building height, number of stories, dwelling unit count and use of the building.

12 * * * *

13 **SEC. 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH**
14 **DEMOLITION, MERGER AND CONVERSION.**

15 * * * *

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

17 * * * *

18 (3) **Residential Conversion.** The Planning Commission shall consider the
19 following criteria in the review of applications for Residential Conversion:

20 (A) whether conversion of the unit(s) would eliminate only owner
21 occupied housing, and if so, for how long the unit(s) proposed to be removed were owner
22 occupied;

23 (B) whether Residential Conversion would provide desirable new Non-
24 Residential Use(s) appropriate for the neighborhood and adjoining district(s);

1 (C) in districts where Residential Uses are not permitted, whether
2 Residential Conversion will bring the building closer into conformance with the Uses permitted
3 in the zoning district;

4 (D) whether conversion of the unit(s) will be detrimental to the City's
5 housing stock;

6 (E) whether conversion of the unit(s) is necessary to eliminate design,
7 functional, or habitability deficiencies that cannot otherwise be corrected;

8 (F) whether the Residential Conversion will remove Affordable
9 Housing, or units subject to the Residential Rent Stabilization and Arbitration Ordinance.

10 (~~4.3~~) Planning Commission approval shall not be required for the change of use
11 or occupancy of a ~~a Dwelling~~ ~~u~~Unit, ~~g~~Group ~~h~~Housing, or SRO to Student Housing if the
12 ~~a Dwelling~~ ~~u~~Unit, ~~g~~Group ~~h~~Housing, or SRO will be Student Housing owned, operated or
13 otherwise controlled by a not for profit post-secondary Educational Institution and

14 (A) it was built by the post-secondary Educational Institution;

15 (B) it is in a convent, monastery, or similar religious order facility;

16 (C) it is on an adjoining lot (i.e., sharing the same lot line) to the post-
17 secondary Educational Institution, so long as the lot has been owned by the post-secondary
18 Educational Institution for at least ten years as of the effective date of Ordinance 188-12; or

19 (D) as of August 10, 2010, it was owned, operated or otherwise
20 controlled by a post-secondary Educational Institution that had an Institutional Master Plan on
21 file with the Planning Commission, and where the occupancy by those other than students at
22 that date was less than 20% of the total occupants. For purposes of determining occupancy,
23 the post-secondary Educational Institution shall present to the Planning Department verified
24 information regarding its rental or lease of units as of that date.
25

1 (5 4) Planning Commission approval shall not be required for a Residential
2 Conversion if the Residential Unit was subject to the Residential Hotel Unit Conversion and
3 Demolition Ordinance, San Francisco Administrative Code Chapter 41, and obtained a permit
4 to convert in compliance with the requirements set forth therein.

5 (6 5) **Residential Demolition.** The Planning Commission shall consider the
6 following additional criteria in the review of applications for Residential Demolition:

7 * * * *

8 (7 6) **Removal of Unauthorized Units.** In addition to the criteria set forth in
9 subsections (g)(1) through (g)(4) above, the Planning Commission shall consider the criteria
10 below in the review of applications for removal of Unauthorized Units:

11 * * * *

12 (8 7) **Denial of Application to Remove an Unauthorized Unit; Requirement**
13 **to Legalize the Unit.** If the Planning Commission denies an application to Remove an
14 Unauthorized Unit, the property owner shall file an application for a building permit to legalize
15 the Unit. Failure to do so within a reasonable period of time, as determined by the Zoning
16 Administrator, shall be deemed to be a violation of the Planning Code.

17 * * * *

18 **SEC. 401. DEFINITIONS.**

19 In addition to the specific definitions set forth *in Section 102 and* elsewhere in this Article
20 4, the following definitions shall govern interpretation of this Article:

21 * * * *

22 ~~“Change of Use.” A change of Gross Floor Area from one category of use to another category~~
23 ~~of use listed in the use table for the zoning district of the subject lot.~~

24 * * * *

25

1 "Management, Information and Professional Services (MIPS)." An economic activity
2 category under the TIDF that includes, but is not limited to, Office Uses; Health Service uses;
3 Business Service uses; Integrated PDR; and Small Enterprise Workspaces.

4 * * * *

5 **SEC. 402. PROCEDURE FOR PAYMENT AND COLLECTION OF DEVELOPMENT FEES.**

6 * * * *

7 (d) **Timing of Fee Payments.** All impact fees are due and payable to the Development Fee
8 Collection Unit at DBI at the time of, and in no event later than, issuance of the "first construction
9 document" as defined in Section 401 of this Code and Section 107A.13.1 of the Building Code. The
10 project sponsor's option to defer payment of the fee to a later date pursuant to Section 107A.13.3 of the
11 Building Code expired on July 1, 2013 and is not available unless and until the Board of Supervisors
12 re-authorizes this deferral option.

13 **SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT PROJECT**
14 **REQUIREMENTS.**

15 * * * *

16 (b) **Waiver or Reduction, Based on Housing Affordability.**

17 (1) An affordable housing unit shall receive a waiver from the Rincon Hill
18 Community Infrastructure Impact Fee, the Market and Octavia Community Improvements
19 Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact
20 Fee, the Visitacion Valley Community Facilities and Infrastructure Impact Fee, the
21 Transportation Sustainability Fee, and the Residential Child Care Impact Fee if the affordable
22 housing unit:

23 * * * *

24 (B) is subsidized by MOHCD, the San Francisco Housing Authority,
25 the Department of Homelessness and Supportive Housing, and/or the ~~the~~ Office of

1 Community Investment and Infrastructure or any future successor agency to those listed
2 herein; and

3 * * * *

4 (f) Waiver Based on Calamity. The replacement of existing Residential, Non-Residential,
5 or PDR uses on a lot subject to, and meeting all the provisions of, Planning Code Section 188(b) for the
6 replacement of buildings damaged or destroyed by fire or other calamity, or by Act of God or the
7 public enemy, shall not be considered in the determination of applicability of any impact fee in Article
8 4 of this Code and new Gross Floor Area within a building subject to and meeting all the provisions of
9 Section 188(b) shall not be subject to any impact fee in Article 4. However, any additional land uses or
10 addition of Gross Floor Area beyond what is needed to replace the damaged or destroyed building(s)
11 shall be subject to any applicable Article 4 impact fees.

12 **SEC. 412.6. COLLECTION OF FEE.**

13 The Downtown Park Fee shall be paid to DBI for deposit into the Downtown Park Fund is
14 due and payable to the Development Fee Collection Unit at DBI at the time required by Section
15 402(d) of and in no event later than issuance of the first construction document, with an option for the
16 project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing
17 to pay a deferral surcharge that would be deposited into the Downtown Park Fund, in accordance with
18 Section 107A.13.15 of the San Francisco Building Code.

19 **SEC. 413.6. COMPLIANCE WITH JOBS-HOUSING LINKAGE PROGRAM BY PAYMENT**
20 **OF IN-LIEU FEE.**

21 * * * *

22 (c) Any in-lieu fee required under this Section 413.6 shall be paid to DBI for deposit
23 into the Citywide Affordable Housing Fund is due and payable to the Development Fee Collection Unit
24 at DBI at the time required by Section 402(d) of and in no event later than issuance of the first
25 construction document, with an option for the project sponsor to defer payment to prior to issuance of

1 *the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited*
2 *into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco*
3 *Building Code.*

4 **SEC. 414.8. COMPLIANCE BY PAYMENT OF AN IN-LIEU FEE.**

5 * * * *

6 (b) The in-lieu fee shall be paid to DBI for deposit into the Child Care Capital Fund is due
7 and payable to the Development Fee Collection Unit at DBI at the time required by Section 402(d) of
8 and in no event later than issuance of the first construction document with an option for the project
9 sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay
10 a deferral surcharge that would be deposited into the Child Care Capital Fund in accordance with
11 Section 107A.13.3 of the San Francisco Building Code.

12 **SEC. 414A.4. IMPOSITION OF RESIDENTIAL CHILD CARE IMPACT FEE**
13 **REQUIREMENT.**

14 * * * *

15 (c) **Timing of Fee Payments.** The Residential Child Care Impact Fee shall be paid
16 to DBI for deposit into the Child Care Capital Fund at the time required by Section 402(d) of and in
17 no event later than the City issues a First Construction Document.

18 * * * *

19 **SEC. 415.5. AFFORDABLE HOUSING FEE.**

20 * * * *

21 (a) Timing of Fee Payments of a Fee. The fee shall be paid to is due and payable to the
22 Development Fee Collection Unit at DBI for deposit into the Citywide Affordable Housing Fund at
23 the time required by Section 402(d) of and in no event later than issuance of the first construction
24 document, with an option for the project sponsor to defer payment to prior to issuance of the first
25 certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the

1 *Citywide Affordable Housing Fund, in accordance with Section 107A.13.15 of the San Francisco*
2 *Building Code.*

3 * * * *

4 **SEC. 415.6. ON-SITE AFFORDABLE HOUSING ALTERNATIVE.**

5 If a project sponsor elects to provide on-site units pursuant to Section 415.5(g), the
6 development project shall meet the following requirements:

7 (a) **Number of Units.** The number of units constructed on-site shall be as follows:

8 * * * *

9 (4) Notwithstanding the foregoing Area Median Income limits for Rental Units
10 and Owned Units, the maximum affordable rents or sales price shall be no higher than 20%
11 below *median* market rents or sales prices for the neighborhood within which the project is
12 located, which shall be defined in accordance with the American Community Survey
13 Neighborhood Profile Boundaries Map. MOHCD shall adjust the allowable rents and sales
14 prices, and the eligible households for such units, accordingly, and such potential
15 readjustment shall be a condition of approval upon project entitlement. The City shall review
16 the updated data on neighborhood rents and sales prices on an annual basis.

17 **SEC. 416.3. APPLICATION OF AFFORDABLE HOUSING FEE REQUIREMENT.**

18 * * * *

19 (d) **Timing of Fee Payments.** The Market and Octavia Plan Area and Upper Market
20 NCD Affordable Housing Fee shall be paid *to DBI for deposit into the Citywide Affordable Housing*
21 *Fund at the time required by Section 402(d) of and in no event later than the City issues a first*
22 *construction document, with an option for the project sponsor to defer payment to prior to issuance of*
23 *the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section*
24 *107A.13.3 of the San Francisco Building Code.*

1 **SEC. 417.3. APPLICATION OF AFFORDABLE HOUSING FEE REQUIREMENT.**

2 * * * *

3 (d) **Timing of Fee Payments.** The Eastern Neighborhoods Alternate Affordable
4 Housing Fee ~~project applicant~~ shall be paid to ~~the Development Fee Collection Unit at DBI for~~
5 ~~deposit into the Citywide Affordable Housing Fund~~ at the time required by Section 402(d) of and in no
6 ~~event later than issuance of the first construction document, with an option for the project sponsor to~~
7 ~~defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral~~
8 ~~surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with~~
9 ~~Section 107A.13.3 of the San Francisco Building Code.~~

10 **SEC. 418.3. APPLICATION OF RINCON HILL COMMUNITY IMPROVEMENTS FEE AND**
11 **SOMA COMMUNITY STABILIZATION FEE.**

12 * * * *

13 (g) **Timing of Fee Payments.** The Rincon Hill Community Infrastructure Impact Fee
14 and SOMA Stabilization Fee ~~shall be paid to is due and payable to the Development Fee Collection~~
15 ~~Unit at DBI for deposit into the Rincon Hill Community Improvements Fund~~ at the time required by
16 Section 402(d) of and in no event later than issuance of the first construction document, with an option
17 for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon
18 agreeing to pay a deferral surcharge that would be paid into the appropriate fund in accordance with
19 Section 107A.13.3 of the San Francisco Building Code.

20 **SEC. 419.3. APPLICATION OF UMU AFFORDABLE HOUSING REQUIREMENTS.**

21 * * * *

22 (c) **Timing of Fee and Payments of Fee.** Any fee required by Section 419.1et seq.
23 shall be paid to ~~the Development Fee Collection Unit at DBI for deposit into the Citywide Affordable~~
24 ~~Housing Fund~~ at the time required by Section 402(d) at the time of and in no event later than issuance
25 of the first construction document, with an option for the project sponsor to defer payment to prior to

1 *issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance*
2 *with Section 107A.13.3 of the San Francisco Building Code.*

3 **SEC. 420.3. APPLICATION OF VISITACION VALLEY COMMUNITY IMPROVEMENTS**
4 **FACILITIES AND INFRASTRUCTURE FEE.**

5 * * * *

6 (d) **Timing of Fee and Payments of Fee.** Any fee required by Section 420.1 et seq.
7 shall be paid to ~~the Development Fee Collection Unit at DBI at the time of and in no event later than~~
8 ~~to issuance of the first construction document, with an option for the project sponsor to defer payment~~
9 ~~to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that~~
10 ~~would be deposited for deposit~~ into the Visitacion Valley Community Facilities and Infrastructure
11 Fund ~~at the time required by Section 402(d) in accordance with Section 402 of this Article and Section~~
12 ~~107A.13 of the San Francisco Building Code.~~

13 **SEC. 421.3. APPLICATION OF COMMUNITY IMPROVEMENTS IMPACT FEE.**

14 * * * *

15 (f) **Timing of Fee Payments.** The Market and Octavia Community Improvements
16 Impact Fee ~~shall be paid to is due and payable to the Development Fee Collection Unit at DBI for~~
17 ~~deposit into the Market and Octavia Community Improvements Fund~~ at the time ~~required by Section~~
18 ~~402(d) of and in no event later than issuance of the first construction document, with an option for the~~
19 ~~project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing~~
20 ~~to pay a deferral surcharge that would be paid into the appropriate fund in accordance with Section~~
21 ~~107A.13.3 of the San Francisco Building Code.~~

22 **SEC. 422.3. APPLICATION OF COMMUNITY IMPROVEMENT IMPACT FEE.**

23 * * * *

24 (e) **Timing of Fee Payments.** The Balboa Park Impact Fee ~~shall be paid to is due~~
25 ~~and payable to the Development Fee Collection Unit at DBI for deposit into the Balboa Park~~

1 Community Improvements Fund at the time required by Section 402(d) of and in no event later than
2 issuance of the first construction document for the development project deferred to prior to issuance of
3 the first certificate of occupancy pursuant to Section 107A.13.3.1 of the San Francisco Building Code.

4 **SEC. 423.3. APPLICATION OF EASTERN NEIGHBORHOODS INFRASTRUCTURE**
5 **IMPACT FEE.**

6 * * * *

7 (e) **Timing of Fee Payments.** The Eastern Neighborhoods Infrastructure Impact
8 Fee shall be paid to is due and payable to the Development Fee Collection Unit at DBI for deposit into
9 the Eastern Neighborhoods Community Improvements Fund at the time required by Section 402(d) of
10 and in no event later than issuance of the first construction document, with an option for the project
11 sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay
12 a deferral surcharge that would be paid into the appropriate fund in accordance with Section
13 107A.13.3 of the San Francisco Building Code.

14 **SEC. 423.5. THE EASTERN NEIGHBORHOODS COMMUNITY IMPROVEMENTS FUND.**

15 * * * *

16 (c) Funds shall be allocated to accounts by improvement type as described below:

17 (1) Funds collected from all zoning districts in the Eastern Neighborhoods
18 Program Area, excluding Designated Affordable Housing Zones shall be allocated to accounts
19 by improvement type according to Table 423.5. Funds collected from MUR Zoning Districts
20 outside of the boundaries of either the East SoMa or Western SoMa Area Plans shall be
21 allocated to accounts by improvement type according to Table 423.5.

22 (2) Funds collected in Designated Affordable Housing Zones, as defined in
23 Section 401, shall be allocated to accounts by improvement type as described in Table
24 423.5A. For funds allocated to affordable housing, MOHCD shall expend the funds as follows:
25

1 (A) All funds collected from projects in the Mission NCT shall be
2 expended on housing programs and projects within the Mission Area Plan boundaries.

3 (B) Collectively, the first \$10 million in housing fees collected between
4 the two Designated Affordable Housing Zones shall be utilized for the acquisition and
5 rehabilitation of existing housing.

6 * * * *

7 **SEC. 424.3. APPLICATION OF VAN NESS AND MARKET AFFORDABLE HOUSING AND**
8 **NEIGHBORHOOD INFRASTRUCTURE FEE AND PROGRAM.**

9 * * * *

10 (a) **Application and Timing of Fee Payments.** Section 424.1et seq. shall apply to any
11 development project located in the Van Ness and Market Downtown Residential Special Use
12 District, as established in Section 249.33 of this Code. The Fee ~~shall be paid to is due and~~
13 ~~payable to the Development Fee Collection Unit at DBI for deposit into either the Van Ness and~~
14 ~~Market Downtown Residential Special Use District Affordable Housing Fund or the Van Ness and~~
15 ~~Market Downtown Residential Special Use District Infrastructure Fund, as applicable,~~ at the time
16 ~~required by Section 402(d) of and in no event later than issuance of the first construction document,~~
17 ~~with an option for the project sponsor to defer payment to prior to issuance of the first certificate of~~
18 ~~occupancy upon agreeing to pay a deferral surcharge that would be paid into the appropriate fund in~~
19 ~~accordance with Section 107A.13.3 of the San Francisco Building Code.~~

20 **SEC. 429.1. DEFINITIONS.**

21 In addition to the definitions set forth in Section 401 of this Article, the following
22 definitions shall govern interpretation of Section 429.1et seq.:

23 * * * *

1 "Construction Cost" shall be determined by the Department of Building Inspection in
2 accordance with established industry standards or in the manner used to determine the
3 valuation of work as set forth in Section 107A.2 of the Building Code.

4 * * * *

5 **SEC. 430. BICYCLE PARKING IN LIEU FEE.**

6 * * * *

7 (d) **Collection of Bicycle Parking in Lieu Fee.** The Bicycle Parking In Lieu Fee
8 *shall be paid to is due and payable to the Development Fee Collection Unit at DBI for deposit into the*
9 *Bicycle Parking Fund at the time required by Section 402(d) prior to issuance of the first construction*
10 *document in accordance with Section 107A.13.15 of the San Francisco Building Code.*

11 * * * *

12 **SEC. 432.2. APPLICATION OF FEES.**

13 * * * *

14 (d) **Timing of Fee Payments.** The Fee *shall be paid to is due and payable to the*
15 *Development Fee Collection Unit at DBI for deposit into the Central SoMa Community Services*
16 *Facilities Fund at the time required by Section 402(d) of and in no event later than issuance of the*
17 *first construction document, with an option for the project sponsor to defer payment to prior to*
18 *issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be*
19 *paid into the appropriate fund in accordance with Section 107A.13.3 of the San Francisco Building*
20 *Code.*

21 * * * *

22 **SEC. 433.2. APPLICATION OF FEES.**

23 * * * *

24 (d) **Timing of Fee Payments.** The Fee *shall be paid is due and payable to the*
25 *Development Fee Collection Unit at DBI for deposit into the Central SoMa Infrastructure Impact Fund*

1 at the time required by Section 402(d) of and in no event later than issuance of the first construction
2 document, with an option for the project sponsor to defer payment to prior to issuance of the first
3 certificate of occupancy upon agreeing to pay a deferral surcharge that would be paid into the
4 appropriate fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

5 **SEC. 603. EXEMPTED SIGNS.**

6 * * * *

7 (f) To the extent not otherwise exempted pursuant to subsection (a) of this Section
8 603 610, any Historic Movie Theater Projecting Sign or Historic Movie Theater Marquee when
9 preserved, rehabilitated, restored, or reconstructed pursuant to Section 188(e) of the Planning
10 Code.

11 **SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL**
12 **DISTRICTS.**

13 * * * *

14 (f) **Business Signs.** Business Signs, as defined in Section 602 shall be
15 permitted in all Neighborhood Commercial and Residential-Commercial Districts subject to the
16 limits set forth below.

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

18 * * * *

19 (D) **Signs on Awnings.** Sign copy may be located on permitted
20 Awnings in lieu of Wall Signs and projecting signs igns. The Area of such sign copy as defined
21 in Section 602 shall not exceed 20 square feet. Such sign copy may be Nonilluminated or
22 Indirectly Illuminated.

23 * * * *

24 **SEC. 607.2. MIXED USE DISTRICTS.**

25 * * * *

1 (f) **Business Signs.** Business Signs, as defined in Section 602 shall be permitted
2 in all Mixed Use Districts subject to the limits set forth below.

3 * * * *

4 (2) **Chinatown Visitor Retail District.**

5 * * * *

6 (B) **Wall Signs.** The Area of all Wall Signs shall not exceed two
7 square feet per foot of street frontage occupied by the use measured along the wall to which
8 the Signs are attached, or 100 square feet for each street frontage, whichever is less. The
9 Height of any Wall Sign shall not exceed 24 feet, or the height of the wall to which it is
10 attached, or the height of the lowest of any residential windowsill on the wall to which the Sign
11 is attached, whichever is lower. Such Signs may be Nonilluminated, Indirectly *Illuminated*, or
12 Directly Illuminated.

13 (C) **Projecting Signs.** The number of projecting Signs shall not
14 exceed one per business. The Area of such Sign shall not exceed 24 square feet. The Height
15 of such Sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the
16 height of the lowest of any residential windowsill on the wall to which the Sign is attached,
17 whichever is lower. No part of the Sign shall project more than 75% of the horizontal distance
18 from the Street Property Line to the curblineline, or six feet six inches, whichever is less. Such
19 Signs may be Nonilluminated or Indirectly Illuminated; or during business hours, may be
20 Directly Illuminated.

21 * * * *

22 (E) **Freestanding Signs and Sign Towers.** One Freestanding Sign or
23 Sign Tower per lot shall be permitted in lieu of a projecting Sign, if the building or buildings are
24 recessed from the Street Property Line. The existence of a Freestanding Business Sign shall
25 preclude the erection of a Freestanding Identifying Sign on the same lot. The area of such

1 Freestanding Sign or Sign Tower shall not exceed 20 square feet nor shall the Height of the
2 Sign exceed 24 feet. No part of the Sign shall project more than 75% of the horizontal
3 distance from the Street Property Line to the curblineline, or six feet, whichever is less. Such
4 Signs may be Nonilluminated or Indirectly Illuminated; or during business hours, may be
5 Directly Illuminated.

6 (3) Chinatown Community Business District, Eastern Neighborhoods,
7 South of Market Mixed Use Mixed Use Districts, and the Downtown Residential
8 Districts.

9 * * * *

10 (E) Freestanding Signs and Sign Towers. One Freestanding Sign or
11 Sign Tower per lot shall be permitted in lieu of a projecting sign if the building or buildings are
12 recessed from the Street Property Line. The existence of a Freestanding Business Sign shall
13 preclude the erection of a Freestanding Identifying Sign on the same lot. The Area of such
14 Freestanding Sign or Sign Tower shall not exceed 30 square feet nor shall the Height of the
15 Sign exceed 24 feet. No part of the Sign shall project more than 75% of the horizontal
16 distance from the Street Property Line to the curblineline, or six feet, whichever is less. Such
17 Signs may be Nonilluminated or Indirectly Illuminated, or during business hours, may be
18 Directly Illuminated.

19 **SEC. 703. NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS.**

20 * * * *

21 (d) Accessory Uses. Subject to the limitations set forth below and in Sections
22 204.1 (Accessory Uses for Dwellings in All Districts), 204.4 (Dwelling Units Accessory to
23 Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, Accessory
24 Uses as defined in Section 102 shall be permitted when located on the same lot. Any Use that
25

1 does not qualify as an Accessory Use shall be classified as a Principal or Conditional Use
2 unless it qualifies as a temporary use under Sections 205 through 205.4 of this Code.

3 No Use will be considered accessory to a permitted Principal or Conditional Use that
4 involves or requires any of the following:

5 (1) The use of more than one-third of the total floor area occupied by such
6 use and the Principal or Conditional use to which it is accessory, except in the case of
7 accessory off-street parking and loading and as specified in subsection (d)(3) below as
8 accessory wholesaling, manufacturing, or processing of foods, goods, or commodities; -

9 (2) Any Bar or Restaurant, or any other retail establishment which serves
10 liquor for consumption on-site; however, this shall not prohibit take-out food activity which
11 operates in conjunction with a Limited Restaurant, Restaurant, General Grocery, and
12 Specialty Grocery. This shall also not prohibit a Limited Restaurant as an Accessory Use to a
13 permitted Principal or Conditional Use except as specified in subsection (d)(7) below;

14 * * * *

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

17 * * * *

18 (b) Non-Retail Professional Services, Retail Professional Services, *Philanthropic*
19 *Administrative Services*, Financial Services, Fringe Financial Services, Gyms, Limited Financial
20 Services, Health Services, Personal Services and Instructional Services, as defined in Section
21 102, are Principally Permitted. In the RCD District only, in addition to the above uses, Arts
22 Activities as defined in Section 102 are Principally Permitted and Nighttime Entertainment
23 uses as defined in Section 102 require Conditional Use authorization, except that Nighttime
24 Entertainment uses are Principally Permitted in Article 10 Landmark Building No. 120 (St.
25 Joseph's Church at 1401 Howard Street). For all uses listed above, prior to the issuance of

any necessary permits, the Zoning Administrator, with the advice of the Historic Preservation Commission, shall determine that allowing the use will enhance the feasibility of preserving the building. The project sponsor must also submit a Preservation, Rehabilitation, and Maintenance Plan that describes any proposed preservation and rehabilitation work and that guarantees the maintenance and upkeep of the historic resource for approval by the Department. This Plan shall include:

* * * *

SEC. 710. NC-1 – NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT.

* * * *

Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1

ZONING CONTROL TABLE

		NC-1		
Zoning Category	§ References	Controls		
* * * *				
RESIDENTIAL STANDARDS AND USES				
Development Standards				
* * * *	* * * *	* * * *		
Dwelling Unit Mix	§§ 207.6, 207.7	Not required		
* * * *	* * * *	* * * *		
Residential Uses		Controls by Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	P
* * * *	* * * *	* * * *		

1 Dwelling Unit Density	§§ 102, 207	1 unit per 800 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.
3 Group Housing Density	§ 208	1 bedroom per 275 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.
5 * * * *	* * * *	* * * *

7 Zoning Category	§ References	Controls		
8 NON-RESIDENTIAL STANDARDS				
9 * * * *				
10 Sales and Service Use Category				
11 Retail Sales and Service Uses*	§ 102	P(2)(3)	NP	NP
12 * * * *	* * * *	* * * *		
13 Services, Fringe Financial	§ 102	NP(10)	NP(10)	NP(10)
14 * * * *	* * * *	* * * *		

15 * * * *

16 * Not listed below

17 * * * *

18 (10) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD). Fringe
 19 Financial Services are NP within any FFSRUD and its one-quarter mile buffer pursuant to Section
 20 249.35. Outside any FFSRUD and its one-quarter mile buffer, Fringe Financial Services are P subject
 21 to the restrictions set forth in Section 249.35(c)(3).

23 **SEC. 711. NC-2 – SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

24 * * * *

1 Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2
 2 ZONING CONTROL TABLE

3 * * * *

		NC-2
Zoning Category	§ References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		

Development Standards				
* * * *	* * * *	* * * *		
Dwelling Unit Mix	§§ 207.6, 207.7	Not required		
* * * *	* * * *	* * * *		
Residential Uses		Controls by Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	P
* * * *	* * * *	* * * *		
Dwelling Unit Density	§§ 102, 207	1 unit per 800 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
Group Housing Density	§ 208	1 bedroom per 275 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
* * * *	* * * *	* * * *		

22 * Not listed below

23 * * * *

24 (6) FRINGE FINANCIAL *SPECIAL SERVICE RESTRICTED* USE DISTRICT (*FFSRUD*):

25 The *FFSUD* *FFSRUD* and its one-quarter mile buffer includes, but is not limited to, properties

1 within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol
 2 Restricted Use District; the Third Street Alcohol Restricted Use District; *the Divisadero Street*
 3 *Alcohol Restricted Use District; and* the North of Market Residential Special Use District *and the*
 4 *Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City*
 5 *borders as set forth in Special Use District Maps SU11 and SU12; and includes Small-Scale*
 6 Neighborhood Commercial Districts within its boundaries.

7 **Controls:** *Fringe Financial Services are NP* ~~W~~ *within the any* FFSRUD and its one-quarter
 8 mile buffer; ~~fringe financial services are NP~~ pursuant to Section 249.35. Outside *the any*
 9 FFSRUD and its ~~1/4~~ one-quarter mile buffer, ~~f~~*Fringe f*~~Financial s~~*Services are P* subject to the
 10 restrictions set forth in ~~subsection~~ *Section* 249.35(c)(3).

11 * * * *

12 **SEC. 712. NC-3 – MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT.**

13 * * * *

14 **Table 712. MODERATE-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-3**
 15 **ZONING CONTROL TABLE**

16 * * * *

		NC-3
Zoning Category	§ References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		

Development Standards		
* * * *	* * * *	* * * *
Dwelling Unit Mix	§§ 207.6, 207.7	Not required
* * * *	* * * *	* * * *

Residential Uses		Controls by Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	P
* * * *	* * * *	* * * *		
Dwelling Unit Density	§§ 102, 207	1 unit per 600 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
Group Housing Density	§ 208	1 bedroom per 210 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
* * * *	* * * *	* * * *		

* Not listed below

* * * *

(6) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD): The FFSRUD and its one-quarter mile buffer includes, but is not limited to, properties within: the Mission Alcoholic Beverage Special Use District; the Haight Street Alcohol Restricted Use District; the Third Street Alcohol Restricted Use District; the Divisadero Street Neighborhood Commercial District; and the North of Market Residential Special Use District ~~and the Assessor's Blocks and Lots fronting on both sides of Mission Street from Silver Avenue to the Daly City borders as set forth in Special Use District Maps SU11 and SU12;~~ and includes Small-Scale Neighborhood Commercial Districts within its boundaries.

* **Controls:** ~~Fringe Financial Services are NP~~ ~~within the~~ any FFSRUD and its one-quarter mile buffer, ~~fringe financial services are NP~~ pursuant to Section 249.35. Outside any the FFSRUD and its one-quarter mile buffer, ~~f~~Fringe ~~f~~Financial ~~s~~Services are P subject to the restrictions set forth in subsection 249.35(c)(3).

* * * *

1 **SEC. 713. NC-S – NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT.**

2 NC-S Districts are intended to serve as small shopping centers or supermarket sites
3 which provide retail goods and services for primarily car-oriented shoppers. They commonly
4 contain at least one anchor store or supermarket, and some districts also have small medical
5 office buildings. The range of services offered at their retail outlets usually is intended to serve
6 the immediate and nearby neighborhoods. These districts encompass some of the most
7 recent (post-1945) retail development in San Francisco's neighborhoods and serve as an
8 alternative to the linear shopping street.

9 Shopping centers and supermarket sites contain mostly one-story buildings which are
10 removed from the street edge and set in a parking lot. Outdoor pedestrian activity consists
11 primarily of trips between the parking lot and the stores on-site. Ground and second stories
12 are devoted to retail sales and some personal services and offices.

13 The NC-S standards and use provisions allow for medium-size commercial uses in low-
14 scale buildings. Rear yards are not required for new development. Most neighborhood-serving
15 retail businesses are permitted at the first and second stories, *but limitations apply to fast-food*
16 *restaurants and take-out food uses.* Some auto uses are permitted at the first story. Limited
17 storage and administrative service activities are permitted with some restrictions.

18 Housing development in new buildings is permitted. Existing residential units are
19 protected by limitations on demolitions and prohibitions of upper-story conversions. Accessory
20 Dwelling Units are permitted within the District pursuant to subsection 207(c)(4) of this Code.

21 **SEC. 720. EXCELSIOR OUTER MISSION NEIGHBORHOOD COMMERCIAL DISTRICT.**

22 * * * *

23 **Table 720. EXCELSIOR OUTER MISSION STREET NEIGHBORHOOD**
24 **COMMERCIAL DISTRICT ZONING CONTROL TABLE**

* * * *

Excelsior Outer Mission NCD		
Zoning Category	§ References	Controls

RESIDENTIAL STANDARDS AND USES		
Development Standards		
*****	*****	*****
Dwelling Unit Mix	§§ 207.6, 207.7	Not required
*****	*****	*****

* * * *

SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

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

* * * *

North Beach NCD		
Zoning Category	§ References	Controls

RESIDENTIAL STANDARDS AND USES		
Development Standards		
*****	*****	*****
Dwelling Unit Mix	§§ 207.6, 207.7	Not required
*****	*****	*****

Residential Uses	Controls By Story
-------------------------	--------------------------

		1st	2nd	3rd+
Residential Uses	§ 102	NP(11)	P	P
****	****	****		
Dwelling Units	§§ 102, 207	1 unit per 400 square foot lot area or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
****	****	****		

Loss of Dwelling Units		Controls by Story		
		1st	2nd	3rd+
****	****	****	****	****
Residential Conversion	§§ <u>317, 780.3(c)(4)</u>	C	NP	NP
****	****	****	****	****

* * * *

SEC. 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 725. UNION STREET NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

* * * *		Union Street NCD
Zoning Category	§ References	Controls

RESIDENTIAL STANDARDS AND USES		
Development Standards		

****	****	****
Dwelling Unit Mix	§§ 207.6, 207.7	Not required
****	****	****

Residential Uses		Controls By Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	P
****	****	****	****	****
Dwelling Units	§§ 102, 207	1 unit per 600 square foot lot area or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
Group Housing	§ 208	1 bedroom per 210 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
****	****	****	****	****

* * * *

SEC. 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

**Table 726. PACIFIC AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
ZONING CONTROL TABLE**

* * * *

		Pacific Avenue NCD
Zoning Category	§ References	Controls

RESIDENTIAL STANDARDS AND USES		
Development Standards		
****	****	****

1			No less than 40% of the total number of proposed Dwelling Units shall contain at least two bedrooms; or no less than 30% of the total number of proposed Dwelling Units shall contain at least three bedrooms.
2	Dwelling Unit Mix	§§ 207.6, 207.7	
3	****	****	****

Residential Uses		Controls By Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	P
****	****	****	****	****
Dwelling Units	§§ 102, 207	1 unit per 1,000 square foot lot area or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
Group Housing	§ 208	1 bedroom per 275 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
****	****	****	****	****

* Not listed below

* * * *

(3) *[Note deleted.]* *Required if use sells alcohol*

* * * *

SEC. 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 727. LAKESIDE VILLAGE NEIGHBORHOOD COMMERCIAL DISTRICT

ZONING CONTROL TABLE

* * * *

		Lakeside Village NCD
		Controls

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

NON-RESIDENTIAL USES	Controls by Story			
	1st	2nd	3rd+	

Sales and Service Use Category				
Retail Sales and Service Uses*	§ 102	P	NP	NP
*****	*****	*****	*****	*****
Services, Fringe Financial	§ 102	NP(2)	NP(2)	NP(2)
*****	*****	*****	*****	*****

* Not listed below

 (2) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT. Fringe Financial Services are NP within any FFSRUD and its one-quarter mile buffer pursuant to Section 249.35. Outside any FFSRUD and its one-quarter mile buffer, Fringe Financial Services are P subject to the restrictions set forth in Section 249.35(c)(3).

SEC. 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * * *

**Table 729. WEST PORTAL AVENUE NEIGHBORHOOD COMMERCIAL DISTRICT
 ZONING CONTROL TABLE**

* * * * *

West Portal Avenue NCD		
Zoning Category	§ References	Controls

RESIDENTIAL STANDARDS AND USES		
Development Standards		
****	****	****
Dwelling Unit Mix	§§ 207.6, 207.7	Not required
****	****	****

Residential Uses		Controls By Story		
		1st	2nd	3rd+
Residential Uses	§ 102	P	P	NP
****	****	****		
Dwelling Units	§§ 102, 207	1 unit per 800 square foot lot area or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
Group Housing	§ 208	1 bedroom per 275 square foot lot area, or the density permitted in the nearest <i>Residential</i> District, whichever is greater.		
****	****	****		

NON-RESIDENTIAL STANDARDS AND USES				

		Controls By Story		
		1st	2nd	3rd+
****		****		
Institutional Use Category				
Institutional Uses*	§ 102	C	C	NP
****	****	****		

1 Residential Care Facility	§ 102	P (2)	P	P
2 ****	****	****		

3
4 * * * *

5 **SEC. 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT.**

6 * * * *

7 **Table 742. COLE VALLEY NEIGHBORHOOD COMMERCIAL DISTRICT**
8 **ZONING CONTROL TABLE**

9 * * * *

		Cole Valley NCD		
		Controls		

Zoning Category	§ References	Controls		
NON-RESIDENTIAL STANDARDS				

NON-RESIDENTIAL USES		Controls by Story		
		1st	2nd	3rd+

Sales and Service Use Category				
Retail Sales and Service Uses*	§ 102	P	NP	NP
****	****	****	****	****
Services, Fringe Financial	§ 102	NP (2)	NP (2)	NP (2)
****	****	****	****	****

24 * Not listed below

1 * * * *

2 (2) FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT. *Fringe Financial Services*
3 *are NP within any FFSRUD and its one-quarter mile buffer pursuant to Section 249.35. Outside any*
4 *FFSRUD and its one-quarter mile buffer, Fringe Financial Services are P subject to the restrictions set*
5 *forth in Section 249.35(c)(3).*

6 **SEC. 758. REGIONAL COMMERCIAL DISTRICT.**

7 * * * *

8 **Table 758. REGIONAL COMMERCIAL DISTRICT**

9 **ZONING CONTROL TABLE**

10 * * * *

Regional Commercial District		
Zoning Category	§ References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *	* * * *	* * * *
Dwelling Unit Mix	§§ 207.6, 207.7	40% of Dwelling Units shall contain at least two Bedrooms, or 30% of Dwelling Units shall contain at least three Bedrooms.
* * * *	* * * *	* * * *

Loss <u>and Division</u> of Dwelling Units	Controls By Story		
	1st	2nd	3rd+
* * * *	* * * *	* * * *	* * * *

23 * * * *

1 SEC. 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

2 * * * *

3 Table 759. DIVISADERO STREET NEIGHBORHOOD COMMERCIAL TRANSIT
4 DISTRICT ZONING CONTROL TABLE

5 * * * *

Divisadero St. NCT		
Zoning Category	§ References	Controls
* * * *		
RESIDENTIAL STANDARDS AND USES		
Development Standards		
* * * *	* * * *	* * * *
Dwelling Unit Mix	§§ 207.6, 207.7	40% of Dwelling Units shall contain at least two Bedrooms, or 30% of Dwelling Units shall contain at least three Bedrooms.
* * * *	* * * *	* * * *

15
16 **NON-RESIDENTIAL STANDARDS AND USES**

17 **Development Standards**

18 * * * *

19 Commercial Use Characteristics

Drive-up Facility	§ 102	NP
* * * *	* * * *	* * * *

22 * * * *

23 SEC. 763. 24TH STREET – MISSION NEIGHBORHOOD COMMERCIAL TRANSIT
24 DISTRICT.

1 The 24th Street – Mission Neighborhood Commercial Transit District is situated in the
2 Inner Mission District on 24th Street between Bartlett Street and San Bruno Avenue. This
3 mixed-use district provides convenience goods to its immediate neighborhood as well as
4 comparison shopping goods and services to a wider trade area. The street has a great
5 number of Latin American restaurants, grocery stores, and bakeries as well as other gift and
6 secondhand stores. Most commercial businesses are open during the day while the district's
7 bars and restaurants are also active in the evening. Dwelling Units are frequently located
8 above the ground-story commercial uses.

9 The 24th Street – Mission Neighborhood Commercial Transit District controls are
10 designed to provide potential for new development consistent with the existing scale and
11 character. Small-scale buildings and neighborhood-serving uses are encouraged, and rear
12 yard corridors above the ground story and at residential levels are protected. Most commercial
13 uses are encouraged at the ground story, while service uses are permitted with some
14 limitations at the second story. Special controls are necessary to preserve the unique mix of
15 convenience and specialty commercial uses. In order to maintain convenience stores and
16 protect adjacent livability, new bars *and fast food restaurants* are prohibited, and limitations
17 apply to the development and operation of ground-story *full-service* restaurants, *take-out food*
18 and entertainment uses. Continuous retail frontage is maintained and encouraged by
19 prohibiting most automobile and drive-up uses, banning curb cuts, and requiring active,
20 pedestrian-oriented ground floor uses. Parking is not required, and any new parking required
21 to be set back or below ground.

22 Housing development in new buildings is encouraged above the ground story. Housing
23 density is not controlled by the size of the lot but by requirements to supply a high percentage
24 of larger units and by physical envelope controls. Existing housing units are protected by
25 prohibitions on upper-story conversions and limitations on demolitions, mergers, and

1 subdivisions. Given the area's central location and accessibility to the City's transit network,
2 accessory parking for Residential Uses is not required.

3 * * * *

4 **SEC. 764. UPPER MARKET STREET NEIGHBORHOOD COMMERCIAL TRANSIT**
5 **DISTRICT.**

6 The Upper Market Street Neighborhood Commercial Transit District is located on
7 Market Street from Church to Noe Streets, and on side streets off Market. Upper Market
8 Street is a multi-purpose commercial district that provides *goods* goods and services to
9 adjacent neighborhoods, but also serves as a shopping street for a broader trade area. The
10 width of Market Street and its use as a major arterial diminish the perception of the Upper
11 Market Street Transit District as a single commercial district. The street appears as a
12 collection of dispersed centers of commercial activity, concentrated at the intersections of
13 Market Street with secondary streets.

14 * * * *

15 **SEC. 780. NEIGHBORHOOD COMMERCIAL SPECIAL USE DISTRICTS.**

16 *(a)* **Purpose.** In order to provide, maintain, and strengthen viable neighborhood
17 commercial districts, promote the multiple use of neighborhood commercial areas, and protect
18 environmental quality in neighborhood commercial areas, there shall be Neighborhood
19 Commercial Special Use Districts. The designations, locations and boundaries of these
20 Neighborhood Commercial Special Use Districts shall be as provided in Section 780.1 as
21 shown on Sectional Maps of the Zoning Map referred to in Sections 105 and 106 of this Code,
22 subject to the provisions of Sections 105 and 106. The original of the numbered sectional
23 maps of the Zoning Map for Special Use Districts referred to in Section 780.1 of this Code is
24 on file with the Clerk of the Board of Supervisors under File No. 115-87-4. In any
25 Neighborhood Commercial Special Use District, the provisions of the applicable use district

1 established by Section 702-~~7~~ shall prevail, except as specifically provided in Section 780.1
 2 and Section 249.14 "Third Street Special Use District," as designated on Sectional Map 10SU
 3 of the Zoning Map. The provisions set forth in this Section shall be applicable to all property,
 4 whether public or private, therein.

5 **SEC. 780.1. LAKESHORE PLAZA SPECIAL USE DISTRICT.**

6 * * * *

7 (b) **Controls.** The controls for the NC-S District, as set forth in Section 713 of this
 8 Code, shall apply to the Lakeshore Plaza Special Use District, except as provided below:

Zoning Category No.	Controls
.10	The 26-40-X height district requires e Conditional u Use <i>authorization approval</i> for heights over 26 feet not exceeding 40 feet.
.27	Hours of o Operation shall be permitted as a p Principal u Use from 6 a.m. to 11 p.m. and as a e Conditional u Use from 11 p.m. to 6 a.m.
.30	General advertising signs are not permitted.
.41	Bars are permitted as e Conditional u Uses at the f First and s Second s Stories.
.44	<i>Limited Restaurants</i> are permitted as Conditional Uses at the f First and s Second s Stories.
.46	Movie <i>Theaters theatres</i> are permitted as e Conditional u Uses at the f First and s Second s Stories.
.48	Other General and Nighttime <i>e</i> Entertainment is permitted as a e Conditional u Use at the f First and s Second s Stories.
* * * *	* * * *

21 **SEC. 780.3. NORTH BEACH SPECIAL USE DISTRICT.**

22 * * * *

23 (c) **Controls.** The following provisions shall apply within such District:
 24
 25

1 (1) **Restaurants, Limited Restaurants, and Bars.** Restaurant, Limited
2 Restaurant, and Bar uses may be permitted as a Conditional Use on the First Story through
3 the procedures set forth in Section 303 only if the Zoning Administrator first determines that
4 the proposed new Restaurant, Limited Restaurant, or Bar would occupy a space that is
5 currently or was last legally occupied by one of the uses described below; provided that its
6 last use has not been discontinued or abandoned pursuant to Sections 186.1(d) or 178(d) of
7 this Code and that the proposed new use will not enlarge the space; and provided further that
8 no Conditional Use shall be required if the use remains the same as the prior authorized use,
9 with no enlargement or intensification of use ~~that the following shall apply:~~ ÷

10 * * * *

11 (2) **Alcohol Licenses.** A Restaurant may provide on-site beer, wine, and/or
12 liquor sales for drinking on the premises (with ABC license types 02, 23, 41, 47, 49, 59 or 75)
13 as a Conditional Use on the First Story if, in addition to the criteria set forth in Section 303, the
14 Planning Commission finds, based on information submitted to the Department by the
15 applicant, that the Restaurant is and will continue to operate as a Bona-Fide Eating Place as
16 defined in Section 102. Should a Restaurant fail to operate as a Bona-Fide Eating Place for
17 any length of time, the Conditional Use authorization shall be subject to immediate revocation
18 per Planning Code Section 303(f). To verify that the Restaurant is continuing to operate as a
19 Bona-Fide Eating Place, records of the Restaurant's gross receipts, showing that a minimum
20 of 51% of its gross receipts within the last year preceding the Department's request is from
21 food sales prepared and sold to guests on the premises, shall be provided to the Department
22 upon request. All records and information shall be submitted to the Department under penalty
23 of perjury.

24 * * * *

1 (5) **Specialty Food Manufacturing.** Within the North Beach SUD a
2 Specialty Food Manufacturing use, as defined in *this subsection Section 780.3(b)(1)*, may only be
3 permitted with a Conditional Use authorization on the Ground Floor or below.

4 **SEC. 781.9. HAIGHT STREET ALCOHOL RESTRICTED USE SUBDISTRICT.**

5 * * * *

6 (c) **Controls.**

7 * * * *

8 (4) **Continuation of existing Prohibited Liquor Establishments.** In the
9 Haight Street Alcohol RUSD, any prohibited liquor establishment may continue in accordance
10 with Sections 180 through 186.2 of this Code, subject to the following provisions:

11 * * * *

12 **SEC. 788. LOWER POLK STREET ALCOHOL RESTRICTED USE DISTRICT.**

13 * * * *

14 (c) **Definitions.**

15 * * * *

16 (3) An "on sale liquor establishment" shall mean a Bar use.

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

18 * * * *

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

20 (1) **Garages in Existing Residential Buildings.** Installing a garage in an
21 existing residential building of four or more units requires a mandatory discretionary review
22 hearing by the Planning Commission; Section 311 notice is required for a building of less than
23 four units. In approving installation of the garage, the Planning Commission shall find that:
24
25

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

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

7 (Ce) the building has not had two or more "no-fault" evictions, as
8 defined in Section 37.9(a)(7) through (9) and (11) through (13) of the San Francisco
9 Administrative Code, with each eviction associated with a separate unit(s) within the past 10
10 years, and

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

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

18 **SEC. 803.3. USES PERMITTED IN EASTERN NEIGHBORHOODS MIXED USE**
19 **DISTRICTS.**

20 * * * *

21 (b) **Use Limitations.** Uses in Eastern Neighborhood Mixed Use Districts are either
22 Principally Permitted, Conditional, Accessory, temporary, or are not permitted.

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

1 * * * *

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

18 No use will be considered accessory to a Principal Use which involves or requires any
19 of the following:

20 (i) The use of more than one-third of the total Occupied Floor
21 Area which is occupied by both the accessory use and principal use to which it is accessory,
22 combined, except in the case of accessory off-street parking or loading which shall be subject
23 to the provisions of Sections 151, 156 and 303 of this Code;

1 (ii) A ~~h~~H~~o~~tel, ~~m~~M~~o~~tel, inn, hostel, ~~a~~A~~d~~ult ~~e~~E~~n~~tertainment,
2 ~~m~~M~~a~~ssage ~~e~~E~~s~~tablishment, ~~large fast food restaurant~~, or ~~m~~M~~o~~vie ~~t~~T~~h~~heater use in a RED, RED-
3 MX, SPD, DTR, MUG, WMUG, MUR, MUO, CMUO, WMUO, SALI or UMU District;

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

8 ~~(iii iv)~~ Any sign not conforming to the limitations of Section
9 607.2(f)(3).

10 ~~(iv v)~~ Medical Cannabis Dispensaries as defined in 890.133.

11 ~~(v vi)~~ Any ~~n~~N~~i~~ghttime ~~e~~E~~n~~tertainment use, as defined in Section
12 102; provided, however, that a Limited Live Performance Permit as set forth in Police Code
13 Section 1060~~et et~~ seq.is allowed in any District except for an RED, RED-MX, MUR, or MUG
14 District.

15 ~~(vi vii)~~ Cannabis Retail that does not meet the limitations set forth
16 in Section 204.3(a)(3).

17 ~~(vii viii)~~ Catering Uses that do not meet the limitations set forth in
18 Section 703(d)(3)(B).

19 (D) **Temporary Uses.** Temporary uses not otherwise permitted are
20 permitted in Eastern Neighborhoods Mixed Use Districts to the extent authorized by Sections
21 205 through 205.3 of this Code.

22 **SEC. 803.4. USES PROHIBITED IN ~~SOUTH OF MARKET AND EASTERN~~**
23 **NEIGHBORHOODS MIXED USE DISTRICTS.**

24 (a) No use, even though listed as a permitted use or otherwise allowed, shall be
25 permitted in an Eastern Neighborhood Mixed Use District that, by reason of its nature or

1 manner of operation, creates conditions that are hazardous, noxious, or offensive through the
2 emission of odor, fumes, smoke, cinders, dust, gas, vibration, glare, refuse, water-carried
3 waste, or excessive noise.

4 (be) The establishment of a use that sells alcoholic beverages, other than beer and
5 wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section
6 202(b)(1)229.

7 **SEC. 803.9. USES IN MIXED USE DISTRICTS.**

8 * * * *

9 (f) **Vertical Controls for Office Uses.**

10 (1) **Purpose.** In order to preserve ground floor space for production,
11 distribution, and repair uses and to allow the preservation and enhancement of a diverse mix
12 of land uses, including limited amounts of office space on upper stories, additional vertical
13 zoning controls shall govern office uses as set forth in this *Section subsection (f)*.

14 (2) **Applicability.** This Section shall apply to all office uses in the MUG and
15 UMU Districts and all office uses in buildings in the PDR-1-D and PDR-1-G Districts that are
16 designated as landmarks pursuant to Article 10 of the Planning Code, where permitted.

17 (3) **Definitions.** Office use shall be as defined in Section 890.70 of this Code.

18 (4) **Controls.**

19 (A) **Designated Office Story or Stories.** Office uses are not permitted on
20 the ground floor, except as specified in Sections 840.65A and 843.65A. Office uses may be
21 permitted on stories above the ground floor if they are designated as office stories. On any
22 designated office story, office uses are permitted, subject to any applicable use size
23 limitations. On any story not designated as an office story, office uses are not permitted.
24 When an office use is permitted on the ground floor per Sections 840.65A and 843.65A, it
25

shall not be considered a designated office story for the purposes of ~~S~~subsection (f)(4)(D) below.

* * * *

(g) **Retail Controls in the MUG, MUO, CMUO, and UMU Districts.** In the MUG, MUO, CMUO, and UMU District, up to 25,000 gross square feet of retail use (as defined in Section 890.104 of this Code) is permitted per lot. Above 25,000 gross square feet, three gross square feet of other uses permitted in that District are required for every one gross square foot of retail. In the UMU District, ~~g~~Gyms, as defined in Section 102Sec. 218(d), are exempt from this requirement. In the CMUO District, Tourist Hotels, as defined in Sec. 890.46, are exempt from this requirement.

SEC. 810. CHINATOWN COMMUNITY BUSINESS DISTRICT.

* * * *

Table 810

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

		Chinatown Community Business District
Zoning Category	§ References	Controls
<u>BUILDING STANDARDS</u>		
Massing and Setbacks		
Height and Bulk Limits:	§§ 102- 12 , 105, 106, 250 - 252, § 254, 260, 263.4 270, 271. See also Height and Bulk District Maps	40-X, 50-N, 65-N, 65-A, 65-85-A. P up to 35 feet; C above 35 feet. See Height and Bulk Map for more information.
* * * *	* * * *	* * * *
RESIDENTIAL STANDARDS AND USES		
* * * *	* * * *	* * * *

Residential Uses		Controls by Story		
		1st	2nd	3rd±
Residential Uses		P	P	P
Accessory Dwelling Unit Density	§§ 102, 207(c)(4)	Accessory Dwelling Units are permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.		
****	****	****		

* Not listed below

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

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

(3) Formula Retail Restaurants *and Limited Restaurants* are NP in all Chinatown MUDs.

SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

* * * *

Table 811

CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE

		Chinatown Community Business District
Zoning Category	§ References	Controls
<u>BUILDING STANDARDS</u>		
Massing and Setbacks		
Height and Bulk Limits-	§§ 102-12, 105, 106, 250 - 252, § 254, 260, 263.4 , 270, 271. See also Height and Bulk District Maps	40-X, 50-N, 65-N, 65-A, 65-85-A. P up to 35 feet; C above 35 feet. See Height and Bulk Map for more information.
****	****	****
RESIDENTIAL STANDARDS AND USES		
****	****	****

Residential Uses	Controls by Story		
	1st	2nd	3rd±
Residential Uses	P	P	P
Accessory Dwelling Unit Density	§§ 102, 207(c)(4) Accessory Dwelling Units are permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.		
****	****	****	****

* Not listed below

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

* * * *

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

* * * *

SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

* * * *

Table 812

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

		Chinatown Residential Neighborhood Commercial District
Zoning Category	§ References	Controls
<u>BUILDING STANDARDS</u>		
Massing and Setbacks		
<i>Height and Bulk Limits</i>	§§ 102-12 , 105, 106, 250 - 252, § 254, 260, 263.4 , 270, 271. See also Height and Bulk District Maps	40-X, 50-N, 65-N, 65-85-N, & 110-G. P up to 35 feet; C above 35 feet. See Height and Bulk Map for more information.
* * * *	* * * *	* * * *
RESIDENTIAL STANDARDS AND USES		

****	****	****
------	------	------

Residential Uses		Controls by Story		
		1st	2nd	3rd±
Residential Uses		P	P	P
Accessory Dwelling Unit Density	§§ 102, 207(c)(4)	Accessory Dwelling Units are permitted to be constructed within an existing building zoned for residential use or within an existing and authorized auxiliary structure on the same lot, provided that it does not eliminate or reduce a ground-story retail or commercial space.		
Dwelling Unit Density	§ 207	Up to 1 unit per 200 sq. ft. lot area.		
****	****	****	****	****

* Not listed below

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

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

(2) Formula Retail Restaurants *and Limited Restaurants* are NP in all Chinatown MUDs.

SEC. 840. MUG – MIXED USE-GENERAL DISTRICT.

The Mixed Use-General (MUG) District is largely comprised of the low-scale, production, distribution, and repair (*PDR*) uses mixed with housing and small-scale retail. The

MUG is designed to maintain and facilitate the growth and expansion of small-scale light manufacturing industrial, wholesale distribution, arts production and performance/exhibition activities, general commercial and neighborhood-serving retail and personal service activities while protecting existing housing and encouraging the development of housing at a scale and density compatible with the existing neighborhood.

Housing is encouraged over ground floor commercial and PDR production, distribution, and repair uses. New residential or mixed use developments are encouraged to provide as much mixed-income family housing as possible. Existing group housing and dwelling units would be protected from demolition or conversion to nonresidential use by requiring conditional use review. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

~~Hotels, n~~ Nighttime entertainment, movie theaters, adult entertainment and heavy manufacturing industrial uses are not permitted. Office is restricted to the upper floors of multiple story buildings.

Table 840			
MUG – MIXED USE-GENERAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-General District Controls
Building and Siting Standards			
****	****	****	****
840.19	Design Guidelines	General Plan Commerce and Industry Element; Central SoMa Plan	Subject to the Urban Design Guidelines; and, in the Central SoMa SUD, subject to the <i>Central SoMa Guide to Citywide Urban Design Guidelines</i> .
****	****	****	****
Residential Uses			
****	****	****	****
840.22	Group Housing	§§ 249.78(c)(8), 890.88(b)	NP <i>in Central SoMa SUD</i> , except Group Housing uses that are also defined as Student Housing, Senior Housing, or Residential Care Facility,

			are designated for persons with disabilities, are designated for Transition Age Youth, or are contained in buildings that consist of 100% affordable units.
840.23	SRO Units	§§ 249.78(c)(7), 890.88(c)	NP <i>in Central SoMa</i> , except in buildings that consist of 100% affordable units, as defined in Section 249.78(c)(7).
*****	*****	*****	*****

* * * * *

SEC. 841. MUR – MIXED USE-RESIDENTIAL DISTRICT.

The Mixed Use-Residential District (MUR) is intended to facilitate the development of high-density, mid-rise housing, including family-sized housing and residential hotels. The district is also designed to encourage the expansion of retail, business service and commercial and cultural arts activities. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Continuous ground floor commercial frontage with pedestrian-oriented retail activities along major thoroughfares is encouraged. Hotels, nighttime entertainment, adult entertainment and heavy *manufacturing industrial* uses are not permitted. Office is limited by residential-to-non residential ratio in new construction.

Table 841 MUR – MIXED USE-RESIDENTIAL DISTRICT ZONING CONTROL TABLE			
No.	Zoning Category	§ References	Mixed Use-Residential District Controls
Building and Siting Standards			
*****	*****	*****	*****
841.19	Design Guidelines	General Plan Commerce and Industry Element; Central SoMa Plan	Subject to the Urban Design Guidelines; and, in the Central SoMa SUD, subject to the <i>Central SoMa Guide to Citywide Urban Design Guidelines</i> .
*****	*****	*****	*****

Residential Uses			
841.21	Dwelling Units	§ 102	P
841.22	Group Housing	§§ 249.78(c)(8), 890.88(b)	NP <i>in Central SoMa SUD</i> , except Group Housing uses that are also defined as Student Housing, Senior Housing, or Residential Care Facility, are designated for persons with disabilities, are designated for Transition Age Youth, or are contained in buildings that consist of 100% affordable units.
841.23	SRO Units	§§ 249.78(c)(7), 890.88(c)	NP <i>in Central SoMa SUD</i> , except in buildings that consist of 100% affordable units, as defined in Section 249.78(c)(7).
*****	*****	*****	*****

* * * *

SEC. 842. MUO – MIXED USE-OFFICE DISTRICT.

The Mixed Use-Office (MUO) is designed to encourage office uses and housing, as well as small-scale light *manufacturing industrial* and arts activities. Nighttime entertainment and small tourist hotels are permitted as a conditional use. Large tourist hotels are permitted as a conditional use in certain height districts. Dwelling units and group housing are permitted, while demolition or conversion of existing dwelling units or group housing requires conditional use authorization. Family-sized housing is encouraged. Accessory Dwelling Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

Office, general commercial, most retail, production, distribution, and repair uses are also principal permitted uses. Adult entertainment and heavy *manufacturing industrial* uses are not permitted.

* * * *

1 **SEC. 844. WMUG – WSOMA MIXED USE-GENERAL DISTRICT.**

2 The WSoMa Mixed Use-General (WMUG) District is largely comprised of the low-scale,
3 production, distribution, and repair uses mixed with housing and small-scale retail. The
4 WMUG is designed to maintain and facilitate the growth and expansion of small-scale light
5 *manufacturing industrial*, wholesale distribution, arts production and performance/exhibition
6 activities, general commercial and neighborhood-serving retail and personal service activities
7 while protecting existing housing and encouraging the development of housing at a scale and
8 density compatible with the existing neighborhood.

9 Housing is encouraged over ground floor commercial and production, distribution, and
10 repair uses. New residential or mixed use developments are encouraged to provide as much
11 mixed-income family housing as possible. Existing group housing and dwelling units will be
12 protected from demolition or conversion to nonresidential use by requiring conditional use
13 review. Accessory Dwelling Units are permitted within the district pursuant to subsection
14 207(c)(4) of this Code.

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

18 **845. WMUO – WSOMA MIXED USE-OFFICE DISTRICT.**

19 * * * *

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

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

4 Accessory Dwelling Units are permitted within the district pursuant to subsection
5 207(c)(4) of this Code.

6 * * * *

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

8 The Service/Arts/Light Industrial (SALI) District is largely comprised of low-scale
9 buildings with production, distribution, and repair uses. The district is designed to protect and
10 facilitate the expansion of existing general commercial, manufacturing, home and business
11 service, and light *manufacturing industrial* activities, with an emphasis on preserving and
12 expanding arts activities. Nighttime Entertainment is permitted although limited by buffers
13 around RED and RED-MX districts. Residential Uses, Offices, Hotels, and Adult
14 Entertainment uses are not permitted, except that certain Affordable Housing Projects are
15 permitted within the district pursuant to Section 846.24 of this Code, and Accessory Dwelling
16 Units are permitted within the district pursuant to subsection 207(c)(4) of this Code.

17 * * * *

18 **SEC. 848. CMUO - CENTRAL SOMA MIXED-USE OFFICE DISTRICT.**

19 The Central SoMa Mixed Use-Office (CMUO) extends predominantly between 2nd
20 Street and 6th Street in the South of Market area. The CMUO is designed to encourage a mix
21 of residential and non-residential uses, including office, retail, light *manufacturing industrial*,
22 arts activities, nighttime entertainment, and tourist hotels.

23 Table 848
24 CMUO – CENTRAL SOMA MIXED USE-OFFICE DISTRICT ZONING CONTROL TABLE
25 Central SoMa Mixed Use-Office District Controls

Zoning Category	§ References	Controls
-----------------	--------------	----------

BUILDING STANDARDS

Miscellaneous

Design Guidelines	General Plan Commerce and Industry Element; Central SoMa Plan	Subject to the <i>Citywide</i> Urban Design Guidelines, <i>and Central SoMa Guide to Urban Design.</i>
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APPENDIX C TO ARTICLE 11

CATEGORY III BUILDINGS

Address of Building	Block	Lot(s)	Name of Building
****	****	****	****
844 Folsom St.	<u>3704</u> <u>3733</u>	019	Victor Equipment Company
850 Folsom St.	<u>3704</u> <u>3733</u>	020	Victor Equipment Company
****	****	****	****

Section 3. The Administrative Code is hereby amended by deleting Section 2A.54 and revising Sections 5.132, 8.28, 29A.1, 41.4, 60.3, 61.2, 61.6, 61.7, 79.2, and 79.3, to read as follows:

CHAPTER 2A:

EXECUTIVE BRANCH

1 ~~SEC. 2A.54. PLANNING COMMISSION EVALUATION OF MEDICAL CANNABIS~~
2 ~~DISPENSARY LOCATION REGULATIONS.~~

3 ~~(a) — The Board of Supervisors hereby directs the Planning Commission, by no later than~~
4 ~~May 1, 2014, to submit a written report to Board of Supervisors evaluating the impacts on communities~~
5 ~~in which MCDs are located and to make recommendations regarding whether Planning Code~~
6 ~~provisions governing the location of MCDs, including but not limited to Planning Code Sections~~
7 ~~209.3(k), 217(k), 790.141 and 890.133, should be amended. In this report, the Board of Supervisors~~
8 ~~directs the Planning Commission to address the following considerations, at a minimum:~~

9 ~~(1) — The extent to which MCDs are concentrated in particular communities within San~~
10 ~~Francisco;~~

11 ~~(2) — The nature and extent of effects of the location requirements for MCDs on medical~~
12 ~~cannabis patients' access to medical cannabis;~~

13 ~~(3) — The nature and extent of effects of the location requirements for MCDs on the~~
14 ~~public health, safety and welfare in the communities in which MCDs are located;~~

15 ~~(4) — Whether increased community input into the approval process to establish an MCD~~
16 ~~would benefit the public health, safety and welfare, and, if so, what procedures would be most effective~~
17 ~~in increasing such community input;~~

18 ~~(5) — Projected impacts on the public health, safety and welfare of expanding the areas in~~
19 ~~which MCDs can be located; and~~

20 ~~(6) — Best operational practices that should be employed by MCDs to ensure the public~~
21 ~~health, safety and welfare, including but not limited to minimum levels of security measures, hours of~~
22 ~~operation, and location.~~

23 ~~(b) — In developing this report, the Board of Supervisors directs the Planning Commission~~
24 ~~and/or Planning Department staff to consult as appropriate with City boards, commissions,~~
25 ~~departments, entities, and officials, including but not limited to the Director of the Department of~~

1 *Building Inspection, the Director of the Department of Public Health, the Chief of the Fire Department,*
2 *the Chief of the Police Department, and relevant community stakeholders, including existing permitted*
3 *medical cannabis dispensaries within the City and County of San Francisco.*

4
5 **ARTICLE XIV:**
6 **BICYCLE ADVISORY COMMITTEE**

7 * * * *

8 **SEC. 5.132. POWERS AND DUTIES.**

9 The Advisory Committee shall have the power and duty to:

10 * * * *

11 (c) Review the policies and programs related to bicycling in the Transportation
12 Element of the *Master General* Plan of the City and County of San Francisco, and make
13 recommendations on the goals and their implementation to the Planning Commission of the
14 City and County of San Francisco;

15 * * * *

16 **CHAPTER 8:**
17 **DOCUMENTS, RECORDS AND PUBLICATIONS**

18 * * * *

19 **SEC. 8.28. CITY PLANNING FEES.**

20 The *Department of City Planning Department* is hereby authorized to charge fees for
21 reproducing records which citizens have a right by law to inspect and copy as follows:

- 22 1. Photocopy of any record not exceeding 8-½ inches by 14 inches (per page) \$0.10
23 2. Photocopy of any record exceeding 8-½ inches by 14 inches (per page) \$0.10

24 The *Department of City Planning Department* is hereby authorized to sell printed copies
25 of the *Master General* Plan, or any element thereof, and printed copies of other reports

1 produced by the Department. The charges for such printed copies shall be determined by the
2 *Department of City Planning Department*, but shall not exceed the cost to the Department for the
3 reproduction of such reports.

4 There shall be no charge for one copy of the *Master General* Plan and any elements
5 thereof to governmental agencies or to a person who certifies under penalty of perjury that he
6 or she is a duly authorized representative of an organization that is on the *Department of City*
7 *Planning's* Department's list of San Francisco neighborhood nonprofit organizations. The
8 *Department of City Planning Department* shall issue written guidelines setting forth the
9 procedure for an organization being included on such list.

10 CHAPTER 29A:

11 ~~[APPROVAL OF POWER PLANT; PLANNING CODE SEC. 303(q) CRITERIA 226.1]~~

12 ~~Sec. 29A.1.~~

13 SEC. 29A.1.

14 The Board of Supervisors shall not approve any ~~p~~Power ~~p~~Plant (as defined in Planning
15 Code Section ~~102 226~~), including approval of project funding and contract approvals, unless it
16 finds that the ~~p~~Power ~~p~~Plant is consistent with the criteria set forth in Planning Code Section
17 ~~303(q) 226.1(e)~~.

18 CHAPTER 41:

19 RESIDENTIAL HOTEL UNIT CONVERSION AND DEMOLITION

20 * * * *

21 SEC. 41.4. DEFINITIONS.

22 * * * *

23 **Tourist Hotel.** Any building containing six or more guest rooms intended or designated
24 to be used for commercial tourist use by providing accommodation to transient guests on a
25 nightly basis or longer. A tourist hotel shall be considered a *commercial Hotel* use *pursuant to as*

1 *defined in* Planning Code Section *102 790.46* and shall not *be defined as considered g*Group
2 *h*Housing *permitted in a residential area under as defined in* Planning Code Section *102 209.1*.

3 * * * *

4 **CHAPTER 60:**

5 **ASSISTED HOUSING PRESERVATION ORDINANCE**

6 * * * *

7 **SEC. 60.3. FINDINGS.**

8 The Board of Supervisors finds that:

9 * * * *

10 (g) Section 101.1(b)(3) of the *San Francisco* Planning Code establishes as a Priority
11 Policy for the San Francisco *Master General* Plan "[t]hat the City's supply of affordable housing
12 be preserved and enhanced." The Housing Element of the *San Francisco* General Plan
13 establishes as one of its primary goals the preservation and expansion of the housing stock
14 affordable to very low, low and moderate income households within the City. The California
15 State Legislature has recently enacted provisions requiring the City to include in its Housing
16 Element an analysis of existing assisted housing developments for which subsidies and
17 applicable use restrictions may be terminated during the next 10 years, and a program for
18 preserving such affordable units. The Legislature has also enacted provisions which clarify
19 that the Low and Moderate Income Housing Fund moneys administered pursuant to the
20 Health and Safety Code by redevelopment agencies may be expended for assisted housing
21 preservation efforts.

22 * * * *

23 **CHAPTER 61:**

24 **WATERFRONT LAND USE**

25 * * * *

1 **SEC. 61.2. LAND USE PLANNING PROCESS.**

2 * * * *

3 (b) The agency drafting the "Waterfront Land Use Plan" shall consult the *City*
4 Planning Commission to ensure development of a plan consistent with the City's *Master*
5 General Plan. The final plan and any subsequent amendments thereto shall be subject to a
6 public hearing conducted by the *City* Planning Commission to ensure consistency between
7 the plan and the City's *Master* General Plan.

8 * * * *

9 **SEC. 61.6. DEFINITIONS.**

10 * * * *

11 (b) "Action" includes, but is not limited to:

12 (1) Amendments to the Planning Code and *Master* General Plan;

13 * * * *

14 (c) "Waterfront" means land transferred to the City and County of San Francisco
15 pursuant to Chapter 1333 of the Statutes of 1968, as well as any other property which is
16 owned by or under the control of the Port Commission of San Francisco, and which is also in
17 any of the following areas:

18 * * * *

19 (4) The area south of Pier 98 in which all new development is subject to the
20 Shoreline Guidelines, as shown on Map 8 (Eastern Shoreline Plan) of the Recreation and
21 Open Space Element of the San Francisco *Master* General Plan, in effect as of January 1,
22 1990.

23 * * * *

24 (f) "Hotel" means any use falling within the definition in Section 102 314.1(g) of the
25 San Francisco Planning Code in effect as of January 1, 1990; any waterside hotel having

1 docks to accommodate persons traveling by boat; or any facilities for providing temporary or
2 transient occupancy. This shall not include boat berths which are provided for temporary
3 moorage of boats.

4 * * * *

5 **SEC. 61.7. IMPLEMENTATION.**

6 Within 180 days of the effective date of this Chapter 61 ordinance, the City and County
7 shall:

8 (a) Amend its Master General Plan, Planning Code, and other relevant plans and
9 codes in a manner consistent with this Chapter ordinance;

10 (b) Request and apply for conforming amendments to all applicable state and
11 regional plans and regulations; and

12 (c) Begin preparation of the "Waterfront Land Use Plan" required under Section
13 61.2 of this Chapter ordinance.

14 **CHAPTER 79:**

15 **PREAPPROVAL NOTICE FOR CERTAIN CITY PROJECTS.**

16 * * * *

17 **SEC. 79.2. DEFINITIONS.**

18 For purposes of this Chapter, the following definitions shall apply:

19 * * * *

20 (b) "City project" shall mean the following:

21 (1) ~~(i)~~ A project that

22 * * * *

23 (2) ~~(ii)~~ "City project" shall include, but is not limited to, administrative offices,
24 housing and other residential projects, and programs that provide services or assistance for
25 the benefit of all or some members of the public from a fixed location.

1 * * * *

2 (d) "Significant expansion of existing use" shall mean the lesser of an addition
3 amounting to 50 percent of gross floor area, or 1,500 square feet or more of gross floor area,
4 as determined by the Zoning Administrator in accordance with Section 102.9 of the San
5 Francisco Planning Code.

6 (d) "Significant expansion of existing use" shall mean the lesser of an addition
7 amounting to 50 percent of gross floor area, or 1,500 square feet or more of gross floor area,
8 as determined by the Zoning Administrator in accordance with Section 102.9 of the San
9 Francisco Planning Code.

10 **SEC. 79.3. EXEMPTIONS.**

11 The following City projects shall be exempted from this Section:

12 * * * *

13 (b) A State-authorized, certified, or licensed Residential Care Facility, as defined in
14 Section 102 family care home, foster home, or group home serving six or fewer mentally disordered or
15 otherwise disabled persons or dependent and neglected children, in accordance with California
16 Welfare and Institutions Code Section 5116 or as set forth in Section 209.3(b) of the Planning Code;

17 * * * *

18 Section 4. The Health Code is hereby amended by revising Section 22A, to read as
19 follows:

20 **ARTICLE 22A:**

21 **ANALYZING SOILS FOR HAZARDOUS WASTE**

22 * * * *

23 **SEC. 22A.2. DEFINITIONS.**

24 In addition to the general definitions applicable to this Code, whenever used in this
25 Article, the following terms shall have the meanings set forth below:

1 "Applicant" means a person applying for any building permit as specified by Section
2 ~~106.1~~ 106A.1 of the San Francisco Building Code.

3 * * * *

4 "Industrial Use" means ~~a~~ an Industrial Use, Automobile Use, or Utility and Infrastructure
5 Use described in Section 102 of the San Francisco Planning Code ~~Sections 220 (Laundering,~~
6 ~~Cleaning and Pressing), 222 (Home and Business Services), 223 (Automotive), 224 (Animal Services),~~
7 ~~225 (Wholesaling, Storage, Distribution, and Open Air Handling of Materials and Equipment) and 226~~
8 ~~(Manufacturing and Processing).~~

9 "Industrially Zoned (i.e. zoned for industrial use)" means one of the following zoning
10 districts, as further described in ~~Article 2~~ of the San Francisco Planning Code: CMUO (Central
11 SoMa Mixed Use Office), Folsom Street Neighborhood Commercial Transit (Folsom Street NCT), M-1
12 (Light Industrial), M-2 (Heavy Industrial), MUG (Mixed Use-General), MUO (Mixed Used-Office),
13 MUR (Mixed Use-Residential), PDR-I-B (Light Industrial Buffer), PDR-I-D (Light Industrial
14 Design), PDR-I-G (Light Industrial General), PDR-2 (Core Production, Distribution and
15 Repair), C-M (Heavy Commercial), RCD (Regional Commercial District), RED-MX (Residential
16 Enclave-Mixed District), SPD (South Park District), RSD (Residential/Service Mixed Use), SLR
17 (Service/Light Industrial/Residential Mixed Use), SLI (Service/Light Industrial), SSD
18 (Service/Secondary Office), MUG (Mixed Use-General), MUR (Mixed Use-Residential), MUD (Mixed
19 Use-Office), and UMU (Urban Mixed Use), WMUG (WSoMa Mixed Use-General), and WMUO
20 (WSoMa Mixed Use-Office), or any other zoning district that allows for industrial uses, either as
21 a principal permitted use or as a conditional use, as determined by the Zoning Administrator.

22 * * * *

23 Section 5. The Police Code is hereby amended by revising Sections 21, 1036.23, and
24 3300E.2, to read as follows:

ARTICLE 1:

PUBLIC NUISANCES

* * * *

SEC. 21. CONSUMING ALCOHOLIC BEVERAGES ON PUBLIC STREETS, ETC., OR ON PUBLIC PROPERTY OPEN TO PUBLIC VIEW PROHIBITED; PENALTY.

(a) No person shall consume any alcoholic beverage in any quantity on any public street, avenue, sidewalk, stairway, alley, or thoroughfare within the City and County of San Francisco; nor shall any person consume any alcoholic beverage within 15 feet of any public way or thoroughfare while on a private stairway, doorway, or other private property open to public view without the express or implied permission of the owner, his agent, or the person in lawful possession thereof; provided, however, that the provisions of this Section shall not apply to the interior portion of any private dwelling, habitat, or building, to the consumption by persons in the areas herein designated of any duly prescribed and dispensed medication having alcoholic content, or to those persons consuming alcoholic beverages while viewing a parade for which a permit has been granted pursuant to Section 367 of this Code. Further, this Section shall not be applicable in those prescribed areas and during such time for which permission for temporary use or occupancy of public streets and appurtenant areas has been granted by:

(1) The Board of Supervisors pursuant to the provisions of Section 2.70 of the Administrative Code;

(2) The Department of Public Works pursuant to the provisions of Article 5.2 of the Public Works Code for a business establishment anywhere in San Francisco that meets the requirements of a ~~full-service restaurant use, pursuant to Planning Code Section 790.92 defined in Planning Code Section 102,~~ as interpreted by the Zoning Administrator; or

1 (3) The Department of Public Works pursuant to the provisions of Article 5.2 of
2 the Public Works Code for a business establishment that had a valid tables and chairs permit
3 and California Department of Alcoholic Beverage Control beverage license or permit on the
4 effective date of this Section 21 ordinance.

5 * * * *

6 **ARTICLE 15:**
7 **LICENSES FOR AMUSEMENTS**

8 * * * *

9 **[MECHANICAL AMUSEMENT DEVICES; ARCADES]**

10 * * * *

11 **SEC. 1036.23. MECHANICAL AMUSEMENT DEVICES; LOCATION.**

12 (a) **Prohibited.** It shall be unlawful for any owner or operator of a mechanical
13 amusement device to cause, permit or allow same to be located, operated or maintained to be
14 operated, and neither the Director nor the Entertainment Commission may issue a permit for
15 said devices, within any area of the City zoned exclusively for residential use, as defined in
16 Sections ~~102 790.88 and 890.88~~ of the Planning Code or any successor legislation. The
17 restrictions set forth in this Subsection (a) shall not apply (1) in such areas as may be
18 designated by resolution of the Board of Supervisors, or (2) to nonprofit religious institutions,
19 schools, hospitals, convalescent and nursing homes and nonprofit community centers.

20 * * * *

21 **ARTICLE 33E:**
22 **HOSPITALITY INDUSTRY WORKER RETENTION**

23 * * * *

24 **SEC. 3300E.2. DEFINITIONS.**

25 For purposes of this Article 33E, the following definitions apply:

1 * * * *

2 "Large Hotel" shall mean a Hotel "~~tourist hotel~~" as defined in Planning Code Section
3 102 790.46 that has 100 or more guest rooms and/or suites of rooms. "Large Hotel" shall not
4 include a "~~Residential~~ HHotel" as defined in Section 102 790.47 of the Planning Code.

5 * * * *

6 Section 6. Amendment of the Planning Code's Specific Zoning Control Tables. Zoning
7 Control Tables 713, 714, 715, 716, 717, 718, 719, 723, 724, 729, 730, 731, 732, 733, 734,
8 750, 751, 752, 753, 754, 755, 756, 757, 760, 761, 762, 763, and 764 are hereby amended
9 identically to the amendment of Zoning Control Table 710 in Section 2 of this ordinance, to
10 add Section 207.7 to the Reference column for Dwelling Unit Mix in the Development
11 Standards subsection.

12
13 Section 7. Amendment of the Planning Code's Specific Zoning Control Tables. Zoning
14 Control Tables 713, 714, 715, 716, 717, 718, 719, 723, 728, 730, 731, 732, 733, and 734 are
15 hereby amended identically to the amendment of Zoning Control Table 710 in Section 2 of this
16 ordinance, to revise "Residential" to "R" in the Controls by Story column for Dwelling Unit
17 Density and Group Housing Density. Zoning Control Table 724 is amended identically to
18 revise "Residential" to "R" in the Controls by Story column only for Dwelling Unit Density.

19
20 Section 8. Amendment of the Planning Code's Specific Zoning Control Tables. Zoning
21 Control Tables 714, 715, 716, 717, 719, 720, 722, 723, 724, 725, 726, 728, 730, 752, 754,
22 759, 760, 762, 763, and 764 are hereby amended identically to Zoning Control Table 711 in
23 Section 2 of this ordinance, to modify the Controls for Fringe Financial Services in Note 6 at
24 the end of the Table, provided that the Note shall be numbered as appropriate for each Table,
25 as follows:

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Zoning Control Tables	Note #
720, 752, 754, and 760	2
717, 724, and 730	3
723, 725, 726, and 763	4
715, 716, 719, 728, 762, and 764	5
714 and 725	6
722	8

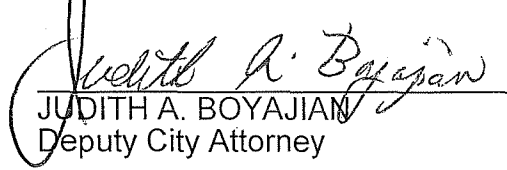
Section 9. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

Section 10. Scope of Ordinance. Except as stated in Sections 3, 4, 5 and 6 of this ordinance, in enacting this ordinance, the Board of Supervisors intends to amend only those words, phrases, paragraphs, subsections, sections, articles, numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal Code that are explicitly shown in this ordinance as additions, deletions, Board amendment additions, and Board

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amendment deletions in accordance with the "Note" that appears under the official title of the ordinance.

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

By: 
JUDITH A. BOYAJIAN
Deputy City Attorney

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REVISED LEGISLATIVE DIGEST
(Substituted, 3/3/2020)

[Planning, Various Codes - Technical Corrections]

Ordinance amending the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; amending Article 4 to move the language regarding timing of fee payments to the beginning of the Article and cross-reference it in the individual impact fee sections and to add an additional fee waiver based on the replacement of gross floor area in buildings damaged or destroyed by fire or other calamity; amending the Administrative, Health, and Police Codes to correct outdated Planning Code cross-references; 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, as well as sections of the Administrative, Health, and Police Codes that make cross-references to Planning Code sections.

Amendments to Current Law

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

The following amendments have been made to Article 4, which sets forth the City's Development Impact Fee and In-Lieu Fee requirements for development projects:

- A new subsection (d) has been added to Section 402 - "Procedure for Payment and Collection of Development Fees." Since the timing and collection of fee payments is the same for each of the development impact fees (excepting only the Transit Impact Development Fee in Section 411), the text on the timing and collection of the other impact development fees has been standardized and moved to the new subsection.
- A new subsection (f) has been added to Section 406 - "Waiver, Reduction, or Adjustment of Development Project Requirements" - to clarify the existing rule that in the case of a building damaged or destroyed by fire or other calamity and meeting the

provisions of Section 188(b) of the Code, only additional land uses or addition of gross floor area beyond what is needed to replace the damaged or destroyed building is subject to any applicable Article 4 development impact fees.

Administrative Code. Revisions are made to Sections 5.132, 8.28, 29A.1, 60.3, 61.2, 61.6, 61.7, and 79.2 to (1) correct outdated names for the General Plan, Planning Department, and Planning Commission in several sections, (2) update cross-references to Planning Code sections that have been repealed or renumbered, and (3) make a couple of format corrections.

Section 2A.54 “Planning Commission Evaluation of Medical Cannabis Dispensary Location Regulations.” This section is proposed to be repealed in its entirety because the Commission’s written report to the Board of Supervisors has been completed and nothing more is required by this section.

Sections 41.4 and 79.3. The definition of Tourist Hotel in Section 41.4 and the exemption for City projects in Section 79.3 are revised to correct cross-references to Planning Code sections that have been repealed, and to update the Use references.

Health Code. Section 22A.2 is revised to (1) correct an erroneous Building Code cross-reference and (2) update the definitions of “Industrial Use and “Industrially Zoned” so that they conform with the current Planning Code.

Police Code. Section 21 (Consuming Alcoholic Beverages on Public Streets, Etc., or on Public Property Open to Public View), Section 1036.23 (Mechanical Amusement Devices), and Section 3300E.2 (Hospitality Industry Worker Retention) are revised to correct Planning Code cross-references.

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.

Over time, errors are created in other City Codes as Planning Code sections are repealed or renumbered and Use references are updated. This ordinance also correct these errors.



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 20593

HEARING DATE: DECEMBER 12, 2019

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
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Fax:
415.558.6409

Planning
Information:
415.558.6377

Project Name: Code Clean-Up 2019
Case Number: 2019-013522PCA [Board File No. TBD]
Initiated by: Planning Commission/ Initiated November 7, 2019
Staff Contact: Veronica Flores, Legislative Affairs
Veronica.Flores@sfgov.org, 415-575-9173
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO CORRECT TYPOGRAPHICAL ERRORS, UPDATE OUTDATED CROSS-REFERENCES, AND MAKE NON-SUBSTANTIVE LANGUAGE REVISIONS TO CLARIFY/SIMPLIFY CODE LANGUAGE. THE PROPOSED ORDINANCE WILL ALSO AMEND ARTICLE 4 TO MOVE THE LANGUAGE REGARDING TIMING OF FEE PAYMENTS TO THE BEGINNING OF THE ARTICLE AND CROSS-REFERENCE IT IN THE INDIVIDUAL IMPACT FEE SECTIONS AND TO ADD AN ADDITIONAL FEE WAIVER BASED ON THE REPLACEMENT OF GROSS FLOOR AREA IN BUILDINGS DAMAGED OR DESTROYED BY FIRE OR OTHER CALAMITY; 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 June 16, 2019, the Planning Director requested that amendments be made to the Planning Code under Case Number 2019-013522PCA; and

WHEREAS, on November 7, 2019, the Planning Commission adopted a Resolution to initiate said amendments under R-20559; and

WHEREAS, the proposed Planning Code text changes would amend several sections of the Code as outlined in the draft Ordinance and incorporated herein; and

WHEREAS, due to multiple changes to the Planning Code, over time text has been dropped inadvertently, amendments made by one ordinance are not reflected in subsequent legislation, and citations have become out of date; and

WHEREAS, the proposed legislation is intended to resolve the aforementioned issues; and

WHEREAS, a substantial portion of the proposed changes in the ordinance can be classified as "good government" measures meant to improve the clarity of the Planning Code, and

WHEREAS, such changes are meant to improve the ability of decision makers, Department staff, and the public to understand, interpret, and implement the requirements of the Code, and

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on December 12, 2019; and,

WHEREAS, the proposed Ordinance has been determined not to be a project under California Environmental Quality Act Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. Therefore, no environmental review is required; 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 1650 Mission Street, Suite 400, San Francisco; and

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

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

MOVED, that the Planning Commission hereby **approves with modifications** the proposed ordinance. The Commission's proposed Modifications are as follows:

- 1) Revise Subsections 155(r)(3)(A) and 155(r)(4) to clarify that Commercial Throughway Streets (as defined by the Better Streets Plan) should also be protected from curb cuts.
- 2) Request that the Board of Supervisors initiate the following clerical changes to the Administrative, Health, and Police Codes:
 - a) Administrative Code:
 - i) Section 2A.54. Planning Commission Evaluation of Medical Cannabis Dispensary Location Regulations. In subsection (a), there's a cross-reference to repealed Planning Code Sections 209.3(k), 217(k), and 790.141. There is also a cross-reference to Planning Code Section 890.133, which is still in the Code. Section 2A.54 relates to a Planning Commission report due to the Board in 2014. The report mentioned in this Section was completed; therefore, this Section can be repealed in its entirety.
 - ii) Section 29A: Approval of Power Plant; Planning Code Sec. 226.1. In addition to correcting the title, there's a cross-reference to repealed Planning Code Section 226.1 in subsection (c) that needs to be removed.

- iii) Chapter 41: Residential Hotel Unit Conversion and Demolition. In Sec. 41.4, there's a cross-reference to repealed Planning Code Section 790.46 in the definition of Tourist Hotel. There's also a cross-reference to old Planning Code Section 209.1, which should now be Section 102.
 - iv) Chapter 79: Preapproval Notice for Certain City Projects. This Chapter was added in 1998 by Proposition I and there is a cross-reference to Planning Code Section 102.9 in Section 79.2(d) that is no longer valid.
- b) Health Code
- i) Chapter 22A: Analyzing Soils for Hazardous Waste. In Section 22A.2, the list of Planning Code Sections in the definition of "Industrial Use" have all been repealed and the names of the Uses are outdated. Further, the list of "Industrially Zoned" districts do not include Central SoMa.
- c) Police Code
- i) Section 21: Consuming Alcoholic Beverages on Public Streets, Etc. or on Public Property Open to Public View Prohibited; Penalty. There's a cross-reference to repealed Planning Code Section 790.92 in subsection (a)(2).
 - ii) Section 1036.23: Mechanical Amusement Devices; Location. There's reference in subsection (a) to repealed Planning Code Sec. 790.88. There is also a cross-reference to Section 890.88, which is still in the Code, but will be deleted with the Article 8 reorganization.
 - iii) Article 33: Medical Cannabis Act. There are cross-references to repealed Planning Code Sections 790.46 and 790.47 in the definition of Large Hotel.

FINDINGS

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

1. The proposed Ordinance will correct the Planning Code so that it is in line with the City's current practices and adopted budget.
2. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

HOUSING ELEMENT

OBJECTIVE 10

ENSURE A STREAMLINED, YET THOROUGH, AND TRANSPARENT DECISION-MAKING PROCESS.

Policy 10.1

Create certainty in the development entitlement process, by providing clear community parameters for development and consistent application of these regulations.

The proposed Ordinance will bring more consistency to the Planning Code. 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.

3. **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.

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

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES 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 December 12, 2019.


Jonas T. Ionis
Commission Secretary

AYES: Diamond, Fung, Johnson, Koppel, Melgar, Moore

NOES: None

ABSENT: Richards

ADOPTED: December 12, 2019

11
C. 11



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment Initiation ADOPTION HEARING DATE: DECEMBER 12, 2019

Project Name: Code Clean-Up 2019
Case Number: 2019-013522PCA [Board File No. TBD]
Initiated by: Planning Commission / Initiated on November 7, 2019
Staff Contact: Veronica Flores, Legislative Affairs
Veronica.Flores@sfgov.org, 415-575-9173
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Approval with Modifications**

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Planning
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PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive language revisions to clarify/simplify Code language. The proposed Ordinance will also amend Article 4 to move the language regarding timing of fee payments to the beginning of the Article and cross-reference it in the individual impact fee sections and to add an additional fee waiver based on the replacement of gross floor area in buildings damaged or destroyed by fire or other calamity.

The Way It Is Now:

The Planning Code contains multiple grammatical and syntactical errors, unintentional cross-references and accidental additions and deletions that undermine the legitimacy and enforceability of the Planning Code as a regulatory document.

The Way It Would Be:

The proposed Ordinance seeks to correct these errors and improve the overall quality and readability of the Code.

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 ensure that errors will inadvertently arise. The Planning Department actively collects these reported errors and presents them as a Code Corrections Ordinance.

ISSUES AND CONSIDERATIONS

Substantive Changes

The vast majority of the proposed changes in this ordinance are not substantive. However, this ordinance does contain changes that could be considered substantive, but for the reasons identified below are included in this ordinance as amendments that would correct conflicting or missing information. The following is a list of amendments the Department believes to be substantive:

- **Amendment to Article 4, Timing of Fee Payments.** A new subsection is proposed under Section 402 to clarify impact fee collection. Currently, almost each impact fee includes its own discussion regarding the timing of fee payments. However, the language across different code sections vary in language and specificity. This change is proposed to 1) make the language consistent throughout Article 4, 2) clarify that all impact fees are to be collected at the time of, and in no event later than, issuance of the “first construction document”, and 3) clarify that the potential fee deferral option under the Building Code expired in 2013, and is not currently available unless and until the Board of supervisors re-authorizes such deferral option.
- **Amendment to Section 406, Waiver Based on Calamity.** A new subsection is proposed under Section 406 regarding a fee waiver based on calamity. The proposed subsection clarifies that replacement buildings meeting all the provisions of Planning Code Section 188(b) shall **not** be subject to a new impact fee. This fee waiver assumes that the replacement building includes the same land use and is the same size or smaller than the original building. The Planning Code is currently silent on required fees for such replacement buildings meeting the provisions of Planning Code Section 188(b); therefore, the code would seem to charge relevant impact fees to these replacement buildings. However, project sponsors should not be charged if there is no nexus (i.e. no new impact). If this situation were to occur today, the only option for the property owner would be to appeal to the Board of Supervisors per Planning Code Section 406(a) “based upon the absence of any reasonable relationship or nexus between the impact of development and either the amount of the fee charged or the on-site requirement”. The proposed Ordinance resolves this concern.

Publisher Comments

After every ordinance, the code publisher sends the City Attorney’s Office a list of errors they encountered in the process of publishing the Code. These usually include outdated section references, missing words, typos and the like. This Ordinance includes many of these types of corrections.

Additional Changes

After the Initiation Hearing on November 7, 2019, additional typos, cross-references, and other clarifying language were identified. The attached Exhibit C includes a summary of these additional changes for convenience.

RECOMMENDATION

The Department recommends that the Commission *approve with modifications* the proposed Ordinance and adopt the attached Draft Resolution to that effect. The Department’s proposed recommendations are as follows:

1. Request that the Board of Supervisors initiate the following clerical changes to the Administrative, Health, and Police Codes:
 - a. Administrative Code:
 - i. Section 2A.54. Planning Commission Evaluation of Medical Cannabis Dispensary Location Regulations. In subsection (a), there's a cross-reference to repealed Planning Code Sections 209.3(k), 217(k), and 790.141. There is also a cross-reference to Planning Code Section 890.133, which is still in the Code. Section 2A.54 relates to a Planning Commission report due to the Board in 2014. The report mentioned in this Section was completed; therefore, this Section can be repealed in its entirety.
 - ii. Section 29A: Approval of Power Plant; Planning Code Sec. 226.1. In addition to correcting the title, there's a cross-reference to repealed Planning Code Section 226.1 in subsection (c) that needs to be removed.
 - iii. Chapter 41: Residential Hotel Unit Conversion and Demolition. In Sec. 41.4, there's a cross-reference to repealed Planning Code Section 790.46 in the definition of Tourist Hotel. There's also a cross-reference to old Planning Code Section 209.1, which should now be Section 102.
 - iv. Chapter 79: Preapproval Notice for Certain City Projects. This Chapter was added in 1998 by Proposition I and there is a cross-reference to Planning Code Section 102.9 in Section 79.2(d) that is no longer valid.
 - b. Health Code
 - i. Chapter 22A: Analyzing Soils for Hazardous Waste. In Section 22A.2, the list of Planning Code Sections in the definition of "Industrial Use" have all been repealed and the names of the Uses are outdated. Further, the list of "Industrially Zoned" districts do not include Central SoMa.
 - c. Police Code
 - i. Section 21: Consuming Alcoholic Beverages on Public Streets, Etc. or on Public Property Open to Public View Prohibited; Penalty. There's a cross-reference to repealed Planning Code Section 790.92 in subsection (a)(2).
 - ii. Section 1036.23: Mechanical Amusement Devices; Location. There's reference in subsection (a) to repealed Planning Code Sec. 790.88. There is also a cross-reference to Section 890.88, which is still in the Code, but will be deleted with the Article 8 reorganization.
 - iii. Article 33: Medical Cannabis Act. There are cross-references to repealed Planning Code Sections 790.46 and 790.47 in the definition of Large Hotel.

BASIS FOR RECOMMENDATION

This Ordinance is intended to correct identified errors in the Code. Although these are considered minor errors, they cannot be corrected without a legislative change. Adopting this Ordinance will make the code more consistent, accurate and easier to use.

Recommendation 1: Request that the Board of Supervisors initiate the listed clerical changes to the Administrative, Health, and Police Codes.

Since the Planning Commission can only initiate changes to the Planning Code, the Department recommends the Commission recommend the Board of Supervisors to initiate an ordinance to correct Planning Code references in the Administrative, Health, and Police Codes. These changes are also considered non-substantive and should be made to ensure the other City Codes referencing the Planning Code are consistent and accurate.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may recommend adoption, rejection or adoption with modifications to the Board of Supervisors.

ENVIRONMENTAL REVIEW

The proposal to amend the Planning Code has been determined not to be a project under California Environmental Quality Act Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment. Therefore, no environmental review is required.

PUBLIC COMMENT

As of the date of this report, the Planning Department has received two letters with general comments and questions on Code language. The submitted suggestions were reviewed and incorporated into the Ordinance as appropriate.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Proposed Ordinance
- Exhibit C: Appendix: Changes Since Initiation Ordinance



SAN FRANCISCO PLANNING DEPARTMENT

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2020 FEB 21 AM 11:23

BY

February 21, 2020

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

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Planning
Information:
415.558.6377

**Re: Transmittal of Planning Department Case Number 2019-013522PCA:
Code Clean-Up 2019 – Substitute Introduction
Board File No. TBD
Planning Commission Recommendation: Approval with Modification**

Dear Ms. Calvillo,

On December 12, 2019, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, initiated by the Planning Commission that would amend the planning code to correct typographical errors, update outdated cross-references, and make non-substantive language revisions to clarify/simplify code language. The proposed ordinance will also amend Article 4 to move the language regarding timing of fee payments to the beginning of the article and cross-reference it in the individual impact fee sections and to add an additional fee waiver based on the replacement of gross floor area in buildings damaged or destroyed by fire or other calamity. At the hearing the planning commission recommended approval with modification.

These recommendations were transmitted to you on January 23, 2020. Since the original transmittal, the following non-substantive cross-references and typographical errors were corrected:

- Sections 209.1 and 790 were added to the list in Section 2 of the Ordinance.
- Section 134. Deleted the bolded "2" after RM-1 in the subsection (e) header, which just references a publisher's codification note. Also, added asterisks to the end of section to indicate that the following unrevised text is not shown.
- Table 209.1 Revised the 25% rear yard requirement to 30% in accordance with the recently passed Building Standards Ordinance.
- Section 780. Correct the incorrect citation from 702.1 to 702 and deleted the (a) subsection because there's no (b) subsection.

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

BOARD of SUPERVISORS



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

MEMORANDUM

TO: Taris Madison, Acting Executive Director, Department of Building Inspection
Dr. Grant Colfax, Director, Department of Public Health
Maggie Weiland, Executive Director, Entertainment Commission
Alaric Degrafinried, Interim Director, Public Works
William Scott, Police Chief, Police Department
Jeffrey Tumlin, Executive Director, Municipal Transportation Agency

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

DATE: March 11, 2020

SUBJECT: SUBSTITUTE LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed substitute legislation, introduced by the Planning Commission on March 3, 2020:

File No. 200077-2

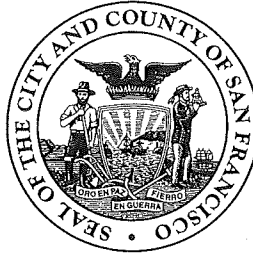
Ordinance amending the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; amending Article 4 to move the language regarding timing of fee payments to the beginning of the Article and cross-reference it in the individual impact fee sections, and to add an additional fee waiver based on the replacement of gross floor area in buildings damaged or destroyed by fire or other calamity; amending the Administrative, Health, and Police Codes to correct outdated Planning Code cross-references; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: erica.major@sfgov.org.

Board of Supervisors
Land Use and Transportation Committee
Referral
Page 2

cc: John Murray, Department of Building Inspection
Patty Lee, Department of Building Inspection
Greg Wagner, Department of Public Health
Dr. Naveena Bobba, Department of Public Health
Sneha Patil, Department of Public Health
Crystal Stewart, Entertainment Commission
David Steinberg, Public Works
Jeremy Spitz, Public Works
Jennifer Blot, Public Works
John Thomas, Public Works
Lena Liu, Public Works
Rowena Carr, Police Department
Asja Steeves, Police Department
Kate Breen, Municipal Transportation Agency
Janet Martinsen, Municipal Transportation Agency
Joel Ramos, Municipal Transportation Agency

BOARD of SUPERVISORS



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MEMORANDUM

TO: Tom Hui, Executive Director, Department of Building Inspection
Dr. Grant Colfax, Director, Department of Public Health
Maggie Weiland, Executive Director, Entertainment Commission
Alaric Degrafinried, Interim Director, Public Works
William Scott, Police Chief, Police Department
Jeffrey Tumlin, Executive Director, Municipal Transportation Agency

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

DATE: February 12, 2020

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by the Planning Commission on February 4, 2020:

File No. 200077

Ordinance amending the Planning Code to correct typographical errors, update outdated cross-references, and make non-substantive revisions to clarify or simplify Code language; amending Article 4 to move the language regarding timing of fee payments to the beginning of the Article and cross-reference it in the individual impact fee sections, and to add an additional fee waiver based on the replacement of gross floor area in buildings damaged or destroyed by fire or other calamity; amending the Administrative, Health, and Police Codes to correct outdated Planning Code cross-references; 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.

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Board of Supervisors
Land Use and Transportation Committee
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Page 2

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Joel Ramos, Municipal Transportation Agency



SAN FRANCISCO PLANNING DEPARTMENT

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JAN 23 2020 PM 1:26

January 23, 2020

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Code Clean-Up 2019
Board File No. TBD
Planning Commission Recommendation: Approval with Modification**

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The Commission's proposed modifications, which have already been incorporated into the proposed ordinance were as follows:

- Revise Subsections 155(r)(3)(A) and 155(r)(4) to clarify that Commercial Throughway Streets (as defined by the Better Streets Plan) should also be protected from curb cuts.
- Request that the Board of Supervisors initiate the clerical changes to the Administrative, Health, and Police Codes.

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

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

Sincerely,

Aaron D. Starr

Transmittal Materials

CASE NO. 2019-013522PCA
Code Clean-Up 2019

Manager of Legislative Affairs

cc:

Judy Boyajian, Deputy City Attorney

Erica Major, Office of the Clerk of the Board

Attachments :

Planning Commission Resolution

Planning Department Executive Summary