San Francisco Planning

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FROM: Gabriela Pantoja, Senior Planner

DATE: October 30, 2023

RE: Board File No. 23050, Planning Code, Zoning Map - Wawona Street and 45th Avenue Cultural Center Special Use District

Dear Board of Supervisors Melgar, Preston, and Peskin,

On July 27, 2023, the Planning Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance, introduced by Supervisor Joel Engardio that would amend the Planning Code and amend Zoning Map No. SU13 to create the Wawona Street and 45th Avenue Cultural Center Special Use District at 2700 45th Avenue, Assessor's Parcel Block No. 2513, Lot No. 026. At the hearing the Planning Commission recommended approval.

The proposed Ordinance will facilitate the redevelopment and construction of modern community center for the United Irish Cultural Center. In summary, the proposed changes include:

- Principally permitting Retail Sales and Services, General Office, Wireless Telecommunication Facility, and Nighttime Entertainment on all floors. This revision will specifically permit the associated Project to provide Public and Private Community Facilities, Restaurant, Bar, Office, Nighttime Entertainment, and Instructional land uses throughout the proposed building.
- Eliminating the applicability of Planning Code Sections 121.1 (Development of Large Lots, Neighborhood Commercial Districts) and 121.2 (Non-Residential Use Size Limits in Neighborhood Commercial and Neighborhood Commercial Transit Districts).
- Reducing the applicable Transportation Demand Management (TDM) point target to 30 percent.
- Authorizing exceptions from Floor Area Ratio (FAR), Rear Yard, and Bulk requirements via the issuance of a Conditional Use Authorization.

The Special Use District and associated Project are located in the Coastal Zone. The City's certified Local Coastal Plan ("LCP") governs development in the Coastal Zone. The LCP consists of two components: (1) the Land Use Plan (the Western Shoreline Area Plan) and (2) the Implementation Program, which includes all the applicable Planning Code and Zoning Map provisions within the Coastal Zone. Amending the portions of the Planning Code and Zoning Map that apply within the Coastal Zone requires an amendment of the Implementation Program portion of the LCP, which must be certified by the Coastal Commission. In order to certify an amendment to the Implementation Program of the LCP, the Coastal Commission must find that the amendments "conform with . . . the provisions of the certified land use plan." (Cal. Pub. Res. Code § 30513.)

This letter is intended to support the proposed Ordinance and associated Project's consistency with the Western Shoreline Plan and Local Coastal Program. For this Special Use District and associated Project,

applicable policies include: coastal access, public recreation, transportation, land use, and habitat protection within the coastal zone.

I. Transportation and Access

OBJECTIVE 1
IMPROVE PUBLIC TRANSIT ACCESS TO THE COAST.

POLICY 1.2
Provide transit connections amongst the important coastal recreational destinations

POLICY 1.4
Provide incentives for transit usage.

Since the adoption of the Western Shoreline Plan in 1984, an effort to improve and increase access to public transportation for the residents of the Outer Sunset, Parkside, and Lakeshore neighborhoods and visitors of the coast has been made by the City. The L-MUNI line which ferries tens of thousands of passengers daily between Embarcadero station and 48th Avenue (SF Zoo) in 1980s completed its transition to light rail from street cars. Considered one of the City's most reliable light rail lines, the L-MUNI services each stop every 10 minutes on weekdays. As one of the direct connections between San Francisco's downtown and coastline, improvements to the L-MUNI line begun in 2019 and are still underway. Improvements to the line include the construction of new transit priority traffic signals, bulbouts to make pedestrian crossings safer, new trees, high visibility crosswalks, safety boarding islands and increased accessibility. All these improvements are meant to increase pedestrian safety for riders and reliability of the line. Along with improvements to the L-MUNI line, the City has increased service coverage and frequency of bus lines along the western portion including the addition of the 57 and 58 bus lines. The 57 and 58 bus lines serve as connectors to light rail MUNI stops and the Daly City BART station. In total, 5 bus lines and two light rail MUNI lines serve the area south of the Golden Gate Park, west of Sunset Boulevard, and north of the Zoo.

Located less than a block from the 18 and 23 bus lines and less than a quarter mile from L-MUNI line, the proposed Ordinance and associated Project will incent increased transit usage and further increase public access to the immediate neighborhood and coast. The Project will implement a Transportation Demand Management (TDM) plan that intends to decrease the number of single occupancy vehicle trips, and the pressures they add to San Francisco's limited public streets and rights-of-way, contributing to congestion, transit delays, and public health and safety concerns caused by motorized vehicles, air pollution, greenhouse gas (GHG) emissions, and noise, thereby negatively impacting the quality of life in the City. Specifically for the immediate neighborhood of the subject site, the concern is the pressure that potential increase in demand for on-street parking associated with private businesses spills over to public beach parking, thereby limiting coastal access to only those people who live within walking or biking distance of the shoreline. The TDM plan includes providing real time transportation information displays at the site, multimodal wayfinding signage, tailored marketing and communication campaigns for employees and attendees of the site and improving walking conditions. As part of the Project, the adjacent sidewalk will increase in width, new street trees will be planted, and new ADA ramps and bulbout will be provided at the intersection of Wawona Street and 45th Avenue.

In addition to incentivizing transit usage, the proposed Ordinance and associated Project will also encourage other means of transportation to the site and immediate neighborhood. As part of the TDM plan, the Project will provide four car-share spaces on site and 86 bicycle parking spaces either on site or within the adjacent public-right-of-way. Bicycle parking is a prominent form of transportation in the immediate neighborhood. The site is located less than four blocks from Great Highway, a prominent recreational and bike trail along the coast. Attendees and employees traveling by bicycle and looking to enjoy the Great Highway can easily access it via a connecting bike lane along Sloat Boulevard, directly south of the site.

The proposed Project will provide 54 off-street parking spaces, including ADA passenger spaces, and commercial loading spaces along the public-right-of-way. As identified in the project specific transportation study, the proposed Project will generate an estimated 352 net new vehicle trips during the weekday p.m. peak hour, including 334 trips by vehicle and 18 trips by taxi or transportation network company. However, the project site is located in an area where existing vehicle miles traveled (VMT) is more than 15 percent below the existing Bay Area regional average VMT per capita (or employee). The proposed project would not cause substantial additional VMT nor create significant public transit delay impacts. The number of proposed off-street parking spaces at the site will not generate a significant volume of vehicular traffic such that public transit operations on nearby roadways would be affected.

II. Land Use

POLICY 11.7
Maintain a community business district along Sloat Boulevard within the Coastal Zone to provide goods and services to residents of the outer Sunset and visitors to the Zoo and Ocean Beach.

The proposed Ordinance and associated Project will also reinforce and enhance the existing commercial corridor along Sloat Boulevard that includes the Zoo and Ocean Beach by introducing new patrons to the area. The surrounding neighborhood includes variety of land uses including residential, restaurant, motel, retail, and the Zoo. As one of the few community facilities on the west side of the City, the proposed new and improved community facility, operated by the United Irish Cultural Center, will continue to serve as a recreational outlet aside from the coast and Zoo and continue to enhance the lives of its community members by providing a space for informal activities and programs related to recreation, education and civic concerns of all age groups. While the center's programming will have a focus on preserving and reflecting the history of Irish community, the center will continue to enhance the community life of Outer Sunset residents by providing a space for all reactional, educational, and civic activities. Having served the community for more than 45 years, the United Irish Cultural Center, a non-profit organization, has deep roots in the neighborhood and is a respected and beloved member of the Parkside and Outer Sunset communities. For these reasons, supporters of the center include Cub Scout Park 0108, the Kennelly School of Irish Dance, Michel Dillion School of Irish Dance, SF Connaught Social and Athletic Club, and more than 260 public members,

Designed with an eye on reflecting the history and aspirations of the Irish community, the proposed mixed-use building will be prominent high-quality design that incorporate elements of the Irish culture including blue Kilkenny limestone and a rooftop that represents the four provinces of Ireland. The rooftop will be designed to include a roof deck that faces the coast and provides a view onto the Pacific Ocean. Located more than four blocks from the coast, the proposed Project will not impact protected views to and along the ocean and scenic coastal areas. As a new and improved United Irish Cultural Center with public and

civic importance, the building warrants a prominent design. The surrounding neighborhood is characterized by a mix of buildings with a variety of building heights, architectural styles, and materials. While there is a majority of smaller scale, one-to-three story residential and commercial buildings immediately adjacent to the subject property, the property is located within close proximity to a commercial corridor that includes buildings that are taller and bigger in size including a five-story-over-basement development at 2800 Sloat Boulevard.

III. Recreation and Habitat Protection

OBJECTIVE 6
MAINTAIN AND ENHANCE THE RECREATIONAL USE OF SAN FRANCISCO'S OCEAN BEACH SHORELINE.

The proposed Ordinance and proposed Project will also not significantly impact the enjoyment of the adjacent recreation areas or parks nor impact any candidate, sensitive, or special-status species, wetlands as defined by section 404 of the Clean Water Act, riparian habitat, or any other sensitive natural community identified in local or regional plans, policies, or regulations. The site does not contain any candidate, sensitive, or special-status species, wetlands as defined by section 404 of the Clean Water Act, riparian habitat, or any other sensitive natural community identified in local or regional plans, policies, or regulations.

A geotechnical investigation was prepared for the proposed Project that reviewed available geologic and geotechnical data in the site vicinity to develop preliminary recommendations regarding soil and groundwater conditions, site seismicity and seismic hazards, the most appropriate foundation type(s) for the proposed structure, and construction considerations, among other topics. The geotechnical report includes recommendations related to construction, including site preparation and grading, seismic design, foundations, retaining walls, slab-on-grade floors, site drainage, underpinning, temporary and finished slopes, and temporary shoring. Implementation of these recommendations, which would be overseen by the Department of Building Inspection, would ensure that the proposed project would not cause the soil underlying the project site to become unstable and result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse. The potential for risk of loss, injury, or death related to landslides of liquefaction would be low as the site is also not in within landslide or liquefaction hazard zones, Alquist-Priolo Earthquake Fault Zone, nor within a 100-year flood hazard zone, or a tsunami or seiche hazard area.

Additionally, the proposed Ordinance and associated Project is the culmination of a collaborative effort between the applicants, United Irish Cultural Center, and the community. Prior to the submittal of the required applications, the applicants conducted a Pre-Application Meeting on August 4, 2021 and subsequently held a kick-off meeting on August 28, 2021. Both meetings were well attended. Since the kick-off meeting, the applicants have continued to provide community members with Project updates via a monthly newsletter and a dedicated website.

In conclusion, the proposed Ordinance and associated Project are consistent with the Western Shoreline Plan and Local Coastal Program, for the following reasons:

- Incentivize transit usage in the area;
- Encourage other modes of transportation including biking and car-share;
- Reinforce and enhance the existing commercial corridor along Sloat Boulevard;

- Maintain and expand a recreational use aside from the coast and Zoo;
- Reinforce the recreational use of the Great Highway and Zoo;
- Provide off-street parking spaces and ease demand on on-street parking for visitors of the neighborhood and coast;
- Improve pedestrian safety in the immediate neighborhood via street improvements;
- Protect environmental sensitive habitat areas and the scenic and visual qualities of the coast; and
- Minimize risks to life and property in landslide or liquefaction hazard zones, Alquist-Priolo Earthquake Fault Zone, nor within a 100-year flood hazard zone, or a tsunami or seiche hazard area.

Additionally, the controls specific to the Wawona Street and 45th Avenue Cultural Center Special Use District also incorporate applicable zoning controls in the Small-Scale Neighborhood Commercial (NC-2) Zoning District. Many – but not all – of these controls postdate the 1986 certification of the City's Local Coastal Program. As such, the Local Coastal Program amendment for the Special Use District also includes the existing NC-2 Planning Code controls that have not yet been certified by the Coastal Commission. These controls are consistent with the Western Shoreline Plan and the City's Local Coastal Program.

The property's applicable Zoning District (NC-2), and Height and Bulk District (100-A) have not changed since the 1986 LCP certification. However, since 1986, the City has amended the NC-2 controls in accordance with Planning Code Section 302 and reflect the City's evolving policies and goals. The amendments to the NC-2 controls are listed below:

- Planning Code Section 102, Definitions for Bar, Full-Service Restaurant, Community Facility, Private and Public, General Office, Nighttime Entertainment, and Wireless Telecommunication Facilities
- Planning Code Section 121.1, Development of Large Lots, Neighborhood Commercial Districts
- Planning Code Section 121.2, Non-Residential Use Size Limits in Neighborhood Commercial Transit Districts
- Planning Code Section 124, Floor Area Ratio
- Planning Code Section 132, Front Setback
- Planning Code Section 133, Side Yard, RH-1(D) District
- Planning Code Section 134, Rear Yards in R, RC, NC, M, CMUO, MUG, MUO, MUR, RED, RED-MX, SPD, UMU, and WMUG Districts; And Lot Coverage Requirements In C Districts
- Planning Code Section 135, Usable open Space for Dwelling Units and Group Housing, R, NC, Mixed-Use, C, and M Districts
- Planning Code Section 136, Obstructions Over Streets and Alleys and in Required Setbacks, Yards, And Usable Open Space
- Planning Code Section 136.1, Awnings, Canopies and Marquees
- Planning Code Section 138.1, Streetscape and Pedestrian Improvements
- Planning Code Section 139, Standards for Bird Safe Buildings
- Planning Code Section 140, All Dwelling Units in all Use Districts to Face an Open Area
- Planning Code Section 141, Screening of Rooftop Features in R, NC, M, WMG, WMUO, RED, RED-MX, SALI, and Mixed Use Districts
- Planning Code Section 142, Screening and Greening of Parking and Vehicular Use Areas
- Planning Code Section 145.1, Street Frontages in Neighborhood Commercial, Residential-Commercial, Commercial, and Mixed Use Districts
- Planning Code Section 145.2, Outdoor Activity Areas in NC Districts
- Planning Code Section 145.4, Required Ground Floor Commercial Uses

- Planning Code Section 149, Better Roofs, Living Roof Alternative
- Planning Code Section 150, Off-street Loading Requirements
- Planning Code Section 151, Schedule of Required Off-Street Parking Spaces
- Planning Code Section 152, Schedule of Required Off-Street Freight Loading and Service Vehicle Spaces in Downtown Residential (DTR) Districts
- Planning Code Section 153, Rules for Calculating of Required Spaces
- Planning Code Section 154, Dimensions for Off-Street Parking, Freight Loading and Service Vehicle Spaces
- Planning Code Section 155, General Standards as to Location and Arrangement of Off-Street Parking, Freight Loading, and Service Vehicle Facilities
- Planning Code Section 155.1, Bicycle Parking: Definitions and Standards
- Planning Code Section 155.2, Bicycle Parking: Applicability and Requirements for Specific Uses
- Planning Code Section 155.4, Requirements for Shower Facilities and Lockers
- Planning Code Section 156, Parking Lots
- Planning Code Section 161, Exemptions and Exceptions from Off-Street parking, Freight Loading, and Service Vehicle Requirements
- Planning Code Section 166, Car Share
- Planning Code Section 169, Transportation Demand Management
- Planning Code Section 187.1, Automotive Service Stations, Electric Vehicle Charging Locations, and Gas Stations as Legal Non-Conforming Uses
- Planning Code Section 202.1, Zoning Control Tables
- Planning Code Section 202.2, Location and Operating Conditions
- Planning Code Section 202.4, Limitation on Change in Use or Demolition of Movie Theater Use
- Planning Code Section 204, Accessory Use, General
- Planning Code Section 204.5, Parking and Loading as Accessory Uses
- Planning Code Section 207, Dwelling Unit Density
- Planning Code Section 207.7, Dwelling Unit Mix
- Planning Code Section 208, Density Limitations for Group Housing or Homeless Shelters
- Planning Code Section 209.1, RH (Residential, House) Districts
- Planning Code Section 250-252, Height and Bulk District Established
- Planning Code Section 262, Additional Height Limits Applicable to Signs
- Planning Code Section 263.2, Special Height Exception: Additional Five Feet Height for Active Ground Floor Uses in Certain Districts
- Planning Code Section 260, Height Limits: Measurement
- Planning Code Section 261.1, Additional Height Limits for Narrow Streets and Alleys in R, RTO, NC, NCT, and Eastern Neighborhoods Mixed Use Districts
- Planning Code Section 295, Height Restrictions on Structures Shadowing Property Under the Jurisdiction of the Recreation and Park Commission
- Planning Code Section 270, Bulk
- Planning Code Section 271, Bulk Limits: Special Exceptions in Districts other than C-3
- Planning Code Section 302, Planning Code Amendments
- Planning Code Section 303, Conditional Uses
- Planning Code Section 303.1, Formula Retail
- Planning Code Section 304, Planned Unit Development
- Planning Code Section 305, Variances

- Planning Code Section 317, Loss of Residential and Unauthorized Units Through Demolition, Merger, and Conversion
- Planning Code Section 401-435, Article 4: Development Impact Fees and Project Requirements that Authorize the Payment of In-Lieu Fees
- Planning Code Section 601-611, Article 6: Signs
- Planning Code Section 703, Neighborhood Commercial District Requirements
- Planning Code Section 711, NC-2, Small-Scale Neighborhood Commercial District

For the reasons set forth below, these existing NC-2 controls are consistent with and promote the Western Shoreline Area Plan's policies regarding coastal access, public recreation, transportation, land use, and habitat protection within the coastal zone. Many of the NC-2 amendments reflect the City's goals to expand housing opportunities for all existing and future residents, facilitate thriving commerce and communities, promote and encourage recreational activities, foster safe and connected communities with improved public infrastructures including public transportation, and rectify and mitigate environmental impacts. For example, Planning Code Sections 138.1, 150-169, and 204.5 reflect the City's adoption of Better Streets Plan, Vision Zero, and Transit-First Policy. Relative to 1986, developments today are required to complete a number of public-right-of-way improvements (i.e. improving curb ramps, expanding sidewalk widths, bulbouts, public stairs, crosswalks) beyond the planting of street trees that will encourage access and use of the Coastal Zone. Developments today, unlike those in 1986, are also required to limit the number of off-street parking spaces while encouraging and providing other modes of transportation. Bicycle parking, car-share, freight loading, showers and lockers, and transportation demand management requirements were adopted after 1986. Planning Code Sections 102, 202.2, 202.4, 204, 303.1, 703, 711, 121.1, 121.2, 145.1, and 145.2 reflect the City's goal to maintain a healthy and diverse economy that provides essential jobs and services. Relative to 1986, land uses have also been better defined to reflect the evolving necessities and desires of the residents and visitors of the City and requirements have been imposed to mitigate their potential impacts including limiting use sizes, business types (i.e. big box), locations, and design of non-residential uses ground floors.

ATTACHMENTS

- Planning Code Sections
- Planning Code Comparison Chart
- Exhibit A-Plans
- Exhibit B- Environmental Determination
- Exhibit C- Land Use Data
- Exhibit D- Maps and Context Photos

SEC. 102. DEFINITIONS.

(See Interpretations related to this Section.)

For the purposes of this Code, certain words and terms used herein are defined as set forth in this and the following sections. Additional definitions applicable to Signs are set forth in Section 602. Additional definitions applicable to development impact fees and requirements that authorize the payment of in-lieu fees are set forth in Section 401. Additional definitions applicable only to Downtown Residential Districts are set forth in Section 890. Additional definitions applicable only to the North Beach Neighborhood Commercial District and the North Beach Special Use District are set forth in Section 780.3. Additional definitions applicable only to the Bernal Heights Special Use District are set forth in Section 242. Additional definitions applicable only to Article 9, Mission Bay Districts, are set forth in Section 996. All words used in the present tense shall include the future. All words in the plural number shall include the singular number, and all words in the singular number shall include the plural number, unless the natural construction of the wording indicates otherwise. The word "shall" is mandatory and not directory. Whenever any of the following terms is used it shall mean the corresponding officer, department, board or commission or its successor of the City and County of San Francisco, State of California, herein referred to as the City: Assessor, Board of Supervisors, Planning Department, Department of Public Works, Director of Planning, Planning Commission, or Zoning Administrator. In each case, the term shall be deemed to include an employee of any such officer or department of the City who is lawfully authorized to perform any duty or exercise any power as a representative or agent of that officer or department.

(Amended by Ord. 217-16; Ord. 129-17; Ord. 70-23; see Sec. 102 history note.)

A

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

(Added by Ord. 129-17; amended by Ord. 202-18; 208-19; Ord. 63-20; see Sec. 102 history note.)

Adjacent Building. Generally, a building on a lot adjoining the subject lot along a side lot line.

Adult Business. A Retail Sales and Service Use that includes the following: adult bookstore or adult video store, as defined by Section 791 of the Police Code; adult theater, as defined by Section 791 of the Police Code; and encounter studio, as defined by Section 1072.1 of the Police Code. Such use shall be located no less than 1,000 feet from another Adult Business use.

Adult Sex Venue [4] A Retail Sales and Service Use that operates pursuant to Health Code Article 47 [4] An Adult Sex Venue may include bathhouse facilities such as pools, tubs, or steam rooms, and is eligible for a Limited Live Performance permit.

(Added by Ord. 75-22; see Sec. 102 history note.)

Agricultural and Beverage Processing 1. An Industrial use that involves the processing of agricultural products and beverages with a low potential for noxious fumes, noise, and nuisance to the surrounding area, including but not limited to bottling plants, breweries, dairy products plant, malt manufacturing or processing plant, fish curing, smoking, or drying, cereal manufacturing, liquor distillery, manufacturing of felt or shoddy, processing of hair or products derived from hair, pickles, sauerkraut, vinegar, yeast, soda or soda compounds, meat products, and fish oil. This use does not include the processing of wood pulp, and is subject to the operating conditions outlined in Section 202.2(d).

(Amended by Ord. 229-17; see Sec. 102 history note.)

Agricultural and Beverage Processing 2. An Industrial Use that involves the processing of agricultural products and beverages with a high potential for noxious fumes, noise, and nuisance to the surrounding area, including but not limited to a flour mill; sugar refinery; manufacturer of cannabis products or extracts that are derived by using volatile organic compounds (any use requiring License Type 7—Manufacturer 2, as defined in California Business and Professions Code, Division 10); and facility for wool pulling or scouring. This use does not include the processing of wood pulp, and is subject to the operating conditions outlined in Section 202.2(d).

(Amended by Ord. 229-17; see Sec. 102 history note.)

Agriculture. A Use Category that includes Industrial Agriculture, Neighborhood Agriculture, and Large-Scale Urban Agriculture.

(Amended by Ord. 229-17; see Sec. 102 history note.)

Agriculture, Industrial. An Agricultural use that involves the cultivation of plants for wholesale sales or industrial uses. This use includes, but is not limited to, plant nurseries and cannabis cultivation operations, and is subject to the location and operating conditions listed in Section 202.2(c). For the cultivation of cannabis, this definition includes all cultivation pursuant to state license types that allow for indoor and/or mixed-light cultivation with up to 22,000 sq. ft. of canopy.

(Amended by Ord. 229-17; see Sec. 102 history note.)

Agriculture, Large-Scale Urban. An Agricultural Use that is characterized by the use of land for the production of food or horticultural crops to be harvested, sold, donated, or otherwise not used or consumed by the operator of the premises that occur: (a) on a plot of land one acre or larger or (b) on smaller parcels that cannot meet the physical and operational standards for Neighborhood Agriculture. This use is subject to location and operational conditions outlined in Section 202.2(c) and does not include any cannabis-related use or any other agricultural activities, including the cultivation of cannabis for personal use.

(Amended by Ord. 229-17; see Sec. 102 history note.)

Agriculture, Neighborhood. An Agricultural Use that occupies less than one acre for the production of food or horticultural crops to be harvested, sold, or donated and complies with the con trols and standards herein. The use includes, but is not limited to, home, kitchen, and roof gardens. Farms that qualify as Neighborhood Agricultural Use may include, but are not limited to, community gardens, community-supported agriculture, market gardens, and private farms. Neighborhood Agricultural Use may be principal or accessory use. This use is subject to location and operational conditions outlined in Section 202.2(c) and does not include any cannabis-related use or any other agricultural activities, including the cultivation of cannabis for personal use.

(Amended by Ord. 229-17; see Sec. 102 history note.)

Agriculture, Urban. Any subgrouping of Agricultural Uses that includes either Neighborhood Agriculture or Large-Scale Urban Agriculture.

Alley. A right-of-way, less than 30 feet in width, permanently dedicated to common and general use by the public.

Ambulance Service. See Service, Ambulance.

Animal Hospital. A Retail Sales and Service Use that provides medical care and accessory boarding services for animals, not including a Kennel.

Arts Activities. A retail Entertainment, Arts and Recreation Use that includes performance, exhibition (except exhibition of films), rehearsal, production, post-production and some schools of any of the following: dance; music; dramatic art; film; video; graphic art; painting; drawing; sculpture; small-scale glassworks; ceramics; textiles; woodworking; photography; custom-made jewelry or apparel; and other visual, performance, and sound arts and craft. It shall exclude accredited Schools and Post-Secondary Educational Institutions. It shall include commercial arts and art-related business service uses including, but not limited to: recording and editing services; small-scale film and video developing and printing; titling; video and film libraries; special effects production; fashion and photo stylists; production, sale, and rental of theatrical wardrobes; and studio property production and rental companies. Arts spaces shall include studios, workshops, archives, and theaters, and other similar spaces customarily used principally for arts activities, exclusive of a Movie Theater, General Entertainment, arcades that provide eleven or more amusement game devices, Adult Business, and any other establishment where liquor is customarily served during performances.

(Amended by Ord. 129-17; Ord. 202-18; Ord. 285-18; Ord. 205-19; see Sec. 102 history note.)

Automobile Assembly. An Industrial Use that involves the assembly of parts for the purpose of manufacturing automobiles, trucks, buses, or motorcycles. This use is subject to operational and location restrictions outlined in Section 202.2(d) of this Code.

Automobile Wrecking. An Industrial Use that includes the storage of vehicles in not in operational condition and/or sale of used automobile parts, or for the storage, dismantling, or abandonment of junk, automobiles, trailers, machinery or parts thereof. This use is subject to operational and location restrictions outlined in Section 202.2(d) of this Code.

Automobile Sale or Rental. A Retail Automotive Use that provides vehicle sales or rentals within a building or on an open lot.

Automotive Repair. A Retail Automotive Use that provides any of the following automotive repair services, when conducted within an enclosed building having no openings, other than fixed windows or exits required by law, located within 50 feet of any R District: minor auto repair, engine repair, rebuilding, or installation of power train components, reconditioning of badly worn or damaged motor vehicles, collision service, or full body paint spraying. It may include other services for automobiles including, but not limited to, accessory towing, if all towed vehicles stored on the premises are limited to those vehicles that are to be repaired on the premises.

Automotive Service. A subgrouping of Retail Automotive Uses providing services for motor vehicles that includes Gas Station, Automotive Service Station, Automotive Repair, and Automotive Wash.

(Amended by Ord. 188-15; see Sec. 102 history note.)

Automotive Service Station. A Retail Automotive Use that provides motor fuels and lubricating oils directly into motor vehicles and minor auto repairs (excluding engine repair, rebuilding, or installation of power train components, reconditioning of badly worn or damaged motor vehicles, collision service, or full body paint spraying) and services that remain incidental to the principal sale of motor fuel. Repairs shall be conducted within no more than three enclosed service bays in buildings having no openings, other than fixed windows or exits required by law, located within 40 feet of any R District. It may include other incidental services for automobiles including, but not limited to, accessory towing, if the number of towing vehicles does not exceed one, and all towed vehicles stored on the premises are limited to those vehicles that are to be repaired on the premises. This use is subject to the controls in Sections 187.1 and 202.2(b).

(Amended by Ord. 188-15; Ord. 129-17; Ord. 264-22; see Sec. 102 history note.)

Automotive Use. A Commercial Use category that includes Automotive Repair, Ambulance Services, Automobile Sale or Rental, Automotive Service Station, Automotive Wash, Electric Vehicle Charging Location, Fleet Charging, Gas Station, Parcel Delivery Service, Private Parking Garage, Private Parking Lot, Public Parking Garage, Public Parking Lot, Vehicle Storage Garage, Vehicle Storage Lot, and Motor Vehicle Tow Service. All Automotive Uses that have Vehicular Use Areas defined in this Section of the Code shall meet the screening requirements for vehicular use areas in Section 142.

(Amended by Ord. 202-18; Ord. 190-22; see Sec. 102 history note.)

Automotive Use, Non-Retail. A subcategory of Automotive Use that includes Ambulance Services, Fleet Charging, Parcel Delivery Service, Private Parking Garage, Private Parking Lot, and Motor Vehicle Tow Service.

(Amended by Ord. 202-18; Ord. 190-22; see Sec. 102 history note.)

Automotive Use, Retail. A subcategory of Automotive Use that includes Automotive Repair, Automotive Sale or Rental, Automobile

Service Station, Automotive Wash, Electric Vehicle Charging Location, Gas Station, Public Parking Garage, Public Parking Lot, Vehicle Storage Garage, and Vehicle Storage Lot.

(Amended by Ord. 190-22; see Sec. 102 history note.)

Automotive Wash. A Retail Automotive Use that provides cleaning and polishing of motor vehicles, including self-service operations. This use is subject to the location and operational restrictions in Section 202.2(e).

Awning. A light roof-like structure, supported entirely by the exterior wall of a building; consisting of a fixed or movable frame covered with cloth, plastic, or metal; extending over doors, windows, and/or show windows; with the purpose of providing protection from sun and rain and/or embellishment of the façade; as further regulated in Section 3105 of the Building Code.

B

Bar. A Retail Sales and Service Use that provides on-site alcoholic beverage sales for drinking on the premises, including bars serving beer, wine, and/or liquor to the customer where no person under 21 years of age is admitted (with Alcoholic Beverage Control [ABC] license types 23, 42, 48, or 61), drinking establishments serving beer where minors are present (with ABC license types 40 or 60) in conjunction with other uses such as Movie Theaters and General Entertainment, and bars serving wine operated by licensed winegrowers (with ABC license type 02). Such businesses shall operate with the specified conditions in Section 202.2(a). A non-profit theater that provides on-site alcoholic beverage sales only for consumption by ticket-holding patrons on the premises, with ABC license type 64, shall not be considered a Bar use.

(Amended by Ord. 188-15; Ord. 205-19; see Sec. 102 history note.)

Basement. See Story.

Bedroom. A room primarily used for sleeping that meets the minimum requirements as defined in the Building Code for sleeping rooms.

Board of Supervisors (Board). The Board of Supervisors of the City and County of San Francisco.

Bona Fide Eating Place. A place that is regularly and in a bona fide manner used and kept open for the service of meals to guests for compensation and that has suitable kitchen facilities connected therewith, containing conveniences for cooking of an assortment of foods that may be required for ordinary meals.

(a) "Meals" shall mean an assortment of foods commonly ordered at various hours of the day for breakfast, lunch, or dinner. Incidental food service, comprised only of appetizers to accompany drinks, is not considered a meal. Incidental, sporadic, or infrequent sales of meals or a mere offering of meals without actual sales is not compliance.

(b) "Guests" shall mean persons who, during the hours when meals are regularly served therein, come to a bona fide public eating place for the purpose of obtaining, and actually order and obtain at such time, in good faith, a meal therein. Nothing in this section, however, shall be construed to require that any food be sold or purchased with any beverage.

(c) Actual and substantial sales of meals are required, during the normal days and meal hours that a bona fide public eating place is open, provided that "normal days of operation" shall mean a minimum of five days a week and "normal hours" of operation for meal service shall mean approximately 7:00 a.m. to 11:00 a.m. if open for breakfast; 11:00 a.m. to 2:00 p.m. if open for lunch; or 5:00 p.m. to 10:00 p.m. if open for dinner.

(d) The premises must be equipped and maintained in good faith. This means the premises must possess working refrigeration and cooking devices, pots, pans, utensils, table service, condiment dispensers, menus, signs, and enough goods to make substantial meals. The premises must comply with all regulations of the Department of Public Health.

(e) The establishment must secure significant revenue from food and non-alcoholic beverage sales. Significant revenue from food and non-alcoholic beverage sales shall mean either:

(1) A minimum of 51% of the establishment's gross receipts shall be from food sales prepared and sold to guests on the premises. Records of the establishment's gross receipts shall be provided to the Department upon request; or

(2) Annual gross food and non-alcoholic beverage sales prepared and sold to guests on the premises of at least $4,200 per occupant based on the premises' maximum occupant load as determined and approved by the Fire Department and Department of Building Inspection. Records of the establishment's gross sales shall be provided to the Department upon request. The Zoning Administrator may adjust the amount of $4,200 per occupant each year, provided that such adjustments are supported by specific financial and economic criteria, including but not limited to a review of the restaurant market, costs, prices, profits, and loses,[1] and recognizing the differences in sizes and types of establishments.

(f) A "bona fide eating place" does not include an Adult Business as defined in this Section of the Code.

(g) For a place that has also established a Nighttime Entertainment Use and that only provides on-site alcoholic beverage sales for consumption by ticket-holding patrons on the premises during the normal hours of operation of entertainment activities, paragraphs (c) and (e) do not apply, but actual and substantial sales of meals are required during the normal hours of operation. For purposes of this paragraph, the "normal hours of operation" shall include two hours prior to, and one hour after, entertainment activities, but may not exceed eight total hours in a calendar day. This paragraph (g) does not apply to a place located in the Broadway Neighborhood Commercial District, North Beach Neighborhood Commercial District, Pacific Avenue Neighborhood Commercial District, or Polk Street Neighborhood Commercial District.

(Amended by Ord. 205-19; Proposition H, 11/3/2020; see Sec. 102 history note.)

Building. Any structure having a roof supported by columns or walls.

C

Cannabis Retail. A Retail Sales and Service Use that sells or otherwise provides cannabis and cannabis-related products for adult use, and that may also include the sale or provision of cannabis for medicinal use. A Cannabis Retail establishment may only be operated by the holder of (a) a valid license from the State of California (License Type 10—Retailer, as defined in California Business and Professions Code, Division 10) and (b) a valid permit from the City's Office of Cannabis. This use is subject to operating and location restrictions set forth in Section 202.2(a).

(Added by Ord. 229-17; see Sec. 102 history note.)

Canopy. A light roof-like structure, supported by the exterior wall of a building and on columns or wholly on columns, consisting of a fixed or movable frame covered with approved cloth, plastic or metal, extending over entrance doorways only, with the purpose of providing protection from sun and rain and/or embellishment of the façade, as further regulated in Section 3105 of the Building Code.

Catering. A Non-Retail Sales and Service Use that involves the preparation and delivery of goods including the following items: food, beverages; balloons, flowers, plants, party decorations and favors; or cigarettes/candy.

Chair/Foot Massage. See Massage, Chair/Foot.

Child Care Facility. An Institutional Community Use defined in California Health and Safety Code Section 1596.750 that provides less than 24-hour care for children by licensed personnel and meets the open-space and other requirements of the State of California and other authorities.

City. The City and County of San Francisco.

Commercial to Residential Adaptive Reuse. Commercial to Residential Adaptive Reuse shall mean to change the use of an existing Gross Floor Area from a non-residential use, other than a hotel use, to a residential use pursuant to Section 210.5.

(Added by Ord. 122-23; Ord. 159-23; see Sec. 102 history note.)

Commercial Use. A land use with the sole or chief emphasis on making financial gain, including but not limited to Agricultural Uses, Industrial Uses, Sales and Service Uses, Retail Entertainment Uses, and Auto Uses.

Commission. The San Francisco Planning Commission.

Community Facility. An Institutional Community Use that includes community clubhouses, neighborhood centers, community cultural centers, or other community facilities not publicly owned but open for public use in which the chief activity is not carried on as a gainful business and whose chief function is the gathering of persons from the immediate neighborhood in a structure for the purposes of recreation, culture, social interaction, health care, or education other than Institutional Uses as defined in this Section.

Community Facility, Private. An Institutional Community Use that includes a private lodge, private clubhouse, and private recreational facility other than a Community Facility as defined in this section, and which is not operated as a gainful business.

Community Recycling Collection Center. A Utility and Infrastructure Use that collects, stores, or handles recyclable materials, including glass and glass bottles, newspaper, aluminum, paper and paper products, plastic and other materials which may be processed and recovered, if within a completely enclosed container or building, having no openings other than fixed windows or exits required by law, provided that: (1) Flammable materials are collected and stored in metal containers; and (2) Collection hours are limited to 9:00 a.m. to 7:00 p.m. daily. It does not include the storage, exchange, packing, disassembling or handling of junk, waste, used furniture and household equipment, used cars in operable condition, used or salvaged machinery, or salvaged house-wrecking and structural steel materials and equipment.

Condition(s) of Approval. A condition or set of written conditions imposed by the Planning Commission or another permit-approving or issuing City agency or appellate body to which a project applicant agrees to adhere and fulfill when it receives approval for the construction of a development project subject to this Article.

Conditional (or Conditionally Permitted) Use. Conditional Use allows the Planning Commission to consider uses or projects that may be necessary or desirable in a particular neighborhood, but which are not allowed as a matter of right within a particular zoning district. Whether a use is conditional in a given district is indicated in this Code. Sections of this Code that govern Conditional Uses include, but are not limited to Sections 178, 179, 303, and 303.1.

(Added by Ord. 129-17; amended by Ord. 208-19; see Sec. 102 history note.)

Corner Lot. See Lot, Corner.

Cottage Food Operation. An Accessory Use to a Dwelling Unit as defined in Section 113758 of the California State Health and Safety Code.

Court. Any space on a lot other than a yard that, from a point not more than two feet above the floor line of the lowest story in the building on the lot in which there are windows from rooms abutting and served by the court, is open and unobstructed to the sky, except for obstructions permitted by this Code. An "outer court" is a court, one entire side or end of which is bounded by a front setback, a rear yard, a side yard, a front lot line, a street, or an alley. An "inner court" is any court that is not an outer court.

D

DBI. The San Francisco Department of Building Inspection or its successor.

Department. See Planning Department.

"Development Application" shall mean any application for a building permit, site permit, Conditional Use, Variance, Large Project Authorization, HOME-SF Project Authorization, authorization pursuant to Planning Code Sections 305.1, 309, 309.1, or 322, or for any other authorization of a development project required to be approved by the Zoning Administrator or Planning Commission.

(Added by Ord. 15-19; see Sec. 102 history note.)

Development Impact Fee. A fee imposed on a development project as a condition of approval to mitigate the impacts of increased demand for public services, facilities, or housing caused by the development project that may or may not be an impact fee governed by the California Mitigation Fee Act (California Government Code Section 66000, *et seq.*).

Design Professional. A Non-Retail Sales and Service Use that provides professional design services to the general public or to other businesses and includes architectural, landscape architectural, engineering, interior design, and industrial design services. It does not include (1) the design services of graphic artists or other visual artists which are included in the definition of Arts Activities; or (2) the services of advertising agencies or other services which are included in the definition of Professional Service or Non-Retail Professional Service, Financial Service, or Health Service. Design Professional in Neighborhood Commercial Districts is subject to the operating restrictions outlined in Section 202.2(i).

(Amended by Ord. 202-18; Ord. 233-21; Ord. 37-22; see Sec. 102 history note.)

Designated Child Care Unit. A Dwelling Unit that is designated for use as a State-licensed Small Family Child Care Home and meets the applicable standards established in Section 414A.6.

(Added by Ord. 7-19; see Sec. 102 history note.)

Diagonal Dimension. See Plan Dimensions.

(Added by Ord. 206-19; see Sec. 102 history note.)

Director. The Director of the Planning Department or his or her designee.

District. A portion of the territory of the City, as shown on the Zoning Map, within which certain regulations and requirements or various combinations thereof apply under the provisions of this Code. The term "district" shall include any use, special use, height and bulk, or special sign district. The classes of use districts are described in Section 201 of this Code.

Drive-Up Facility. A Use Characteristic that includes a structure designed for drive-to or drive-through trade which provides service to patrons while in private motor vehicles, excluding Automotive Gas Station, Automotive Service Station, Automotive Repair, and Automotive Wash.

DPW. The Department of Public Works or its successor.

Dwelling. A building, or portion thereof, containing one or more Dwelling Units. A "one-family dwelling" is a building containing exclusively a single Dwelling Unit. A "two-family dwelling" is a building containing exclusively two Dwelling Units. A "three-family dwelling" is a building containing exclusively three Dwelling Units.

Dwelling Unit. A Residential Use defined as a room or suite of two or more rooms that is designed for, or is occupied by, one family doing its own cooking therein and having only one kitchen. A housekeeping room as defined in the Housing Code shall be a Dwelling Unit for purposes of this Code. For the purposes of this Code, a Live/Work Unit, as defined in this Section, shall not be considered a Dwelling Unit.

Dwelling Unit, Accessory, or ADU. Also known as a Secondary Unit or In-Law Unit, is a Dwelling Unit that meets all the requirements of subsection 207(c)(4) or subsection 207(c)(6) and that is accessory to at least one other Dwelling Unit on the same lot. A detached ADU shall not share structural walls with either the primary structure or any other structure on the lot. Height for detached ADUs located outside the buildable area shall be measured from existing grade at any given point to either a) the highest point of a finished roof in the case of a flat roof or b) the average height of a pitched roof or stepped roof, or similarly sculptured roof form. Height for detached ADUs located outside the buildable area shall not be eligible for any exemptions described in Planning Code subsection 260(b).

(Added by Ords. 161-15 and 162-15; amended by Ord. 162-16; Ord. 95-17; Ord. 195-18; Ord. 116-19; Ord. 53-23; see Sec. 102 history note.)

Dwelling Unit, Junior Accessory, or JADU. A Dwelling Unit that meets all the requirements of subsection 207(c)(6), and that:

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

(b) is no more than 500 square feet of Gross Floor Area;

(c) is contained entirely within an existing or proposed single-family structure;

(d) may include separate sanitation facilities, or may share sanitation facilities with the existing structure;

(e) is owner-occupied, unless the owner resides in the remaining portion of the structure;

(f) includes an entrance to the Junior Accessory Dwelling Unit that is separate from the main entrance to the proposed or existing single-family structure; and

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

(Added by Ord. 53-23; see Sec. 102 history note.)

E

Eating and Drinking Use. A grouping of Retail Sales and Service Uses that provide food and/or beverages for either on- or off-site food consumption including Bars, Restaurants, and Limited-Restaurants. Eating and Drinking Uses are subject to the conditions in Section 202.2(a).

(Amended by Ord. 129-17; see Sec. 102 history note.)

Electric Vehicle Charging Location. Automotive Use, Retail that provides electricity to electric motor vehicles through more than one Electric Vehicle Charging Stations on a retail basis to the general public as a primary use. Electric Vehicle Charging Locations may include ancillary services, including but not limited to restrooms, self-service vending, and limited retail amenities primarily for the benefit of customers charging their vehicles.

(Added by Ord. 190-22; see Sec. 102 history note.)

Electric Vehicle Charging Station. An electric vehicle charging space served by an electric vehicle charger or other charging equipment.

(Added by Ord. 190-22; see Sec. 102 history note.)

Entertainment. See also Entertainment, Arts and Recreation Use, General Entertainment, Limited Live Performance, Nighttime Entertainment, and Outdoor Entertainment.

Entertainment, General. A Retail Entertainment, Arts and Recreation Use that provides entertainment or leisure pursuits to the general public including dramatic and musical performances where alcohol is not served during performances, arcades that provide eleven or more amusement game devices (such as video games, pinball machines, or other such similar mechanical and electronic amusement devices), billiard halls, bowling alleys, skating rinks, and mini-golf, when conducted within a completely enclosed building, and which is adequately soundproofed or insulated so as to confine incidental noise to the premises. Mechanical amusement devices are further regulated in Sections 1036 through 1036.24 of the Police Code.

(Amended by Ord. 129-17; Ord. 205-19; see Sec. 102 history note.)

Entertainment, Nighttime. A Retail Entertainment, Arts and Recreation Use that includes dance halls, discotheques, nightclubs, private clubs, and other similar evening-oriented entertainment activities which require dance hall keeper police permits or Place of Entertainment police permits, as defined in Section 1060 of the Police Code, which are not limited to non-amplified live entertainment, including Restaurants and Bars which present such activities. Nighttime Entertainment uses do not include any Arts Activity, any theater performance space which does not serve alcoholic beverages during performances, or any temporary uses permitted pursuant to Sections 205 through 205.5 of this Code. This use is also subject to the controls in Section 202.11. Nighttime Entertainment uses are subject to the Entertainment Commission's Good Neighbor Policy.

(Amended by Ord. 111-21; Ord. 70-23; see Sec. 102 history note.)

Entertainment, Outdoor. A Retail Entertainment, Arts and Recreation Use that includes circuses, carnivals, or other amusement enterprises not conducted within a building, and conducted on premises not less than 200 feet from any R District.

Entertainment, Arts and Recreation Use. A Use Category that includes Arts Activities, General Entertainment, Livery Stables, Movie Theater, Nighttime Entertainment, Open Recreation Area, Outdoor Entertainment, Passive Outdoor Recreation and Sports Stadiums. Adult Business is not included in this definition, except for the purposes of Development Impact Fee Calculation as described in Article 4.

(Amended by Ord. 129-17; Ord. 205-19; see Sec. 102 history note.)

F

Façade. An entire exterior wall assembly including, but not limited to, all finishes and siding, fenestration, doors, recesses, openings, bays, parapets, sheathing, and framing.

Façade, Front. The portion of the Façade fronting a right-of-way, or the portion of the Façade most closely complying with that definition, as in the case of a flag lot. Where a lot has more than one frontage on rights-of-way. all such frontages shall be considered Front Façades except where a façade meets the definition of "Rear Façade."

Façades, Principal. Exterior walls of a Building that are adjacent to or front on a public street, park, or plaza.

Façade, Rear. That portion of the Façade facing the part of a lot that most closely complies with the applicable Planning Code rear yard requirements.

Fair Return on Investment. Where the property owner does not own the business, the before income tax total annual rent and other compensation received from the business for the lease of the land and buildings, less the expenses of the lessor, on a cash basis. Where the property owner also owns the business, the before income tax profit on the sale of all goods and services at the business on a cash basis; for an Automotive Service Station business, it shall include the sale of gasoline, less the cost of goods sold and operating costs.

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

(Amended by Ord. 63-20; see Sec. 102 history note.)

Fleet Charging. Automotive Use, Non-Retail that provides electricity to electric motor vehicles through one or more Electric Vehicle Charging Stations that are dedicated or reserved for private parties pursuant to contract or other agreement and are not available to the general public. Fleet Charging is not allowed as an accessory use to any other principal use.

(Added by Ord. 190-22; see Sec. 102 history note.)

Flexible Retail. A Retail Sales and Service Use in Neighborhood Commercial Districts, subject to the requirements of Sections 179.2 and 202.9, that combines a minimum of two of the following distinct Uses within a space that may be operated by one or more business operators:

(1) Arts Activities;

(2) Restaurant, Limited;

(3) Retail Sales and Services, General;

(4) Service, Personal;

(5) Service, Retail Professional; and

(6) Trade Shop.

(Added by Ord. 285-18; amended by Ord. 111-21; see Sec. 102 history note.)

Flexible Workspace. A Retail Sales and Service use that is a combination of any uses within the Retail Sales and Service use category or a General Entertainment use that operates in conjunction with a principally or conditionally permitted Non-Retail Sales and Service use other than a Commercial Storage, Wholesale Sales, or Wholesale Storage use. The Retail Sales and Service or General Entertainment portion of the use shall be at least one-third of the overall Gross Floor Area and must face the street.

(Added by Ord. 122-23; Ord. 159-23; see Sec. 102 history note.)

Floor Area, Gross. In Districts other than C-3, the Central SoMa Special Use District and the Van Ness Special Use District, the sum of the gross areas of the several floors of a building or buildings, measured from the exterior faces of exterior walls or from the centerlines of walls separating two buildings. Where columns are outside and separated from an exterior wall (curtain wall) that encloses the building space or are otherwise so arranged that the curtain wall is clearly separate from the structural members, the exterior face of the curtain wall shall be the line of measurement, and the area of the columns themselves at each floor shall also be counted.

In the C-3 and Central SoMa and Van Ness Special Use Districts, the sum of the gross areas of the several floors of a building or buildings, measured along the glass line at windows at a height of four feet above the finished floor and along a projected straight line parallel to the overall building wall plane connecting the ends of individual windows, provided, however, that such line shall not be inward of the interior face of the wall.

(a) Except as specifically excluded in this definition, "Gross Floor Area" shall include, but not be limited to, the following:

(1) Basement and cellar space, including tenants' storage areas and all other spaces except that used only for storage or services necessary to the operation or maintenance of the building itself;

(2) Elevator shafts, stairwells, exit enclosures, and smoke-proof enclosures at each floor;

(3) Floor space in penthouses except as specifically excluded in this definition;

(4) Attic space (whether or not a floor has been laid) capable of being made into habitable space;

(5) Floor space in balconies or mezzanines in the interior of the building;

(6) Floor space in open or roofed porches, arcades, or exterior balconies, if such porch, arcade, or balcony is located above the ground floor or first floor of occupancy above basement or garage and is used as the primary access to the interior space it serves;

(7) In districts other than the C-3 and Central SoMa Special Use District, floor space in accessory buildings; and

(8) In the C-3 and Central SoMa Special Use Districts, any floor area dedicated to accessory or non-accessory parking, except for bicycle parking, required off-street loading, and accessory parking as specified in subsection (b)(7); and

(9) Any other floor space not specifically excluded in this definition.

(b) "Gross Floor Area" shall not include the following:

(1) Basement and cellar space used only for storage or services necessary to the operation or maintenance of the building itself;

(2) Attic space not capable of being made into habitable space;

(3) Elevator or stair penthouses, accessory water tanks or cooling towers, and other mechanical equipment, appurtenances, and areas necessary to the operation or maintenance of the building itself, if located at the top of the building or separated therefrom only by other space not included in the gross floor area;

(4) Mechanical equipment, appurtenances, and areas necessary to the operation or maintenance of the building itself (A) if located at an intermediate story of the building and forming a complete floor level; or (B) in the C-3 and Central SoMa Special Use Districts, if located on a number of intermediate stories occupying less than a full floor level, provided that the mechanical equipment, appurtenances, and areas are permanently separated from occupied floor areas and in aggregate area do not exceed the area of an average

floor as determined by the Zoning Administrator;

(5) Outside stairs to the first floor of occupancy at the face of the building which the stairs serve, or fire escapes;

(6) Floor space dedicated to accessory parking that does not exceed the amount principally permitted as accessory, and is located on any Basement Story;

(7) In C-3 and CMUO Districts, floor space dedicated to parking which does not exceed the amount principally permitted as accessory, and is located underground;

(8) Bicycle parking that meets the standards of Sections 155.1 through 155.4 of this Code;

(9) Arcades, plazas, walkways, porches, breezeways, porticos and similar features (whether roofed or not), at or near street level, accessible to the general public and not substantially enclosed by exterior walls; and accessways to public transit lines, if open for use by the general public; all exclusive of areas devoted to sales, service, display, and other activities other than movement of persons;

(10) Balconies, porches, roof decks, terraces, courts and similar features, except those used for primary access as described in Paragraph (a)(6) above, provided that:

(A) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high) or by such walls and interior lot lines, and the clear space is less than 15 feet in either dimension, the area shall not be excluded from Gross Floor Area unless it is fully open to the sky (except for roof eaves, cornices, or belt courses that project not more than two feet from the face of the building wall).

(B) If more than 70 percent of the perimeter of such an area is enclosed, either by building walls (exclusive of a railing or parapet not more than three feet eight inches high), or by such walls and interior lot lines, and the clear space is 15 feet or more in both dimensions: (i) The area shall be excluded from Gross Floor Area if it is fully open to the sky (except for roof eaves, cornices, or belt courses that project no more than two feet from the face of the building wall); and (ii) The area may have roofed areas along its perimeter which are also excluded from Gross Floor Area if the minimum clear open space between any such roof and the opposite wall or roof (whichever is closer) is maintained at 15 feet (with the above exceptions) and the roofed area does not exceed 10 feet in depth; (iii) In addition, when the clear open area exceeds 625 square feet, a canopy, gazebo, or similar roofed structure without walls may cover up to 10 percent of such open space without being counted as gross floor area.

(C) If, however, 70 percent or less of the perimeter of such an area is enclosed by building walls (exclusive of a railing or parapet not more than three feet eight inches high) or by such walls and interior lot lines, and the open side or sides face on a yard, street or court whose dimensions satisfy the requirements of this Code and all other applicable codes for instances in which required windows face upon such yard, street, or court, the area may be roofed to the extent permitted by such codes in instances in which required windows are involved;

(11) On lower, nonresidential floors, elevator shafts and other life-support systems serving exclusively the residential uses on the upper floors of a building;

(12) One-third of that portion of a window bay conforming to the requirements of Section 136(d)(2) that extends beyond the plane formed by the face of the façade on either side of the bay, but not to exceed seven square feet per bay window as measured at each floor;

(13) Ground floor area in the C-3-O, C-3-O(SD), C-3-S, C-3-S(SU), and C-3-G Districts, and in the Central SoMa Special Use District devoted to building or pedestrian circulation and building service;

(14) In the C-3-O, C-3-O(SD), C-3-S, C-3-S(SU), and C-3-G Districts, space devoted to personal services, restaurants, and retail sales of goods intended to meet the convenience shopping and service needs of downtown workers and residents, not to exceed 5,000 occupied square feet per use and, in total, not to exceed 75 percent of the area of the ground floor of the building plus the ground level, on-site open space. Said uses shall be located on the ground floor except that, in order to facilitate the creation of more spacious ground floor interior spaces, a portion of the said uses, in an amount to be determined pursuant to the provisions of Section 309, may be located on a mezzanine level;

(15) An interior space provided as an open space feature in accordance with the requirements of Section 138;

(16) Floor area in C-3 and Eastern Neighborhoods Mixed Use Districts devoted to child care facilities, provided that:

(A) Allowable indoor space is no less than 3,000 square feet and no more than 6,000 square feet;

(B) The facilities are made available rent free;

(C) Adequate outdoor space is provided adjacent, or easily accessible, to the facility. Spaces such as atriums, rooftops, or public parks may be used if they meet licensing requirements for child care facilities; and

(D) The space is used for child care for the life of the building as long as there is a demonstrated need. No change in use shall occur without a finding by the Planning Commission that there is a lack of need for child care and that the space will be used for a facility described in subsection (B)(17) below dealing with cultural, educational, recreational, religious, or social service facilities;

(17) Floor area in C-3 and Eastern Neighborhoods Mixed Use Districts permanently devoted to cultural, educational, recreational, religious, or social service facilities available to the general public at no cost or at a fee covering actual operating expenses, provided that such facilities are:

(A) Owned and operated by a nonprofit corporation or institution; or

(B) Are made available rent free for occupancy only by nonprofit corporations or institutions for such functions. Building area subject to this subsection shall be counted as Occupied Floor Area, except as provided in subsections (a) through (f) in the definition for Floor Area, Occupied, for the purpose of calculating the freight loading requirements for the project;

(18) In the C-3-O(SD) District, space devoted to personal services, eating and drinking uses, or retail sales of goods and that is located on the same level as the rooftop park on the Transbay Transit Center and directly accessible thereto by a direct publicly-accessible pedestrian connection meeting the standards of Section 138(j)(1); and

(19) In the C-3-O(SD) District, publicly-accessible space on any story above a height of 600 feet devoted to public accommodation that offers extensive views, including observation decks, sky lobbies, restaurants, bars, or other retail uses, as well as any elevators or other vertical circulation dedicated exclusively to accessing or servicing such space. The space must be open to the general public during normal business hours throughout the year, and may charge a nominal fee for access.

(20) [Expired]

(21) Any area devoted to bicycle parking, bicycle maintenance rooms, or car share spaces when such features are provided as part of a Development Project's compliance with the Transportation Demand Management Program set forth in Section 169 of the Planning Code.

(Amended by Ord. 52-15; Ord. 34-17; Ord. 13-18; Ord. 296-18; see Sec. 102 history note.)

Floor Area, Occupied. Floor area devoted to, or capable of being devoted to, a principal or Conditional Use and its accessory uses. For purposes of computation, "Occupied Floor Area" shall consist of the Gross Floor Area, as defined in this Code, minus the following:

(a) Accessory parking and loading spaces and driveways, and maneuvering areas incidental thereto;

(b) Exterior walls of the building;

(c) Mechanical equipment, appurtenances, and areas necessary to the operation or maintenance of the building itself, wherever located in the building;

(d) Restrooms and space for storage and services necessary to the operation and maintenance of the building itself, wherever located in the building;

(e) Space in a retail store for store management, show windows, and dressing rooms, and for incidental repairs, processing, packaging, and stockroom storage of merchandise for sale on the premises; and

(f) Incidental storage space for the convenience of tenants.

(Amended by Ord. 99-17; see Sec. 102 history note.)

Floor Area Ratio. The ratio of the Gross Floor Area of all the buildings on a lot to the area of the lot. In cases in which portions of the gross floor area of a building project horizontally beyond the lot lines, all such projecting gross floor area shall also be included in determining the floor area ratio.

Floor Area, Usable. Generally, the sum of the gross areas of the several floors of a building, measured from the exterior walls or from the center lines of common walls separating two buildings. See alternative definition for the Bernal Heights Special Use District.

Formula Retail. Formula Retail shall have the meaning set forth in Section 303.1 of the Planning Code.

G

Gas Station. A Retail Automotive Use that provides motor fuels, lubricating oils, air, and water directly into motor vehicles and without providing Automotive Repair services, and which also includes self-service operations that sell motor fuel only. This use is subject to the controls in Sections 202.2(b) and 187.1.

(Amended by Ord. 188-15; see Sec. 102 history note.)

General Entertainment. See Entertainment, General.

General Grocery. See Grocery, General.

Gift Store-Tourist Oriented. A Retail Sales and Service Use that involves the marketing of small art goods, gifts, souvenirs, curios, or novelties to the public, particularly those who are visitors to San Francisco rather than local residents.

Grain Elevator. An Industrial Use defined as a storage facility for grain that contains a bucket elevator or a pneumatic conveyor that scoops up grain from a lower level and deposits it in a silo or other storage facility. This use also covers the entire elevator complex including, but not limited to, receiving and testing offices, weighbridges, and storage facilities.

Grocery, General. A Retail Sales and Services Use that:

(a) Offers a diverse variety of unrelated, non-complementary food and non-food commodities, such as beverages, dairy, dry goods, fresh produce and other perishable items, frozen foods, household products, and paper goods;

(b) May provide beer, wine, and/or liquor sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general) that occupy less than 15% of the Occupied Floor Area of the establishment (including all areas devoted to the display and sale of alcoholic beverages);

(c) May prepare minor amounts of food on site for immediate consumption;

(d) Markets the majority of its merchandise at retail prices; and

(e) Shall operate with the specified conditions in Section 202.2(a)(1).

(f) Such businesses require Conditional Use authorization for conversion of a General Grocery use greater than 5,000 square feet, pursuant to Section 202.3 and 303(l).

(Amended by Ord. 188-15; Ord. 129-17; see Sec. 102 history note.)

Grocery, Specialty. A Retail Sales and Services Use that:

(a) Offers specialty food products such as baked goods, pasta, cheese, confections, coffee, meat, seafood, produce, artisanal goods, and other specialty food products, and may also offer additional food and non-food commodities related or complementary to the specialty food products;

(b) May provide beer, wine, and/or liquor sales for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general) which occupy less than 15% of the Occupied Floor Area of the establishment (including all areas devoted to the display and sale of alcoholic beverages);

(c) May prepare minor amounts of food on site for immediate consumption off-site with no seating permitted; and

(d) Markets the majority of its merchandise at retail prices.

(e) Such businesses that provide food or drink per subsections (b) and (c) above shall operate with the specified conditions in Section 202.2(a)(1).

(Amended by Ord. 188-15; Ord. 129-17; see Sec. 102 history note.)

Gross Floor Area. See Floor Area, Gross

Ground Floor. First Story, as defined under Story, below.

(Added by Ord. 206-19; see Sec. 102 history note.)

Group Housing. A Residential Use that provides lodging or both meals and lodging, without individual or limited cooking facilities or kitchens, by prearrangement for 30 days or more at a time and intended as Long-Term Housing, in a space not defined by this Code as a Dwelling Unit. Except for Group Housing that also qualifies as Student Housing as defined in this Section 102, 100% Affordable Housing as defined in Planning Code Section 315, or housing operated by an organization with tax-exempt status under 26 United States Code Section 501(c)(3) providing access to the unit in furtherance of it^3 primary mission to provide housing, the residential square footage devoted to Group Housing shall include both common and private space in the following amounts: for every gross square foot of private space (including bedrooms and individual bathrooms), 0.5 gross square feet of common space shall be provided, with at least 15% of the common space devoted to communal kitchens with a minimum of one kitchen for every 15 Group Housing units. Group Housing shall include, but not necessarily be limited to, a Residential Hotel, boardinghouse, guesthouse, rooming house, lodging house, residence club, commune, fraternity or sorority house, monastery, nunnery, convent, or ashram. It shall also include group housing affiliated with and operated by a medical or educational institution, when not located on the same lot as such institution, which shall meet the applicable provisions of Section 304.5 of this Code concerning institutional master plans.

(Amended by Ord. 50-22; see Sec. 102 history note.)

Gym. A Retail Sales and Service Use including a health club, fitness, gymnasium, or exercise facility when including equipment and space for weight-lifting and cardiovascular activities.

(Amended by Ord. 111-21; see Sec. 102 history note.)

H

Hazardous Waste Facility. An Industrial Use that includes any use involving the treatment, transfer, storage, resource recovery, disposal, or recycling of hazardous waste that is produced at an off-site facility, but shall not include a facility that: (1) manages only used oil, used oil filters, latex paint, antifreeze, small household batteries or lead acid batteries; or (2) establishes that it is not required to obtain a hazardous waste facility permit from the State of California. The terms "hazardous waste," "treatment," "transfer," "storage," "disposal," "off-site facility," and "used oil" as used herein shall have the meaning given those terms in the California Health and Safety Code, Division 20, Chapter 6.5, Articles 2 and 13, which are hereby incorporated by reference.

Health Service. See Service, Health.

Heavy Manufacturing. See Manufacturing, Heavy.

Height (of a building or structure). The vertical distance by which a building or structure rises above a certain point of measurement. See Section 260 of this Code for how height is measured.

Homeless Shelter. A Residential Use defined as living and/or sleeping accommodations without any fee to individuals and families who are homeless, as defined in the Federal Homeless Emergency Assistance and Rapid Transition to Housing (HEARTH) Act of 2009 (S.896), as amended from time to time. Homeless Shelters shall comply with the requirements of the Standards of Care for City Shelters contained in Administrative Code, Chapter 20, Article XIII, including the requirement for operational standards in Section 20.404(d).

Horizontal Elements. All roof areas and all floor plates, except floor plates at or below grade.

Hospital. An Institutional Healthcare Use that includes a hospital, medical center, or other medical institution that provides facilities for inpatient or outpatient medical care and may also include medical offices, clinics, laboratories, and employee or student dormitories and

other housing, operated by and affiliated with the institution, which institution has met the applicable provisions of Section 304.5 of this Code concerning Institutional Master Plans.

(Amended by Ord. 188-15; see Sec. 102 history note.)

Hotel. A Retail Sales and Services Use that provides tourist accommodations, including guest rooms or suites, which are intended or designed to be used, rented, or hired out to guests (transient visitors) intending to occupy the room for less than 32 consecutive days. This definition also applies to buildings containing six or more guest rooms designated and certified as tourist units, under Chapter 41 of the San Francisco Administrative Code. For purposes of this Code, a Hotel does not include (except within the Bayshore-Hester Special Use District as provided for in Sections 713 and 780.2 of this Code) a Motel, which contains guest rooms or suites that are independently accessible from the outside, with garage or parking space located on the lot, and designed for, or occupied by, automobile-traveling transient visitors. Hotels shall be designed to include all lobbies, offices, and internal circulation to guest rooms and suites within and integral to the same enclosed building or buildings as the guest rooms or suites.

Hotel, Residential. A Residential Use defined in Chapter 41 of the San Francisco Administrative Code that contains one or more residential hotel units. A residential hotel unit is a guest room, as defined in Section 203.7 of Chapter XII, Part II, of the San Francisco Municipal Code (Housing Code), which had been occupied by a permanent resident on September 23, 1979, or any guest room designated as a residential unit pursuant to Sections 41.6 or 41.7 of Chapter 41 of the San Francisco Administrative Code. Residential hotels are further defined and regulated in the Residential Hotel Unit Conversion and Demolition Ordinance, Chapter 41, of the San Francisco Administrative Code.

Hours of Operation. A commercial Use Characteristic limiting the permitted hours during which any commercial establishment, not including automated teller machines, may be open for business. Other restrictions on the hours of operation of Movie Theaters, Adult Businesses, Adult Sex Venues, Nighttime Entertainment, and General Entertainment Uses shall apply pursuant to provisions in Section 303(p), when such uses are permitted as Conditional Uses. A Pharmacy may qualify for the exception to operate on a 24-hour basis provided in Section 202.2(a)(2) of the Code. The hours of operation of a principally permitted Adult Sex Venue are subject to the provisions in Section 202.2(a)(8).

(Amended by Ord. 129-17; Ord. 202-18; Ord. 75-22; Ord. 70-23; see Sec. 102 history note.)

I

Industrial Use. A Use Category containing the following uses: Agricultural and Beverage Processing 1 and 2, Automobile Wrecking, Automobile Assembly, Grain Elevator, Hazardous Waste Facility, Junkyard, Livestock Processing 1 and 2, Heavy Manufacturing 1, 2, and 3, Light Manufacturing, Metal Working, Ship Yard, Storage Yard, Volatile Materials Storage, and Truck Terminal.

(Amended by Ord. 229-17; Ord. 202-18; see Sec. 102 history note.)

Infrastructure. Open space and recreational facilities; public realms improvements such as pedestrian improvements and streetscape improvements; public transit facilities; and community facilities such as libraries, child care facilities, and community centers.

In-Kind Agreement. An agreement acceptable in form and substance to the City Attorney and the Director of Planning, under which the project sponsor agrees to provide a specific set of community improvements, at a specific phase of construction, in lieu of contribution to the relevant Fund.

In Lieu Fee. A fee paid by a project sponsor in lieu of complying with a requirement of this Code and that is not a development impact fee governed by the Mitigation Fee Act.

Institutional Community Use. A subcategory of Institutional Uses that includes Child Care Facility, Community Facility, Private Community Facility, Job Training, Religious Institution, Social Service or Philanthropic Facility, and Public Facility.

(Amended by Ord. 182-19, see Sec. 102 history note.)

Institutional Education Use. A subcategory of Institutional Uses that includes Post-Secondary Educational Institution, School, and Trade School.

Institutional Healthcare Use. A subcategory of Institutional Uses that includes Hospital, Medical Cannabis Dispensary, and Residential Care Facility.

Institutional Use. A Use Category that includes Child Care Facility, Community Facility, Private Community Facility, Hospital, Job Training, Medical Cannabis Dispensary, Religious Institution, Residential Care Facility, Social Service or Philanthropic Facility, Post-Secondary Educational Institution, Public Facility, School, and Trade School.

(Amended by Ord. 63-20; see Sec. 102 history note.)

Interior Lot. See Lot, Interior.

Intermediate Length Occupancy. A Residential Use characteristic that applies to a Dwelling Unit offered for occupancy by a natural person for an initial stay, whether through lease, subscription, license, or otherwise, for a duration of greater than 30 consecutive days but less than one year. This use characteristic is subject to the requirements of Section 202.10.

(Added by Ord. 78-20; see Sec. 102 history note.)

Internet Service Exchange. A Utility and Infrastructure Use defined as a location that contains any of the following uses (excluding a Wireless Telecommunications Services Facility): switching equipment (whether wireline or wireless) that joins or connects occupants, customers, or subscribers to enable customers or subscribers to transmit data, voice or video signals to each other; one or more computer systems and related equipment used to build, maintain, or process data, voice or video signals, and provide other data processing services; or a group of network servers.

(Amended by Ord. 166-16; see Sec. 102 history note.)

J

Jewelry Store. A Retail Sales and Service Use that primarily involves the sale of jewelry to the general public. It may involve sales of precious stones, gems, precious metals, gold and silver, or clocks and watches. Repair services or setting, custom design or manufacture of individual pieces of jewelry may also be provided.

Job Training. A Institutional Community Use that provides job training and may also provide vocational counseling and job referrals.

Junk Yard. An Industrial Use defined as an outdoor space where junk, waste, discarded or salvaged materials are stored or handled, including house-wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment, excluding automobile wrecking operations, which is defined as a separate use in this Section of the Code; yards or establishments for the sale, purchase, or storage of used cars or machinery in operable condition; and the processing of used, discarded, or salvaged materials as part of a permitted manufacturing operation in the same premises.

K

Kennel. A Retail Sales and Services Use where dogs, or dogs and cats, are boarded for compensation, or are cared for or trained for hire, or are kept for sale or bred for sale, where the care, breeding, or sale of the dogs, or dogs and cats, is the principal means of livelihood of the occupants of the premises.

(Amended by Ord. 111-21; see Sec. 102 history note.)

L

Laboratory. A Non-Retail Sales and Services Use intended or primarily suitable for scientific research. The space requirements of uses within this category include specialized facilities and/or built accommodations that distinguish the space from Office uses, Light Manufacturing, or Heavy Manufacturing. Examples of laboratories include the following:

(a) Chemistry, biochemistry, or analytical laboratory;

(b) Engineering laboratory;

(c) Development laboratory;

(d) Biological laboratories including those classified by the Centers for Disease Control (CDC) and National Institutes of Health (NIH) as Biosafety level 1, Biosafety level 2, or Biosafety level 3;

(e) Animal facility or vivarium, including laboratories classified by the CDC/NIH as Animal Biosafety level 1, Animal Biosafety level 2, or Animal Biosafety level 3;

(f) Support laboratory;

(g) Quality assurance/Quality control laboratory;

(h) Core laboratory; and

(i) Cannabis testing facility (any use requiring License Type 8—Testing Laboratory, as defined in California Business and Professions Code, Division 10).

(Amended by Ord. 229-17; see Sec. 102 history note.)

Large-Scale Urban Agriculture. See Agriculture, Large Scale Urban.

Laundromat. A Retail Sales and Service Use that is used for the purpose of washing, drying, dry cleaning, starching, or ironing, for the general public, wearing apparel, household linens, or other washable fabrics, or a place used or maintained for the storage, collection, or delivery of such articles for such service. A Laundromat use shall include any place, whether self-service or otherwise, maintained for the general public for the purpose of washing and drying wearing apparel, household linens, or other washable fabrics, by coin-operated, or card-operated laundry machinery.

(Amended by Ord. 209-21; see Sec. 102 history note.)

Length (of a Building or Structure). See Plan Dimensions.

(Added by Ord. 206-19; see Sec. 102 history note.)

Licensed Child Care Facility. A child care facility that has been issued a valid license by the California Department of Social Services pursuant to California Health and Safety Code Sections 1596.80-1596.875, 1596.95-1597.09, or 1597.30-1597.61.

Life Science. A Non-Retail Sales and Service Use that involves the integration of natural and engineering sciences and advanced biological techniques using organisms, cells, and parts thereof for products and services. This includes the creation of products and services used to analyze and detect various illnesses, the design of products that cure illnesses, and/or the provision of capital goods and services, machinery, instruments, software, and reagents related to research and production. Life Science uses may utilize office, laboratory, light manufacturing, or other types of space. As a subset of Life Science uses, Life Science laboratories typically include biological laboratories and animal facilities or vivaria, as described in the Laboratory definition Subsections (d) and (e).

Light Manufacturing. See Manufacturing, Light.

Limited Live Performance. An Accessory Use as defined in Section 1060 of the Police Code

Limited Restaurant. See Restaurant, Limited.

Liquor Store. A Retail Sales and Service Use that sells beer, wine, or distilled spirits to a customer in an open or closed container for consumption off the premises and that needs a State of California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine) or type 21 (off-sale general) This classification shall not include retail uses that:

(a) are both (1) classified as a General Grocery, a Specialty Grocery, or a Restaurant- Limited, and (2) have a Gross Floor Area devoted to alcoholic beverages that is within the applicable accessory use limits for the use district in which it is located, or

(b) have both (1) a Non-residential Use Size of greater than 10,000 gross square feet and (2) a gross floor area devoted to alcoholic beverages that is within accessory use limits as set forth in Section 204.3 or Section 703(d) of this Code, depending on the zoning district in which the use is located.

(c) For purposes of Planning Code Sections 249.5, 781.8, 781.9, 782, and 784, the retail uses explicitly exempted from this definition as set forth above shall only apply to General Grocery and Specialty Grocery stores that exceed 5,000 square feet in size and shall not:

(1) sell any malt beverage with an alcohol content greater than 5.7 percent by volume; any wine with an alcohol content of greater than 15 percent by volume, except for “dinner wines” that have been aged two years or more and maintained in a corked bottle; or any distilled spirits in container sizes smaller than 600 milliliters;

(2) devote more than 15 percent of the gross square footage of the establishment to the display and sale of alcoholic beverages; and

(3) sell single servings of beer in container sizes 24 ounces or smaller.

Liquor Store uses are subject to the operating conditions of Section 202.2(a)(6). Where conditionally permitted, the Conditional Use authorization shall also satisfy the conditions of Section 303(z).

(Amended by Ord. 129-17; Ord. 182-19; see Sec. 102 history note.)

Livery Stable. A Retail Entertainment, Arts and Recreation Use where horses and carriages are kept for hire and where stabling is provided. This use also includes horse riding academies.

Livestock Processing 1. An Industrial Use that involves the live storage, killing or dressing of poultry, rabbits or other small livestock, and/or the tanning or curing of raw hides or skins from an animal of any size. Direct sales to customers is permitted on site. This use is subject to the location and operating restrictions in Section 202.2(d).

Livestock Processing 2. An Industrial Use that involves the live storage, killing or dressing of cows, pigs, goats, and other large livestock and/or the tanning or curing of raw hides or skins from an animal of any size. Direct sales to customers is permitted on site. This use is subject to the location and operating restrictions in Section 202.2(d).

Live/Work Project. A Housing Project containing more than one Live/Work Unit.

Live/Work Unit. A hybrid Residential and PDR Use that is defined as a structure or portion of a structure combining a residential living space for a group of persons including not more than four adults in the same unit with an integrated work space principally used by one or more of the residents of that unit; provided, however, that no otherwise qualifying portion of a structure that contains a Group A occupancy under the Building Code shall be considered a Live/Work Unit. No City official, department, board, or commission shall issue or approve a building permit or other land use entitlement authorizing a new live/work unit as defined here, except as authorized under Section 210.5, or as an accessory use under Section 204.4. Lawfully approved live/work units are subject to the provisions of Sections 181 and 317 of this Code.

(Amended by Ord. 122-23; Ord. 159-23; see Sec. 102 history note.)

Long Term Housing. Housing intended for occupancy by a person or persons for 32 consecutive days or longer.

Lot. A parcel of land under one ownership that constitutes, or is to constitute, a complete and separate functional unit of development, and that does not extend beyond the property lines along streets or alleys. A lot as so defined generally consists of a single Assessor's lot, but in some cases consists of a combination of contiguous Assessor's lots or portions thereof where such combination is necessary to meet the requirements of this Code. In order to clarify the status of specific property as a lot under this Code, the Zoning Administrator may, consistent with the provisions of this Code, require such changes in the Assessor's records, placing of restrictions on the land records, and other actions as may be necessary to assure compliance with this Code. The definition of "lot" shall also be applicable to piers under the jurisdiction of the Port Commission.

Lot, Corner. A lot bounded on two or more adjoining sides by streets that intersect adjacent to such lot, provided that the angle of intersection of such streets along such lot does not exceed 135 degrees. For the purposes of this Code, no Corner Lot shall be considered wider or deeper than 125 feet, and the remainder of any lot involved shall be considered to be an Interior Lot. Whenever a Corner Lot is resubdivided, only that portion which thereafter is bounded on adjoining sides by streets as herein described shall be a Corner Lot.

Lot, Interior. A lot other than a Corner Lot.

Lot Size (Per Development). The permitted gross lot area for new construction or expansion of existing development.

M

Mandatory Discretionary Review. A hearing before the Planning Commission that is required by the Planning Code at which the Commission will determine whether to approve, modify, or disapprove a permit application.

Manufacturing 1, Heavy. An Industrial Use having the potential of creating substantial noise, smoke, dust, vibration, and/or other

environmental impacts or pollution, and including, but not limited to:

(a) Concrete mixing, concrete products manufacture,

(b) Electric foundry or foundry for nonferrous metals

(c) Enameling, lacquering, wholesale paint mixing from previously prepared pigments and vehicles,

(d) Woodworking mill, manufacture of woodfibre, sawdust or excelsior products not involving chemical processing,

(e) Blast furnace, rolling mill, or smelter; and

(f) Ice manufacturing plant.

This use is subject to the location and operation controls in Section 202.2(d)

Manufacturing 2, Heavy. An Industrial Use having the potential of creating substantial noise, smoke, dust, vibration, and/or other environmental impacts or pollution, and including, but not limited to:

(a) Production or refining of petroleum products, excluding such products used solely as fuel sources;

(b) Rendering or reduction of fat, bones, or other animal material, where adequate provision is made for the control of odors through the use of surface condensers and direct-flame afterburners or equivalent equipment;

(c) Incineration of garbage, refuse, dead animals or parts thereof;

This use is subject to the controls in Section 202.2(d).

(Amended by Ord. 217-21; see Sec. 102 history note.)

Manufacturing 3, Heavy. An Industrial Use having the potential of creating substantial noise, smoke, dust, vibration, and/or other environmental impacts or pollution, and including, but not limited to:

(a) Battery manufacture;

(b) Manufacture of corrosive acid or alkali, cement, gypsum, lime, plaster of Paris, explosive, fertilizer, glue or gelatin from fish or animal refuse;

(c) Manufacture, refining, distillation, or treatment of any of the following: abrasives, acid (noncorrosive), alcohol, ammonia, asbestos, asphalt, bleaching powder, candles (from tallow), celluloid, chlorine, coal, coke, creosote, dextrine, disinfectant, dye, enamel, gas carbon or lampblack, gas (acetylene or other inflammable), glucose, insecticide, lacquer, linoleum, matches, oilcloth, oil paint, paper (or pulp), petroleum products (excluding such products used solely as fuel sources), perfume, plastics, poison, potash, printing ink, refuse mash or refuse grain, rubber (including balata or gutta-percha or crude or scrap rubber), shellac, shoe or stove polish, soap, starch, tar, turpentine, or varnish.

(d) Foundry, structural iron or pipe works, boilermaking where riveting is involved, locomotive works, roundhouse or railroad shop.

This use is subject to the location and operation controls in Section 202.2(d)

(Amended by Ord. 217-21; see Sec. 102 history note.)

Manufacturing, Light. An Industrial Use that provides for the fabrication or production of goods, by hand or machinery, for distribution to retailers or wholesalers for resale off the premises, primarily involving the assembly, packaging, repairing, or processing of previously prepared materials. Light manufacturing uses include production and custom activities usually involving individual or special design, or handiwork, such as the following fabrication or production activities, as may be defined by the Standard Industrial Classification Code Manual as light manufacturing uses:

(a) Food processing;

(b) Apparel and other garment products;

(c) Furniture and fixtures;

(d) Printing and publishing of books or newspapers;

(e) Leather products;

(f) Pottery;

(g) Glass-blowing;

(h) Commercial laundry, rug cleaning, and dry cleaning facility;

(i) Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks; or

(j) Manufacture of cannabis products or cannabis extracts that are derived without the use of volatile organic compounds (any use requiring License Type 6—Manufacturer 1, as defined in California Business and Professions Code, Division 10).

It shall not include Trade Shop, Agricultural and Beverage Processing 1 or 2, or Heavy Manufacturing 1, 2, or 3. This use is subject to the location and operation controls in Section 202.2(d).

(Amended by Ord. 229-17; Ord. 111-21; see Sec. 102 history note.)

Maritime Use. A Use Characteristic defined as any use that requires access to or use of San Francisco Bay waters in order to function or operate in the normal course of business including, but not limited to, uses associated with waterborne commerce, navigation, fisheries, and recreation, and industrial, commercial, and other operations directly related to the conduct of waterborne commerce, navigation, fisheries, or recreation on property subject to public trust. Maritime Uses also includes houseboats or residential uses on the water.

Marquee. A permanent roofed structure attached to and supported entirely by a building, including any object or decoration attached to or part of said marquee, no part of which shall be used for occupancy or storage, with the purpose of providing protection from sun and rain and/or embellishment of the façade, as further regulated in Section 3106 of the Building Code.

Massage, Chair/Foot. A Retail Sales and Service Use where the only massage service provided is chair or foot massage, such service is visible to the public, and customers are fully clothed at all times.

Massage Establishment. A Retail Sales and Service Use defined by Section 29.5 of the Health Code. For purposes of the Planning Code only, "Massage Establishment" shall include a "Massage Establishment" but shall not include a "Sole Practitioner Massage Establishment," as these terms are defined in Section 29.5 of the Health Code. The Massage Establishment shall first obtain a permit from the Department of Public Health pursuant to Section 29.25 of the Health Code, or a letter from the Director of the Department of Public Health certifying that the establishment is exempt from such a permit under Section 29.25 of the Health Code

(Amended by Ord. 73-15; Ord. 63-20; Ord. 233-21; Ord. 37-22; see Sec. 102 history note.)

Medical Cannabis Dispensary. An Institutional Healthcare Use that is either (a) a cooperative or collective operating under the authority of a permit issued by the Director of Health under Article 33 of the Health Code, or (b) a Medicinal Cannabis Retailer as defined in Police Code Section 1602. A Medical Cannabis Dispensary Use is permitted only if it meets the conditions listed in Section 202.2(e).

(Amended by Ord. 229-17; see Sec. 102 history note.)

Metal Working. An Industrial use that includes metal working or blacksmith shop; excluding presses of over 20 tons' capacity and machine-operated drop hammers. This use is subject to location and operational controls in Section 202.2(d).

Mobile Food Facility. Any vehicle or pushcart used in conjunction with a commissary or other permanent food facility upon which food is sold or distributed at retail prices. Mobile Food Facility does not include a "Transporter" used to transport packaged food from a food facility or other approved source to the consumer. A Mobile Food Facility does not include any use that sells goods, wares, or merchandise other than food or drink intended for human consumption. For the purposes of the Planning Code, a Mobile Food Facility that is a temporary Use is regulated as an intermittent activity, per Section 205.4; a Mobile Food Facility that exceeds the limitations set forth in Section 205.4 is considered a Restaurant or Limited Restaurant Use, as defined in this Section 102, and is regulated as such by the Use controls for the respective zoning district. Mobile Food Facilities shall comply with the good neighbor policies set forth in Public Works Code Section 184.94 as well as Planning Code Section 202.2(a)(1).

(Amended by Ord. 129-17; see Sec. 102 history note.)

MOH. The Mayor's Office of Housing and Community Development or its successor.

Mortuary. A Retail Sales and Services Use that provides funeral services, funeral preparation, or burial arrangements, including retail establishments that predominantly sell or offer for sale caskets, tombstones, or other funerary goods. In RH, RM, RTO, and RC Districts only, this use includes Columbarium use, which provides for the storage of cremated remains in niches.

Motel. A Retail Sales and Services Use that includes an auto court, motor lodge, tourist court, or other facility similarly identified, contains rooms or suites of rooms, none with individual cooking facilities, which are offered for compensation and are primarily for the accommodation of transient guests traveling by automobile, and where each sleeping unit is independently accessible from the outside. This use is subject to the controls listed in Section 202.2(a).

Movie Theater. A Retail Entertainment, Arts and Recreation Use that displays motion pictures, videos, slides, or closed-circuit television pictures. This use does not include an adult theater, which is regulated as an Adult Business. Removal of a Movie Theater is subject to the controls in Section 202.4.

MTA. The Municipal Transportation Agency or its successor.

MTA Director. The Director of MTA or his or her designee.

Municipal Railway (Muni). The public transit system owned by the City and under the jurisdiction of the MTA.

N

Neighborhood Agriculture. See Agriculture, Neighborhood.

Neighborhood-Serving Business. A neighborhood-serving business cannot be defined by the type of use, but rather by the characteristics of its customers, types of merchandise or service, its size, trade area, and the number of similar establishments in other neighborhoods. The primary clientele of a "neighborhood-serving business," by definition, is comprised of customers who live and/or work nearby.

While a neighborhood-serving business may derive revenue from customers outside the immediately surrounding neighborhood, it is not dependent on out-of-neighborhood clientele.

A neighborhood-serving use provides goods and/or services which are needed by residents and workers in the immediate neighborhood to satisfy basic personal and household needs on a frequent and recurring basis, and which if not available require trips outside of the neighborhood.

A use may be more or less neighborhood-serving depending upon its trade area. Uses that, due to the nature of their products and service, tend to be more neighborhood-serving are those which sell convenience items such as groceries, personal toiletries, magazines, and personal services such as cleaners, laundromats, and film processing. Uses that tend to be less neighborhood-oriented are those which sell more specialized, more expensive, less frequently purchased comparison goods such as automobiles and furniture.

For many uses (such as stores selling apparel, household goods, and variety merchandise), whether a business is neighborhood-serving depends on the size of the establishment: the larger the use, the larger the trade area, hence the less neighborhood-oriented.

Whether a business is neighborhood-serving or not also depends in part on the number and availability of other similar establishments in other neighborhoods: the more widespread the use, the more likely that it is neighborhood-oriented.

Net Addition. The total amount of gross floor area defined in Planning Code Section 102 contained in a development project, less the gross floor area contained in any structure demolished or retained as part of the proposed development project.

Nighttime Entertainment. See Entertainment, Nighttime.

Non-Auto Vehicle Sales or Rental. A Retail Sales and Service Use offering new or used bicycles, scooters, motorcycles, boats, or other marine vehicles for sale, rent, or lease when conducted entirely within an enclosed building.

Non-Commercial Entertainment and Recreation. See Entertainment and Recreation, Non-Commercial.

Nonprofit Organization. An organization organized and operated for nonprofit purposes within the provisions of California Revenue and Taxation Code Sections 23701-23710, inclusive, as demonstrated by a written determination from the California Franchise Tax Board exempting the organization from taxes under Revenue and Taxation Code Section 23701.

Non-Residential Use. Space within any structure or portion thereof intended or primarily suitable for, or accessory to, occupancy by retail, office, commercial, or uses other than a Residential Use as defined in this Section. For the purposes of Article 4, residential components of Institutional Uses other than Religious Institutions shall be defined as a "residential use," and non-residential use shall not include PDR and publicly owned and operated community facilities.

Non-Residential Use Size. The permitted gross floor area allowed each individual non-residential use. Gross Floor Area is defined in this Section of the Code.

Non-Retail Use. A type of Commercial Use that involves the sale of goods or services to other businesses rather than the end user, or that does not provide for direct sales to the general public on site. Uses in this category include, but are not limited to, Non-Retail Sales and Service Uses and Non-Retail Automotive Uses.

Notice of Special Restrictions. A document recorded with the San Francisco Recorder's Office detailing specific restrictions placed on an Assessor's lot that are typically associated with an approval action by the Planning Department, Planning Commission, Zoning Administrator, or other City agency.

(Amended by Ord. 202-18; see Sec. 102 history note.)

O

Occupied Floor Area. See Floor Area, Occupied.

Office, General. A Non-Retail Sales and Service Use that includes space within a structure or portion thereof intended or primarily suitable for occupancy by persons or entities which perform, provide for their own benefit, or provide to others at that location, services including, but not limited to, the following: professional, banking, insurance, management, consulting, technical, sales, and design; and the non-accessory office functions of manufacturing and warehousing businesses, multimedia, software development, web design, electronic commerce, and information technology. This use shall exclude Non-Retail Professional Services as well as Retail Uses; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods.

Office Use. A grouping of uses that includes General Office, Retail Professional Services, and Non-Retail Professional Services. This use shall exclude: retail uses other than Retail Professional Services; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods.

One Ownership. Ownership of a parcel or contiguous parcels of property or possession thereof under a contract to purchase by a person or persons, firm, corporation or partnership, individually, jointly, in common, or in any other manner whereby such property is under single or unified control. The term shall include condominium ownership. The term "owner" shall mean the person, firm, corporation or partnership exercising one ownership as herein defined.

Open Air Sales. A Commercial Use Characteristic generally categorized as a Retail Sales and Service Use that involves open air sale of new and/or used merchandise, except vehicles, but including agricultural products, plants and gardening supplies, building materials, crafts, and/or art work.

(Amended by Ord. 182-19, see Sec. 102 history note.)

Open Recreation Area. A Non-Commercial Entertainment, Arts and Recreation Use that is not publicly owned which is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not operated as a gainful business, and is devoted to outdoor recreation such as golf, tennis, or riding.

Open Space, Required. Any front setbacks, side or rear yards, courts, usable open space or other open area provided in order to meet the requirements of this Code.

Open Use. Any use of a lot that is not conducted within a Building.

Ornamental Fencing. A decorative metal fence made of wrought iron or fencing that gives the appearance of wrought-iron fencing, but expressly excludes plastic-based materials, barbed wire, similar non-decorative fences as well as traditional chain-link or woven wire fences. Chain-link or woven wire fences may be used if the fencing visible from the public right-of-way is bordered by rails on the top and bottom and has well-built columns that are at least 8 inches wide and are topped with caps. The columns shall be spaced no more than 8 feet apart.

Outdoor Activity Area. A Commercial Use characteristic defined as an area associated with a legally established use, not including primary circulation space or any public street, located outside of a building or in a courtyard, which is provided for the use or convenience of patrons of a commercial establishment including, but not limited to, sitting, eating, drinking, dancing, and food-service activities.

P

Parcel Delivery Service. See Service, Parcel Delivery.

Parking Garage, Private. A Non-Retail Automotive Use that provides temporary parking accommodations for automobiles, trucks, vans, bicycles, or motorcycles in a garage not open to the general public, without parking of recreational vehicles, mobile homes, boats, or other vehicles, or storage of vehicles, goods, or equipment. Provisions regulating automobile parking are set forth in Sections 155, 156, 303(t) or (u) and other provisions of Article 1.5 of this Code.

(Amended by Ord. 99-17; see Sec. 102 history note.)

Parking Garage, Public. A Retail Automotive Use that provides temporary parking accommodations for automobiles, trucks, vans, bicycles, or motorcycles in a garage open to the general public, without parking of recreational vehicles, mobile homes, boats, or other vehicles, or storage of vehicles, goods, or equipment. Provisions regulating automobile parking are set forth in Sections 155, 156, 303(t) or (u) and other provisions of Article 1.5 of this Code.

(Amended by Ord. 99-17; see Sec. 102 history note.)

Parking Lot, Private. A Non-Retail Automotive Use that provides temporary off-street parking accommodations for private automobiles, trucks, vans, bicycles, or motorcycles on an open lot or lot surrounded by a fence or wall not open to the general public, without parking of recreational vehicles, motor homes, boats, or other vehicles, or storage of vehicles, goods, or equipment. Provisions regulating automobile parking are set forth in Sections 155, 156, 303(t) or (u) and other provisions of Article 1.5 of this Code.

(Amended by Ord. 99-17; see Sec. 102 history note.)

Parking Lot, Public. A Retail Automotive Use that provides temporary parking accommodations for private automobiles, trucks, vans, bicycles, or motorcycles on an open lot or lot surrounded by a fence or wall open to the general public, without parking of recreational vehicles, motor homes, boats, or other vehicles, or storage of vehicles, goods, or equipment. Provisions regulating automobile parking are set forth in Sections 155, 156, 303(t) or (u) and other provisions of Article 1.5 of this Code.

(Amended by Ord. 99-17; see Sec. 102 history note.)

Passive Outdoor Recreation. A Non-Commercial Entertainment, Arts and Recreation Use defined as an open space used for passive recreational purposes that is not publicly owned and is not screened from public view, has no structures other than those necessary and incidental to the open land use, is not served by vehicles other than normal maintenance equipment, and has no retail or wholesale sales on the premises. Such open space may include, but not necessarily be limited to, a park, playground, or rest area.

PDR Use. See Production, Distribution, and Repair Use.

Permeable Surface. Permeable Surfaces are those that allow water to infiltrate the underlying soils. Permeable Surfaces shall include, but not be limited to, vegetative planting beds, porous asphalt, porous concrete, single-sized aggregate, open-jointed blocks, stone, pavers, or brick that are loose-set and without mortar. Permeable Surfaces are required to be contained so neither sediment nor the permeable surface material discharges off the site.

(Amended by Ord. 202-18; see Sec. 102 history note.)

Pharmacy. A Retail Sales and Service Use in which the profession of pharmacy is practiced and where prescriptions are compounded and offered for sale. This Section shall not be construed to limit any qualifying pharmacy from offering other retail goods in addition to prescription pharmaceuticals. Pharmacies are subject to controls in Section 202.2(a).

Philanthropic Facility. See Social Service or Philanthropic Facility.

Plan Dimensions. The linear horizontal dimensions of a building or structure, at a given level, between the outside surfaces of its exterior walls. The "length" of a building or structure is the greatest plan dimension parallel to an exterior wall or walls and is equivalent to the horizontal dimension of the corresponding elevation of the building or structure at that level. The "diagonal dimension" of a building or structure is the plan dimension between the two most separated points on the exterior walls.

Planning Commission (Commission). The San Francisco Planning Commission.

Planning Department (Department). The San Francisco Planning Department. For purposes of Article 4, may include the Planning Department's designee, including the Mayor's Office of Housing and other City agencies or departments.

Post-Secondary Educational Institution. An Institutional Education Use, public or private, that is certified by the Western Association of Schools and Colleges, provides educational services such as a college or university, and has met the applicable provisions of Section 304.5 of this Code concerning institutional master plans. Such institution may include employee or student dormitories and other housing

operated by and affiliated with the institution. Such institution shall not have industrial arts as its primary course of study.

Power Plant. A Industrial Use defined as a steam, fossil-fuel, or any other type of thermal power plant. A Power Plant shall mean each individual power generation unit capable of independent operation, but shall not include on-site power generation units less than ten megawatts in size. Intensification of a Power Plant use requires Conditional Use authorization per Section 178(c), and is subject to the controls in Section 202.2(d).

Principal Façades. See Façades, Principal.

Principal (or Principally Permitted) Use. A Use permitted as of right in each established district where listed for that class of district in Articles 2, 7, 8, or 9 and as regulated in this Code. Principally permitted uses may be required to comply with the Operating Conditions of Section 202.2.

(Added by Ord. 129-17; see Sec. 102 history note.)

Production, Distribution, and Repair (PDR) Use. A grouping of uses that includes, but is not limited, to all Industrial and Agricultural Uses, Ambulance Services, Animal Hospital, Automotive Service Station, Automotive Repair, Automotive Wash, Arts Activities, Business Services, Catering, Commercial Storage, Kennel, Motor Vehicle Tow Service, Livery Stable, Parcel Delivery Service, Public Utilities Yard, Storage Yard, Trade Office, Trade Shop, Wholesale Sales, and Wholesale Storage.

(Amended by Ord. 202-18; Ord. 111-21; see Sec. 102 history note.)

Public Facility. An Institutional Use that consists of publicly or privately owned use that provides public services to the community, whether conducted within a building or on an open lot, and which has operating requirements that necessitate location within the district and is in compliance with the General Plan, including civic structures (such as museums, post offices, administrative offices of government agencies), public libraries, police stations, and transportation facilities. Such use shall not include service yards, machine shops, garages, incinerators, Utility Installations, and publicly operated parking in a garage or lot (Public Automobile Parking Garages and Public Parking Lots).

(Amended by Ord. 202-18; see Sec. 102 history note.)

Public Transportation Facility. A Utility and Infrastructure Use involving passenger terminal facilities for mass transportation of a single or combined modes including, but not limited to, aircraft, ferries, fixed-rail vehicles and buses, whether public or privately owned or operated, when in conformity with the General Plan. In Districts where such uses are permitted, conditional use authorization shall be required if the facility is: (a) an Automotive Use, as defined in this Section; and (b) other than a boarding platform, bus stop, transit shelter, or similar ancillary feature of a transit system; or(c) a landing field for aircraft.

Public Utilities Yard. A Utility and Infrastructure Use that is defined as a service yard for public utility, or public use of a similar character, if conducted entirely within an area completely enclosed by a wall or concealing fence not less than six feet high.

Q

None.

R

Rear Façade. See Façade, Rear.

Recreation. See Entertainment and Recreation Use.

Religious Institution. An Institutional Community Use with a tax-exempt status as a religious institution granted by the United States Government and that is used primarily for collective worship or ritual or observance of common religious beliefs. Such institution may include, on the same lot, the housing of persons who engage in supportive activity for the institution.

Replacement of Use. The total amount of Gross Floor Area, as defined in Section 102 of this Code, to be demolished and reconstructed by a development project.

Required Open Space. See Open Space, Required.

Residential Building. Any structure containing one or more Residential Units as a principal use, regardless of any other uses present in the building.

Residential Care Facility. An Institutional Healthcare Use providing lodging, board and care for a period of 24 hours or more to persons in need of specialized aid by personnel licensed by the State of California. Such facility shall display nothing on or near the facility that gives an outward indication of the nature of the occupancy except for a sign as permitted by Article 6 of this Code, shall not provide outpatient services, and shall be located in a structure which remains residential in character. Such facilities shall include, but not necessarily be limited to, a board and care home, family care home, long-term nursery, orphanage, rest home or home for the treatment of addictive, contagious or other diseases, or psychological disorders.

Residential Hotel. See Hotel, Residential.

Residential Unit. A legal conforming or non-conforming Dwelling Unit or a legal non-conforming Live/Work Unit

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

(Amended by Ord. 129-17; Ord. 63-20; Ord. 78-20; see Sec. 102 history note.)

Retail Workspace. A Retail Sales and Service Use open to the general public that provides space to work that is made available on a daily or hourly basis. Such use is only permitted as a principal use in conjunction with the concurrent operation of a principally or conditionally permitted Eating and Drinking Use, which Eating and Drinking Use shall (a) occupy no less than one-third of the gross floor area of the premises and (b) face the street. A Retail Workspace may provide services to the business community along with services to the general public. If the Retail Workspace exclusively provides services to the business community, it shall be considered a General Office Use as defined in the Planning Code.

(Added by Proposition H, 11/3/2020; see Sec. 102 history note.)

Restaurant. A Retail Sales and Service use that serves prepared, ready-to-eat cooked foods to customers for consumption on the premises and which has seating. As a minor and incidental use, it may serve such foods to customers for off-site consumption. It may provide on-site beer, wine, and/or liquor sales for drinking on the premises (with ABC license types 02, 23, 41, 47, 49, 59, 75, or 87); however, if it does so, it shall be required to operate as a Bona Fide Eating Place. It is distinct and separate from a Limited-Restaurant. Such businesses shall operate with the specified conditions in Section 202.2(a)(1).

It shall not be required to operate within an enclosed building so long as it is also a Mobile Food Facility. Any associated outdoor seating and/or dining area is subject to regulation as an Outdoor Activity Area as set forth elsewhere in this Code.

(Amended by Ord. 188-15; 129-17; Ord. 205-19; see Sec. 102 history note.)

Restaurant, Limited. A Retail Sales and Service Use that serves ready-to-eat foods and/or drinks to customers for consumption on or off the premises, that may or may not have seating. It may include wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises as an Accessory Use as set forth in Sections 204.3 or 703(d), 803.2(d), 803.3(b)(1)(C) and 825(c)(1)(C) depending on the zoning district in which it is located. It includes, but is not limited to, foods provided by sandwich shops, coffee houses, pizzerias, ice cream shops, bakeries, delicatessens, and confectioneries meeting the above characteristics, but is distinct from a Specialty Grocery, Restaurant, and Bar. Within the North Beach SUD, it is also distinct from Specialty Food Manufacturing, as defined in Section 780.3(b). It shall not provide on-site beer and/or wine sales for consumption on the premises, but may sell beer and/or wine for consumption off the premises with a California Alcoholic Beverage Control Board License type 20 (off-sale beer and wine), if all areas devoted to the display and sale of alcoholic beverages occupy less than 15% of the Occupied Floor Area of the establishment. Such businesses shall operate with the specified conditions in Section 202.2(a)(1).

(Amended by Ord. 129-17; Ord. 202-18; Ord. 285-18; Ord. 63-20; see Sec. 102 history note.)

Retail Entertainment, Arts and Recreation. See Entertainment, Arts and Recreation, Retail.

Retail Sales and Service, General. A Retail Sales and Service Use that provides goods and/or services to the general public and that is not listed as a separate Retail Sales and Service Use in this Section 102. This use includes, but is not limited to the sale or provision of the following goods and services:

(a) Personal items such as tobacco and magazines;

(b) Household goods and service (including paint, fixtures, and hardware, but excluding other building materials);

(c) Variety merchandise, pet supply stores, and pet grooming services;

(d) Florists and plant stores;

(e) Apparel and accessories;

(f) Antiques, art galleries, art supplies, and framing service;

(g) Home furnishings, furniture, and appliances;

(h) Books, stationery, greeting cards, office supplies, copying service, music, and sporting goods; and

(i) Toys, gifts, and photographic goods and services.

(Amended by Ord. 129-17; Ord. 285-18; Ord. 111-21; Ord. 209-21; see Sec. 102 history note.)

Retail Use. A Commercial Use that includes uses that involve the sale of goods, typically in small quantities, or services directly to the ultimate consumer or end user including, but not limited to, Retail Sales and Service Uses, some Entertainment, Arts and Recreation Uses, and Retail Automotive Uses.

(Amended by Ord. 129-17; see Sec. 102 history note.)

S

Sales and Services, Non-Retail. A Commercial Use category that includes Uses that involve the sale of goods or services to other businesses rather than the end user, or that does not provide for direct sales to the consumer on site. Uses in this category include, but are not limited to: Business Services, Catering, Commercial Storage, Design Professional, General Office, Laboratory, Life Science, Non-Retail Professional Service, Trade Office, Wholesale Sales, and Wholesale Storage.

(Amended by Ord. 129-17; see Sec. 102 history note.)

Sales and Services, Retail. A Commercial Use category that includes Uses that involve the sale of goods, typically in small quantities, or services directly to the ultimate consumer or end user with some space for retail service on site, excluding Retail Entertainment Arts and Recreation, and Retail Automobile Uses and including, but not limited to: Adult Business, Animal Hospital, Bar, Cannabis Retail, Chair

and Foot Massage, Tourist Oriented Gift Store, General Grocery, Specialty Grocery, Gym [2] Hotel, Jewelry Store, Kennel, Laundromat, Liquor Store, Massage Establishment, Mortuary (Columbarium), Motel, Non-Auto Sales, Pharmacy, Restaurant, Limited Restaurant, General Retail Sales and Service, Financial Service, Fringe Financial Service, Limited Financial Service, Health Service, Personal Service, Retail Professional Service, Self-Storage, Tobacco Paraphernalia Establishment, and Trade Shop.

(Amended by Ord. 188-15; Ord. 129-17; Ord. 229-17; Ord. 111-21; Ord. 209-21; see Sec. 102 history note.)

San Francisco. The City and County of San Francisco.

School. An Institution Educational Use, public or private, certified by the Western Association of Schools and Colleges that provides educational instruction to students in kindergarten through twelfth grade. Such institution may include employee or student dormitories and other housing operated by and affiliated with the institution. This use is distinct and separate from a Post-Secondary Educational Institution, which is defined under this Section of the Code.

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

(Amended by Ord. 63-20; see Sec. 102 history note.)

Service, Ambulance. A Non-Retail Automotive Use that provides medically related transportation services.

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

(Amended by Ord. 188-15; Ord. 129-17; Ord. 229-17; Ord. 111-21; see Sec. 102 history note.)

Service, Financial. A Retail Sales and Service Use that provides banking services and products to the public, such as banks, savings and loans, and credit unions, when occupying more than 15 feet of linear frontage or 200 square feet of gross floor area. Any applicant for a financial service use shall provide the Planning Department with a true copy of the license issued to it by the State of California.

Service, Fringe Financial. A Retail Sales and Service Use that provides banking services and products to the public and is owned or operated by a "check casher" as defined in California Civil Code Section 1789.31, as amended from time to time, or by a "licensee" as defined in California Financial Code Section 23001(d), as amended from time to time. Any applicant for a fringe financial service use shall provide the Department with a true copy of the license issued to it by the State of California. A Nonprofit Fringe Financial Service shall mean a Fringe Financial Service that is exempted from payment of income tax under Section 23701(d) of the California Revenue and Taxation Code and Section 501(c)(3) of the Internal Revenue Code of the United States. Any such Nonprofit Fringe Financial Service shall provide the Planning Department with a true copy(ies) of its income tax documentation demonstrating its exemption from payment of income tax under State and Federal Law. A new Fringe Financial Service, with the exception of a Nonprofit Fringe Financial Service, shall not locate within one-quarter mile of an existing Fringe Financial Service.

Service, Health. A Retail Sales and Service Use that provides medical and allied health services to the individual by physicians, surgeons, dentists, podiatrists, psychologists, psychiatrists, acupuncturists, chiropractors, Sole Practitioner massage therapists as defined in Section 29.5 of the Health Code, or any other health-care professionals when licensed by a State-sanctioned Board overseeing the provision of medically oriented services. It includes, without limitation, a clinic, primarily providing outpatient care in medical, psychiatric, or other health services, and not part of a Hospital or medical center, as defined by this Section of the Code, and Sole Practitioner Massage Establishments as defined in Section 29.5 of the Health Code, but does not include other Massage Establishments, which are defined elsewhere in this Code.

(Amended by Ord. 73-15; Ord. 233-21; Ord. 37-22; see Sec. 102 history note.)

Service, Limited Financial. A Retail Sales and Service Use that provides banking services, when not occupying more than 15 feet of linear frontage or 200 square feet of gross floor area. Automated teller machines, if installed within such a facility or on an exterior wall as a walk-up facility, are included in this category; however, these machines are not subject to the hours of operation, as defined in this Section of the Code and as set forth in the respective zoning district. Any applicant for a limited financial service use shall provide the Planning Department with a true copy of the license issued to it by the State of California.

Service, Motor Vehicle Tow. A Non-Retail Automotive Use that provides vehicle towing service, including accessory vehicle storage, when all tow trucks used and vehicles towed by the use are parked or stored on the premises.

Service, Non-Retail Professional. A Non-Retail Sales and Service Office Use that provides professional services primarily to other businesses including, but not limited to, accounting, legal, consulting, insurance, real estate brokerage, advertising agencies, public relations agencies, computer and data processing services, employment agencies, management consultants and other similar consultants, telephone message services, and travel services. This use may also provide services to the general public but is not required to. This use shall not include research services of an industrial or scientific nature in a commercial or medical laboratory, other than routine medical testing and analysis by a health-care professional or hospital.

(Amended by Ord. 63-20; see Sec. 102 history note.)

Service, Parcel Delivery. A Non-Retail Automotive Use limited to facilities for the unloading, sorting, and reloading of local retail merchandise for deliveries, including but not limited to cannabis and cannabis products, where the operation is conducted entirely within a completely enclosed building, including garage facilities for local delivery trucks, but excluding repair shop facilities. Where permitted in PDR Districts, this use is not required to be operated within a completely enclosed building.

(Amended by Ord. 229-17; see Sec. 102 history note.)

Service, Personal. A Retail Sales and Services Use that provides grooming services to the individual, including salons, cosmetic services, tattoo parlors, and health spas, bathhouses, and steam rooms. Personal Service does not include Massage Establishment or Gym, which are defined separately in this Section 102.

(Amended by Ord. 285-18; Ord. 111-21; see Sec. 102 history note.)

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

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

(Amended by Ord. 285-18; Ord. 63-20; see Sec. 102 history note.)

Shipyard. An Industrial Use that includes the building and repairing of ships.

Single Room Occupancy (SRO) Unit. A Residential Use characteristic, defined as a Dwelling Unit or Group Housing room consisting of no more than one occupied room with a maximum gross floor area of 350 square feet and meeting the Housing Code's minimum floor area standards. The unit may have a bathroom in addition to the occupied room. As a Dwelling Unit, it would have a cooking facility and bathroom. As a group housing room, it would share a kitchen with one or more other single room occupancy unit/s in the same building and may also share a bathroom. A single room occupancy building (or "SRO" building) is one that contains only SRO units and accessory living space.

Small Enterprise Workspace (S.E.W.). An S.E.W. is a use comprised of discrete workspace units of limited size that are independently accessed from building common areas. S.E.W.'s are subject to the controls listed in Section 202.2(g).

Social Service or Philanthropic Facility. An Institutional Community Use that provides programs and/or services of a charitable or public service nature, including but not limited to arts, education, financial or housing assistance, training, and advocacy. In addition to providing their services on site, such uses may also conduct their administrative activities on site as a Principal Use.

(Amended by Proposition H, 11/3/2020; see Sec. 102 history note.)

SOMA. The area bounded by Market Street to the north, The Embarcadero to the east, King Street to the south, and South Van Ness and Division Streets to the west.

Specialty Grocery. See Grocery, Specialty.

Sports Stadium. A Retail Entertainment, Arts and Recreation Use that includes any open-air sports stadium or arena, if conducted on premises not less than 200 feet from any R District.

SRO. Single Room Occupancy.

(Added by Ord. 188-15; see Sec. 102 history note.)

Storage, Commercial. A Non-Retail Sales and Service Use defined as a facility that stores within an enclosed building: contractors' equipment, building materials, or goods or materials used by other businesses at other locations. This use shall not include the storage of waste, salvaged materials, automobiles, inflammable or highly combustible materials, and wholesale goods or commodities.

Storage, Self. A Retail Sales and Service Use defined as a facility that stores, within an enclosed building, household and personal goods.

Storage, Volatile Materials. An Industrial Use defined as bulk storage of inflammable, highly combustible, or explosive materials.

Storage, Wholesale. A Non-Retail Sales and Service Use defined as a facility that stores, within an enclosed building, wholesale merchandise that is not accessory to a Wholesale Sales use. This use includes cold storage facilities, but not storage of inflammables or hazardous materials, which is covered under Hazardous Materials Storage.

Storage Yard. An Industrial Use involving the storage of building materials or lumber, stones or monuments, livestock feed, or contractors' equipment, if conducted within an area enclosed by a wall or concealing fence not less than six feet high. This use does not include Vehicle Storage or a Hazardous Waste Facility.

Story. That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

Any mezzanine, or intermediate level, shall be considered part of a story constituted by another floor provided it is an open and integral part of the story or room of which it is a portion. There shall be only one such mezzanine per story and it shall have a minimum glazed or unglazed opening of 50 percent on the interior side of the room or story and an area not exceeding one-third of the floor area of the story or room in which it is located. Any mezzanine not meeting these criteria shall be considered a separate story.

(a) ***First Story.*** The highest building story with a floor level that is not more than six feet above grade at the centerline of the frontage of the lot where grade is defined.

(1) ***Grade.*** For purposes of this definition, "grade" is the point of elevation of the finished surface of the ground, paving, or sidewalk at the property line located along primary frontage, i.e., any street frontage between two consecutive streets or alleys where the

total street frontage is entirely within an NC District. If the lot has more than one property line or no property line located along primary frontage, the Zoning Administrator shall choose the property line facing a street or alley where the grade is defined. In such situations, the Zoning Administrator shall favor streets that serve as major transportation routes, major or secondary thoroughfares, and streets along which other commercial districts are located. When the property line is five feet or more from the building frontage, grade shall be taken at the surface of the ground, paving, or sidewalk along the building frontage.

(2) Provisions in Section 260 of this Code shall apply in defining the point of measurement at grade, where the building steps laterally in relation to the street used to define grade.

(b) ***Second Story.*** The story above the first story.

(c) ***Third Story and Above.*** The story or stories above the second story and below the ceiling of the topmost story of a building.

(d) ***Basement.*** Space located below the first story of a building when such space is of sufficient floor to ceiling height for legal occupancy.

Street. A right-of-way, 30 feet or more in width, permanently dedicated to common and general use by the public, including any avenue, drive, boulevard, or similar way, but not including any freeway or highway without a general right of access for abutting properties.

Structural Alterations. Any change in the supporting members of a Building, such as bearing walls, columns, beams, or girders.

Structure. Anything constructed or erected that requires fixed location on the ground or attachment to something having fixed location on the ground.

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

(Amended by Ord. 63-20; see Sec. 102 history note.)

T

Temporary Cannabis Sales. A Temporary Use that sells or otherwise provides cannabis and cannabis-related products for adult use, and that may also include the sale or provision of cannabis for medicinal use. A Temporary Cannabis Sales Use may only be operated by the holder of a valid Medical Cannabis Dispensary Permit from the Department of Public Health. Any authorization for a Temporary Cannabis Sales Use shall expire on January 1, 2019, pursuant to Section 205.2.

(Added by Ord. 229-17; see Sec. 102 history note.)

Tobacco Paraphernalia Establishment. A Retail Sales and Service Use where more than 10% of the square footage of Occupied Floor Area, as defined in Section 102, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the sale, distribution, delivery, furnishing, or marketing of Tobacco Paraphernalia from one person to another. For purposes of Sections 719 and 723 of this Code, however, Tobacco Paraphernalia Establishments shall mean retail uses where any Tobacco Paraphernalia is sold, distributed, delivered, furnished, or marketed from one person to another. “Tobacco Paraphernalia” means paraphernalia, devices, or instruments that are designed or manufactured for the smoking, ingesting, inhaling, or otherwise introducing into the body of tobacco, products prepared from tobacco, or controlled substances as defined in California Health and Safety Code Sections 11054, *et seq.* “Tobacco Paraphernalia” does not include lighters, matches, cigarette holders, any device used to store or preserve tobacco, tobacco, cigarettes, cigarette papers, cigars, or any other preparation of tobacco that is permitted by existing law. Cannabis Retail Uses as defined in Section 102, Temporary Cannabis Retail Uses as defined in Section 205.2, and Medical Cannabis Dispensary Uses as defined in Section 102 are not Tobacco Paraphernalia Establishments.

(Amended by Ord. 202-18; Ord. 142-23; see Sec. 102 history note.)

Trade Office. A Non-Retail Sales and Service Use that includes business offices of building, plumbing, electrical, painting, roofing, furnace, or pest control contractors, if no storage of equipment or items for wholesale use are located on site. It may also include incidental accessory storage of office supplies and samples if the storage of equipment and supplies does not occupy more than one-third of the total Gross Floor Area of the use. Such Trade Offices shall operate in a manner to reduce noise, vibration, and emissions impacts beyond the premises of the use. No processing of building materials, such as mixing of concrete or heating of asphalt shall be conducted on the premises. Parking, loading, and unloading of all vehicles used by the contractor shall be located entirely within the building containing the use.

(Amended by Ord. 70-23; see Sec. 102 history note.)

Trade School. An Institutional Education Use, public or private, where industrial arts is the primary course of study. Such use is not required to submit an institutional master plan pursuant to Section 304.5 of this Code.

Trade Shop. A Retail Sales and Service Use that provides custom-crafted goods and/or services for sale directly to the consumer, reserving some storefront space for display and retail service, subject to the conditions in Section 202.2. A trade shop includes, but is not limited to:

(a) Repair of personal apparel, accessories, household goods, appliances, furniture, and similar items, but excluding repair of motor vehicles and structures;

(b) Upholstery services;

(c) Carpentry;

(d) Printing of a minor processing nature, including multi-copy and blueprinting services and printing of pamphlets, brochures, resumes, and small reports, but excluding printing of books, magazines, or newspapers;

(e) Tailoring; and

(f) Other artisan craft uses, including fine arts uses. Arts Activities and Light Manufacturing shall be considered distinct from Trade Shops.

(Amended by Ord. 285-18; Ord. 111-21; see Sec. 102 history note.)

Treasurer. The Treasurer for the City and County of San Francisco.

Truck Terminal. An Industrial Use where trucks meet and transfer goods to each other for shipment to other places.

U

Urban Agriculture. See Agriculture, Urban.

Use. The purpose for which land or a structure, or both, are legally designed, constructed, arranged, or intended, or for which they are legally occupied or maintained, let, or leased.

Use Characteristic. A feature of a Use, related to its physical layout, location, design, access, or other characteristics. Use Characteristics may be regulated independently of a Use itself. Residential Use Characteristics include Single Room Occupancy, Intermediate Length Occupancy, and Student Housing. Commercial Use Characteristics include Drive-up Facility, Formula Retail, Hours of Operation, Maritime Use, Open Air Sales, Outdoor Activity, and Walk-Up Facility.

(Added by Ord. 129-17; amended by Ord. 78-20; see Sec. 102 history note.)

Use Size (Non-Residential). See Non-Residential Use Size.

Utility and Infrastructure. A Use Category that includes Community Recycling Center, Internet Service Exchange, Power Plant, Public Transportation Facility, Public Utilities Yard, Wireless Telecommunications Services (WTS) Facility, and Utility Installation.

(Amended by Ord. 166-16; Ord. 202-18; see Sec. 102 history note.)

Utility Installation. A Utility and Infrastructure Use that includes, but is not necessarily limited to, water, gas, electric, transportation, or communications utilities, or public service facility, provided that operating requirements necessitate placement at this location. This use does not include Wireless Telecommunications Services Facilities, or Public Transportation Facilities, as defined in this Section of the Code.

(Amended by Ord. 166-16; see Sec. 102 history note.)

V

Variance. An authorization to deviate from the strict application of certain Planning Code requirements pursuant to Section 305 of this Code.

(Added by Ord. 129-17; see Sec. 102 history note.)

Vehicle Storage Garage. A Retail Automotive Use that provides for the storage of buses, recreational vehicles, mobile homes, trailers, or boats and/or storage for more than 72 hours of other vehicles in an enclosed structure. It shall not include rooftop storage. A Vehicle Storage Garage shall comply with the street frontage requirements of the district in which it is located.

Vehicle Storage Lot. A Retail Automotive Use that provides for the storage of buses, recreational vehicles, mobile homes, trailers, or boats and/or storage for more than 72 hours of other vehicles on an open lot. It shall not include rooftop storage. Vehicle Storage Lots shall comply with the Screening and Greening requirements of Section 142.

Vehicular Use Area. An area of a lot not located within any enclosed or partially enclosed structure and that is devoted to a use by or for motor vehicles including parking (accessory or non-accessory); and Automotive Uses that are not enclosed by a structure including, but not limited to, storage of automobiles, trucks or other vehicles; gasoline stations; car washes; motor vehicle repair shops; loading areas; and service areas. Vehicular use areas shall be subject to landscaping and screening requirements of Section 142(b).

W

Waiver Agreement. An agreement acceptable in form and substance to the City Attorney and the Planning Department under which the City agrees to waive all or a portion of the Community Improvements Impact Fee.

Walk-Up Facility. A Use Characteristic defined as a structure designed for provision of pedestrian-oriented services when located on an exterior building wall, including window service, self-service operations, and automated bank teller machines (ATMs). Such facilities shall provide waste receptacles, and be kept free of litter.

(Amended by Ord. 70-23; see Sec. 102 history note.)

Wholesale Sales. A Non-Retail Sales and Service Use that exclusively provides goods or commodities for resale or business use, including accessory storage. This use includes cannabis distribution (any use requiring License Type 11—Distributor, as defined in California Business and Professions Code, Division 10). It shall not include a nonaccessory storage warehouse.

(Amended by Ord. 229-17; see Sec. 102 history note.)

Width of a Street or Alley. Unless specified elsewhere in this Code, the width of a street or alley shall be the distance measured along a line that is perpendicular to the centerline of that street or alley and extends from the mid-point of the front property line of a given parcel to a front property line on the opposite side of that street or alley.

Wireless Telecommunications Services (WTS) Facility. A Utility and Infrastructure Use defined as a facility that sends and/or receives wireless radio frequency (RF) signals, AM/FM, microwave, or electromagnetic waves, for the purpose of providing voice, data, images or other information; including but not limited to digital (previously "cellular") mobile phone service, personal communication service and paging services. WTS Facilities may be located either inside or outside of an enclosed building.

Such facilities include, but are not limited to, directional (panel), omni-directional and parabolic antennas, related electronic equipment, power sources, screening elements, supporting equipment, towers and structures. The term does not include facilities exempt under the Federal Communications Commission's Over The Air Receiving Device rules. A WTS Facility is also referred to as a "Personal Wireless Services Facility," as defined in the Federal Communications Act.

A WTS Facility is subject to the Wireless Telecommunications Services Facility Siting Guidelines ("Guidelines") adopted by the Planning Commission, including but not limited to any design criteria included in those Guidelines.

(Amended by Ord. 166-16; see Sec. 102 history note.)

Wireless Telecommunications Services (WTS) Facility, Macro. A Macro WTS Facility is generally characterized by significant spatial effects and more than two antennas. A WTS Facility is considered a Macro WTS Facility unless determined by the Zoning Administrator to be a Micro WTS Facility.

(Added by Ord. 166-16; see Sec. 102 history note.)

Wireless Telecommunications Services (WTS) Facility, Micro. The Zoning Administrator shall determine whether a proposed WTS Facility is a Micro WTS Facility. A Micro WTS Facility is generally characterized by

(a) limited spatial effects;

(b) a small number of antennas (typically up to two);

(c) an absence of substantial cumulative effects on neighborhood character or aesthetics, when considered in conjunction with other WTS Facilities at the same project site; and

(d) a location that is not "disfavored" as specified in the Guidelines.

(Added by Ord. 166-16; see Sec. 102 history note.)

Wireless Telecommunications Services Facility, Temporary. A Wireless Telecommunications Services Facility located on a parcel of land and consisting of a vehicle-mounted facility, a building-mounted antenna, or a similar facility, and associated equipment, that is used to provide temporary coverage for a large-scale event or an emergency, or to provide temporary replacement coverage due to the removal of a permitted, permanent WTS facility necessitated by the demolition or major alteration of a nearby property.

(Added by Ord. 166-16; see Sec. 102 history note.)

X, Y, Z

None.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 131-87, App. 4/24/87; Ord. 32-91, App. 1/25/91; Ord. 63-91, App. 2/27/91; Ord. 14-15 , File No. 141210, App. 2/13/2015, Eff. 3/15/2015; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 52-15 , File No. 141266, App. 4/30/2015, Eff. 5/30/2015; Ord. 73-15, File No. 141303, App. 5/28/2015, Eff. 6/27/2015; Ord. 161-15, File No. 150804, App. 9/18/2015, Eff. 10/18/2015; Ord. 162-15 , File No. 150805, App. 9/18/2015, Eff. 10/18/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 162-16 , File No. 160657, App. 8/4/2016, Eff. 9/3/2016; Ord. 166-16 , File No. 160477, App. 8/11/2016, Eff. 9/10/2016; Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016; Ord. 34-17, File No. 160925, App. 2/17/2017, Eff. 3/19/2017; Ord. 95-17, File No. 170125, App. 5/12/2017, Eff. 6/11/2017; Ord. 99-17, File No. 170206, App. 5/19/2017, Eff. 6/18/2017; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 229-17, File No. 171041, App. 12/6/2017, Eff. 1/5/2018; Ord. 13-18, File No. 171096, App. 2/9/2018, Eff. 3/12/2018; Ord. 195-18, File No. 180268, App. 8/10/2018, Eff. 9/10/2018; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 285-18, File No. 180806, App. 12/7/2018, Eff. 1/7/2019; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 7-19, File No. 180917, App. 1/25/2019, Eff. 2/25/2019; Ord. 15-19, File No. 181046, App. 2/8/2019, Eff. 3/11/2019; Ord. 116-19, File No. 181156, App. 6/28/2019, Eff. 7/29/2019; Ord. 182-19, File No. 190248, App. 8/9/2019, Eff. 9/9/2019; Ord. 205-19, File No. 181211, App. 9/11/2019, Eff. 10/12/2019; Ord. 206-19, File No. 190048, App. 9/13/2019, Eff. 10/14/2019; Ord. 208-19, File No. 190594, App. 9/20/2019, Eff. 10/21/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 78-20, File No. 191075, App. 5/22/2020, Eff. 6/22/2020; Proposition H, 11/3/2020, Eff. 12/18/2020; Ord. 111-21, File No. 210285, App. 8/4/2021, Eff. 9/4/2021; Ord. 209-21, File No. 210808, App. 11/19/2021, Eff. 12/20/2021; Ord. 217-21, File No. 210807, App. 12/10/2021, Eff. 1/10/2022; Ord. 233-21, File No. 210381, App. 12/22/2021, Eff. 1/22/2022; Ord. 37-22, File No. 211263, App. 3/14/2022, Eff. 4/14/2022; Ord. 50-22, File No. 211299, App. 3/31/2022, Eff. 5/1/2022; Ord. 75-22, File No. 220264, App. 5/13/2022, Eff. 6/13/2022; Ord. 190-22, File No. 220036, App. 9/16/2022, Eff. 10/17/2022; Ord. 264-22, File No. 220811, App. 12/22/2022, Eff. 1/22/2023; Ord. 53-23, File No. 210585, App. 4/21/2023, Eff. 5/22/2023; Ord. 70-23, File No. 220340, App. 5/3/2023, Eff. 6/3/2023; Ord. 122-23, File No. 230371, App. 7/5/2023, Eff. 8/5/2023; Ord. 142-23, File No. 230410, App. 7/26/2023, Eff. 8/26/2023; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

AMENDMENT HISTORY

Section amended in its entirety; Ord. 22-15, Eff. 3/22/2015 (for the legislative history of prior definition provisions, see the Editor's Note below). See individual definitions for subsequent amendment history notes.

CODIFICATION NOTES

1. So in Proposition H, 11/3/2020.
2. So in Ord. 111-21.
3. So in Ord. 50-22.
4. So in Ord. 75-22.

Editor's Note:

As part of its substantial amendments to this Code, Ord. 22-15 consolidated the Art. 1 definitions into a single section, Sec. 102 above. Previously, Art. 1 definitions

had been codified under separate section numbers. For the purpose of retaining the legislative history of the now superseded Art. 1 definition provisions, the terms formerly defined in this Article are set out below, along with their history notes as they existed immediately prior to the effectiveness of Ord. 22-15.

SEC. 102.1. ALLEY.

(Amended by Ord. 443-78, App. 10/6/78)

SEC. 102.2. ARTS ACTIVITIES AND SPACES.

(Added by Ord. 412-88, App. 9/10/88; Ord. 36-08, File No. 080157, App. 3/17/2008)

SEC. 102.3. BUILDING.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88)

SEC. 102.4. COURT.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88)

SEC. 102.5. DISTRICT.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 131-87, App. 4/24/87; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90; Ord. 217-05, File No. 050865, App. 8/19/2005; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. 90-11, File No. 110301, App. 6/9/2011, Eff. 7/9/2011; Ord. 98-11, File No. 110229, App. 6/15/2011, Eff. 7/15/2011; Ord. 196-11, File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. 176-12, File No. 120472, App. 8/7/2012, Eff. 9/6/2012; Ord. 182-12, File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013)

SEC. 102.6. DWELLING.

(Amended Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88)

SEC. 102.6.1. DWELLING SPECIFICALLY DESIGNED FOR AND OCCUPIED BY SENIOR CITIZENS.

(Added by Ord. 130-10, File No. 090906, App. 6/24/2010; amended by Ord. 62-13, File No. 121162, App. 4/10/2013, Eff. 5/10/2013)

SEC. 102.7. DWELLING UNIT.

(Amended Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88; Ord. 218-14, File No. 140381, App. 10/27/2014, Eff. 11/26/2014, Oper. 2/1/2015)

SEC. 102.8. FAMILY.

(Amended Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88)

SEC. 102.9. FLOOR AREA, GROSS.

(Amended Ord. 414-85, App. 9/17/85; Ord. 537-88, App. 12/16/88; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90; Ord. 275-03, File No. 021577, App. 12/10/2003; Ord. 129-06, File No, 060372, App. 6/22/2006; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 173-12, File No. 120471, App. 8/2/2012, Eff. 9/1/2012; Ord. 182-12, File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. 232-14, File No. 120881, App. 11/26/2014, Eff. 12/26/2014)

SEC. 102.10. FLOOR AREA, OCCUPIED.

(Amended Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88)

SEC. 102.11. FLOOR AREA RATIO.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88; Ord. 182-12, File No. 120665, App. 8/8/2012, Eff. 9/7/2012)

SEC. 102.12. HEIGHT (OF A BUILDING OR STRUCTURE).

(Amended by Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88)

SEC. 102.13. LIVE/WORK UNIT.

(Added by Ord. 412-88, App. 9/10/88; amended by Ord. 56-02, File No. 012127, App. 4/29/2002; Ord. 218-14, File No. 140381, App. 10/27/2014, Eff. 11/26/2014, Oper. 2/1/2015)

SEC. 102.14. LOT.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88; Ord. 15-98, App. 1/16/98)

SEC. 102.15. LOT, CORNER.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88)

SEC. 102.16. LOT, INTERIOR.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88)

SEC. 102.17. NIGHTTIME ENTERTAINMENT USES.

(Added by Ord. 115-90, App. 4/6/90; amended by Ord. 172-11, File No. 110506, App. 9/12/2011, Eff. 10/12/2011)

SEC. 102.18. ONE OWNERSHIP.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90)

SEC. 102.19. OPEN SPACE, REQUIRED.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90)

SEC. 102.20. OPEN USE.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90)

SEC. 102.21. PLAN DIMENSIONS.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90)

SEC. 102.22. PRINCIPAL FACADES.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90)

SEC. 102.23. STORY.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90)

SEC. 102.24. STORY, GROUND.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90)

SEC. 102.25. STREET.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90)

SEC. 102.26. STRUCTURE.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90)

SEC. 102.27. STRUCTURAL ALTERATIONS.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90)

SEC. 102.28. USE.

(Added Ord. 414-85, App. 9/17/85; amended by Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90)

SEC. 102.29. BEDROOM.

(Added by Ord. 298-08, File No. 081153, App. 12/19/2008)

SEC. 102.30. WIDTH, STREET OR ALLEY.

(Added by Ord. 298-08, File No. 081153, App. 12/19/2008)

SEC. 102.31. VEHICULAR USE AREAS.

(Added by Ord. 84-10, File No. 091453, App. 4/22/2010)

SEC. 102.32. ORNAMENTAL FENCING.

(Added by Ord. 84-10, File No. 091453, App. 4/22/2010)

SEC. 102.33. PERMEABLE SURFACES.

(Added by Ord. 84-10, File No. 091453, App. 4/22/2010)

SEC. 102.34. MOBILE FOOD FACILITY.

(Added by Ord. 297-10, File No. 101351, App. 12/3/2010)

SEC. 102.35. URBAN AGRICULTURE.

(Added by Ord. 66-11, File No. 101537, App. 4/20/2011, Eff. 5/20/2011)

SEC. 102.36. STUDENT HOUSING.

(Added by Ord. 188-12, File No. 111374, App. 9/11/2012, Eff. 10/11/2012)

SEC. 102.37. COTTAGE FOOD OPERATION.

(Added by Ord. 288-13, File No. 130998, App. 12/26/2013, Eff. 1/25/2014)

SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL DISTRICTS.

(See Interpretations related to this Section.)

(a) **Purpose.** In order to promote, protect, and maintain a scale of development that is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in the table below shall be permitted only as Conditional Uses.

District	**Lot Size Limits**
District	**Lot Size Limits**
North Beach	2,500 sq. ft.
Pacific Avenue	
Polk Street	
NC-1, NCT-1	
24th Street-Mission	
24th Street-Noe Valley	
Broadway	

Castro Street	5,000 sq. ft.
Cole Valley	
Glen Park	
Haight Street	
Inner Clement Street	
Inner Sunset	
Irving Street	
Judah Street	
Lakeside Village	
Noriega Street	
Outer Clement Street	
Sacramento Street	
Taraval Street	
Union Street	
Upper Fillmore Street	
West Portal Avenue	
NC-2, NCT-2	10,000 sq. ft.
NC-3, NCT-3	
Bayview	
Cortland Avenue	
Divisadero Street	
Excelsior Outer Mission Street	
Fillmore Street	
Folsom Street	
Geary Boulevard	
Hayes-Gough	
Inner Balboa Street	
Inner Taraval Street	
Japantown	
Lower Haight Street	
Lower Polk Street	
Mission Bernal	
Mission Street	
Ocean Avenue	
Outer Balboa Street	
Regional Commercial District	
San Bruno Avenue	
SoMa	
Upper Market Street	
Valencia Street	
NC-S	Not Applicable

(b) **Design Review Criteria.** In addition to the criteria of Section 303(c) of this Code, the City Planning Commission shall consider the extent to which the following criteria are met:

(1) The mass and facade of the proposed structure are compatible with the existing scale of the district.

(2) The facade of the proposed structure is compatible with design features of adjacent facades that contribute to the positive visual quality of the district.

(3) Where 5,000 or more gross square feet of Non-Residential space is proposed, that the project provides commercial spaces in a range of sizes, including one or more spaces of 1,000 gross square feet or smaller, to accommodate a diversity of neighborhood business types and business sizes.

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. 35-12 , File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 196-17, File No. 170419, App. 10/5/2017, Eff. 11/4/2017; Ord. 205-17, File No. 170418,

App. 11/3/2017, Eff. 12/3/2017; Ord. 71-20, File No. 191285, App. 5/1/2020, Eff. 6/1/2020; Ord. 136-21, File No. 210674, App. 8/4/2021, Eff. 9/4/2021)

AMENDMENT HISTORY

Table amended; Ord. 35-12 , Eff. 3/22/2012. Table amended; Ord. 42-13 , Eff. 4/27/2013. Divisions (a) and (b) designated; division (a) and table amended; Ord. 129-17, Eff. 7/30/2017. Division (a) and table amended; Ord. 196-17, Eff. 11/4/2017. Table amended; Ord. 205-17, Eff. 12/3/2017. Division (b)(3) added; Ord. 71-20, Eff. 6/1/2020. Table amended; Ord. 136-21, Eff. 9/4/2021.

SEC. 121.2. NON-RESIDENTIAL USE SIZE LIMITS IN NEIGHBORHOOD COMMERCIAL AND NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICTS.

(See Interpretations related to this Section.)

(a) In order to protect and maintain a scale of development appropriate to each district, Non-Residential Uses of the same size or larger than the square footage stated in the table below may be permitted only as Conditional Uses. The use area shall be measured as the Gross Floor Area for each individual Non-Residential Use.

District	Use Size Limits
District	**Use Size Limits**
Castro Street	2,000 sq. ft.
North Beach	
Pacific Avenue	
Polk Street	
24th Street-Mission	2,500 sq. ft.
24th Street-Noe Valley	
Haight Street	
Inner Clement Street	
Inner Sunset	
Japantown	
Outer Clement Street	
Sacramento Street	
Union Street	
Upper Fillmore Street	
West Portal Avenue	
NC-1, NCT-1	3,000 sq. ft.
Broadway	
Hayes-Gough	
Upper Market Street	
Valencia Street	
NC-2, NCT-2	4,000 sq. ft.
Divisadero Street	
Folsom Street	
Glen Park	
Irving Street	
Judah Street	
Noriega Street	
Ocean Avenue	
SoMa	
Taraval Street	
NC-3, NCT-3	6,000 sq. ft.
Excelsior Outer Mission Street	
Fillmore Street	
Mission Street	
NC-S	

Regional Commercial District	10,000 sq. ft.

In addition to the criteria of Section 303(c) of this Code, the Commission shall consider the extent to which the following criteria are met:

(1) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-serving uses in the area.

(2) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function.

(3) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district.

(b) In order to protect and maintain a scale of development appropriate to each district, Non-Residential uses that exceed the square footage stated in the table below shall not be permitted, except in the following circumstances:

(1) In the Castro Street Neighborhood Commercial District, a Child Care Facility, School, Post-Secondary Educational Institution, Religious Institution, Social Service or Philanthropic Facility, Community Facility, or a Residential Care Facility as defined in Section 102 of this Code that is operated by a non-profit and is neighborhood-serving may exceed this Subsection 121.2(b) with Conditional Use authorization.

(2) In the Regional Commercial District, Schools and Childcare Facilities as defined in Section 102 may exceed this Subsection 121.2(b) with Conditional Use authorization.

(3) In the Polk Street Neighborhood Commercial District, this subsection 121.2(b) shall not apply to a Movie Theater use, or the expansion of an existing General Grocery Use, as defined in Section 102 of this Code, and pursuant to the controls of Section 723.

The use area shall be measured as the Gross Floor Area for each individual Non-Residential use.

District	**Use Size Limits**
West Portal Avenue	4,000 square feet
North Beach	
Castro Street	
Polk Street	
Pacific Avenue	
Regional Commercial District	25,000 square feet

(c) In order to protect the pedestrian scale of the Mission Street NCT and provide space for small businesses, the following control shall apply in the Mission Street NCT:

(1) **Applicability.** Lot mergers pursuant to Section 121.7(f) and any project located on a parcel that was created as a result of a lot merger pursuant to Section 121.7(f).

(2) **Control.** Any such project that does not include at least one non-residential space of no more than 2,500 square feet, located on the ground floor and fronting directly onto Mission Street, shall require a conditional use authorization. In considering whether to grant such conditional use authorization, the Commission shall consider the criteria in Sections 121.2(a) and 303(c).

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 312-99, File No. 991586, App. 12/3/99; Ord. 198-00, File No. 992321, App. 8/18/2000; Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 251-07, File No. 070851, App. 11/7/2007; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 245-08, File No. 080696; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. 140-11, File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. 35-12 , File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 154-13 , File No. 130263, App. 7/25/2013, Eff. 8/24/2013 ; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015 ; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 205-17, File No. 170418, App. 11/3/2017, Eff. 12/3/2017; Ord. 17-18, File No. 171173, App. 2/9/2018, Eff. 3/12/2018; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 11-23, File No. 221023, App. 2/9/2023, Eff. 3/12/2023)

AMENDMENT HISTORY

Division (a) table amended; Ord. 140-11, Eff. 8/4/2011. Division (a) table amended; Ord. 35-12 , Eff. 3/22/2012. Division (a) table amended; Ord. 42-13 , Eff. 4/27/2013. Division (a) table amended; division (b) table amended; Ord. 56-13 , Eff. 4/27/2013. Division (a) table amended [identical amendments previously had been made by Ord. 56-13]; division (b) amended; Ord. 154-13 , Eff. 8/24/2013. Division (a) amended; Ord. 188-15 , Eff. 12/4/2015. Section header, divisions (a) and (b), and both tables amended; division (b) divided into divisions (b), (b)(1), (b)(2), and undesignated paragraph; Ord. 129-17, Eff. 7/30/2017. Division (b)(3) added; division (b) table amended; Ord. 205-17, Eff. 12/3/2017. Divisions (c)-(c)(2) added; Ord. 17-18, Eff. 3/12/2018. Division (a) table amended; Ord. 202-18, Eff. 9/10/2018. Divisions (b) and (b)(3) and division (b) table amended; Ord. 11-23, Eff. 3/12/2023.

SEC. 124. BASIC FLOOR AREA RATIO.

(See Interpretations related to this Section.)

(a) Except as provided in subsections (b), (c), (d), (e), and (l) of this Section 124, the basic Floor Area Ratio limits specified in the Zoning Control Table for the district in which the lot is located, or in Table 124 below, shall apply to each building or development in the

districts indicated.

TABLE 124

BASIC FLOOR AREA RATIO LIMITS

District	Basic Floor Area Ratio Limit
RED, RED-MX	1.0 to 1
Pacific	1.5 to 1
SPD, NC-1, NCT-1, NC-S	1.8 to 1
Haight	
Inner Clement	
Inner Sunset	
North Beach	
Outer Clement	
Sacramento	
24th Street-Noe Valley	
West Portal	
NC-2, NCT-2, RCD	2.5 to 1
Broadway	
Folsom Street	
Glen Park	
Noriega	
Ocean Avenue	
Irving	
Judah	
Polk	
SoMa	
Taraval	
24th Street-Mission	
Upper Fillmore	
Valencia	
Castro	3.0 to 1
Hayes-Gough	
Union	
Upper Market	
NC-3, NCT-3	3.6 to 1
Excelsior-Outer Mission	
Fillmore	
Mission Street	
Chinatown R/NC	1.0 to 1
Chinatown VR	2.0 to 1
Chinatown CB	2.8 to 1
MUG, MUO, MUR, UMU, WMUG, WMUO, SALI in a 40, 45, or 48 foot height district	3.0 to 1
MUG, MUO, MUR, UMU, WMUG, WMUO, SALI in a 50, 55, or 58 foot height district	4.0 to 1
MUG, MUO, MUR, UMU, WMUG, WMUO, SALI in a 65 or 68 foot height district	5.0 to 1
MUG, MUO, MUR, UMU, WMUG, WMUO, SALI in a 85 foot height district	6.0 to 1
MUG, MUO, MUR, UMU, WMUG, WMUO, in a height district over 85 feet	7.5 to 1

(b) In R, RC, NC, and Mixed Use Districts, floor area ratio limits shall not apply to dwellings or to other residential uses. In Chinatown Mixed Use Districts, the above floor area ratio limits shall not apply to institutions, and mezzanine commercial space shall not be calculated as part of the floor area ratio.

(c) In a C-2 District the basic floor area ratio limit shall be 4.8 to 1 for a lot which is nearer to an RM-4 or RC-4 District than to any other R District, and 10.0 to 1 for a lot which is nearer to a C-3 District than to any R District. The distance to the nearest R District or C-3 District shall be measured from the midpoint of the front line, or from a point directly across the street therefrom, whichever gives the greatest ratio.

(d) In the Van Ness Special Use District, as described in Section 243 of this Code, the basic floor area ratio limit shall be 7.0 to 1 where the height limit is 130 feet and at the hospital site within the Van Ness Medical Use Subdistrict, and 4.8 to 1 where the height limit is 80 feet. Within the Van Ness Medical Use Subdistrict, the basic floor area ratio limit shall be 7.5 to 1 for a medical office building, subject to Conditional Use Authorization for a hospital, medical center or other medical institution.

(e) In the Waterfront Special Use Districts, as described in Sections 240 through 240.3 of this Code, the basic floor area ratio limit in any C District shall be 5.0 to 1.

(f) For buildings in C-3-G and C-3-S Districts, other than those designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of dwellings on the site of the building affordable for the Life of the Project, as defined in Section 401, to households whose incomes are within 150 percent of AMI, as defined in Section 401, for ownership units and up to 120% of AMI for rental units, in accordance with the conditional use procedures and criteria as provided in Section 303 of this Code. For buildings in the C-3-G District designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above up to the Gross Floor Area of the existing building may be approved, in accordance with the conditional use procedures and criteria as provided in Section 303 of this Code, where: (1) TDRs (as defined by Section 128(a)(5)) were transferred from the lot containing the Significant or Contributory building prior to the effective date of the amendment to Section 124(f) adding this paragraph when the floor area transferred was occupied by a non profit corporation or institution meeting the requirements for exclusion from Gross Floor Area calculation; (2) the additional square footage includes only the amount necessary to accommodate dwelling units and/or group housing units that are affordable for the Life of the Project to households whose incomes are within 60 percent of AMI as defined herein together with any social, educational, and health service space accessory to such units; and (3) the proposed change in use to dwelling units and accessory space and any construction associated therewith, if it requires any alternation to the exterior or other character defining features of the Significant or Contributory Building, is undertaken pursuant to the duly approved Permit to Alter, pursuant to Section 1110, provided, however, that the procedures otherwise required for a Major Alteration as set forth in Sections 1111.4 and 1111.5 and shall be deemed applicable to any such Permit to Alter.

(1) Any dwelling approved for construction under this provision shall be deemed a "Designated Unit" as defined below. Prior to the issuance by the Director of the Department of Building Inspection ("Director of Building Inspection") of a First Construction Document to construct any Designated Unit subject to this Section, the permit applicant shall notify the Director of Planning and the Director of MOHCD in writing whether the Designated Unit will be an owned or rental unit as defined in Section 401 of this Code.

(2) Unless specifically stated in this Section 124(f), each designated unit shall be subject to the provisions of Section 415 of this Code. For purposes of this Subsection and the application of Section 415 of this Code to Designated Units constructed pursuant to this Subsection, the definitions set forth in Section 401 of this Code shall apply.

(3) Except as specifically specified herein, Designated Units shall meet all of the procedures, pricing methodology, monitoring obligations and other requirements of the Inclusionary Housing Procedures Manual and either:

(A) Be used to satisfy the requirements of the Inclusionary Affordable Housing Program, Section 415 *et seq.*, and meet all of the requirements of that Program, including the income limits specified therein; or

(B) Meet the requirements of this subsection (f), including the income limits specified, and be family sized, meaning that each Designated Unit contains at least 2 or 3 bedrooms. In the event that the Designated Unit is not also an On- or Off-site Unit under Section 415, Designated Units shall not be used to determine the required unit size mix for purposes of the Inclusionary Affordable Housing Program.

(4) MOHCD shall update its Procedures Manual if necessary to include any specific provisions related to Designated Units.

(5) Affordable unit gross square footage which is exempted per this section for FAR shall not be exempted for impact fees that are levied on a gross square foot or FAR basis.

(g) The allowable Gross Floor Area on a lot which is the site of an unlawfully demolished building that is governed by the provisions of Article 11 shall be the Gross Floor Area of the demolished building for the period of time set forth in, and in accordance with the provisions of, Section 1116 of this Code, but not to exceed the basic floor area permitted by this Section.

(h) In calculating the permitted floor area of a new structure in a C-3 District, the lot on which an existing structure is located may not be included unless the existing structure and the new structure are made part of a single development complex, the existing structure is or is made architecturally compatible with the new structure, and, if the existing structure is in a Conservation District, the existing structure meets or is made to meet the standards of Section 1109(c), and the existing structure meets or is reinforced to meet the standards for seismic loads and forces of the Building Code. Determinations under this Paragraph shall be made in accordance with the provisions of Section 309.

(i) In calculating allowable Gross Floor Area on a preservation lot from which any TDRs have been transferred pursuant to Section 128, the amount allowed herein shall be decreased by the amount of gross floor area transferred.

(j) For buildings in C-3-G and C-3-S Districts that are not designated as Significant or Contributory pursuant to Article 11 of this Code, additional square footage above that permitted by the base floor area ratio limits set forth above may be approved for construction of a project, or portion thereof, that constitutes a Student Housing project, as defined in Section 102 of this Code. Such approval shall be subject to the conditional use procedures and criteria in Section 303 of this Code.

(k) In the Cesar Chavez/Valencia Streets Medical Use Special Use District, as described in Section 249.68 of this Code, the basic floor area ratio limit shall be 2.6 to 1, subject to Conditional Use Authorization of a Hospital.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 69-87, App. 3/13/87; Ord. 131-87, App. 4/24/87; Ord. 445-87, App. 11/12/87; Ord. 537-88, App. 12/16/88; Ord. 115-90, App. 4/6/90; Ord. 15-98, App. 1/16/98; Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 275-03, File no. 021577, App. 12/10/2003; Ord. 87-07, File No. 061688, App. 4/27/2007; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. 63-11, File No. 101053, App. 4/7/2011, Eff. 5/7/2011; Ord. 35-12 , File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. 188-12 , File No. 111374, App. 9/11/2012, Eff. 10/11/2012; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 131-13 , File No. 120357, App. 7/11/2013, Eff. 8/10/2013, Oper. 9/9/2013; Ord. 132-13 , File No. 120358, App. 7/11/2013, Eff. 8/10/2013, Oper. 9/9/2013; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 164-15 , File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 26-18, File No. 171193, App. 2/23/2018, Eff. 3/26/2018; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 70-23, File No. 220340, App. 5/3/2023, Eff. 6/3/2023)

AMENDMENT HISTORY

Divisions (b), (d), (f), (f)(1), and (f)(3) amended; Ord. 63-11, Eff. 5/7/2011. [Former] Table 124 amended; Ord. 35-12 , Eff. 3/22/2012. Division (k) added; Ord. 188-12 , Eff. 10/11/2012. [Former] Table 124 amended; Ord. 42-13 , Eff. 4/27/2013. Division (d) amended; Ord. 131-13 , Oper. 9/9/2013. Division (a) amended; division (l) added; Ord. 132-13 , Oper. 9/9/2013. Division (a) amended and former Table 124 deleted; divisions (f), (g), (h), (j), (k), and (l) amended; Ord. 22-15, Eff. 3/22/2015. Divisions (f)-(f)(3) amended; new divisions (f)(4) and (5) added; Ord. 164-15 , Eff. 10/23/2015. Division (a) amended; new Table 124 added; Ord. 188-15 , Eff. 12/4/2015. Division (f)(1) amended; Ord. 26-18, Eff. 3/26/2018. Division (a), Table 124, and divisions (j)-(j)(1) amended; Ord. 296-18, Eff. 1/12/2019. Division (i) amended; divisions (j)-(j)(2) deleted; divisions (k) and (l) redesignated as (j) and (k); Ord. 70-23, Eff. 6/3/2023.

Editor's Note:

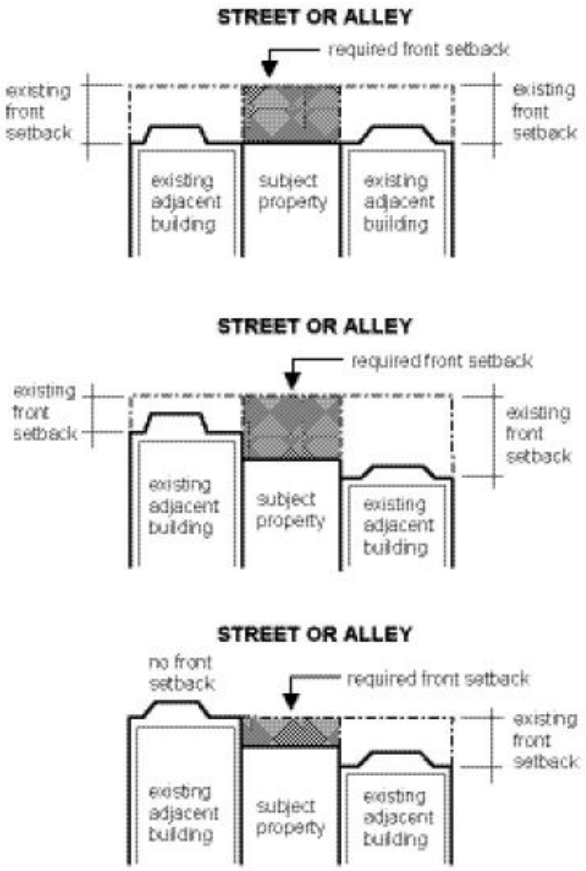
Ordinance 155-15 (File No. 150348, App. 8/6/2015, Eff. 9/5/2015) purported to amend this section. At the direction of the Office of the City Attorney, Ord. 155-15 was never codified (and accordingly is not referenced in the history notes above). Its provisions effectively were superseded by Ord. 164-15 (File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015).

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

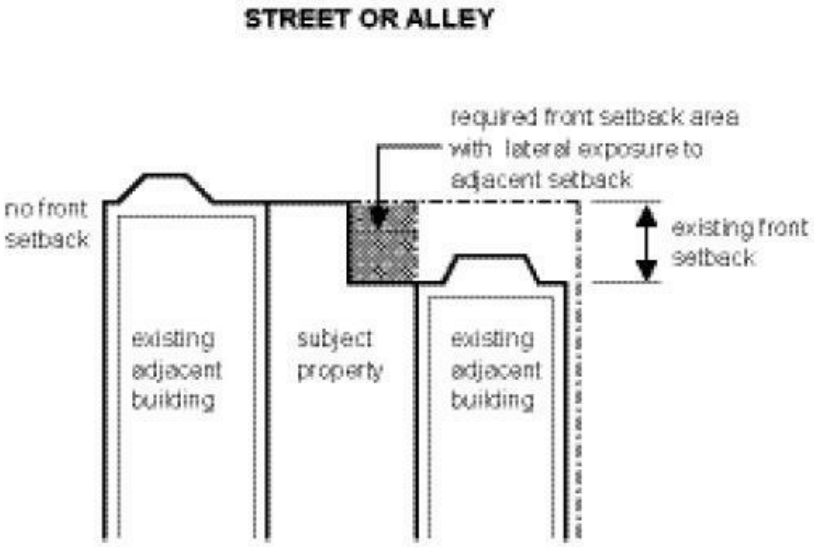
(See Interpretations related to this Section.)

The following requirements for minimum front setback areas shall apply to every building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the existing front setbacks of adjacent buildings. Buildings in RTO Districts which have more than 75 feet of street frontage are additionally subject to the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission. Planned Unit Developments or PUDs, as defined in Section 304, shall also provide landscaping in required setbacks in accord with Section 132(g).

(a) **Basic Requirement.** Where one or both of the buildings adjacent to the subject property have front setbacks along a Street or Alley, any building or addition constructed, reconstructed, or relocated on the subject property shall be set back to the average of the two adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is only one adjacent building, then the required setback for the subject property shall be equal to one-half the front setback of such adjacent building. In any case in which the lot constituting the subject property is separated from the lot containing the nearest building by an undeveloped lot or lots for a distance of 50 feet or less parallel to the Street or Alley, such nearest building shall be deemed to be an “adjacent building,” but a building on a lot so separated for a greater distance shall not be deemed to be an “adjacent building.”



(b) **Alternative Method of Averaging.** If, under the rules stated in subsection (a) above, an averaging is required between two adjacent front setbacks, or between one adjacent setback and another adjacent building with no setback, the required setback on the subject property may alternatively be averaged in an irregular manner within the depth between the setbacks of the two adjacent buildings, provided that the area of the resulting setback shall be at least equal to the product of the width of the subject property along the Street or Alley times the setback depth required by subsections (a) and (c) of this Section 132; and provided further, that all portions of the resulting setback area on the subject property shall be directly exposed laterally to the setback area of the adjacent building having the greater setback. In any case in which this alternative method of averaging has been used for the subject property, the extent of the front setback on the subject property for purposes of subsection (c) below relating to subsequent development on an adjacent site shall be considered to be as required by subsection (a) above, in the form of a single line parallel to the Street or Alley.

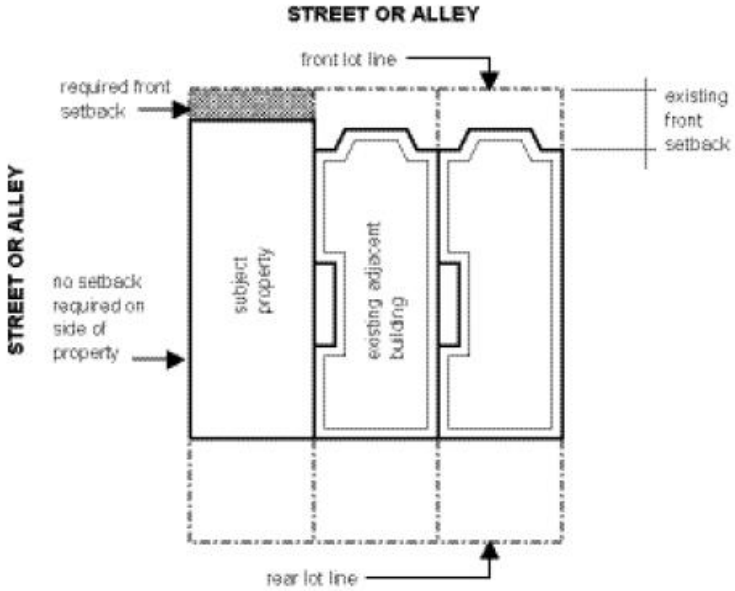


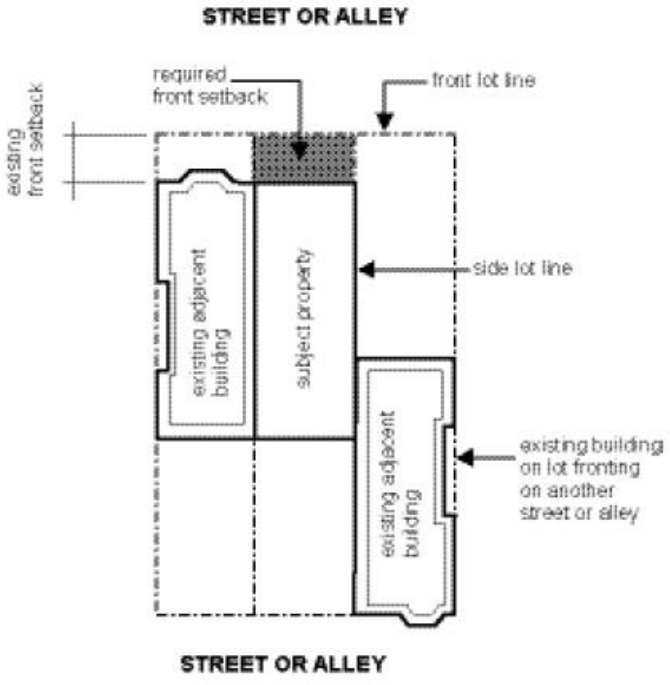
(c) **Method of Measurement.** The extent of the front setback of each adjacent building shall be taken as the horizontal distance from the property line along the Street or Alley to the building wall closest to such property line, excluding all projections from such wall, all decks and garage structures and extensions, and all other obstructions.

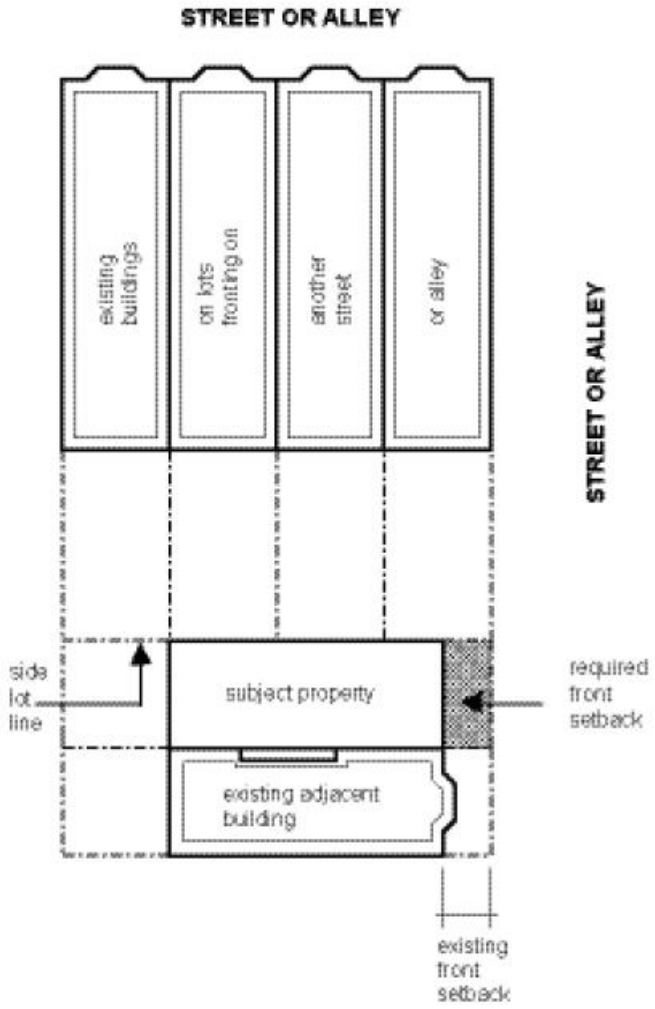
(d) **Applicability to Special Lot Situations.**

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

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







(3) **Lots Abutting RC, C, M, and P Districts.** In the case of any lot that abuts property in an RC, C, M, or P District, any property in such district shall be disregarded, and the required setback for the subject lot shall be equal to the front setback of the adjacent building in the RH, RTO, or RM District.

(e) **Maximum Requirements.** The maximum required front setback in any of the cases described in this Section 132 shall be 15 feet from the property line along the Street or Alley, or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement. Where a lot faces on a Street or Alley less than or equal to 40 feet in width, the maximum required setback shall be ten feet from the property line or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser requirement. The required setback for lots located within the Bernal Heights Special Use District is set forth in Section 242 of this Code.

(f) **Permitted Obstructions.** Only those obstructions specified in Section 136 of this Code shall be permitted in a required front setback area, and no other obstruction shall be constructed, placed or maintained within any such area. No motor vehicle, trailer, boat or other vehicle shall be parked or stored within any such area, except as specified in Section 136.

(g) **Landscaping and Permeable Surfaces.** The landscaping and Permeable Surface requirements of this subsection (g) and subsection (h) below shall be met by the permittee in the case of construction of a new building; the addition of a new Dwelling Unit, a garage, or additional parking; any addition to a structure that would result in an increase of 20% or more of the existing Gross Floor Area; a Residential Merger, as defined in Section 317; or paving or repaving more than 200 square feet of the front setback. All front setback areas required by this Section 132 shall be appropriately landscaped, meet any applicable water use requirements of Administrative Code Chapter 63, and in every case not less than 20% of the required setback area shall be and remain unpaved and devoted to plant material, including the use of climate appropriate plant material as defined in Public Works Code Section 802.1. For the purposes of this Section 132, permitted obstructions as defined by Section 136(c)(6) chimneys, Section 136(c)(14) steps, and Section 136(c)(26) underground garages, shall be excluded from the front setback area used to calculate the required landscape and Permeable Surface area. If the required setback area is entirely taken up by one or more permitted obstructions, the Zoning Administrator may allow the installation of sidewalk landscaping that is compliant with applicable water use requirements of Chapter 63 of the Administrative Code to satisfy the requirements of this Section 132, subject to permit approval from the Department of Public Works in accordance with Public Works Code Section 810B.

(h) **Permeable Surfaces.** The front setback area shall be at least 50% permeable so as to increase stormwater infiltration. The Permeable Surface may be inclusive of the area counted towards the landscaping requirement; provided, however, that turf pavers or similar planted hardscapes shall be counted only toward the Permeable Surface requirement and not the landscape requirement.

(1) The Zoning Administrator, after consultation with the Director of Public Works, may waive the Permeable Surface requirement

if the site does not qualify as a suitable location pursuant to Department of Public Works rules and regulations.

(2) If the site receives stormwater run-off from outside the lot boundaries, the Zoning Administrator, after consultation with the General Manager of the Public Utilities Commission, may modify the Permeable Surface requirement to include alternative management strategies, such as bio-retention or other strategies, pursuant to Public Utilities Commission rules and regulations.

(i) **Planned Unit Developments.** In addition to the front yard landscaping requirements in Section 132(g). Planned Unit Developments are required to install the following front yard landscape features.

(1) Where ground floor setbacks are required, landscaping is also required in the setbacks per Section 132(g). All building setback areas not occupied by steps, porches or other permitted obstructions shall be Permeable Surfaces. Setbacks should be designed to provide access to landscaped areas, encouraging active use by residents.

(A) A water source should be provided for each residential setback reachable by a 30-foot hose.

(B) To allow for landscaping and street trees at street grade, below-grade parking shall be located at a depth below any surface of the setback to provide a minimum soil depth of 3 feet 6 inches.

(2) The Zoning Administrator is authorized to modify the additional landscaping requirements for Planned Unit Developments. The Zoning Administrator shall allow modifications only when he or she finds that modifications provide equal or greater ecological benefit than the above requirements, including the use of climate appropriate plant materials as defined in Public Works Code Section 802.1. Acceptable modifications may include alternative landscape treatments such as landscaped berms, detention or retention basins, perimeter plantings, pedestrian lighting, benches and seating areas, or additional landscaping and tree planting elsewhere on the site or on the adjacent public right-of-way itself, subject to permit approval from the Department of Public Works.

(j) **Relationship to Legislated Setback Lines.** In case of any conflict between the requirements of this Section 132 for front setback areas and a legislated setback line as described in Section 131 of this Code, the more restrictive requirements shall prevail.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 32-91, App. 1/25/91; Ord. 219-02, File No. 020493, App. 11/8/2002; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 84-10, File No. 091453, App. 4/22/2010; Ord. 310-10, File No. 101194, App. 12/16/2010; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 23-16 , File No. 150494, App. 3/4/2016, Eff. 4/3/2016 ; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 206-19, File No. 190048, App. 9/13/2019, Eff. 10/14/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Division (g) amended; former divisions (i)(1)(i) and (ii) redesignated as divisions (i)(1)(A) and (B); Ord. 56-13 , Eff. 4/27/2013. Division (g) amended; Ord. 188-15 , Eff. 12/4/2015. Division (g) amended; Ord. 23-16 , Eff. 4/3/2016. Section header and divisions (g), (h)-(h)(2), and (i)(1) amended; Ord. 202-18, Eff. 9/10/2018. Divisions (a) through (e) amended; Ord. 206-19, Eff. 10/14/2019. Division (d)(1) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 133. SIDE YARDS, RH-1(D) DISTRICTS.

(See Interpretations related to this Section.)

The following requirements for side yards shall apply to every building in an RH-1(D) District. Any lot width of less than 33 feet as described herein shall refer only to substandard lots of record as defined in Section 180 of this Code.

(a) Minimum side yards shall be provided as follows:

(1) For lots with a width of less than 28 feet: none;

(2) For lots with a width of 28 feet or more but less than 31 feet: one side yard equal to the amount by which the lot width exceeds 25 feet, or the same total amount in the form of two side yards, one of which shall be at least three feet;

(3) For lots with a width of 31 feet or more but less than 40 feet: two side yards each of three feet;

(4) For lots with a width of 40 feet or more but less than 50 feet: two side yards each of four feet;

(5) For lots with a width of 50 feet or more: two side yards each of five feet.

(b) Where, however, the building does not exceed 25 feet in height, any side yard required by Subsection (a) to be more than three feet in width may be reduced to three feet if the width of the other side yard is increased by the same amount as the first one is reduced.

(c) Buildings may be built to the common line of two adjoining lots if a side yard having a width of not less than the combined width of the two side yards required above for each lot is provided on each such lot on the opposite side.

(d) Only those obstructions specified in Section 136 of this Code shall be permitted in a required side yard, and no other obstruction shall be constructed, placed or maintained within any such yard. No motor vehicle, trailer, boat or other vehicle shall be parked or stored within any such yard, except as specified in Section 136.

(Amended by Ord. 443-78, App. 10/6/78)

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

(See Interpretations related to this Section.)

(a) **Purpose.** The rear yard requirements of this Section 134 are intended to:

(1) assure the protection and continuation of established mid-block landscaped open spaces;

(2) maintain a scale of development appropriate to each district, complementary to the location of adjacent buildings;

(3) provide natural light and natural ventilation to residences, work spaces, and adjacent rear yards; and

(4) provide residents with usable open space and views into green rear-yard spaces.

(b) **Applicability.** The rear yard requirements established by this Section 134 shall apply to every building in the districts listed below. To the extent that these provisions are inconsistent with any Special Use District or Residential Character District, the provisions of the Special Use District or Residential Character District shall apply.

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

(1) **RH-1(D), RH-1, and RH-1(S) Districts.** For buildings that submit a development application on or after January 15, 2019, the minimum rear yard depth shall be equal to 30% of the total depth of the lot on which the building is situated, but in no case less than 15 feet. Exceptions are permitted on Corner Lots and through lots abutting properties with buildings fronting both streets, as described in subsection (f) below. For buildings that submitted a development application prior to January 15, 2019, the minimum rear yard depth shall be determined based on the applicable law on the date of submission.

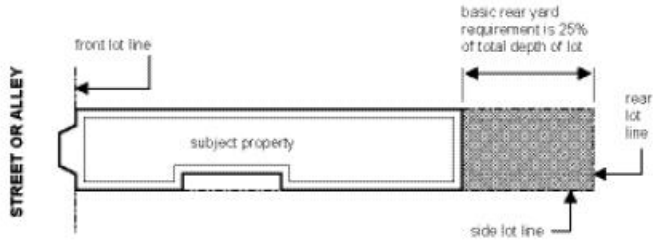
(2) **RM-3, RM-4, RC-3, RC-4, NC Districts other than the Pacific Avenue NC District, M, MUG, WMUG, MUO, CMUO, MUR, UMU, RED, RED-MX, and SPD Districts.** Except as specified in this subsection (c), the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building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

(A) For buildings containing only SRO Units in the CMUO, MUG, MUO, MUR, UMU, and WMUG Districts, the minimum rear yard depth shall be equal to 25% of the total depth of the lot on which the building is situated, but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced in specific situations as described in subsection (e) below.

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

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

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



(E) **RC-3, RC-4, NC-3, NCT-3, Bayview, Broadway, Fillmore Street, Geary Boulevard, Hayes-Gough, Japantown, SoMa NCT, Mission Bernal, Mission Street, Polk Street, Lower Polk Street, Pacific Avenue, M, SPD, MUR, MUG, MUO, and UMU Districts.** Rear yards shall be provided at the lowest story containing a Dwelling Unit, and at each succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M, N, R, S, T, U, and V) are not required to provide rear yards at any level of the building, provided that the project fully meets the usable open space requirement for Dwelling Units pursuant to Section 135, meets the exposure requirements of Section 140, and gives adequate architectural consideration to the light and air needs of adjacent buildings given the constraints of the project site.

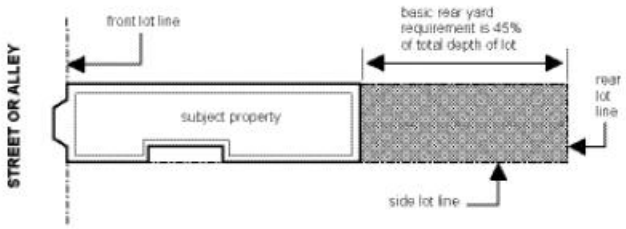
(F) **Upper Market Street NCT.** Rear yards shall be provided at the grade level, and at each succeeding story of the building. For buildings in the Upper Market Street NCT that do not contain Residential Uses and that do not abut adjacent lots with an existing pattern of rear yards or mid-block open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

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

(H) **Lot Coverage in C Districts.** Lot coverage is limited to 80% at all levels containing residential uses, except that on levels that include only lobbies and circulation areas and on levels in which all residential uses, including circulation areas, are within 40 horizontal feet from a property line fronting a street or alley, up to 100% lot coverage may occur. The unbuilt portion of the lot shall be

open to the sky except for those obstructions permitted in yards pursuant to subsections (1) through (23) of Section 136(c). Where the adjacent properties have an existing rear yard, the unbuilt area of the new project shall be designed to adjoin that rear yard. In accordance with Section 210.5, lot coverage requirements shall not be applicable for Commercial to Residential Adaptive Reuse projects.

(3) **RH-2, RH-3, RTO, RTO-M, RM-1 and RM-2 Districts, and the Pacific Avenue NC District.** The minimum rear yard depth shall be equal to 45% of the total depth of the lot on which the building is situated, except to the extent that a reduction in this requirement is permitted by subsection (e) below. Rear yards shall be provided at grade level and at each succeeding level or story of the building. In RH-2, RH-3, RTO, RTO-M, RM-1, and RM-2 Districts, exceptions are permitted on Corner Lots and through lots abutting a property with buildings fronting on both streets, as described in subsection (f) below.



(d) **Permitted Obstructions.** Only those obstructions specified in Section 136 of this Code shall be permitted in a required rear yard, and no other obstruction shall be constructed, placed, or maintained within any such yard. No motor vehicle, trailer, boat, or other vehicle shall be parked or stored within any such yard, except as specified in Section 136.

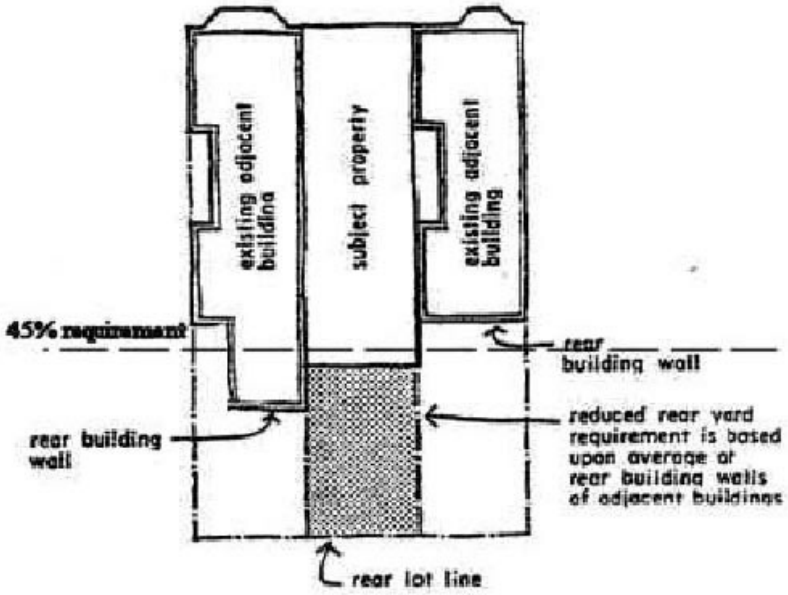
(e) **Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1, RM-2, CMUO, MUG, MUO, MUR, UMU, and WMUG Districts.** The rear yard requirement stated in subsection (c)(3) above and as stated in subsection (c)(2)(A) above for SRO buildings located in CMUO, MUG, MUO, MUR, UMU, and WMUG Districts not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

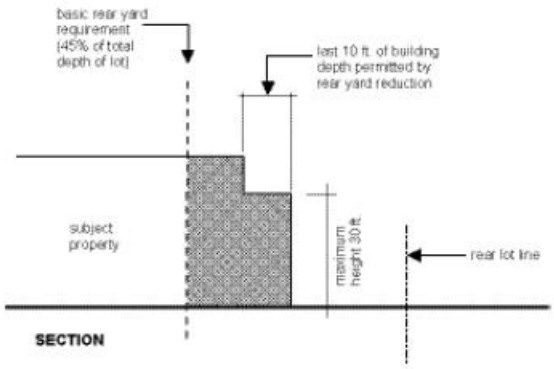
(1) **General Rule.** In such districts, the forward edge of the required rear yard shall be reduced to a line on the subject lot, parallel to the rear lot line of such lot, which is an average between the depths of the rear building walls of the two adjacent buildings. Except for SRO buildings, in any case in which a rear yard requirement is thus reduced, the last 10 feet of building depth thus permitted on the subject lot shall be limited to a height of 30 feet, measured as prescribed by Section 260 of this Code, or to such lesser height as may be established by Section 261 of this Code.

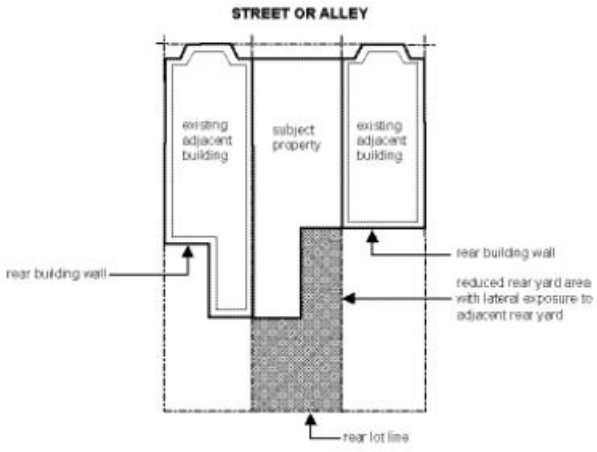
(2) **Alternative Method of Averaging.** If, under the rule stated in subsection (e)(1) above, a reduction in the required rear yard is permitted, the reduction may alternatively be averaged in an irregular manner; provided that the area of the resulting reduction shall be no more than the product of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

(3) **Method of Measurement.** For purposes of this subsection (e), an “adjacent building” shall mean a building on a lot adjoining the sub- ject lot along a side lot line. In all cases the location of the rear building wall of an adjacent building shall be taken as the line of greatest depth of any portion of the adjacent building which occupies at least one-half the width between the side lot lines of the lot on which such adjacent building is located, and which has a height of at least 20 feet above grade, or two Stories, whichever is less, excluding all permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining the subject lot is vacant, or contains no Dwelling or Group Housing structure, or is located in an RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, RED-MX, MUG, WMUG, MUR, UMU, SPD, RSD, SLR, SLI, SSO, NC, C, M, or P Dis- trict, such adjoining lot shall, for purposes of the calculations in this subsection (e), be considered to have an adjacent building upon it whose rear building wall is at a depth equal to 75% of the total depth of the subject lot.

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

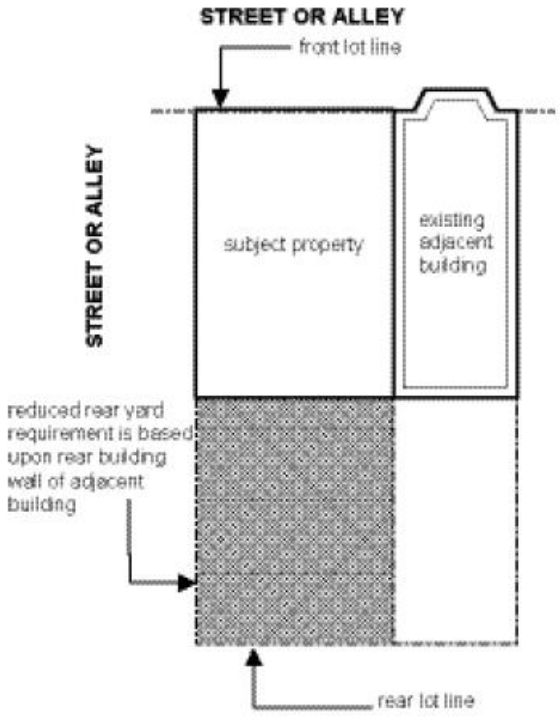


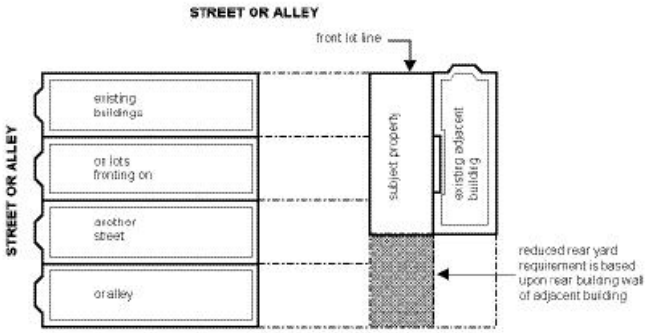




(A) **Corner Lots and Lots at Alley Intersections.** On a Corner Lot as defined in Section 102 of this Code, or a lot at the intersection of a Street and an Alley or two Alleys, the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building.

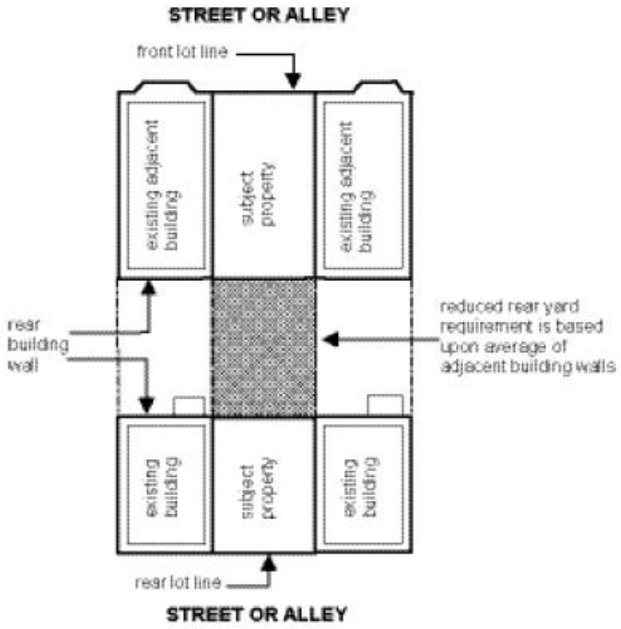
(B) **Lots Abutting Properties with Buildings that Front on Another Street or Alley.** In the case of any lot that abuts along one of its side lot lines upon a lot with a building that fronts on another Street or Alley, the lot on which it so abuts shall be disregarded, and the forward edge of the required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear building wall of the one adjacent building fronting on the same Street or Alley. In the case of any lot that abuts along both its side lot lines upon lots with buildings that front on another Street or Alley, both lots on which it so abuts shall be disregarded, and the minimum rear yard depth for the subject lot shall be equal to 25% of the total depth of the subject lot, or 15 feet, whichever is greater.





(f) **Second Building on Corner Lots and Through Lots Abutting Properties with Buildings Fronting on Both Streets in RH, RTO, RTO-M, RM-1, and RM-2 Districts.** Where a lot is a Corner Lot, or is a through lot having both its front and its rear lot line along Streets, Alleys, or a Street and an Alley, and where an adjoining lot contains a residential or other lawful structure that fronts at the opposite end of the lot, the subject through lot may also have two buildings according to such established pattern, each fronting at one end of the lot, provided that all the other requirements of this Code are met. In such cases, the rear yard required by this Section 134 for the subject lot shall be located in the central portion of the lot, between the two buildings on such lot, and the depth of the rear wall of each building from the Street or Alley on which it fronts shall be established by the average of the depths of the rear building walls of the adjacent buildings fronting on that Street or Alley, or where there is only one adjacent building, by the depth of that building. In no case shall the total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 30% of the total depth of the subject lot or to less than 15 feet, whichever is greater; provided, however, that the Zoning Administrator may reduce the total depth to 20% pursuant to Section 307(l) of this Code if the reduction is for the sole purpose of constructing an Accessory Dwelling Unit under Section 207(c)(4), and provided further that the reduction/waiver is in consideration of the property owner entering into a Regulatory Agreement pursuant to Section 207(c)(4)(H) subjecting the ADU to the San Francisco Rent Stabilization and Arbitration Ordinance. For buildings fronting on a Narrow Street as defined in Section 261.1 of this Code, the additional height limits of Section 261.1 shall apply. Furthermore, in all cases in which this subsection (f) is applied, the requirements of Section 132 of this Code for front setback areas shall be applicable along both Street or Alley frontages of the subject through lot.

(g) **Reduction of Requirements in C-3 Districts.** In C-3 Districts, an exception to the rear yard requirements of this Section 134 may be allowed, in accordance with the provisions of Section 309, provided that the building location and configuration assure adequate light and air to windows within the residential units and to the usable open space provided.



(h) **Modification of Requirements in NC Districts.** The rear yard requirements in NC Districts may be modified or waived in specific situations as described in this subsection (h).

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

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

(B) The proposed new or expanding structure will not significantly impede the access of light and air to and views from adjacent properties; and

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

(2) **Corner Lots and Lots at Alley Intersections.** On a Corner Lot as defined in Section 102 of this Code, or on a lot at the intersection of a Street and an Alley of at least 25 feet in width, the required rear yard may be substituted with an open area equal to 25% of the lot area which is located at the same levels as the required rear yard in an interior corner of the lot, an open area between two or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning Administrator determines that all of the criteria described below in this subsection (h)(2) are met.

(A) Each horizontal dimension of the open area shall be a minimum of 15 feet.

(B) The open area shall be wholly or partially contiguous to the existing midblock open space formed by the rear yards of adjacent properties.

(C) The open area will provide for the access to light and air to and views from adjacent properties.

(D) The proposed new or expanding structure will provide for access to light and air from any existing or new residential uses on the subject property.

The provisions of this subsection (h)(2) shall not preclude such additional conditions as are deemed necessary by the Zoning Administrator to further the purposes of this Section 134.

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

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

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

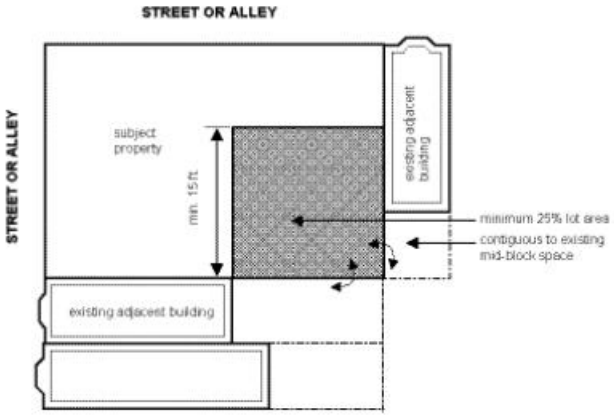
(3) The modification request is not combined with any other residential open space modification or exposure variance for the project, except exposure modifications in designated landmark buildings under Section 307(h)(1).

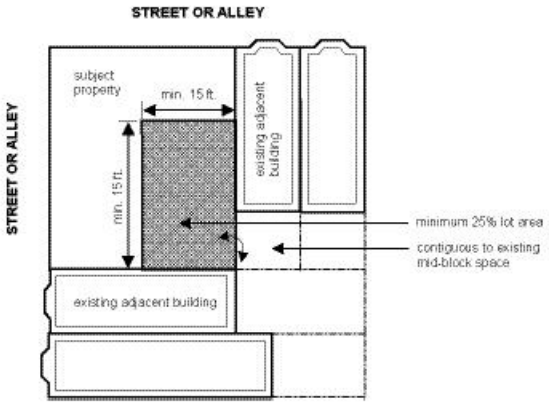
(j) **Reduction of Requirements in the North of Market Residential Special Use District.** The rear yard requirement may be substituted with an equivalent amount of open space situated anywhere on the site, provided that the Zoning Administrator determines that all of the following criteria are met:

(1) The substituted open space in the proposed new or expanding structure will improve the access of light and air to and views from existing abutting properties; and

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

This provision shall be administered pursuant to the notice and hearing procedures which are applicable to variances as set forth in Sections 306.1 through 306.5 and 308.2.





(Amended by Ord. 414-85, App. 9/17/85; Ord. 532-85, App. 12/4/85; Ord. 69-87, App. 3/13/87; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90; Ord. 32-91, App. 1/25/91; Ord. 368-94, App. 11/4/94; Ord. 32-96, App. 1/11/96; Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. 25-11, File No. 101464, App. 2/24/2011; Ord. 140-11, File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. 196-11 , File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. 35-12 , File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 229-15 , File No. 151126, App. 12/22/2015, Eff. 1/21/2016; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 206-19, File No. 190048, App. 9/13/2019, Eff. 10/14/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 70-23, FIle No. 220340, App. 5/3/2023, Eff. 6/3/2023; Ord. 122-23, File No. 230371, App. 7/5/2023, Eff. 8/5/2023; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

AMENDMENT HISTORY

Division (a)(1)(C) amended; Ord. 140-11, Eff. 8/4/2011. Division (f) amended; Ord. 196-11 , Eff. 11/3/2011. Division (a)(1)(B) amended; Ord. 35-12 , Eff. 3/22/2012. Section header, introductory paragraph, and divisions (a)(1), (a)(1)(B), and (a)(1)(C) amended; division (a)(1)(E) added; divisions (c)(3) and (f) amended; Ord. 42-13 , Eff. 4/27/2013. Divisions (a)(1)(C) and (c)(4) amended; Ord. 56-13 , Eff. 4/27/2013. Introductory paragraph and divisions (a)(1), (a)(1)(C), (a)(2), (c), and (c)(1) amended; Ord. 188-15 , Eff. 12/4/2015. Divisions (a)(1), (a)(1)(A), and (a)(1)(C) amended; Ord. 229-15 , Eff. 1/21/2016. Section header and divisions (a)(1) and (a)(1)(B)-(E) amended; Ord. 129-17, Eff. 7/30/2017. Section header amended; division (a)(1) amended and split into (a)(1) and new (a)(1)(A); new division (a)(1)(B) added; divisions (a)(1)(C) and (c) amended; Ord. 296-18 , Eff. 1/12/2019. New divisions (a)-(a)(4) added; introductory paragraph designated as division (b) and amended; former divisions (a)-(a)(2), (b), and (c) redesignated as (c)-(c)(3), (d), and (e); former division (c)(4)(C) deleted; current divisions (c)(1)-(c)(2)(A), (c)(2)(D), (c)(3), (d), (e), and (e)(2)-(e)(4)(B) amended; new division (f) added; former divisions (d)-(g) redesignated as (g)-(j); current divisions (g)-(h)(1)(A) and (h)(2) amended; Ord. 206-19 , Eff. 10/14/2019. Divisions (c)(2)(A)-(E) redesignated as (c)(2)(A)-(G) to eliminate duplicate designations; current divisions (c)(2)(C)-(E), (c)(2)(G), (e), and (e)(2) amended; Ord. 63-20, Eff. 5/25/2020. Section header and divisions (c)(2)(A) and (e) amended; Ord. 70-23, Eff. 6/3/2023. Section header and divisions (c)(2) and (c)(2)(E) amended; division (c)(2)(H) added; Ord. 122-23, Eff. 8/5/2023, and Ord. 159-23, Eff. 8/28/2023.

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

(See Interpretations related to this Section.)

Except as provided in Sections 134.1, 172, and 188 of this Code, usable open space shall be provided for each dwelling and each group housing structure in R, NC, C, Mixed Use, and M Districts according to the standards set forth in this Section 135 unless otherwise specified in specific district controls elsewhere in this Code.

(a) **Character of Space Provided.** Usable open space shall be composed of an outdoor area or areas designed for outdoor living, recreation or landscaping, including such areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably surfaced and screened, and which conform to the other requirements of this Section. Such area or areas shall be on the same lot as the dwelling units (or bedrooms in group housing) they serve, and shall be designed and oriented in a manner that will make the best practical use of available sun and other climatic advantages. "Private usable open space" shall mean an area or areas private to and designed for use by only one dwelling unit (or bedroom in group housing). "Common usable open space" shall mean an area or areas designed for use jointly by two or more dwelling units (or bedrooms in group housing). "Privately-owned public open space," only allowed in DTR and Eastern Neighborhood Mixed Use under this Section, shall mean an area of areas designed for use of the general public while owned and maintained by private owners as described in Section 138.

(b) **Access.** Usable open space shall be as close as is practical to the dwelling unit (or bedroom in group housing) for which it is required, and shall be accessible from such dwelling unit or bedroom as follows:

(1) Private usable open space shall be directly and immediately accessible from such dwelling unit or bedroom; and shall be either on the same floor level as such dwelling unit or bedroom, with no more than one story above or below such floor level with convenient private access.

(2) Common usable open space shall be easily and independently accessible from such dwelling unit or bedroom, or from another common area of the building or lot.

(c) **Permitted Obstructions.** In the calculation of either private or common usable open space, those obstructions listed in Sections 136 and 136.1 of this Code for usable open space shall be permitted. Additionally, required common useable open space may be partially used for the provision of open space associated with an on-site Child Care Facility as follows:

(1) The open space shall meet all state licensing requirements;

(2) Not more than 50% of a single common open space may be used by the Child Care Facility; and

(3) The hours of use of the common open space by the Child Care Facility are limited to Monday through Friday, 9 am to 6 pm.

(d) **Amount Required.** Usable open space shall be provided for each building in the amounts specified herein and in Tables 135A and B for the district in which the building is located; provided, however, that (i) in the Downtown Residential (DTR) Districts, open space shall be provided in the amounts specified in Section 825, and (ii) in accordance with Section 210.5, usable open space shall not be required for Commercial to Residential Adaptive Reuse projects.

In Neighborhood Commercial Districts, the amount of usable open space to be provided shall be the amount required in the nearest Residential District, but the minimum amount of open space required shall be in no case greater than the amount set forth in Table 135A for the district in which the building is located. The distance to each Residential District shall be measured from the midpoint of the front lot line or from a point directly across the street there from, whichever requires less open space.

(1) For dwellings other than those specified in Paragraphs (d)(2) through (d)(5) below, the minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in the second column of Table 135A if such usable open space is all private. Where common usable open space is used to satisfy all or part of the requirement for a dwelling unit, such common usable open space shall be provided in an amount equal to 1.33 square feet for each one square foot of private usable open space specified in the second column of Table 135A. In such cases, the balance of the required usable open space may be provided as private usable open space, with full credit for each square foot of private usable open space so provided.

(2) For group housing structures, SRO units, and dwelling units that measure less than 350 square feet plus a bathroom, the minimum amount of usable open space provided for use by each bedroom or SRO unit shall be one-third the amount required for a dwelling unit as specified in Paragraphs (d)(1) above and (d)(4) and (d)(5), below. For purposes of these calculations, the number of bedrooms on a lot shall in no case be considered to be less than one bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each bedroom, each two beds shall be considered equivalent to one bedroom.

(3) For dwellings specifically designed for and occupied by senior citizens, as defined and regulated by Section 102.6.1 of this Code, the minimum amount of usable open space to be provided for use by each dwelling unit shall be one-half the amount required for each dwelling unit as specified in Paragraph (d)(1) above.

(4) **DTR Districts.** For all residential uses, 75 square feet of open space is required per dwelling unit. All residential open space must meet the provisions described in this Section unless otherwise established in this subsection or in Section 825 or a Section governing an individual DTR District. Open space requirements may be met with the following types of open space: "private usable open space" as defined in Section 135(a) of this Code, "common usable open space" as defined in Section 135(a) of this Code, and "publicly accessible open space" as defined in subsection (h) below. At least 40 percent of the residential open space is required to be common to all residential units. Common usable open space is not required to be publicly-accessible. Publicly-accessible open space, including off-site open space permitted by subsection (i) below and by Section 827(a)(9), meeting the standards of subsection (h) may be considered as common usable open space. For residential units with direct access from the street, building setback areas that meet the standards of Section 145.1 and the Ground Floor Residential Design Guidelines may be counted toward the open space requirement as private non-common open space.

(5) **Eastern Neighborhoods Mixed Use Districts.**

(A) **Minimum amount.**

(i) **Dwelling units, excluding SRO dwelling units.** The minimum amount of usable open space to be provided for use by each dwelling unit shall be as specified in Table 135B.

(ii) **Group housing including SRO dwelling units.** The minimum amount of usable open space provided for use by each bedroom shall be one-third the amount required for a dwelling unit as specified in Table 135B.

(B) **Compliance.**

(i) **Privately-owned public open space.** Usable open space requirements in these areas may be fulfilled by providing privately-owned public open space as specified in Table 135B.

(ii) **Towers in the Central SoMa Special Use District.** Residential developments taller than 160 feet shall provide on-site at least 36 square feet per unit or bedroom of the open space requirement of Table 135B. Any additional open space required pursuant to Table 135B may be satisfied through payment of the fee established in Section 427.

(iii) **Payment in case of Variance or exception.** Projects granted a usable open space Variance pursuant to Section 305 or an exception through Section 329 shall pay the fee established in Section 427 for each square foot of useable open space not provided.

(6) **Efficiency Dwelling Units With Reduced Square Footage.** Common usable open space shall be the preferred method of meeting the open space requirement for Efficiency Dwelling Units with reduced square footage, as defined in Section 318 of this Code. Private open space shall not be credited toward satisfaction of the open space requirement for such units unless the Zoning Administrator determines that the provision of common open space is infeasible or undesirable, in whole or in part, due to

(A) site constraints,

(B) the special needs of anticipated residents, or

(C) conflicts with other applicable policies and regulations, including but not limited to standards for the treatment of historic properties, the Americans with Disabilities Act, or the Building Code.

(7) **Homeless Shelters.** Homeless Shelters, as defined in Section 102 of this Code, are exempt from the open space requirements described in this Section 135.

TABLE 135A

MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING OUTSIDE THE EASTERN NEIGHBORHOODS MIXED USE DISTRICT

District	***Square Feet of Usable Open Space Required for Each Dwelling Unit If All Private***	**Ratio of Common Usable Open Space That May Be Substituted for Private**
RH-1(D), RH-1	300	1.33
RH-1(S)	300 for first unit; 100 for minor second unit	1.33
RH-2	125	1.33
RH-3	100	1.33
RM-1, RC-1, RTO, RTO-M	100	1.33
RM-2, RC-2, SPD	80	1.33
RM-3, RC-3, RED	60	1.33
RM-4, RC-4, RSD	36	1.33
C-3, M-1, M-2	36 (1)	1.33 (1)
C-2	Same as for the R District establishing the dwelling unit density ratio for the C-2 District property. Group Housing requirement is per bedroom and 1/3 the amount required for a Dwelling Unit. (1)	

NC Districts	As specified in the Zoning Control Table for the district	
Mixed Use Districts established in Article 8	See the Zoning Control Table for the District	
DTR	This table not applicable. 75 square feet per dwelling. See Sec. 135(d)(4).	

(1) In accordance with Section 210.5, usable open space shall not be required for Commercial to Residential Adaptive Reuse projects.

TABLE 135B

MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING IN THE EASTERN NEIGHBORHOODS MIXED USE DISTRICTS

Square feet of usable open space per dwelling unit, if not publicly accessible	Square feet of usable open space per dwelling unit, if publicly accessible	Percent of open space that may be provided off site
80 square feet	54 square feet	50%

(e) **Slope.** The slope of any area credited as either private or common usable open space shall not exceed five percent.

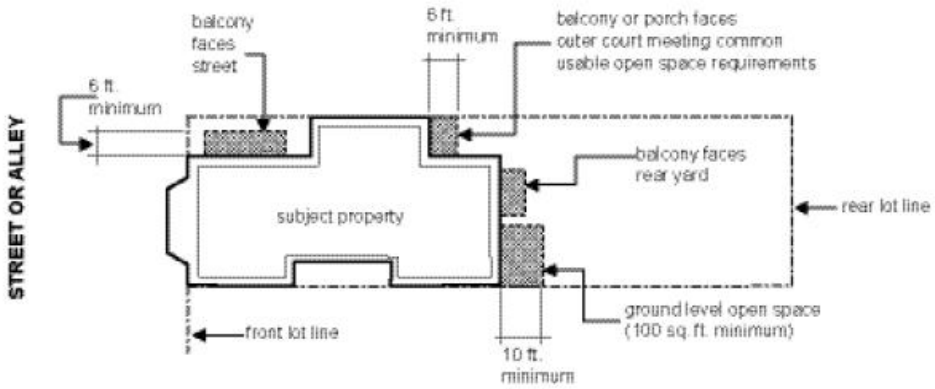
(f) **Private Usable Open Space: Additional Standards.**

(1) **Minimum Dimensions and Minimum Area.** Any space credited as private usable open space shall have a minimum horizontal dimension of six feet and a minimum area of 36 square feet if located on a deck, balcony, porch or roof, and shall have a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located on open ground, a terrace or the surface of an inner or outer court.

(2) **Exposure.** In order to be credited as private usable open space, an area must be kept open in the following manner:

(A) For decks, balconies, porches and roofs, at least 30 percent of the perimeter must be unobstructed except for necessary railings.

(B) In addition, the area credited on a deck, balcony, porch or roof must either face a street, face or be within a rear yard, or face or be within some other space which at the level of the private usable open space meets the minimum dimension and area requirements for common usable open space as specified in Paragraph 135(g)(1) below.



(C) Areas within inner and outer courts, as defined by this Code, must either conform to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection 135(c) above.

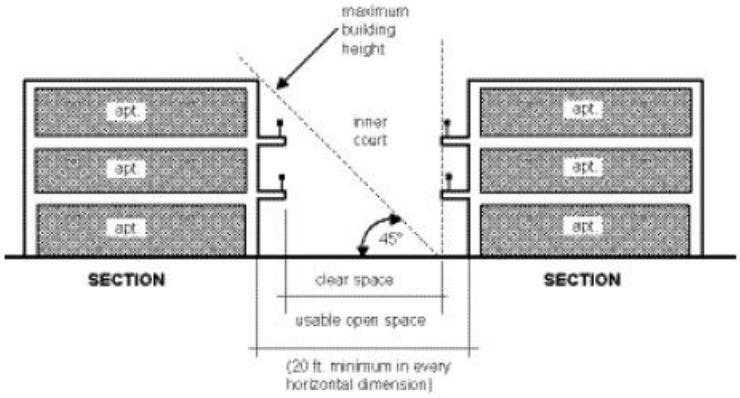
(3) **Fire Escapes as Usable Open Space.** Normal fire escape grating shall not be considered suitable surfacing for usable open space. The steps of a fire escape stairway or ladder, and any space less than six feet deep between such steps and a wall of the building, shall not be credited as usable open space. But the mere potential use of a balcony area for an emergency fire exit by occupants of other dwelling units (or bedrooms in group housing) shall not prevent it from being credited as usable open space on grounds of lack of privacy or usability.

(4) **Use of Solariums.** In C-3 Districts, the area of a totally or partially enclosed solarium shall be credited as private usable open space if (i) such area is open to the outdoors through openings or clear glazing on not less than 50 percent of its perimeter and (ii) not less than 30 percent of its overhead area and 25 percent of its perimeter are open or can be opened to the air.

(g) **Common Usable Open Space: Additional Standards.**

(1) **Minimum Dimensions and Minimum Area.** Any space credited as common usable open space shall be at least 15 feet in every horizontal dimension and shall have a minimum area of 300 square feet.

(2) **Use of Inner Courts.** The area of an inner court, as defined by this Code, may be credited as common usable open space, if the enclosed space is not less than 20 feet in every horizontal dimension and 400 square feet in area; and if (regardless of the permitted obstructions referred to in Subsection 135(c) above) the height of the walls and projections above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or projection is higher than one foot for each foot that such point is horizontally distant from the opposite side of the clear space in the court. Exceptions from these requirements for certain qualifying historic buildings may be permitted, subject to the requirements and procedures of Section 307(h) of this Code.



(3) **Use of Solariums.** The area of a totally or partially enclosed solarium may be credited as common usable open space if the space is not less than 15 feet in every horizontal dimension and 300 square feet in area; and if such area is exposed to the sun through openings or clear glazing on not less than 30 percent of its perimeter and 30 percent of its overhead area.

(h) **Publicly-Accessible Usable Open Space Standards.** In DTR Districts and the Eastern Neighborhoods Mixed Use Districts, some or all of the usable open space requirements may be fulfilled by providing privately-owned public open space. Any space credited as publicly-accessible usable open space, where permitted or required by this Code, shall meet the following standards:

(1) **Types of Open Space.** Open space shall be of one or more of the following types:

(A) An unenclosed park or garden at street grade or following the natural topography, including improvements to hillsides or other unimproved public areas;

(B) An unenclosed plaza at street grade, with seating areas and landscaping and no more than 10 percent of the total floor area devoted to facilities for food or beverage service, exclusive of seating areas as regulated in Section 138(d);

(C) An unenclosed pedestrian pathway which complies with the standards of Section 270.2 and which is consistent with applicable design guidelines.

(D) Streetscape improvements with landscaping and pedestrian amenities that result in additional pedestrian space beyond the pre-existing sidewalk width and conform to the Better Streets Plan and any other applicable neighborhood streetscape plans pursuant to Section 138.1 or other related policies such as those associated with sidewalk widenings or building setbacks, other than those intended by design for the use of individual ground floor residential units; and

(2) **Standards of Open Space.** Open space shall meet the standards described in Section 138(d).

(3) **Maintenance.** Maintenance requirements for open space in these areas are subject to Section 138(h) of this Code.

(4) **Informational Plaque.** Signage requirements for open space in these areas are subject to Section 138(i) of this Code.

(5) **Open Space Provider.** Requirements regarding how to provide and maintain open space are subject to Section 138(f) of this Code.

(6) **Approval of Open Space Type and Features.** Approval of open space in these areas is subject to requirements of Section 138 ( )[1] of this Code.

(i) **Off-Site Provision of Required Usable Open Space.**

(1) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern Neighborhoods Mixed Use Districts, the provision of off-site publicly accessible open space may be credited toward the residential usable open space requirement, subject to Section 329 for projects to which that Section applies and Section 307(h) for other projects. Any such space shall meet the publicly accessible open space standards set forth in Section 135(h) and shall be within the following distance of the principal project: for principal projects that are not within the Central SoMa SUD such space shall be within 800 feet of said principal project; for principal projects that are within the Central SoMa SUD, the space shall be within the Central SoMa Plan Area or no greater than ¼-mile outside the Central SoMa Plan Area boundary, without regard to distance from the principal project. The distance between the principal project and the offsite open space shall be measured by the direct distance between the closest boundary of the principal project or, as applicable the closest edge of the Central SoMa Plan Area boundary, and the closest boundary of the off-site open space. No more than 50 percent of a project's required

usable open space shall be off-site. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its Certificate of Final Completion from the Department of Building Inspection prior to the issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the project itself.

(2) **DTR Districts.** In DTR Districts the provision of off-site publicly accessible open space may be counted toward the requirements of residential open space per the procedures of Section 309.1 provided it is within the individual DTR district of the project or within 500 feet of any boundary of the individual DTR district of the project, and meets the standards of subsection (h).

(A) **On Site.** At least 36 square feet per residential unit of required open space must be provided on-site. Pursuant to the procedures of Section 309.1, the Planning Commission may reduce the minimum on-site provision of required residential open space to not less than 18 square feet per unit in order to both create additional publicly-accessible open space serving the district and to foster superior architectural design on constrained sites.

(B) **Open Space Provider.** The open space required by this Section may be provided individually by the project sponsor or jointly by the project sponsor and other project sponsors, provided that each square foot of jointly developed open space may count toward only one sponsor's requirement. With the approval of the Planning Commission, a public or private agency may develop and maintain the open space, provided that (i) the project sponsor or sponsors pay for the cost of development of the number of square feet the project sponsor is required to provide, (ii) provision satisfactory to the Commission is made for the continued maintenance of the open space for the actual lifetime of the building giving rise to the open space requirement, and (iii) the Commission finds that there is reasonable assurance that the open space to be developed by such agency will be developed and open for use by the time the building, the open space requirement of which is being met by the payment, is ready for occupancy.

(3) **Ocean Avenue NCT.** In the Ocean Avenue NCT District, the provision of off-site publicly accessible open space may be credited toward the residential usable open space requirement subject to the procedures of Section 303. Any such open space shall meet the publicly accessible open space standards set forth in Section 135(h) and be provided within 800 feet of the project. No more than 50 percent of a project's usable open space requirement may be satisfied off-site. The publicly accessible off-site usable open space shall be constructed, completed, and ready for use no later than the project itself, and shall receive its certificate of final completion from the Department of Building Inspection prior to the issuance of any certificate of final completion or temporary certificate of occupancy for the project itself.

(4) **Historic Buildings.** For a landmark building designated per Article 10 of this Code, a contributing building located within a designated historic district per Article 10, or any building designated Category I-IV per Article 11 of this Code, the provision of off-site publicly accessible open space may be credited toward the residential usable open space requirement subject to the procedures of Section 307(h) of this Code.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 532-85, App. 12/4/85; Ord. 69-87, App. 3/13/87; Ord. 131-87, App. 4/24/87; Ord. 445-87, App. 11/12/87; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90; Ord. 368-94, App. 11/4/94; Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 217-05, File No. 050865, App. 8/19/2005; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; renumbered by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 310-10, File No. 101194, App. 12/16/2010; Ord. 196-11 , File No. 110786, App. 10/4/2011, Eff. 11/3/2011 ; Ord. 35-12 , File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. 188-12 , File No. 111374, App. 9/11/2012, Eff. 10/11/2012; Ord. 228-12 , File No. 120220, App. 11/14/2012, Eff. 12/14/2012; Ord. 242-12 , File No. 120996, App. 12/7/2012, Eff. 1/6/2013; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 227-14 , File No. 120796, App. 11/13/2014, Eff. 12/13/2014; Ord. 232-14 , File No. 120881, App. 11/26/2014, Eff. 12/26/2014; Ord. 14-15 , File No. 141210, App. 2/13/2015, Eff. 3/15/2015 ; Ord. 189-17, File No. 170693, App. 9/15/2017, Eff. 10/15/2017; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 47-21, File No. 201175, App. 4/16/2021, Eff. 5/17/2021; Ord. 122-23, File No. 230371, App. 7/5/2023, Eff. 8/5/2023; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

AMENDMENT HISTORY

Division (d) amended; Ord. 196-11 , Eff. 11/3/2011. Table 135A amended; Ord. 35-12 , Eff. 3/22/2012. Division (d)(2) amended; Ord. 188-12 , Eff. 10/11/2012. Divisions (a), (d)(5), (h), and (h)(1) through (5) amended; former divisions (h)(2)(A) through (I) deleted; division (h)(6) added; Ord. 228-12 , Eff. 12/14/2012. Division (d)(3) amended; division (d)(6) added; Ord. 242-12 , Eff. 1/6/2013. Table 135A amended; Ord. 42-13 , Eff. 4/27/2013. Table 135A amended; Ord. 227-14 , Eff. 12/13/2014. Divisions (d), (d)(3), (g)(2), (i)(2)(A), and Table 135A amended; division (i)(4) added; Ord. 232-14 , Eff. 12/26/2014. Division (d)(7) added; Ord. 14-15 , Eff. 3/15/2015. Division (c) amended; divisions (c)(1) through (3) added; Ord. 189-17, Eff. 10/15/2017. Undesignated introductory material amended; division (d)(5) amended and redesignated as (d)(5)-(d)(5)(B)(i); divisions (d)(5)(B)(ii)-(iii) added; Table 135A amended; divisions (h)(1)(B), (h)(1)(D), and (h)(2) amended; Ord. 296-18, Eff. 1/12/2019. Divisions (h)(6) and (i)(1) amended; Ord. 47-21, Eff. 5/17/2021. Division (d) and Table 135A amended; table note (1) added; Ord. 122-23, Eff. 8/5/2023, and Ord. 159-23, Eff. 8/28/2023.

CODIFICATION NOTE

1. So in Ord. 47-21.

Editor's Note:

Former division (j) of this section was redesignated as Sec.427 by Ord. 108-10.

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

(See Interpretations related to this Section.)

Streets and Alleys	*Set-backs*	*Yards*	*Usable Open Space*

Streets and Alleys	*Set-backs*	*Yards*	*Usable Open Space*
x	x	x	x
x	x	x	x

(a) The following obstructions shall be permitted, in the manner specified, as indicated by the symbol "X" in the columns at the left, within the required open areas listed herein:

(1) Projections from a building or structure extending over a Street or Alley as defined in Section102 of this Code. Every portion of such projections over a Street or Alley shall provide a minimum of 7½ feet of vertical clearance from the sidewalk or other surface above which it is situated, or such greater vertical clearance as may be required by the San Francisco Building Code, unless the contrary is stated below. The permit under which any such projection over a Street or Alley is erected over public property shall not be construed to create any perpetual right but is a revocable license;

(2) Obstructions within legislated setback lines and front setback areas, as required by Sections131 and 132 of this Code;

(3) Obstructions within side yards and rear yards, as required by Sections133 and 134 of this Code;

(4) Obstructions within usable open space, as required by Section135 of this Code.

(b) No obstruction shall be constructed, placed, or maintained in any such required open area except as specified in this Section 136.

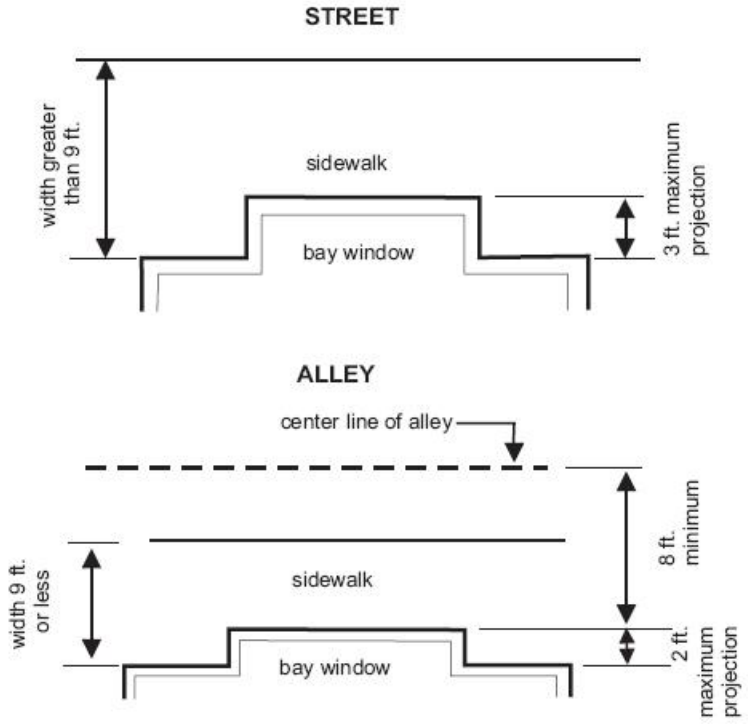
(c) The permitted obstructions shall be as follows:

(1) Projections of an architectural nature that leave at least 7½ feet of clearance and do not increase the floor area or the volume of space enclosed by the building, such as cornices, eaves, sills, belt courses, sunshades, fins, and brise soleils and not projecting more than[1] and not projecting more than four feet over streets and alleys or more than four feet into setbacks, yards, and usable open space.

(2) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(3) below shall be permitted as an alternative to those specified in this Paragraph (c)(2).

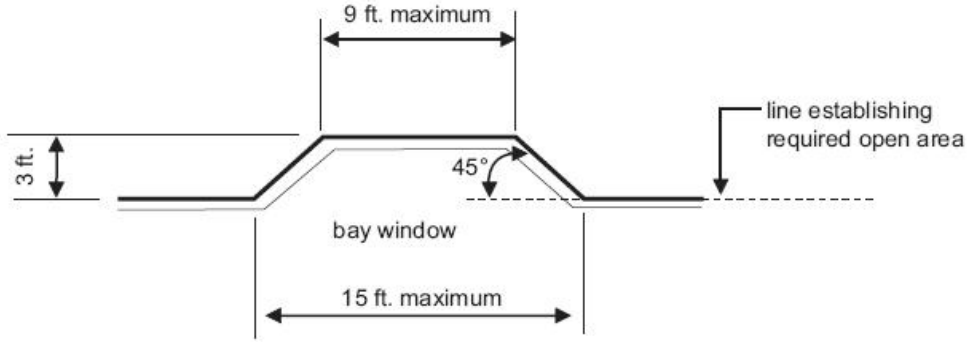
(A) The minimum headroom shall be 7½ feet.

(B) Projection into the required open area shall be limited to three feet, provided that projection over streets and alleys shall be further limited to two feet where the sidewalk width is nine feet or less, and the projection shall in no case be closer than eight feet to the centerline of any alley.

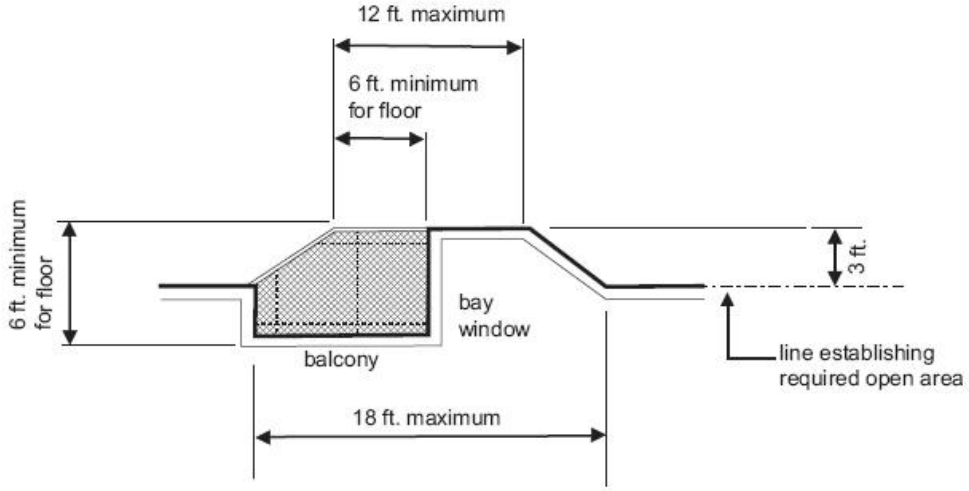


(C) The glass areas of each bay window, and the open portions of each balcony, shall be not less than 50 percent of the sum of the areas of the vertical surfaces of such bay window or balcony above the required open area. At least 1/3 of such required glass area of such bay window, and open portions of such balcony, shall be on one or more vertical surfaces situated at an angle of not less than 30 degrees to the line establishing the required open area. In addition, at least 1/3 of such required glass area or open portions shall be on the vertical surface parallel to, or most nearly parallel to, the line establishing each open area over which the bay window or balcony projects.

(D) The maximum length of each bay window or balcony shall be 15 feet at the line establishing the required open area, and shall be reduced in proportion to the distance from such line by means of 45 degree angles drawn inward from the ends of such 15-foot dimension, reaching a maximum of nine feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

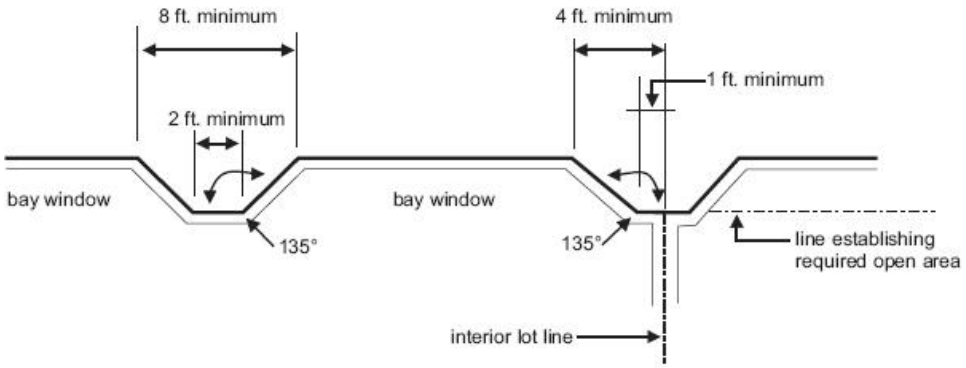


(E) Where a bay window and a balcony are located immediately adjacent to one another, and the floor of such balcony in its entirety has a minimum horizontal dimension of six feet, the limitations of Subparagraph (c)(2)(D) above shall be increased to a maximum length of 18 feet at the line establishing the required open area, and a maximum of 12 feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

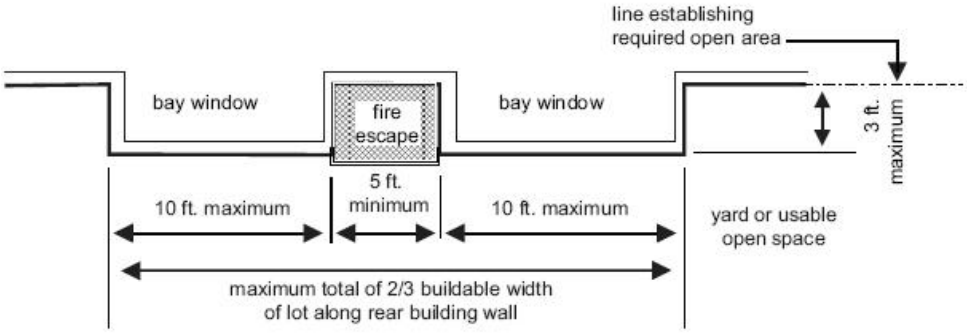


(F) The minimum horizontal separation between bay windows, between balconies, and between bay windows and balconies (except where a bay window and a balcony are located immediately adjacent to one another, as provided for in Subparagraph (c)(2)(E) above), shall be two feet at the line establishing the required open area, and shall be increased in proportion to the distance from such line by means of 135-degree angles drawn outward from the ends of such two-foot dimension, reaching a minimum of eight feet along a line parallel to and at a distance of three feet from the line establishing the required open area.

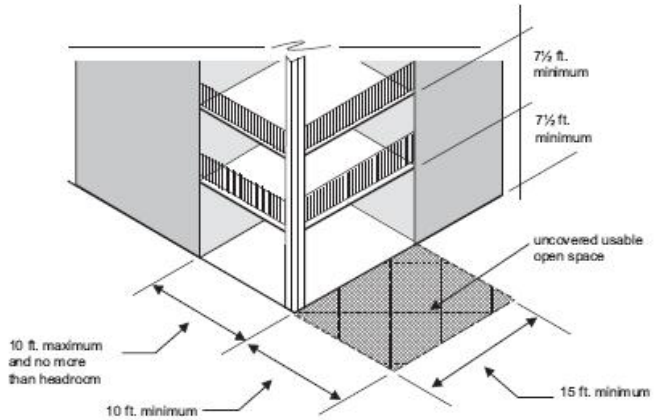
(G) Each bay window or balcony over a street or alley, setback or rear yard shall also be horizontally separated from interior lot lines (except where the wall of a building on the adjoining lot is flush to the interior lot line immediately adjacent to the projecting portions of such bay window or balcony) by not less than one foot at the line establishing the required open area, with such separation increased in proportion to the distance from such line by means of a 135-degree angle drawn outward from such one-foot dimension, reaching a minimum of four feet along a line parallel to and at a distance of three feet from the line establishing the required open area;



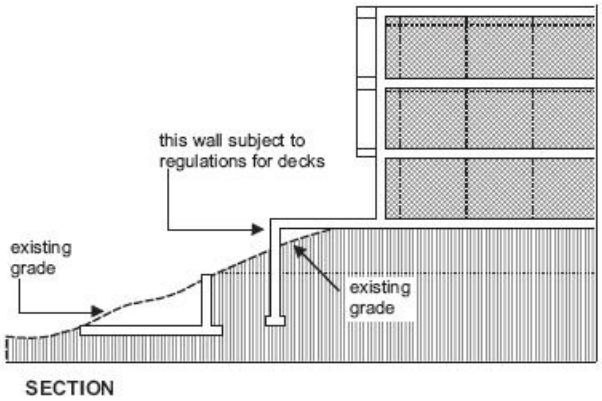
		x	x	(3) Bay (projecting) windows, balconies (other than balconies used for primary access to two or more dwelling units or two or more bedrooms in group housing), and similar features that increase either the floor area of the building or the volume of space enclosed by the building above grade, when limited as specified herein. With respect to obstructions within yards and usable open space, the bay windows and balconies specified in Paragraph (c)(2) above shall be permitted as an alternative to those specified in this Paragraph (c)(3). (A) The minimum headroom shall be 7½ feet. (B) Projection into the required open area shall be limited to three feet, or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less. (C) In the case of bay windows, the maximum length of each bay window shall be 10 feet, and the minimum horizontal separation between bay windows shall be five feet, above all parts of the required open area. (D) The aggregate length of all bay windows and balconies projecting into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line; in the case of yards, these limits on aggregate length shall apply to the aggregate of all bay windows, balconies, fire escapes and chimneys.

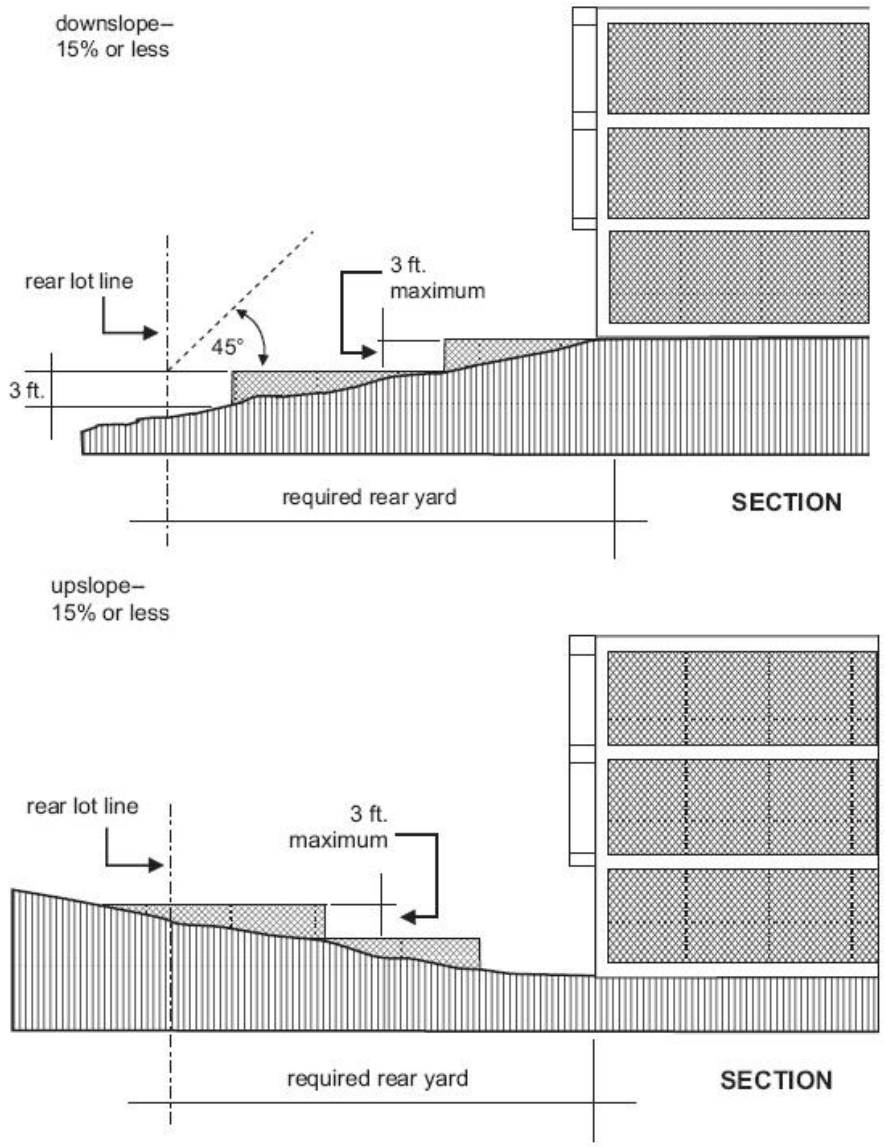


x	x	x	x	(4) Fire escapes, leaving at least 7½ feet of headroom exclusive of drop ladders to grade, and not projecting more than necessary for safety or in any case more than four feet six inches into the required open area. In the case of yards, the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area shall be no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;
			x	(5) Overhead horizontal projections other than those listed in Paragraphs (c)(1), (2), (3) and (4) above, leaving at least 7½ feet of headroom, where the depth of any such projection is no greater than the headroom it leaves, and in no case is greater than 10 feet; and provided that, in the case of common usable open space at ground level, the open space under the projection directly adjoins uncovered usable open space that is at least 10 feet in depth and 15 feet in width;

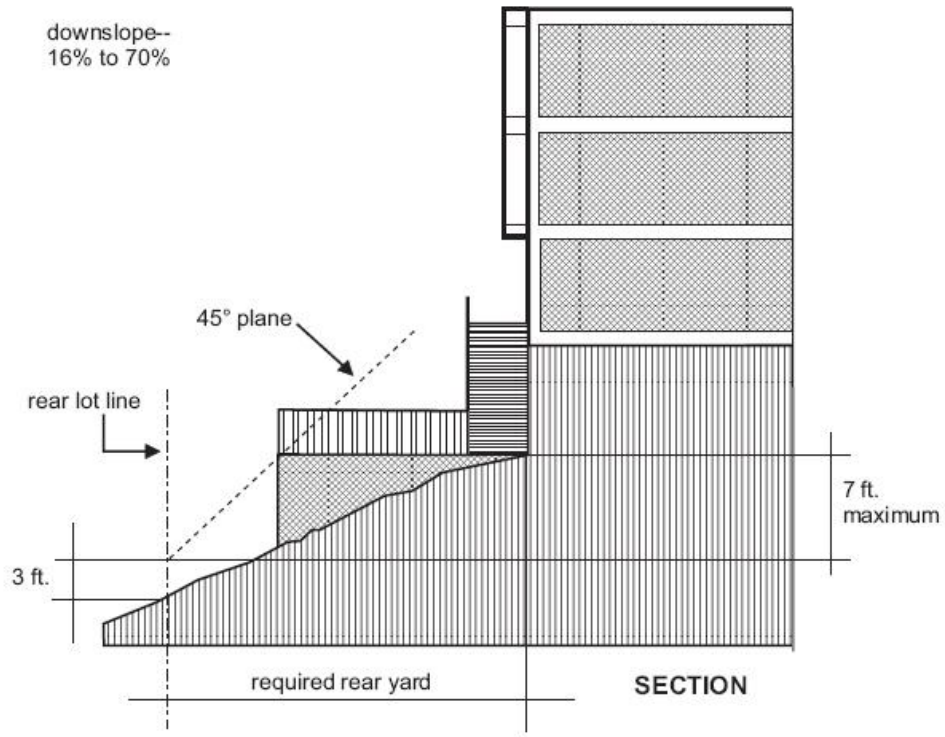


		x		(6) Chimneys not extending more than three feet into the required open area or 1/6 of the required minimum dimension (when specified) of the open area, whichever is less; provided, that the aggregate length of all bay windows, balconies, fire escapes and chimneys that extend into the required open area is no more than 2/3 the buildable width of the lot along a rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the buildable length of an interior side lot line;
x				(7) Temporary occupancy of street and alley areas during construction and alteration of buildings and structures, as regulated by the Building Code and other portions of the Municipal Code;
x				(8) Space below grade, as regulated by the Building Code and other portions of the Municipal Code;
x	x			(9) Building curbs and buffer blocks at ground level, not exceeding a height of nine inches above grade or extending more than nine inches into the required open area;

x	x			(10) Signs as regulated by Article 6 of this Code, at locations and to the extent permitted therein;
x	x			(11) Flagpoles for projecting flags permitted by Article 6 of this Code;
x	x			(12) Awnings, Canopies, and Marquees and for Limited Commercial Uses in Residential and RTO Districts, as defined in Section 102 and regulated by the Building Code, and as further limited in Section 136.1 and other provisions of this Code;
				(13) Retaining walls that are necessary to maintain approximately the grade existing at the time of construction of a building. Other retaining walls and the grade maintained by them shall be subject to the same regulations as decks (see Paragraphs (c)(24) and (c)(25) below);
	x	x	x	 SECTION
	x	x	x	(14) Steps of any type not more than three feet above grade, and uncovered stairways and landings not extending higher than the floor level of the adjacent first floor of occupancy above the ground story, and, in the case of yards and usable open space, extending no more than six feet into the required open area for any portion that is more than three feet above grade, provided that all such stairways and landings shall occupy no more than 2/3 the buildable width of the lot along a front or rear building wall, 2/3 the buildable length of a street side building wall, or 1/3 the length of all open areas along the buildable length of an interior side lot line;
x	x	x	x	(15) Railings no more than three feet six inches in height above any permitted step, stairway, landing, fire escape, deck, porch or balcony, or above the surface of any other structure permitted in the required open area.
	x	x	x	(16) Decorative railings and decorative grille work, other than wire mesh, at least 75 percent open to perpendicular view and no more than six feet in height above grade;
	x	x	x	(17) Fences no more than three feet in height above grade;
		x	x	(18) Fences and wind screens no more than six feet in height above grade;
		x		(19) Fences and wind screens no more than 10 feet in height above grade;
		x	x	(20) Normal outdoor recreational and household features such as play equipment and drying lines;
	x	x	x	(21) Landscaping and garden furniture;
		x	x	(22) Garden structures enclosed by walls on no more than 50 percent of their perimeter, such as gazebos and sunshades, if no more than eight feet in height above grade and covering no more than 60 square feet of land;
		x		(23) Other structures commonly used in gardening activities, such as greenhouses and sheds for storage of garden tools, if no more than eight feet in height above grade and covering no more than 100 square feet of land;
		x		(24) Decks, whether attached to a building or not, at or below the adjacent first floor of occupancy, if developed as usable open space and meeting the following requirements:
				(A) Slope of 15 percent or less. The floor of the deck shall not exceed a height of three feet above grade at any point in the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area,



(B) Slope of more than 15 percent and no more than 70 percent. The floor of the deck shall not exceed a height of three feet above grade at any point along any lot line bordering the required open area, nor shall such floor penetrate a plane made by a vertical angle 45 degrees above horizontal with its vertex three feet above grade at any lot line bordering the required open area, except that when two or more lots are developed with adjacent decks whose floor levels differ by not more than three feet, whether or not the lots will remain in the same ownership, each deck may come all the way to the lot line adjacent to the other deck. In addition, the vertical distance measured up from grade to the floor of the deck shall not exceed seven feet at any point in the required open area,



(C) Slope of more than 70 percent. Because in these cases the normal usability of the required open area is seriously impaired by the slope, a deck covering not more than 1/3 the area of the required open area may be built exceeding the heights specified above, provided that the light, air, view, and privacy of adjacent lots are not seriously affected. Each such case shall be considered on its individual merits. However, the following points shall be considered guidelines in these cases:

(i) The deck shall be designed to provide the minimum obstruction to light, air, view and privacy.

(ii) The deck shall be at least two feet inside all side lot lines.

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

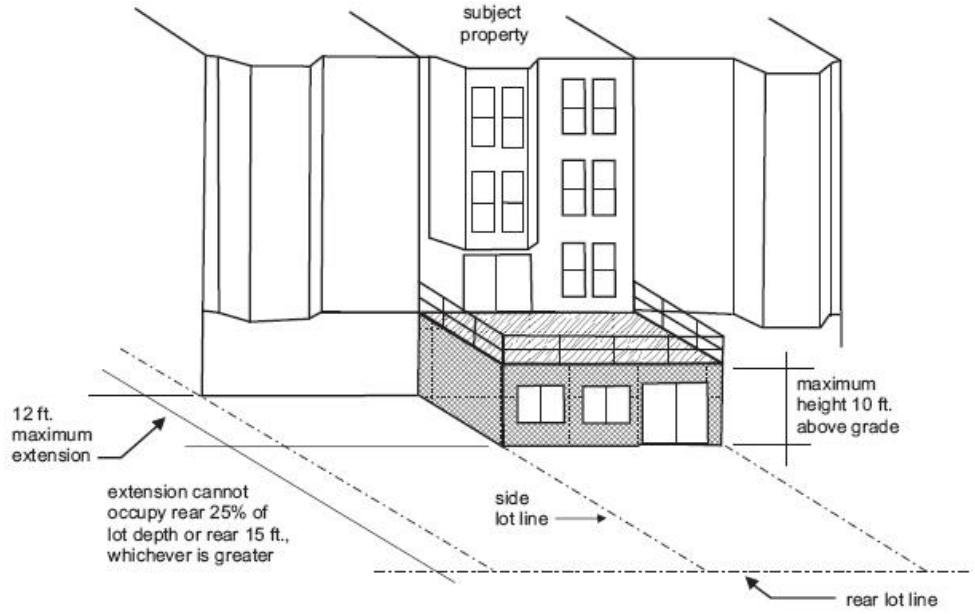
x

(25) Except in required side yards, decks, and enclosed and unenclosed extensions of buildings, when limited as specified herein:

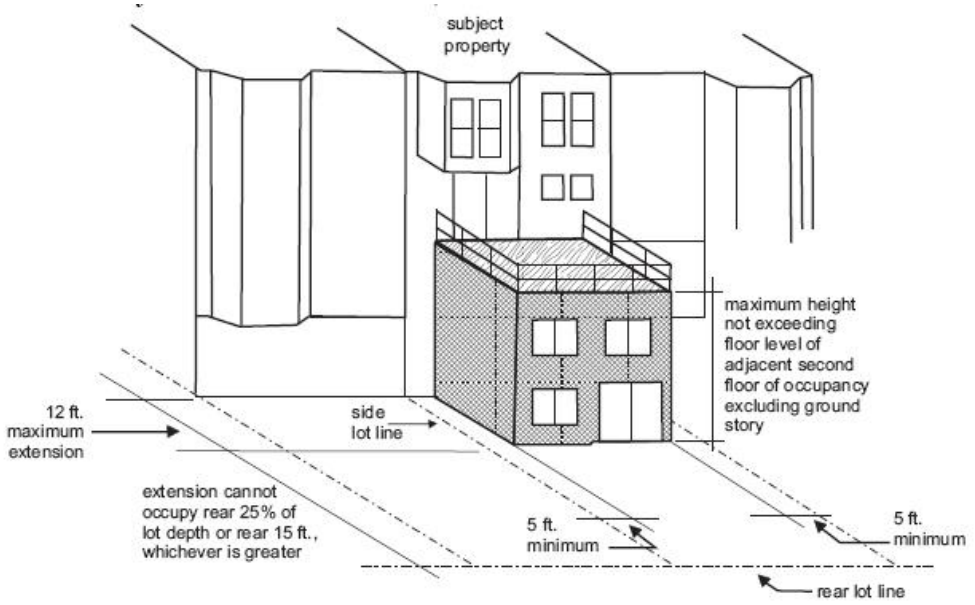
(A) The structure shall extend no more than 12 feet into the required open area; and shall not occupy any space within the rear 25 percent of the total depth of the lot, or within the rear 15 feet of the depth of the lot, whichever is greater,

(B) Within all parts of the required open area, the structure shall be limited in height to either:

(i) 10 feet above grade, or



(ii) A height not exceeding the floor level of the second floor of occupancy, excluding the ground story, at the rear of the building on the subject property, in which case the structure shall be no closer than five feet to any interior side lot line,



x

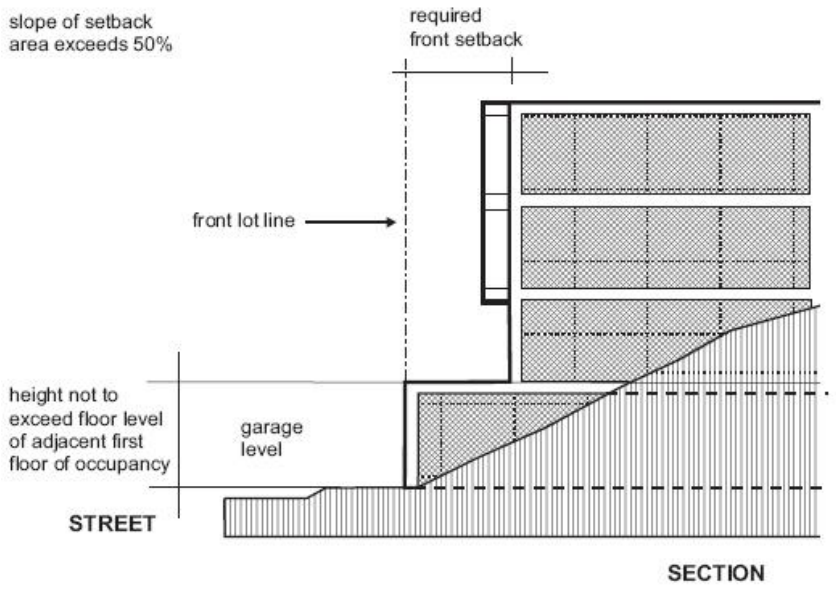
(C) Any fence or wind screen extending above the height specified in Subparagraph (c)(25)(B) shall be limited to six feet above such height; shall be no closer to any interior side lot line than one foot for each foot above such height; and shall have not less than 80 percent of its surfaces above such height composed of transparent or translucent materials;

x

(26) Garages which are underground, or under decks conforming to the requirements of Paragraph (c)(24) or (c)(25) above, if their top surfaces are developed as usable open space, provided that no such garage shall occupy any area within the rear 15 feet of the depth of the lot;

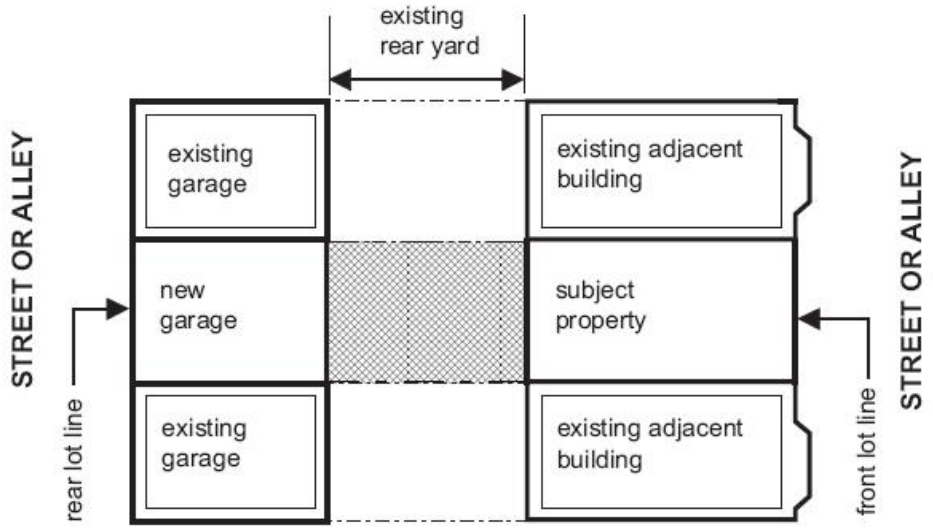
(27) Garages, where the average slope of the required open area ascends from the street lot line to the line at the setback and exceeds 50 percent, provided the height of the garage is limited to 10 feet above grade, or the floor level of the adjacent first floor of occupancy on the subject property, whichever height is less;

x



Reserved.

(29) Garages, where the subject property is a through lot having both its front and its rear lot line along streets, alleys, or a street and an alley, and both adjoining lots (or the one adjoining lot where the subject property is also a corner lot) contain a garage structure adjacent to the required rear yard on the subject property, provided the garage on the subject property does not exceed the average of the two adjacent garage structures (or the one adjacent garage structure where the subject property is a corner lot) in either height above grade or encroachment upon the required rear yard;



x

x x x

(30) Driveways, for use only to provide necessary access to required or permitted parking that is located in the buildable area of the subject property other than in a required open area, and where such driveway has only the minimum width needed for such access, and in no case shall parking be allowed in the setback;

x x

(31) In the Outer Clement Street Neighborhood Commercial District, outdoor activity area if used in connection with a commercial use on a contiguous lot and which existed in 1978 and has remained in said use since 1978.

x

(32) Infill under decks and cantilevered rooms when adding an Accessory Dwelling Unit; provided, however, that such infill shall comply with Section 207(c)(4) or Section 207(c)(6) of this Code, whichever is applicable; and provided further that if the ADU is proposed for a single-family home, the rear yard must be 25% of the lot depth but in no case less than 15 feet.

(33) One detached Accessory Dwelling Unit that complies with the requirements of Planning Code subsection 207(c)(4)(xii).

(d) Notwithstanding the limitations of Subsection (c) of this Section, the following provisions shall apply in C-3 districts:

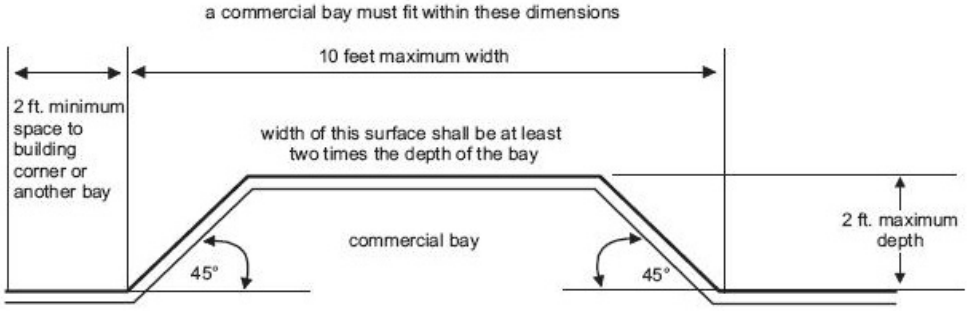
(1) **Decorative Architectural Features.** Decorative architectural features not increasing the interior floor area or volume of the space enclosed by the building are permitted over streets and alleys and into setbacks within the maximum vertical and horizontal dimensions described as follows:

(A) At roof level, decorative features such as cornices, eaves, and brackets may project four feet in districts other than C-3-O(SD) and 10 feet in the C-3-O(SD) district with a maximum vertical dimension no greater than six feet.

(B) At all levels above the area of minimum vertical clearance required in Subsection (a)(1) above, decorative features, such as belt courses, entablatures, and bosses, may project two feet, with a maximum vertical dimension of four feet, except that in the C-3-O(SD) district at all levels above a minimum vertical clearance of 20 feet from sidewalk grade, decorative features may project half the width of the sidewalk up to a maximum projection of 10 feet.

(C) At all levels above the area of minimum vertical clearance required by Subsection (a)(1) above, vertical decorative features, such as pilasters, columns, and window frames (including pediment and sills), with a cross-sectional area of not more than three square feet at midpoint, may project one foot horizontally.

(2) **Bay Windows.** Notwithstanding the provisions of Subsections (c)(2)(D) and (F) of this Section, bay windows on nonresidential floors of a structure are permitted only if the width of the bay is at least two times its depth, the total width of all bays on a facade plane does not exceed ½ of the width of the facade plane, and the maximum horizontal (plan) dimensions of the bay fit within the dimensions set forth in the diagram below.



(Amended by Ord. 414-85, App. 9/17/85; Ord. 69-87, App. 3/13/87; Ord. 463-87, App. 11/19/87; Ord. 115-90, App. 4/6/90; Ord. 219-02, File No. 020493, App. 11/8/2002; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 63-11, File No. 101053, App. 4/7/2011, Eff. 5/7/2011; Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013 ; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015 ; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 195-18, File No. 180268, App. 8/10/2018, Eff. 9/10/2018; Ord. 43-2, File No. 190454, App. 3/20/2020, Eff. 4/20/2020; Ord. 136-21, File No. 210674, App. 8/4/2021, Eff. 9/4/2021; Ord. 53-23, File No. 210585, App. 4/21/2023, Eff. 5/22/2023)

AMENDMENT HISTORY

Division (c)(12) amended; former division (c)(28) deleted; Ord. 63-11, Eff. 5/7/2011. Divisions (d)(1)(A) and (B) amended; Ord. 182-12 , Eff. 9/7/2012. Division (c)(12) amended; Ord. 56-13 , Eff. 4/27/2013. Division (c)(12) amended; Ord. 22-15, Eff. 3/22/2015. Nonsubstantive change; Ord. 188-15 , Eff. 12/4/2015. Division (c)(32) added; Ord. 195-18, Eff. 9/10/2018. Divisions (a)(1), (b), and (c)(1) amended; divisions (c)(1)(A)-(C) deleted; Ord. 43-2, Eff. 4/20/2020. Division (a)(1) amended; Ord. 136-21, Eff. 9/4/2021. Division (c)(33) added; Ord. 53-23, Eff. 5/22/2023.

CODIFICATION NOTE

1. So in Ord. 43-2.

SEC. 136.1. AWNINGS, CANOPIES AND MARQUEES.

(See Interpretations related to this Section.)

In addition to the limitations of Section 136, especially Paragraph 136(c)(12), the following provisions shall apply to all Districts.

In Residential and Residential Enclave Districts, awnings are permitted only for Limited Commercial Uses, as described in Section 186 of this Code, for Limited Commercial Uses permitted in landmark buildings by Section 186.3, and for Limited Corner Commercial Uses as described in Section 231 of this Code. Canopies and marquees are not permitted.

The addition or alteration of awnings, canopies, or marquees on a landmark site or in a historic district shall require a certificate of appropriateness in accordance with Section 1006, *et seq.* of this Code. Signage on awnings, canopies, and marquees may be further regulated by Article 6 of this Code.

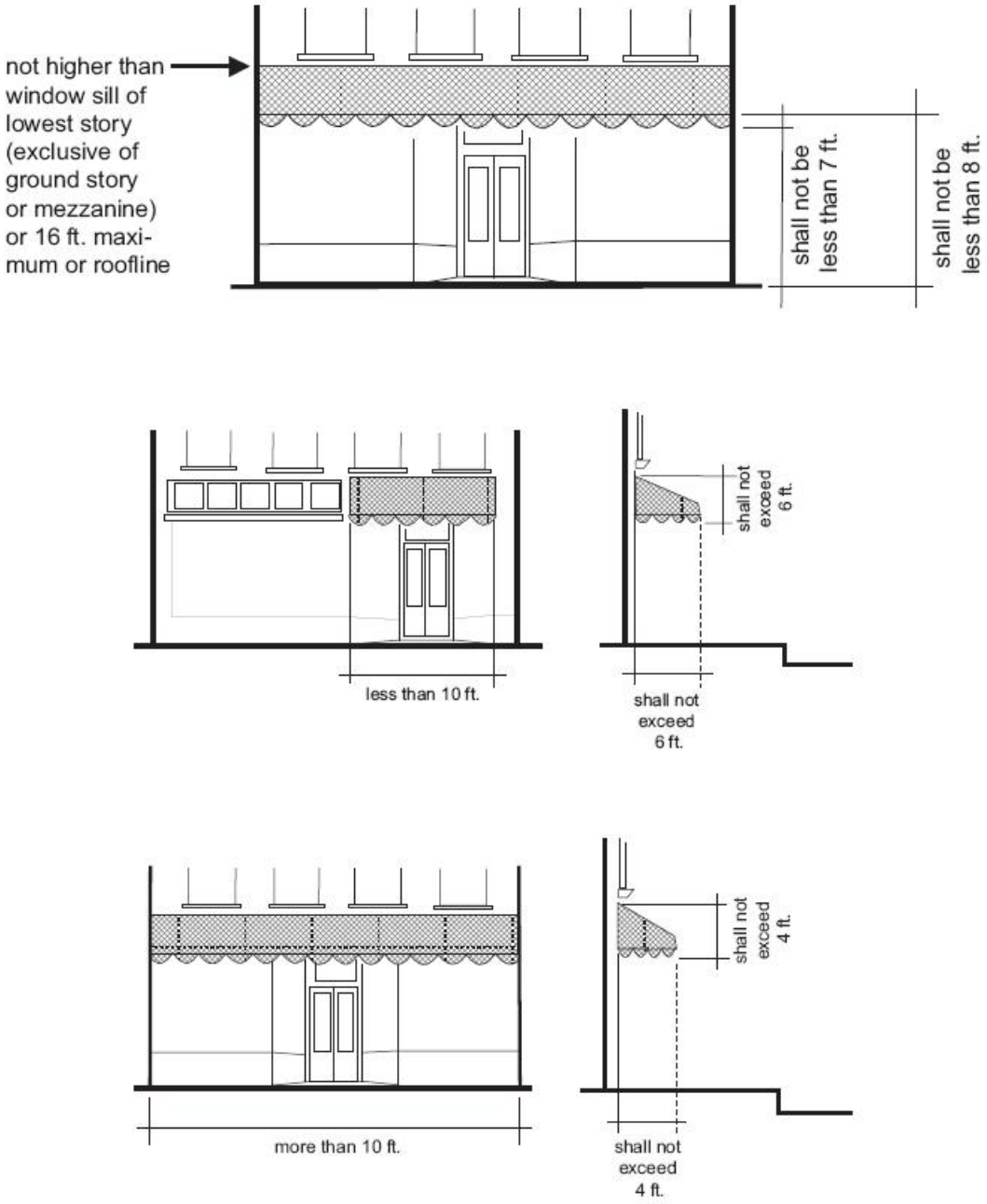
(a) **Awnings.** Awnings, as defined in Section 102, shall be regulated as set forth below.

All portions of any permitted awning shall be not less than eight feet above the finished grade, excluding any valance that shall not be less than seven feet above the finished grade. No portion of any awning shall be higher than the windowsill level of the lowest story (if any) exclusive of the ground story and mezzanine, or extend above the bottom of a projecting upper-story window bay, or cover any belt cornice or horizontal molding, provided that no such awning shall in any case exceed a height of 16 feet or the roofline of the building to which it is attached, whichever is lower. Where external piers or columns define individual storefront bays, an awning may not cover such piers or columns.

(1) **Limited Commercial Uses and NC-1, NCT-1, and CRNC Districts.** The horizontal projection of any awning shall not exceed four feet from the face of a building. The vertical distance from the top to the bottom of any awning shall not exceed four feet, including any valance. Awnings for Commercial Uses in Residential and Residential Enclave Districts may be located only along the building frontage dedicated to commercial use and may not extend above the ground floor. Only awnings covered with cloth are permitted in the Residential Districts.

(2) **All Other Districts.** When the width of all awnings is ten feet or less along the direction of the street, the horizontal projection of such awnings shall not exceed six feet from the face of any supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed six feet, including any valance. When the width of all awnings exceeds ten feet measured along the direction of the street, the horizontal projection of such awnings shall not exceed four feet from the face of the supporting building and the vertical distance from the top to the bottom of such awnings shall not exceed four feet, including any valance.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.

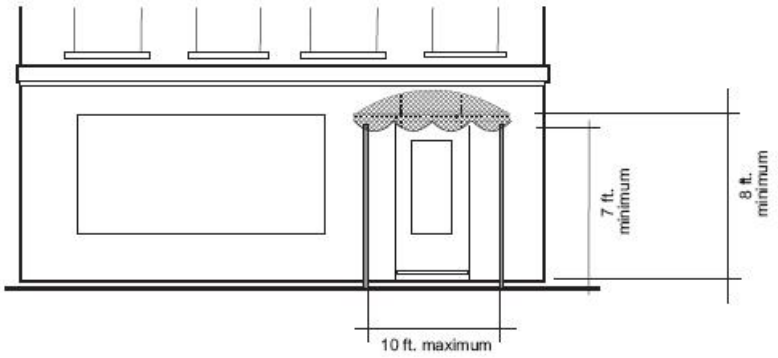


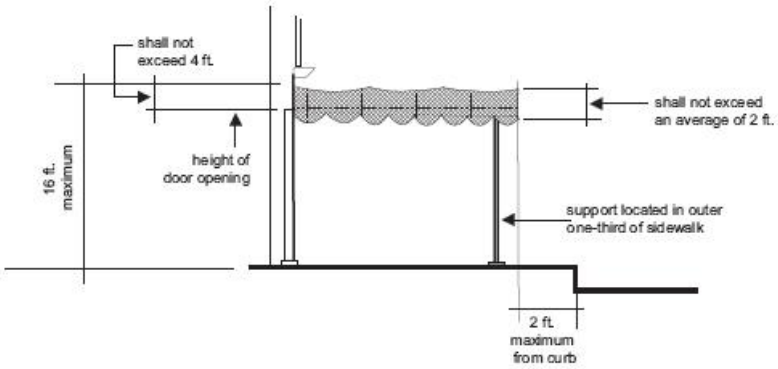
(b) **Canopies.** Canopies, as defined in Section 102, shall be regulated as set forth below.

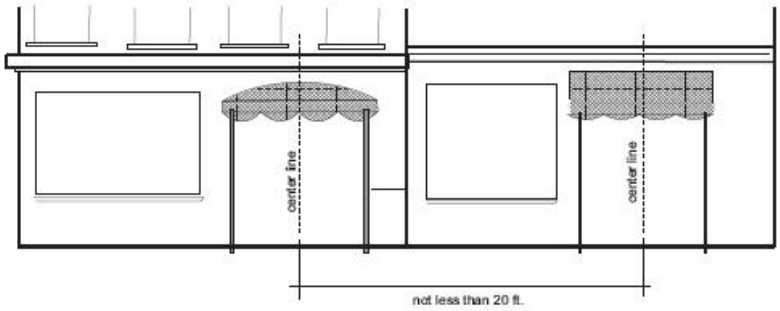
(1) **Limited Commercial Uses and NC-1, NCT-1, and CRNC Districts.** No canopy shall be permitted in any Limited Commercial Use or in any NC-1, NCT-1, or CRNC District.

(2) **All Other Districts.** The maximum width of any canopy shall be 10 feet. The horizontal projection of any canopy may extend to a point not closer than two feet from the curb. The outer column support shall be located in the outer one-third of the sidewalk and shall be no less than four feet from the building face to ensure adequate clear space along the sidewalk. The vertical distance from the top to the bottom of the canopy shall not exceed an average of two feet, including any valance. The highest point of the canopy shall not exceed a point four feet above the door opening or 16 feet, whichever is less. All portions of any canopy, excluding the column supports and excluding any valance that may be not less than seven feet above the finished grade, shall be not less than eight feet above the finished grade. Canopies shall not be spaced closer than 20 feet from each other, measured from centerline to centerline.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.







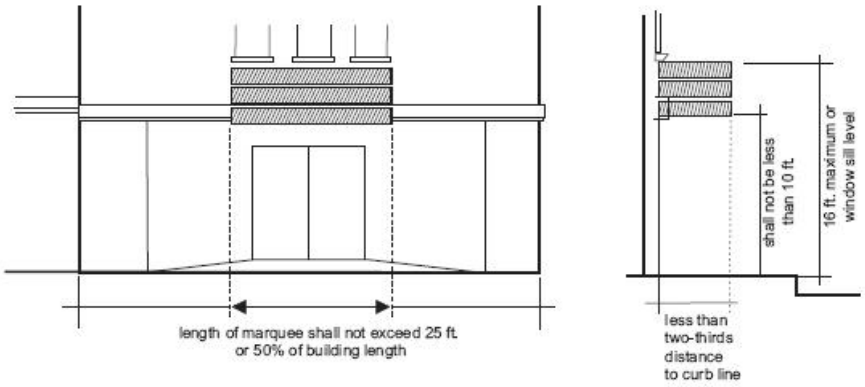
(c) **Marquees.** Marquees, as defined in Section 102, shall be regulated as set forth below.

(1) **Limited Commercial Uses and NC-1, NCT-1, and CRNC Districts.** No marquee shall be permitted in any Limited Commercial Use or in any NC-1, NCT-1, or CRNC District.

(2) **All Other Districts.** The vertical distance from the top to the bottom of any marquee shall not exceed three feet, and the horizontal projection shall not extend beyond a point not closer than two feet from the curb.

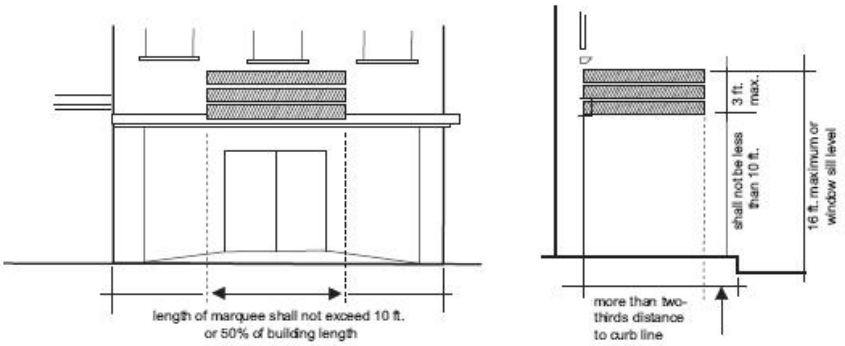
(A) A marquee projecting more than two-thirds of the distance from the property line to the curb line shall not exceed 10 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 12 feet nor more than 16 feet in height above the finished grade, nor higher than the windowsill level exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



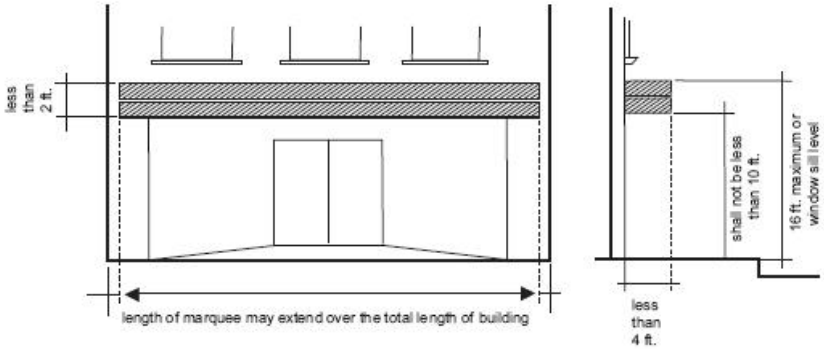
(B) A marquee projecting less than two-thirds of the distance from the property line to the curb line shall not exceed 25 feet or 50 percent of the length of the building along the direction of the street, whichever is less. All portions of such marquee shall be not less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level or windows on the building façade on which the marquee is placed, exclusive of the ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



(C) A marquee projecting less than four feet from the property line and not exceeding two feet in thickness may extend over the total length of the building along the direction of the street. All portions of such marquee shall not be less than 10 feet nor more than 16 feet above the finished grade, nor higher than the windowsill level or windows on the building façade on which the marquee is placed, exclusive of ground story and mezzanine. Each building frontage shall be considered separately.

NOTE: These illustrations are diagrams showing maximum dimensions and are not design examples.



(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 115-90, App. 4/6/90; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 140-11, File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. 20-15, File No. 110548, App. 2/20/2015, Eff. 3/22/2015; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

AMENDMENT HISTORY

Section header, introductory paragraph, and divisions (a), (b), and (c) amended; Ord. 140-11, Eff. 8/4/2011. Section header, undesignated introductory material and divisions (a), (a)(1), (a)(2), (b), (b)(1), (b)(2), (c), (c)(1), and (c)(2) amended; Ord. 20-15, Eff. 3/22/2015. Section header, undesignated introductory material and divisions (a), (a)(1), (a)(2), (b), (b)(1), (b)(2), (c), (c)(1), and (c)(2) amended; Ord. 22-15, Eff. 3/22/2015.

SEC. 138.1. STREETSCAPE AND PEDESTRIAN IMPROVEMENTS.

(a) **Purpose.** The purpose of this section is to establish requirements for the improvement of the public right-of-way associated with development projects, such that the public right-of-way may be safe, accessible, convenient and attractive to pedestrian use and travel by all modes of transportation consistent with the San Francisco General Plan, achieve best practices in ecological stormwater management, and provide space for public life and social interaction, in accordance with the City's "Better Streets Policy" (Administrative Code Section 98.1).

(b) **Better Streets Plan.**

(1) The Better Streets Plan, as defined in Administrative Code Section 98.1(e), shall govern the design, location, and dimensions of all pedestrian and streetscape items in the public right-of-way, including but not limited to those items shown in Table 1. Development projects that propose or are required through this Section to make pedestrian and streetscape improvements to the public right-of-way shall conform with the principles and guidelines for those elements as set forth in the Better Streets Plan to the maximum extent feasible.

(2) Proposed improvements also shall be subject to approval by other City bodies with permitting jurisdiction over such streetscape improvements.

(3) The Department and other City bodies shall take into account a project's scale when determining the appropriate scope of improvements.

Table 1: Pedestrian and Streetscape Elements per the Better Streets Plan

#	PHYSICAL ELEMENT (1)	BETTER STREETS PLAN SECTION
#	PHYSICAL ELEMENT (1)	BETTER STREETS PLAN SECTION
1	Curb ramps*	5.1
2	Marked crosswalks*	5.1
3	Pedestrian countdown devices	5.1
4	High-visibility crosswalks	5.1
5	Special crosswalk treatments	5.1
6	Restrictions on vehicle turning movements at crosswalks	5.1
7	Removal or reduction of permanent crosswalk closures	5.1
8	Mid-block crosswalks	5.1
9	Raised crosswalks* (2)	5.1
10	Parking restrictions at crosswalks (intersection daylighting)*	5.1
11	Curb radius guidelines	5.2
12	Corner curb extensions or bulb-outs*	5.3
13	Extended bulb-outs*	5.3
14	Mid-block bulb-outs*	5.3
15	Center or side medians	5.4
16	Pedestrian refuge islands	5.4
17	Transit bulb-outs	5.5
18	Transit boarding islands	5.5
19	Flexible use of the parking lane	5.6
20	Parking lane planters	5.6
21	Chicanes	5.7
22	Traffic calming circles	5.7
23	Modern roundabouts	5.7

24	Sidewalk or median pocket parks	5.8
25	Reuse of 'pork chops' and excess right-of-way	5.8
26	Multi-way boulevard treatments	5.8
27	Shared public ways	5.8
28	Pedestrian-only streets	5.8
29	Public stairs	5.8
30	Street trees*	6.1
31	Tree basin furnishings*	6.1
32	Sidewalk planters*	6.1
33	Above-ground landscaping	6.1
34	Stormwater management tools*	6.2
35	Street and pedestrian lighting*	6.3
36	Special paving*	6.4
37	Site furnishings*	6.5
38	Driveways	6.6
Standard streetscape elements marked with a *. (Requirement varies by street type: see the Better Streets Plan)		
(1) The City shall not require physical elements beyond the subject frontage with the exception of raised crosswalks and curb ramps.		
(2) The City shall require raised crosswalks only when the subject right-of-way is 40-feet or less and the crosswalk is installed at a street corner.		

(c) **Required streetscape and pedestrian improvements.** Development projects shall include streetscape and pedestrian improvements on all publicly accessible right-of-ways directly fronting the property as follows:

(1) **Street trees.** Project Sponsors shall plant and establish street trees as set forth in Article 16, Sections 805(a) and 806(d) of the Public Works Code; provided, however, that where a property owner is either (A) adding an Accessory Dwelling Unit pursuant to Section 207(c)(4) or 207(c)(6) of this Code or (B) legalizing a Dwelling Unit pursuant to Section 207.3 of this Code, the owner may elect to pay the in-lieu fee authorized by Section 807(f) of the Public Works Code.

(2) **Other streetscape and pedestrian elements for large projects.**

(A) **Application.**

(i) In any district, streetscape and pedestrian elements in conformance with the Better Streets Plan shall be required, if the following conditions are present:

a. The project is on a lot that is greater than one-half acre in total area; or includes more than 50,000 gross square feet of new construction; or contains 150 feet of total lot frontage on one or more publicly-accessible right-of-ways; or its frontage encompasses the entire block face between the nearest two intersections with any other publicly-accessible right-of-way; and

b. The project includes new construction of 10 or more Dwelling Units; or new construction of 10,000 gross square feet or greater of non-residential space; or an addition of 20% or more of Gross Floor Area to an existing building; or a Change of Use of 10,000 gross square feet or greater of a PDR use to a non-PDR use.

(ii) Project sponsors that meet the thresholds of this Subsection shall submit a streetscape plan to the Planning Department showing the location, design, and dimensions of all existing and proposed streetscape elements in the public right-of-way directly adjacent to the fronting property, including street trees, sidewalk landscaping, street lighting, site furnishings, utilities, driveways, and curb lines, and the relation of such elements to proposed new construction and site work on the subject property.

(B) **Standards.**

(i) **Required streetscape elements.** A continuous soil-filled trench parallel to the curb shall connect all street tree basins for those street trees required under the Public Works Code. The trench may be covered only by Permeable Surfaces as defined in Section 102 of the Planning Code, except at required tree basins, where the soil must remain uncovered. The Director of Planning, or his or her designee, may modify or waive this requirement where a continuous trench is not possible due to the location of existing utilities, driveways, sub-sidewalk basements, or other pre-existing surface or sub-surface features.

(ii) **Additional streetscape elements.** The Department may require a project to construct any Standard Streetscape Element listed in Table 1, above, including benches, bicycle racks, curb ramps, corner curb extensions, specified bulb-outs, stormwater facilities, lighting, sidewalk landscaping, special sidewalk paving, and other site furnishings.

a. Streetscape elements shall be selected from a City-approved palette of materials and furnishings, where applicable, and shall be subject to approval by all applicable City agencies.

b. Additionally, streetscape elements shall be consistent with the overall char- acter and materials of the district, and shall have a logical transition or termination to the sidewalk and/or roadway adjacent to the fronting property.

(iii) **Sidewalk widening.** The Planning Department, in consultation with other agencies, shall evaluate whether sufficient roadway space is available for sidewalk widening for the entirety or a portion of the fronting public right-of-way in order to meet or exceed the recommended sidewalk widths for the appropriate street type per Table 2 and the Better Streets Plan and/or to provide additional space for pedestrian and streetscape amenities. If it is found that sidewalk widening is feasible and desirable, the Planning Department shall require the owner or developer to install such sidewalk widening as a condition of approval, including all associated utility re-location, drainage, and street and sidewalk paving.

(iv) **Minimum sidewalk width.** New publicly-accessible right-of-ways proposed as part of development projects shall meet or exceed the recommended sidewalk widths for the appropriate street type per Table 2. Where a consistent front building setback of 3 feet or greater extending for at least an entire block face is provided, the recommended sidewalk width may be reduced by up to 2 feet. Where a Board of Supervisors adopted streetscape plan or community-based plan recommends a sidewalk width greater than the recommended sidewalk width in Table 2 below, the City may require development projects to meet the greater of the two widths.

Table 2. Recommended Sidewalk Widths by Street Type

	Street Type (per Better Streets Plan)	Recommended Sidewalk Width (Minimum required for new streets)
	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 Downtown Streetscape Plan. For Downtown Commercial Streets that are sited outside of the Downtown Streetscape Plan Area, the recommended sidewalk width shall be 15 feet.
-	Commercial throughway	15 feet
-	Neighborhood commercial	15 feet
Residential	Downtown residential	15 feet
-	Residential throughway	15 feet
-	Neighborhood residential	12 feet
Industrial/Mixed-Use	Industrial	10 feet
-	Mixed-use	15 feet
Special	Parkway	17 feet
-	Park edge (multi-use path)	25 feet
-	Multi-way boulevard	15 feet
-	Ceremonial	varies
Small	Alley	9 feet
-	Shared public way	n/a
-	Paseo	varies

(C) **Review and approvals.**

(i) The project sponsor shall submit to the Planning Department the streetscape plan required by this section with the project's first Development Application as defined in Section 401, and the Planning Department or Commission shall consider it for approval at the time of other project approval actions. Prior to making its determination about required streetscape and pedestrian elements, the Planning Department shall consult with other City agencies tasked with the design, permitting, use, and maintenance of the public right-of-way. If, after this consultation, any of the affected agencies find that the project sponsor cannot install one or more of the Standard Streetscape Elements due to physical constraints of or other complications related to the site or the public right-of-way surrounding or in the vicinity of the project, then the Department may impose alternative streetscape improvement requirements that provide equivalent or better protection to pedestrians, bicyclists, or transit movement, and/or reduce conflicts among transportation modes. However, such alternative improvements shall cost no more than Standard Streetscape Elements that would have been required and shall be approved only after consultation with the affected agencies.

(ii) Final approval by the affected agencies and construction of such streetscape improvements shall be completed prior to the issuance of the first Certificate of Occupancy or temporary Certificate of Occupancy for the project, unless otherwise extended by the Zoning Administrator. Should conditions, policies, or determinations by other City agencies require a change to the streetscape plan after approval of the streetscape plan but prior to commencement of construction of the streetscape improvements, the Planning Department shall have the authority to require revision to such streetscape plan. In such case, the Zoning Administrator shall extend the timeframe for completion of such improvements by an appropriate duration as necessary.

(iii) Should the construction timeline for a development project be shorter than the construction timeline for the associated streetscape improvement, such as for a change-of-use project, the Zoning Administrator may extend the timeframe for completion of

such improvements by an appropriate duration as necessary. As a condition of any such extension, the Zoning Administrator can require the project sponsor to post a bond in the amount of such improvement and subject to the terms that the Zoning Administrator deems appropriate.

(iv) **Waiver.** Any City agency tasked with the design, permitting, use, and maintenance of the public right-of-way, may waive any or all Department required improvements of the streetscape plan as described in this Subsection under that agency's jurisdiction if said agency determines that such improvement or improvements is inappropriate, interferes with utilities to an extent that makes installation financially infeasible, or would negatively affect the public welfare. Any such waiver shall be from the Director or General Manager of the affected agency, shall be in writing to the applicant and the Department, and shall specify the basis for the waiver. Waivers, if any, shall be obtained prior to commencement of construction of the streetscape improvements unless extenuating circumstances arise during the construction of said improvements. If such a waiver is granted, the Department reserves the right to impose alternative streetscape improvement requirements that provide equivalent or better protection to pedestrians, bicyclists, or transit movement, and/or reduce conflicts among transportation modes. However, such alternative requirements shall cost no more than element or elements that have been waived in the adopted streetscape plan and shall be approved only after consultation with the affected agencies. This Subsection shall not apply to the waiver of the street tree requirement set forth in Section 138.1(c)(1).

(d) **Neighborhood Streetscape Plans.** In addition to the requirements listed in Subsection 138.1(c), the Planning Department in coordination with other city agencies, and after a public hearing, may adopt streetscape plans for particular streets, neighborhoods, and districts, containing standards and guidelines to supplement the Better Streets Plan. Development projects in areas listed in this subsection that propose or are required through this section to make pedestrian and streetscape improvements to the public right-of-way shall conform with the standards and guidelines in the applicable neighborhood streetscape plan in addition to those found in the Better Streets Plan.

(1) **Downtown Streetscape Plan.**

(A) In any C-3 District sidewalk paving as set forth in the Downtown Streetscape Plan shall be installed by the applicant under the following conditions:

(i) Any new construction;

(ii) The addition of Gross Floor Area equal to 20 percent or more of an existing building; or

(iii) A Change of Use of 10,000 or more gross square feet of PDR use to a non-PDR use.

(B) In accordance with the provisions of Section 309 of the Planning Code governing C-3 Districts, when a permit is granted for any project abutting a public sidewalk in a C-3 District, the Planning Commission may impose additional requirements that the applicant install sidewalk improvements such as benches, bicycle racks, lighting, special paving, seating, landscaping, and sidewalk widening in accordance with the guidelines of the Downtown Streetscape Plan if it finds that these improvements are necessary to meet the goals and objectives of the General Plan of the City and County of San Francisco. In making this determination, the Planning Commission shall consider the level of street as defined in the Downtown Streetscape Plan.

(C) If a sidewalk widening or a pedestrian street improvement is used to meet the open space requirement, it shall conform to the guidelines of Section 138.

(D) The Planning Commission shall determine whether the streetscape improvements required by this Section may be on the same site as the building for which the permit is being sought, or within 900 feet, provided that all streetscape improvements are located entirely within the C-3 District.

(2) **Rincon Hill Streetscape Plan.** In the Rincon Hill Downtown Residential Mixed Use (RH-DTR) and Folsom and Main Residential/Commercial Special Use Districts, the boundaries of which are shown in Section Map No. 1 of the Zoning Map, for all frontages abutting a public sidewalk, the project sponsor is required to install sidewalk widening, street trees, lighting, decorative paving, seating and landscaping in accordance with the approved Streetscape Master Plan of the Rincon Hill Area Plan for: (A) any new construction; or (B) the addition of Gross loor[1] Area equal to 20 percent or more of an existing building, or (C) a Change of Use of 10,000 or more square feet from a PDR use to a non-PDR use.

(e) **Additional provisions.**

(1) **Maintenance.** Unless otherwise determined, fronting property owners shall maintain all streetscape improvements required by this section, including landscaping, bicycle racks, benches, special paving, and other site furnishings at no public expense per the requirements of the Public Works Code and the Better Streets Plan for sidewalks and street furnishings, except for street trees and standard street lighting from a City-approved palette of street lights and any improvements within the roadway. Conditions intended to assure continued maintenance of the improvements for the actual lifetime of the building giving rise to the streetscape improvement requirement may be imposed as a condition of approval by the Planning Department.

(2) For any streetscape and/or pedestrian improvements installed pursuant to this section, the abutting property owner or owners shall hold harmless the City and County of San Francisco, its officers, agents, and employees, from any damage or injury caused by reason of the design, construction or maintenance of the improvements, and shall require the owner or owners or subsequent owner or owners of the respective property to be solely liable for any damage or loss occasioned by any act. This requirement shall be deemed satisfied if City permits for the improvements include indemnification and hold harmless provisions.

(3) Notwithstanding the provisions of this Section, an applicant shall apply for and obtain all required permits and approvals for changes to the legislated sidewalk widths and street improvements.

(f) **Removal and modification of private encroachments on public rights-of-way.**

(1) **Applicability.** This section shall apply to developments that:

(A) construct new buildings;

(B) include building alterations which increase the gross square footage of a structure by 20 percent or more;

(C) add off-street parking or loading; or

(D) remove off-street parking or loading.

(2) **Requirements.** As a condition of approval for the applicable developments in subsection (b), the Planning Department may require the project sponsor to:

(A) reduce the number or width of driveway entrances to a lot, to comply with the streetscape requirements of this Code and the protected street frontages of Section 155(r);

(B) remove encroachments onto or over sidewalks and streets that reduce the pedestrian path of travel, or reduce the sidewalk area available for streetscape amenities such as landscaping, street trees and outdoor seating;

(C) remove or reduce in size basements which extend under public rights-of-way.

(3) **Standards.** In instances where such encroachments are removed, the Planning Department shall require that the replacement curbs, sidewalks, street trees, and landscaping shall meet the standards of the Better Streets Plan and of any applicable neighborhood streetscape plans.

(Added by Ord. 314-95, App. 10/6/95; amended by Ord. 310-10, File No. 101194, App. 12/16/2010 ; Ord. 232-14 , File No. 120881, App. 11/26/2014, Eff. 12/26/2014; Ord. 119-15 , File No. 150221, App. 7/15/2015, Eff. 8/14/2015; Ord. 123-15 , File No. 150357, App. 7/17/2015, Eff. 8/16/2015 ; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 195-18, File No. 180268, App. 8/10/2018, Eff. 9/10/2018; Ord. 218-18, File No. 180752, App. 9/14/2018, Eff. 10/15/2018; Ord. 277-18, File No. 180914, App. 11/20/2018, Eff. 12/21/2018; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Subdivision designations corrected throughout divisions (c) and (d); former divisions (c)(1)(B)-(D) and division (d)(1)(A) amended; division (f) added; Ord. 232-14 , Eff. 12/26/2014. Division (c)(1) amended; former divisions (c)(1)(A)-(D) deleted; division (c)(2)(B) amended; new division (c)(2)(B)(i) added and former divisions (c)(2)(B)(i)-(iii) redesignated as (c)(2)(B)(ii)-(iv); current division (c)(2)(B)(ii) amended; Ord. 119-15 , Eff. 8/14/2015. Division (d)(2) amended; Ord. 123-15 , Eff. 8/16/2015. Table 1 amended; Ord. 188-15 , Eff. 12/4/2015. Nonsubstantive amendment to division (c)(1); Ord. 195-18, Eff. 9/10/2018. Division (c)(1) amended; Ord. 218-18, Eff. 10/15/2018. Divisions (b)(3), (c)(2)(A)(i)a. and b., (c)(2)(C)(iii), and (d)(1)(A)(iii) added; former division (c)(2)(C)(iii) redesignated as (c)(2)(C)(iv) and amended; Tables 1 and 2 amended; divisions (c)(1), (c)(2)(A)(i), (c)(2)(B)(i)-(iv), (c)(2)(C)(i), (d)(1)(A)(ii), (d)(2), (e)(1), and (f)(1) amended; Ord. 277-18, Eff. 12/21/2018. Table 2 amended; Ord. 63-20, Eff. 5/25/2020.

CODIFICATION NOTE

1. So in Ord. 277-18.

SEC. 139. STANDARDS FOR BIRD-SAFE BUILDINGS.

(a) **Purpose.** The purpose of this Section is to establish Bird-Safe Standards for new building construction and replacement facades to reduce bird mortality from circumstances that are known to pose a high risk to birds and are considered to be "bird hazards." The two circumstances regulated by this Section are 1) location-related hazards, where the siting of a structure creates increased risk to birds and 2) feature-related hazards, which may create increased risk to birds regardless of where the structure is located. Location-related hazards are created by structures that are near or adjacent to large open spaces and/or water. When structures are located in such an area, the portion of the structure most likely to sustain bird-strikes requires facade treatments. Even if a structure is not located near a locational hazard, particular building features also may create a hazard for birds. Structures that create such a feature-related hazard are required to treat all of the feature-related hazard. While these controls do not apply retroactively, the purpose of these controls is to ensure that new construction is bird-safe and to decrease existing bird-hazards over time.

(b) **Definitions.**

(1) **Bird-Safe Glazing Treatment.** Bird-Safe Glazing Treatment may include fritting, netting, permanent stencils, frosted glass, exterior screens, physical grids placed on the exterior of glazing or UV patterns visible to birds. To qualify as Bird-Safe Glazing Treatment vertical elements of window patterns should be at least 1/4 inch wide at a maximum spacing of 4 inches or horizontal elements at least 1/8 inch wide at a maximum spacing of 2 inches.

(2) **Bird Hazard.** Specific circumstances that create a hazard for birds due to either the location of the building or due to specific building features that increase the risk of bird-building collisions as described under (c) below.

(c) **Controls.** The following Bird-Safe Standards shall apply to: 1) new construction, 2) building additions that create a Bird Hazard, or 3) the replacement of 50% or more of the glazing on an existing Bird Hazard. Additions to existing buildings subject to this subsection are required only to treat the new building addition. Bird Hazards consist of: 1) location-related hazards and 2) feature-related hazards and the standards specified below shall apply to structures that present these hazards. These controls shall apply to all structures subject to this Section regardless of whether the ownership or use is public or private.

(1) **Location-Related Standards.** These standards apply to buildings located inside of open spaces two acres and larger dominated by vegetation, including vegetated landscaping, forest, meadows, grassland, or wetlands, or open water (hereinafter an Urban Bird Refuge). These standards also shall apply to buildings less than 300 feet from an Urban Bird Refuge if such buildings are in an unobstructed line to the refuge. The standards are as follows:

(A) **Facade Requirement.** Bird-Safe Glazing Treatment is required such that the Bird Collision Zone, as defined below, facing the Urban Bird Refuge consists of no more than 10% untreated glazing. Building owners are encouraged to concentrate permitted

transparent glazing on the ground floor and lobby entrances to enhance visual interest for pedestrians. The Bird Collision Zone shall mean the portion of buildings most likely to sustain bird-strikes from local and migrant birds in search of food and shelter and includes:

(i) The building facade beginning at grade and extending upwards for 60 feet, or

(ii) Glass facades directly adjacent to landscaped roofs 2 acres or larger and extending upwards 60 feet from the level of the subject roof.

(B) **Lighting.** Minimal lighting shall be used. Lighting shall be shielded. No uplighting shall be used. Event searchlights are prohibited on property subject to these controls.

(C) **Wind Generation.** Wind generators in this area shall comply with the Planning Department's permitting requirements, including any monitoring of wildlife impacts that the Department may require.

(2) **Feature-Related Standards.** Feature-related hazards include free-standing glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet and larger in size. Feature-related hazards can occur throughout the City. Any structure that contains these elements shall treat 100% of the glazing on Feature-Specific hazards.

(3) **Exceptions.** Certain exceptions apply to this Section as set forth below.

(A) **Certain Exceptions for Location-Related Standards to be Applied to Residential Buildings Within R-Districts.**

(i) **Limited Glass Facade.** Residential buildings within R- Districts that are less than 45 feet in height and have an exposed facade comprised of less than 50% glass are exempt from new or replacement facade glazing requirements included in Section 139(c)(1) Location-Related Standards.

(ii) **Substantial Glass Facade.** Residential buildings that are less than 45 feet in height but have a facade with surface area composed of more than 50% glass, shall provide glazing treatments as described in Section 139(c)(1)(A) for 95% of all large, unbroken glazed segments that are 24 square feet and larger.

(B) **General Exceptions for Historic Buildings.** Treatment of replacement glass facades for structures designated as City landmarks or within landmark districts pursuant to Article 10 of the Planning Code, or any building Category I-IV or Category V within a Conservation District pursuant to Article 11 of the Planning Code, shall conform to Secretary of Interior Standards for Rehabilitation of Historic Properties. Reversible treatment methods such as netting, glass films, grates, and screens are recommended. Netting or any other method demonstrated to protect historic buildings from pest species that meets the Specifications for Bird-Safe Glazing Treatment stated above also may be used to fulfill the requirement.

(C) **General Waivers and Modifications.** The Zoning Administrator may either waive the requirements contained within Section 139(c)(1) and Section 139(c)(2) or modify such requirements to allow equivalent Bird-Safe Glazing Treatments upon the recommendation of a qualified biologist.

(Added by Ord. 199-11 , File No. 110785, App. 10/7/2011, Eff. 11/6/2011; amended by Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013)

(Former Sec. 139 added by Ord. 414-85, App. 9/17/85; amended by Ord. 76-03, File No. 020592, App. 5/2/2003; Ord. 18-05, File No. 040731, App. 1/21/2005; renumbered as new Sec. 412.1-412.6 by Ord. 108-10, File No. 091275, App. 5/25/2010)

AMENDMENT HISTORY

- Divisions (b)(1) and (c)(1)(B) amended; Ord. 56-13 , Eff. 4/27/2013.

SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE ON AN OPEN AREA.

(See Interpretations related to this Section.)

(a) **Requirements for Dwelling Units.** In each Dwelling Unit in any use district, the required windows (as defined by Section 504 of the San Francisco Housing Code) of at least one room that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of the Housing Code shall face directly onto an open area of one of the following types:

(1) A public street, public alley at least 20 feet in width, side yard at least 25 feet in width, or rear yard meeting the requirements of this Code; provided, that if such windows are on an outer court whose width is less than 25 feet, the depth of such court shall be no greater than its width; or

(2) An open area (whether an inner court or a space between separate buildings on the same lot) which is unobstructed (except for fire escapes not projecting more than necessary for safety and in no case more than four feet six inches, chimneys, and those obstructions permitted in Sections 136(c)(14), (15), (16), (19), (20) and (29) of this Code) and is no less than 25 feet in every horizontal dimension for the floor at which the Dwelling Unit in question is located and the floor immediately above it, with an increase of five feet in every horizontal dimension at each subsequent floor, except for SRO buildings in the Eastern Neighborhoods Mixed Use Districts, which are not required to increase five feet in every horizontal dimension until the fifth floor of the building.

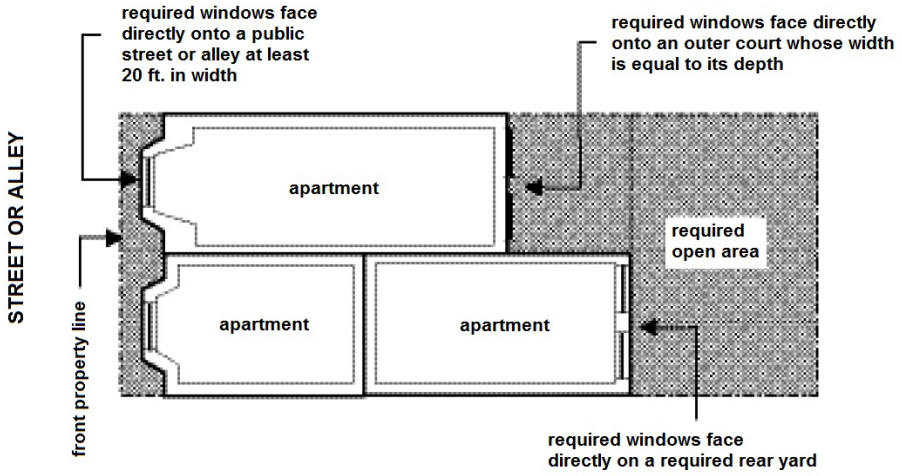
(3) In accordance with Section 210.5, this Section 140 shall not apply to Commercial to Residential Adaptive Reuse projects.

(b) **Requirements for Group Housing.** For group housing projects, either each bedroom or at least one interior common area that meets the 120 square-foot minimum superficial floor area requirement of Section 503 of the Housing Code shall include windows meeting the requirements of subsections (a)(1) or (a)(2) above. The requirements of this subsection (b) may be waived by the Zoning Administrator per Section 307(m) of this Code.

(c) **Exceptions.**

(1) For historic buildings identified in Section 307(h), and for the conversion of a nonconforming use in an existing building to a Residential Use in a district where the Residential Use is principally permitted, the requirements of this Section 140 may be modified or waived pursuant to the procedures and criteria set forth in Sections 307(h) and 329. This administrative exception does not apply to new additions to historic buildings.

(2) For Accessory Dwelling Units, the requirements of this Section 140 may be modified or waived pursuant to the procedures and criteria set forth in Sections 307(l) and 207(c)(4)(G).



(Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 115-90, App. 4/6/90; Ord. 368-94, App. 11/4/94; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 51-09, File No. 081620, App. 4/2/2009; Ord. 196-11 , File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. 232-14 , File No. 120881, App. 11/26/2014, Eff. 12/26/2014; Ord. 164-15 , File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015 ; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015 ; Ord. 195-18, File No. 180268, App. 8/10/2018, Eff. 9/10/2018; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 122-23, File No. 230371, App. 7/5/2023, Eff. 8/5/2023; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

AMENDMENT HISTORY

[Former] division (b) amended; Ord. 196-11 , Eff. 11/3/2011. Divisions (a), (a)(1), and [former] (b) amended; Ord. 232-14 , Eff. 12/26/2014. Division (a) amended; new division (b) added and former division (b) redesignated as (c); Ord. 164-15 , Eff. 10/23/2015. Diagram amended; other nonsubstantive changes; Ord. 188-15 , Eff. 12/4/2015. Division (c) content redesignated as (c)(1); division (c)(2) added; Ord. 195-18, Eff. 9/10/2018. Division (a) amended; Ord. 296-18, Eff. 1/12/2019. Division (a)(3) added; Ord. 122-23, Eff. 8/5/2023, and Ord. 159-23, Eff. 8/28/2023.

Editor's Note:

Ordinance 155-15 (File No. 150348, App. 8/6/2015, Eff. 9/5/2015) purported to amend this section. At the direction of the Office of the City Attorney, Ord. 155-15 was never codified (and accordingly is not referenced in the history notes above). Its provisions effectively were superseded by Ord. 164-15 (File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015).

SEC. 141. SCREENING OF ROOFTOP FEATURES IN R, NC, C, M, WMUG, WMUO, RED, RED-MX, SALI AND MIXED USE DISTRICTS.

(See Interpretations related to this Section.)

(a) In R, NC, C, M, WMUG, WMUO, RED, RED-MX, SALI and Mixed Use Districts, rooftop mechanical equipment and appurtenances to be used in the operation or maintenance of a building shall be arranged so as not to be visible from any point at or below the roof level of the subject building. This requirement shall apply in construction of new buildings, and in any alteration of mechanical systems of existing buildings that results in significant changes in such rooftop equipment and appurtenances. The features so regulated shall in all cases be either enclosed by outer building walls or parapets, or grouped and screened in a suitable manner, or designed in themselves so that they are balanced and integrated with respect to the design of the building. Minor features not exceeding one foot in height shall be exempted from this regulation.

(b) In C-3 Districts, whenever the enclosure or screening of the features listed in Section 260(b)(1)(A) and (B), will be visually prominent, modifications may, in accordance with provisions of Section 309, be required in order to insure that:

(1) the enclosure or screening is designed as a logical extension of the building form and an integral part of the overall building design;

(2) its cladding and detailing is comparable in quality to that of the rest of the building;

(3) if enclosed or screened by additional volume, as authorized by Section 260(b), the rooftop form is appropriate to the nature and proportions of the building, and is designed to obscure the rooftop equipment and appurtenances and to provide a more balanced and graceful silhouette for the top of the building or structure; and

(4) the additional building volume is not distributed in a manner which simply extends vertically the walls of the building.

(c) In Mixed Use Districts, mechanical equipment and appurtenances shall be enclosed in such a manner that:

(1) the enclosure is designed as a logical extension of the building form and an integral part of the overall building design;

(2) its cladding and detailing is comparable in quality to that of the rest of the building;

(3) if screened by additional volume, as authorized by Section 260(b), the rooftop form is appropriate to the nature and proportions of the building, and is designed to obscure the rooftop equipment and appurtenances and to provide a more balanced and graceful silhouette for the top of the building or structure; and

(4) the additional building volume is not distributed in a manner which simply extends vertically the walls of the building.

(d) Off-street parking or freight loading spaces shall only be permitted on unenclosed rooftops when the parking area is screened with fencing, trellises and/or landscaped screening features such that parked vehicles cannot be easily viewed from adjacent buildings, elevated freeways or public vista points.

(Ord. 532-85, 1985; amended by Ord. 414-85, App. 9/17/85; Ord. 69-87, App. 3/13/87; Ord. 115-90, App. 4/6/90; Ord. 217-05, File No. 050865, App. 8/19/2005; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 232-14 , File No. 120881, App. 11/26/2014, Eff. 12/26/2014)

AMENDMENT HISTORY

Section header and division (a) amended; Ord. 42-13 , Eff. 4/27/2013. Section header and divisions (a) and (c) amended; Ord. 232-14 , Eff. 12/26/2014.

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

(See Interpretations related to this Section.)

Off-street parking and Vehicular Use Areas adjacent to the public right-of-way shall be screened as provided in this Section 142. Where an existing Automotive Use converts to an Electric Vehicle Charging Location, the requirements of this Section shall not apply.

(a) **Screening of Parking and Vehicular Use Areas less than 25 Linear Feet Adjacent to a Public Right-of-Way.**

(1) Every off-street parking space within a building, where not enclosed by solid building walls, shall be screened from view from all Streets and Alleys through use of garage doors or by some other means.

(2) Along rear yard areas and other interior open spaces, all off-street parking spaces, driveways and maneuvering areas within buildings shall be screened from view and confined by solid building walls.

(3) Off-street parking spaces in Parking Lots shall meet the requirements of Section 156 and other applicable provisions of Article 1.5 of this Code. Such parking areas shall be screened from view as provided in Section 156(c) of this Code.

(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:

(1) Any existing Vehicular Use Area that is accessory to an existing Principal Use if such use expands Gross Floor Area equal to 20% or more of the Gross Floor Area of an existing building;

(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

(3) The excavation and reconstruction of an existing Vehicular Use Area if such excavation and reconstruction involves the removal of 200 square feet or more of the asphalt, concrete or other surface devoted to vehicular use. This provision does not apply to the resurfacing due to emergency work to underground utilities if such work is intended to maintain safety or other public purpose beyond the control of the property owner.

(c) **Perimeter Screening.** All Vehicular Use Areas that are greater than 25 linear feet adjacent to the public right-of-way shall provide a screening feature around the perimeter of the lot adjacent to the public right-of-way. Screening shall add to the visual diversity of the use and need not be an opaque barrier. This feature shall be at least one of the following:

(1) Ornamental Fencing or a solid wall that is 4 feet in height and a 5 foot deep Permeable Surface with landscaping along the perimeter of the lot that is adjacent to a public right-of-way and compliant with the applicable water use requirements of Administrative Code Chapter 63; or

(2) A combination of permeable landscaping compliant with the applicable water use requirements of Administrative Code Chapter 63 and Ornamental Fencing where the Permeable Surface and landscaping is the equivalent area of a 5 foot deep average perimeter landscaping that has been otherwise configured to result in either: (A) a public space or amenity that is accessible from the public right-of-way or (B) a natural drainage system, such as combined swales, retention basins, detention basins or rain gardens, to reduce stormwater runoff.

(d) **Modification of Perimeter Screening Requirements.** The Zoning Administrator is authorized to modify the requirements of subsection (c), thereby allowing alternative landscape treatments to partially or wholly satisfy this screening requirement provided that alternative landscape treatments such as landscaped berms, perimeter plantings, pedestrian lighting, benches and seating areas, or additional landscaping and tree plantings are provided elsewhere on the site and will be visible from the public right-of-way or are provided in the public right-of-way as regulated by Section 810B of the Public Works Code. The Zoning Administrator may authorize

such modification only upon finding that the proposed alternative landscape treatment would:

(1) Provide a visual effect that promotes and enhances the pedestrian experience through the use of quality urban design;

(2) Promote the reduction of stormwater runoff; and

(3) Use climate appropriate plant materials, as defined in Public Works Code Section 802.1, that are compliant with the applicable water use requirements of Administrative Code Chapter 63.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 84-10, File No. 091453, App. 4/22/2010; Ord. 140-11, File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. 99-17, File No. 170206, App. 5/19/2017, Eff. 6/18/2017; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 190-22, File No. 220036, App. 9/16/2022, Eff. 10/17/2022)

AMENDMENT HISTORY

Division (b)(3) amended; Ord. 140-11, Eff. 8/4/2011. Divisions (a)(1) and (a)(3) amended; Ord. 99-17, Eff. 6/18/2017. Section header, undesignated introductory paragraph, and divisions (a), (a)(3), (b)-(b)(3), (c)-(c)(2), (d), and (d)(2) amended; Ord. 202-18, Eff. 9/10/2018. Divisions (b) and (b)(2) amended; Ord. 63-20, Eff. 5/25/2020. Undesignated introductory paragraph amended; Ord. 190-22, Eff. 10/17/2022.

SEC. 143. RESERVED.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 69-87, App. 3/13/87; Ord. 115-90, App. 4/6/90; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 84-10, File No. 091453, App. 4/22/2010; renumbered by Ord. 108-10, File No. 091275, App. 5/25/2010)

Editor's Note:

Former Sec. 143 was redesignated as Sec. 428 by Ord. 108-10, App. 5/25/2010.

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

(See Interpretations related to this Section.)

(a) **Purpose.** The purpose of this Section 145.1 is to preserve, enhance, and promote attractive, clearly defined street frontages that are pedestrian-oriented, and fine-grained, and that are appropriate and compatible with the buildings and uses in Neighborhood Commercial Districts, Commercial Districts, Residential-Commercial Districts, and Mixed Use Districts.

(b) **Definitions.**

(1) **Development Lot.** A "development lot" shall mean:

(A) Any lot containing a proposal for new construction; or

(B) Building alterations that would increase the gross square footage of a structure by 20 percent or more; or

(C) In a building containing parking, a change of more than 50 percent of the building's gross floor area to or from residential uses, excluding residential accessory off-street parking.

(2) **Active Use.** An "active use" shall mean any principal, conditional, or accessory use that by its nature does not require non-transparent walls facing a public street or involves the storage of goods or vehicles.

(A) Residential uses are considered active uses above the ground floor; on the ground floor, residential uses are considered active uses only if more than 50 percent of the linear residential street frontage at the ground level features walk-up dwelling units that provide direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground Floor Residential Design Guidelines, as adopted and periodically amended by the Planning Commission.

(B) Spaces accessory to residential uses, such as fitness or community rooms, are considered active uses only if they meet the intent of this section and have access directly to the public sidewalk or street.

(C) Building lobbies are considered active uses, so long as they do not exceed 40 feet or 25 percent of building frontage, whichever is larger.

(D) Public Uses defined in Section 102 are considered active uses except utility installations.

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

In NC-S Districts, the applicable frontage shall be the primary facade(s) that contains customer entrances to commercial spaces.

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

The following shall apply to projects subject to this section:

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

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

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

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

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

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

(A) All ground floor uses in UMU Districts shall have a minimum floor-to-floor height of 17 feet, as measured from grade. Ground floor Residential Uses shall also be designed to meet the City's Guidelines for Ground Floor Residential Design.

(B) Ground floor Non-Residential Uses in all C-3, NCT, DTR, Chinatown Mixed Use, SPD, RED-MX, WMUG, MUG, MUR, WMUO, CMUO and MUO Districts shall have a minimum floor-to-floor height of 14 feet, as measured from grade.

(C) Ground floor Non-Residential Uses in all RC districts, C-2 districts, RED districts, and NC districts other than NCT, shall have a minimum floor-to-floor height of 14 feet, as measured from grade except in 40-foot and 50-foot height districts, where buildings shall have a minimum floor-to-floor height of 10 feet.

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

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

In C-3 zoning districts, for tenant spaces with at least two frontages and active uses that are not PDR, frontages must be fenestrated with transparent windows and doorways for no less than 60% of the street frontage at the ground level or contain window displays of at least four feet in depth to allow visibility to the inside of the building or activate the street.

(7) **Gates, Railings, and Grillwork.** Except as specified in subsection (d), any decorative railings or grillwork, other than wire mesh, which is placed in front of or behind ground floor windows, shall be at least 20% open to perpendicular view. Rolling or sliding security gates shall consist of open grillwork rather than solid material, so as to provide visual interest to pedestrians when the gates are closed, and to permit light to pass through mostly unobstructed. To ensure sufficient visibility for fire safety, gates that are less than 75% open to perpendicular views shall include a transparent viewing window or grill at least 10 inches in height, which shall be located at least 50-60 inches above the nearest abutting sidewalk. Gates, when both open and folded or rolled, shall be recessed within, or laid flush with, the building facade. Gates and gate mechanisms shall be consistent with any objective design standards that may be adopted by the Planning Commission.

(d) **Exceptions.**

(1) **Exceptions for Historic Buildings.** Specific street frontage requirements in this Section 145.1 may be modified or waived by the Planning Commission for structures designated as landmarks, significant or contributory buildings within a historic district, or buildings of merit when the Historic Preservation Commission advises that complying with specific street frontage requirements would adversely affect the landmark, significant, contributory, or meritorious character of the structure, or that modification or waiver would enhance the economic feasibility of preservation of the landmark or structure.

(2) **Exception to Gates, Railings, and Grillwork Requirements for Cannabis Retail.**

(A) A Cannabis Retail use, as defined in Section 890.125 or Section 102, as applicable, is exempt from the requirements of Section 145.1(c)(7) as provided herein, and may install gates, railings, or grillwork that are less than 20% open to perpendicular view, including features that are fully opaque, provided that such gates, railings, or grillwork are deployed only when the Cannabis Retail use is not open to the public for business.

(B) A Cannabis Retail use that has installed any gates, railings, or grillwork pursuant to subsection (d)(2)(A) shall remove such gates, railings, or grillwork within the earliest of the following:

(i) 90 days after its Cannabis Business Permit issued pursuant to Article 16 of the Police Code is revoked or otherwise rendered invalid;

(ii) 90 days after the Cannabis Retail use ceases regular operation at the premises; or

(iii) 90 days after the Cannabis Retail use is abandoned or discontinued pursuant to either Section 178 or Section 183.

(C) Any building permit application to install gates, railings, or grillwork pursuant to subsection (d)(2)(A) shall include a statement acknowledging the requirements of subsection (d)(2)(B).

(D) Subsections (d)(2)(A) and (C) shall expire by operation of law three years after the effective date of the ordinance in Board File No. 220971 enacting this subsection (d)(2). In the event a Cannabis Retail use does not procure a building permit pursuant to subsection (d)(2)(A) prior to the expiration of subsection (d)(2)(A), the business shall comply with, and not be exempt from, the requirements of Section 145.1(c)(7). Subsection (d)(2)(B) shall continue to apply after the expiration of subsections (d)(2)(A) and (C).

(E) To deter vandalism of surfaces visible from public sidewalks, any Cannabis Retail use that maintains gates, railings, or grillwork that do not qualify for the exception in subsection (d)(3)(A), and which are less than 20% open to perpendicular view, shall install a mural on the surface of the gate visible from the public sidewalk. The mural required under this subsection (d)(2)(E) shall not be a Sign as defined in Article 6 of this Code.

(3) **Exception for Existing Gates, Railings, or Grillwork.**

(A) Any Non-Residential use that has not been discontinued or abandoned as of the effective date of the ordinance enacting this subsection (d)(3) and that has gates, railings, or grillwork that are less than 20% open to perpendicular view, including features that are fully opaque, will be deemed in compliance with the requirements of Section 145.1(c)(7), provided that such gates, railings, or grillwork existed and were occupied by the use prior to September 06, 2022, and are deployed only when a business is not open to the public. This subsection (d)(3) does not otherwise exempt a use from any required building permit.

(B) Existing gates, railings, and grillwork permitted pursuant to this subsection (d)(3) shall be treated as noncomplying structures subject to the restrictions on intensification, expansion, and relocation under Section 188(a), and may undergo ordinary maintenance and minor repairs as described in Section 181(b). Cannabis Retail use with gates that qualify as noncomplying structures under this subsection (d)(3) shall not be subject to the requirement for murals under subsection (d)(2)(E).

(C) Any Non-Residential use that seeks to be exempt from the requirements of Section 145.1(c)(7) shall procure a building permit within three years of the date of mailed notice to establish any existing gates, railings, or grillwork as a noncomplying structure pursuant to this subsection (d)(3). In the event a Non-Residential use does not procure a building permit pursuant to this subsection (d)(3) prior to the expiration of three years from the date of mailed notice, the business shall be subject to fines pursuant to Section 176 of this Code until a building permit establishing the existence of the gate prior to September 06, 2022, as specified in subsection (d)(3)(A), is procured. Any Non-Residential use with existing gates, railings, or grillwork that satisfy the criteria set forth in subsection (d)(3)(A) shall continue to be exempt from the requirements of Section 145.1(c)(7), but will be fined monetary penalties for failing to obtain a building permit as required in this subsection (d)(3)(C).

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 85-10, File No. 091271, App. 4/30/2010; Ord. 63-11, File No. 101053, App. 4/7/2011, Eff. 5/7/2011; Ord. 196-11, File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. 199-11, File No. 110785, App. 10/7/2011, Eff. 11/6/2011; Ord. 42-13, File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 105-17, File No. 170156, App. 5/26/2017, Eff. 6/25/2017; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 71-23, File No. 220971, App. 5/3/2023, Eff. 6/3/2023; Ord. 122-23, File No. 230371, App. 7/5/2023, Eff. 8/5/2023; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

AMENDMENT HISTORY

Section header and division (a) amended; former divisions (b)(2)A.-D. redesignated as (b)(2)(A)-(D); divisions (c), (c)(1) and (c)(2) amended; Ord. 63-11, Eff. 5/7/2011. Division (c)(4)(B) amended; Ord. 196-11, Eff. 11/3/2011. Division (c)(6) amended; Ord. 199-11, Eff. 11/6/2011. Divisions (c)(2) and (c)(4)(B) amended; Ord. 42-13, Eff. 4/27/2013. Division (b)(2)(D) amended; Ord. 22-15, Eff. 3/22/2015. Division (c)(4)(A) amended; Ord. 105-17, Eff. 6/25/2017. Divisions (c)(4)(A) and (B) amended; Ord. 129-17, Eff. 7/30/2017. Divisions (c)(4)(A), (c)(4)(C), and (c)(6) amended; Ord. 202-18, Eff. 9/10/2018. Divisions (a), (c), and (c)(4)(B) amended; Ord. 296-18, Eff. 1/12/2019. Divisions (a), (c), (c)(7) amended; division (d) redesignated as (d)(1), divisions (d)(2)-(d)(3)(C) added; Ord. 71-23, Eff. 6/3/2023. Undesignated paragraph added to division (c)(6); Ord. 122-23, Eff. 8/5/2023, and Ord. 159-23, Eff. 8/28/2023.

SEC. 145.2. OUTDOOR ACTIVITY AREAS IN NC DISTRICTS.

(See Interpretations related to this Section.)

The following provisions governing Outdoor Activity Areas shall apply in NC Districts.

In order to provide for limited commercial Outdoor Activity Areas, which promote active street life, but do not detract from the livability of surrounding uses, Outdoor Activity Areas in NC Districts shall be regulated below, except in the Outer Clement Street Neighborhood Commercial District, where Outdoor Activity Areas shall be a Principally Permitted Use if they existed prior to 1985. These provisions shall not apply to those Uses excepted from the requirement for location in an enclosed building.

(a) An Outdoor Activity Area operated by a Commercial Use is permitted as a Principal Use if located outside a building and contiguous to the front property line of the lot on which the Commercial Use is located.

In NC-S Districts, an Outdoor Activity Area is permitted as a Principal Use if located within the boundaries of the property and in front of the primary facades which contain customer entrances and if it does not obstruct pedestrian traffic flow between store entrances and parking facilities.

(b) An Outdoor Activity Area which does not comply with the provisions of Paragraph 1 of this subsection (b) is permitted as a Conditional Use.

In addition to the criteria of Section 303(c) of this Code, the Planning Commission shall find that:

(1) The nature of the activity operated in the Outdoor Activity Area is compatible with surrounding uses;

(2) The operation and design of the Outdoor Activity Area does not significantly disturb the privacy or affect the livability of adjoining or surrounding residences;

(3) The Hours of Operation of the activity operated in the Outdoor Activity Area are limited so that the activity does not disrupt the viability of surrounding uses.

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 463-87, App. 11/19/87; Ord. 42-89, App. 2/8/89; Ord. 235-14 , File No. 140844, App. 11/26/2014, Eff. 12/26/2014; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017)

AMENDMENT HISTORY

Section header and undesignated first paragraph amended; former division (a) amended and designation deleted (i.e., material retained as undesignated second paragraph); former divisions (a)(1), (a)(2), and (a)(2)(A)-(C) redesignated as current divisions (a), (b), and (b)(1)-(3) respectively; former division (b) deleted; Ord. 235-14 , Eff. 12/26/2014. All divisions amended; Ord. 129-17, Eff. 7/30/2017.

SEC. 145.4. REQUIRED GROUND FLOOR COMMERCIAL USES.

(a) **Purpose.** To support active, pedestrian-oriented commercial uses on important commercial streets.

(b) **Applicability.** The requirements of this Section 145.4 apply to the following street frontages.

(1) Folsom Street for the entirety of the Rincon Hill DTR and Folsom and Main Residential/Commercial Special Use Districts, pursuant to Sections 827 and 249.1;

(2) The entirety of the C-3-R District, along any block frontage that is entirely within such district or partly in such district and partly in the C-3-O District, where such block frontage faces a street 40 feet or more in width;

(3) Van Ness Avenue, in the Van Ness & Market Residential Special Use District, from Fell Street to Market Street;

(4) South Van Ness Avenue, for the entirety of the Van Ness & Market Residential Special Use District;

(5) Market Street, for the entirety of the Upper Market NCT, NCT-3, and all C-3 Districts;

(6) Third Street, in the UMU districts for parcel frontages wholly contained within 100 linear feet north or south of Mariposa Street or 100 linear feet north or south of 20th Street;

(7) Fourth Street, between Folsom and Townsend Streets in the Central SoMa Special Use District;

(8) Hayes Street, for the entirety of the Hayes-Gough NCT;

(9) Octavia Boulevard, between Fell Street and Hayes Street, in the Hayes-Gough NCT;

(10) On building frontages facing Destination Alleyways, as defined in the Downtown Streetscape Plan, in all C-3 Districts;

(11) Church Street, for the entirety of the NCT-3 and Upper Market NCT Districts;

(12) 22nd Street, between Third Street and Minnesota Streets within the NCT-2 District;

(13) Valencia Street, between 15th and 23rd Streets in the Valencia Street NCT District;

(14) Mission Street, for the entirety of the Mission Street NCT District and Van Ness & Market Residential Special Use District;

(15) 24th Street, for the entirety of the 24th Street-Mission NCT;

(16) 16th Street, between Guerrero and Capp Streets;

(17) 22nd Street, between Valencia and Mission Streets;

(18) 6th Street for its entirety within the C-3 and SoMa NCT Districts;

(19) Ocean Avenue, for the entirety of the Ocean Avenue NCT District, except on the north side of Ocean Avenue between Plymouth and Brighton Avenues;

(20) Geneva Avenue, between I-280 and Delano Avenue within the NCT-1 and NCT-2 Districts;

(21) Fillmore Street, in the Fillmore Street NCD from Bush Street to McAllister Street;

(22) Diamond Street, for the entirety of the Glen Park NCT District;

(23) Chenery Street, for the entirety of the Glen Park NCT District;

(24) Buchanan Street, between Post Street and Sutter Street;

(25) Post Street, between Fillmore Street and Laguna Street on the south side and between Webster Street and Laguna Street on the north side;

(26) Divisadero Street for the entirety of the Divisadero Street NCT District;

(27) The entirety of the North Beach Neighborhood Commercial District and North Beach Special Use District;

(28) Any street frontage that is in the Polk Street Neighborhood Commercial District;

(29) Pacific Avenue, between Van Ness Avenue and Jones Street, on lots where the last known ground floor use was a commercial or retail use;

(30) Folsom Street, between 4th and 6th Streets in the Central SoMa Special Use District;

(31) Second Street, on the west side, between Dow Place and Townsend Street in the Central SoMa Special Use District;

(32) Third Street, between Folsom Street and Townsend Street in the Central SoMa Special Use District and C-3-O District;

(33) Brannan Street, between Third Street and Fourth Street, in the Central SoMa Special Use District;

(34) Townsend Street, on the north side, between Second Street and Fourth Street; and

(35) Otis Street, for the entirety of the Van Ness and Market Residential Special Use District.

(c) **Definitions.**

"Active commercial uses" shall include the following uses:

(1) Retail Sales and Services Uses, except Hotel or Motel;

(2) Institutional Uses, except Residential Care Facility;

(3) Arts Activities, General Entertainment, Movie Theater, Outdoor Entertainment, and Nighttime Entertainment uses;

(4) Automobile Sale or Rental uses where curb-cuts, garage doors, or loading access are not utilized or proposed, and such sales or rental activity is entirely within an enclosed building and does not encroach on surrounding sidewalks or open spaces;

(5) Designated Child Care Units as defined in Section 102, provided that each such unit meets all applicable criteria set forth in Section 414A.6 of this Code;

(6) In the Ocean Avenue NCT, shall include Arts Activities, Nighttime Entertainment, and Institutional Community Uses, as those uses are defined in Section 102; and

(7) On Mission and Otis Streets within the Van Ness & Market Residential Special Use District, shall include Light Manufacturing, as that use is defined in Section 102.

(d) **Controls.**

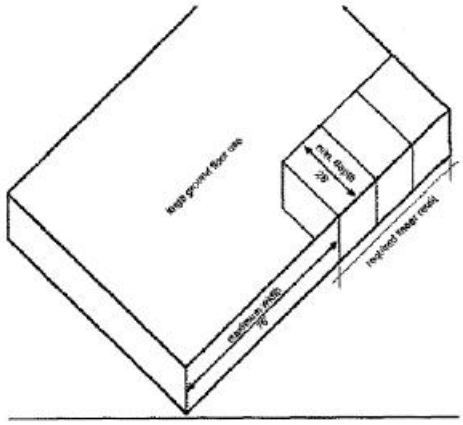
(1) Active commercial uses which are permitted by the specific district in which they are located are required on the ground floor of all street frontages listed in subsection (b) above.

(2) Active commercial uses shall comply with the standards applicable to active uses as set forth in Section 145.1(c)(3) and shall further be consistent with any applicable design guidelines.

(3) On those street frontages listed in subsection (b), an individual ground floor nonresidential use may not occupy more than 75 contiguous linear feet for the first 25 feet of depth along a street-facing facade. Separate individual storefronts shall wrap large ground floor uses for the first 25 feet of depth, as illustrated in Figure 145.4. This requirement shall not apply to such street frontages within the C districts.

(4) In the Central SoMa SUD, a project whose street frontage is subject to this Section 145.4 may locate a Privately-Owned Public Open Spaces (POPOS) along such street frontage, provided that the ground floor portion of the building facing the POPOS is lined with active commercial uses.

Figure 145.4



(e) **Modifications.** Modifications to the requirements of this Section are not permitted in DTR Districts. In Neighborhood Commercial and Commercial Districts, modifications to the requirements of this Section may be granted through the Conditional Use process, as set forth in Section 303. In the Eastern Neighborhoods Mixed Use Districts, modifications to the requirements of this Section may be granted through the procedures of Section 329 for projects subject to that Section or through an Administrative Modification from the Zoning Administrator for other projects, as set forth in Section 307(g).

(Added by Ord. 217-05, File No. 050865, App. 8/19/2005; amended by Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. 25-11, File No. 101464, App. 2/24/2011; Ord. 62-11, File No. 110010, App. 4/7/2011, Eff. 5/7/2011; Ord. 35-12 , File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. 75-12 , File No. 120084, App. 4/23/2012, Eff. 5/23/2012; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 229-15 , File No. 151126, App. 12/22/2015, Eff. 1/21/2016; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 205-17, File No. 170418, App. 11/3/2017, Eff. 12/3/2017; Ord. 229-17, File No. 171041, App. 12/6/2017, Eff. 1/5/2018; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 7-19, File No. 180917, App. 1/25/2019, Eff. 2/25/2019; Ord. 205-19, File No. 181211, App. 9/11/2019, Eff. 10/12/2019; Ord. 71-20, File No. 191285, App. 5/1/2020, Eff. 6/1/2020; Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020; Proposition H, 11/3/2020, Eff. 12/18/2020; Ord. 111-21, File No. 210285, App. 8/4/2021, Eff. 9/4/2021; Ord. 233-21, File No. 210381, App. 12/22/2021, Eff. 1/22/2022; Ord. 37-22, File No. 211263, App. 3/14/2022, Eff. 4/14/2022; Ord. 70-23, File No. 220340, App. 5/3/2023, Eff. 6/3/2023; Ord. 122-23, File No. 230371, App. 7/5/2023, Eff. 8/5/2023; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

AMENDMENT HISTORY

Division (b)(21) added; Table 145.4 amended; Ord. 62-11, Eff. 5/7/2011. Divisions (b)(22) and (23) added; Ord. 35-12 , Eff. 3/22/2012. Table 145.4 amended; Ord. 75-12 , Eff. 5/23/2012. [Former] division (b)(24) added; Ord. 56-13 , Eff. 4/27/2013. Divisions (b)(1), (b)(2), (b)(5), (b)(10), (b)(18), (b)(20), and (b)(21) amended; former division (b)(24) deleted; division (c)(3) and Table 145.4 amended; Ord. 22-15, Eff. 3/22/2015. Table 145.4 amended; Ord. 188-15 , Eff. 12/4/2015. Divisions (b)(24) and (25) added; Ord. 229-15 , Eff. 1/21/2016. Divisions (b)(24) and (b)(25) amended; divisions (b)(26) and (b)(27) added; divisions (c)-(c)(3) and Table 145.4 amended; Ord. 129-17, Eff. 7/30/2017. Divisions (b), (b)(25)–(27), and (c)(2) amended; divisions (b)(28) and (b)(29) added; Ord. 205-17, Eff. 12/3/2017. Table 145.4 amended; Ord. 229-17, Eff. 1/5/2018. Table 145.4 and division (e) amended; Ord. 202-18, Eff. 9/10/2018. Division (b)(7) amended; divisions (b)(30)-(34) and (d)(4) added; Ord. 296-18, Eff. 1/12/2019. Division (c)(4) added; Table 145.4 amended; Ord. 7-19, Eff. 2/25/2019. Table 145.4 amended; Ord. 205-19, Eff. 10/12/2019. Division (c)(5) added; Ord. 71-20, Eff. 6/1/2020. Divisions (b)(3), (4), (14), (33), and (34) amended; division (b)(35) added; divisions (c)(3)-(5) amended; division (c)(6) added; Ord. 126-20, Eff. 8/31/2020. Table 145.4 amended; Proposition H, 11/3/2020, Eff. 12/18/2020. Table 145.4 amended; Ord. 111-21, Eff. 9/4/2021. Table 145.4 amended; Ord. 233-21, Eff. 1/22/2022. Table 145.4 amended; Ord. 37-22, Eff. 4/14/2022. Division (c) amended; divisions (c)(2)-(3) deleted; divisions (c)(1) and (c)(4)-(6) amended as (c)(4)-(7); new divisions (c)(1)-(3) added; Table 145.4 deleted; Ord. 70-23, Eff. 6/3/2023. Divisions (d)(1) and (3) amended; Ord. 122-23, Eff. 8/5/2023, and Ord. 159-23, Eff. 8/28/2023.

SEC. 149. BETTER ROOFS; LIVING ROOF ALTERNATIVE.

(See Interpretations related to this Section.)

(a) **Purpose.** State law requires that certain new residential and nonresidential buildings set aside a “solar ready” portion of the roof equal to 15% of the total roof area. The solar ready area must be unshaded and free of obstructions, to allow that portion of the roof to be used for future installation of solar energy or heating systems. The San Francisco Green Building Code requires a building owner to actually use the solar ready area of the roof for solar energy or heating systems. The purpose of this Section 149 is to allow the use of “living roofs” as an additional means of meeting some or all of the Better Roof requirements of the Green Building Code, and thereby further promote the use of rooftops to increase renewable energy resources, stormwater management, and biodiversity.

(b) **Definitions.** As used in this Section 149, the following capitalized terms shall have the following meanings:

Better Roof Requirements. The requirements of San Francisco Green Building Code Sections 4.201.2 and 5.201.1.2, as amended.

Living Roof. The media for growing plants, as well as the set of related components installed exterior to a facility’s roofing membrane. “Living Roof” includes both “roof gardens” and “landscaped roofs” as referenced in the California Building Code.

Living Roof Area. The area of media for growing plants installed for the purposes of compliance with this Section, consistent with standards prepared and maintained by the Planning Department for planning, installation, and maintenance of Living Roofs.

Minimum Better Roof Area. An equivalent area to the Solar Ready Zone, as calculated under CCR Title 24, Part 6, Section 110.10 and San Francisco Green Building Code Sections 4.201.2 and 5.201.1.2, as applicable.

Roof. All outside coverings of a building or structure, including the structural supports, decking, and top layer exposed to the outside, at all levels of building, excluding roof area designated for skylights, vehicle traffic, or heliport.

Solar Ready Zone. A section of the roof designated and reserved for the installation of a solar electric or solar thermal system as

required in certain new buildings by CCR Title 24, Part 6, Section 110.10(b) through (e) and San Francisco Green Building Code Sections 4.201.2 and 5.201.1.2, as applicable.

(c) **Applicability.** A project sponsor may use a Living Roof as an alternative means of meeting some or all of the Better Roof requirements for any building that meets all four of the following criteria:

(1) The building constitutes a Large Development Project or Small Development Project under the Stormwater Management Ordinance (Public Works Code secs. 147-147.6);

(2) The building has a gross floor area of 2,000 square feet or more;

(3) The building has 10 or fewer occupied floors; and

(4) The project sponsor applies for a site permit or building permit on or after January 1, 2017.

(d) **Living Roof Requirements.** Should a project sponsor use a Living Roof as a means of meeting some or all of the Better Roof requirements, the sponsor shall submit to the Planning Department for its review and approval a Living Roof design in which the sum of the areas of the following features is equal to or greater than the Minimum Better Roof Area:

(1) Area of all solar photovoltaic collectors that meet the performance criteria of the San Francisco Green Building Code (secs. 4.201.2(c)(1) and 5.201.1.2(b)(1)), as appropriate;

(2) Area of all solar thermal collectors that meet the performance criteria of the San Francisco Green Building Code (secs. 4.201.2(c)(2) and 5.201.1.2(b)(2)), as appropriate; and

(3) Area and Location of Living Roof.

(A) For the purpose of this Section 149, each square foot of Living Roof shall count as 0.5 square foot towards the Minimum Better Roof Area requirements; provided, however, that the actual square footage of the Living Roof shall be used to determine compliance with the Stormwater Management Ordinance. The Planning Department, after consulting with the San Francisco Public Utilities Commission and the Department of the Environment, shall adopt rules and regulations to implement these provisions and coordinate compliance with the Stormwater Management Ordinance.

(B) A Living Roof may be located within or outside of the Solar Ready Zone used for compliance with CCR Title 24, Part 6, Section 110.10. Where a Living Roof Area is located outside the Solar Ready Zone, the requirements of Section 110.10 for the solar zone shall otherwise still apply.

(e) **Waiver.** If the project sponsor demonstrates to the Zoning Administrator's satisfaction that it is physically infeasible to meet the Living Roof requirements as written for the project in question, the Zoning Administrator may, in his or her sole discretion and pursuant to the procedures set forth in Planning Code Section 307(h), grant partial relief from the requirements stated in subsection (d) where the design of the Better Roof is within 10% of any quantitative requirements. The requirements of CCR Title 24, Part 6, Section 110.10 for the solar zone shall remain applicable.

(Added by Ord. 221-16, File No. 160965, App. 11/10/2016, Eff. 12/10/2016, Oper. 1/1/2017; amended by Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018)

AMENDMENT HISTORY

Division (e) amended; Ord. 202-18, Eff. 9/10/2018.

SEC. 150. OFF-STREET LOADING REQUIREMENTS.

(See Interpretations related to this Section.)

(a) **General.** This Article 1.5 is intended to assure that off-street parking and loading facilities are provided in amounts and in a manner that will be consistent with the objectives and policies of the San Francisco General Plan, as part of a balanced transportation system that makes suitable provision for walking, cycling, public transit, private vehicles, and the movement of goods. With respect to off-street parking, this Article is intended to require facilities where needed but discourage excessive amounts of automobile parking, to avoid adverse effects upon surrounding areas and uses, and to encourage effective use of walking, cycling, and public transit as alternatives to travel by private automobile. No off-street parking or loading is required on any lot whose sole feasible automobile access is across a protected street frontage identified in Section 155(r).

(b) **Spaces Required.** The requirements for off-street loading spaces for any structure constructed and any use established, whether public or private, after the original effective date of any such requirement applicable to such structure or use shall be as stated in this Article 1.5.

(c) **Additions to Structure and Uses.**

(1) For any structure or use lawfully existing on such effective date, off-street loading spaces need be provided only in the case of a major addition to such structure or use, and only in the quantity required for the major addition itself. Any lawful deficiency in off-street loading spaces existing on such effective date may be carried forward for the structure or use, apart from such major addition.

(2) For these purposes, a "major addition" is hereby defined as any enlargement, alteration, change of occupancy or increase in intensity of use which would increase the requirement for off-street loading spaces by at least 15%.

(3) Successive additions made after the effective date of an off-street loading requirement shall be considered cumulative, and at the time such additions become major in their total, off-street loading spaces shall be provided as required for such major addition.

(d) **Spaces to be Retained.** Once any off-street loading space has been provided which wholly meets the requirements of this Code, such off-street loading space shall not thereafter be reduced, eliminated or made unusable in any manner. Any accessory residential parking space may be leased or rented on a monthly basis as provided under Section 204.5(c) of this Code, and such lease or rental shall not be considered a reduction or elimination of required spaces.

(e) **Parking in Excess of the Maximum Permitted.** Any off-street parking space or spaces which existed lawfully at the effective date of this Section and which have a total number in excess of the maximum permitted off-street parking spaces permitted under Section 151.1 shall be considered noncomplying features pursuant to Section 180(a)(2) and shall be regulated as set forth in Section 188.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 463-87, App. 11/19/87; Ord. 112-08, File No. 080095, App. 6/30/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 63-11, File No. 101053, App. 4/7/2011, Eff. 5/7/2011; Ord. 209-12 , File No. 120631, App. 9/28/2012, Eff. 10/28/2012; Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013; Ord. 99-17, File No. 170206, App. 5/19/2017, Eff. 6/18/2017; Ord. 277-18, File No. 180914, App. 11/20/2018, Eff. 12/21/2018; Ord. 311-18, File No. 181028, App. 12/21/2018, Eff. 1/21/2019)

AMENDMENT HISTORY

Divisions (a) and (c)(2) amended; former division (d)(3) amended and redesignated as new division (e) [now (f); see below]; former division (e) deleted; Ord. 63-11, Eff. 5/7/2011. Division (d) amended; Ord. 209-12 , Eff. 10/28/2012. New division (e) added; former division (e) redesignated as (f); Ord. 183-13 , Eff. 9/6/2013. Division (e) amended; Ord. 99-17, Eff. 6/18/2017. Division (a) amended; Ord. 277-18, Eff. 12/21/2018. Section name and divisions (b), (c)(1)- (3), and (d) amended; former division (e) deleted; former division (f) redesignated as division (e); Ord. 311-18, Eff. 1/21/2019.

SEC. 151. SCHEDULE OF REQUIRED OFF-STREET PARKING SPACES.

(See Interpretations related to this Section.)

(a) **Applicability.** Off-street parking spaces shall be provided in the minimum quantities specified in Table 151, except as otherwise provided in Section 151.1 and Section 161 of this Code. Where the building or lot contains uses in more than one of the categories listed, parking requirements shall be calculated in the manner provided in Section 153 of this Code. Where off-street parking is provided which exceeds certain amounts in relation to the quantities specified in Table 151, as set forth in subsection (c), such parking shall be classified not as accessory parking but as either a Principal or a Conditional Use, depending upon the use provisions applicable to the district in which the parking is located. In considering an application for a Conditional Use for any such parking, due to the amount being provided, the Planning Commission shall consider the criteria set forth in Section 303(t) or 303(u) of this Code. Minimum off-street parking requirements shall be reduced, to the extent needed, when such reduction is part of a Development Project's compliance with the Transportation Demand Management Program set forth in Section 169 of this Code.

(b) **Minimum Parking Required.**

Table 151

OFF-STREET PARKING SPACES REQUIRED

Use or Activity	**Number of Off-Street Parking Spaces Required**
Use or Activity	**Number of Off-Street Parking Spaces Required**
RESIDENTIAL USES	
Dwelling	None required. P up to 1.5 parking spaces for each Dwelling Unit.
Dwelling, in the Telegraph Hill - North Beach Residential Special Use District	None required. P up to 0.5 parking spaces for each Dwelling Unit, subject to the controls and procedures of Section 249.49(c) and Section 155(t); NP above preceding ratio.
Dwelling, in the Polk Street Neighborhood Commercial District	None required. P up to 0.5 parking spaces for each Dwelling Unit; NP above preceding ratio.
Dwelling, in the Pacific Avenue Neighborhood Commercial District	None required. P up to 0.5 parking spaces for each Dwelling Unit; C up to one car for each Dwelling Unit; NP above preceding ratios.
Group Housing of any kind	None required.
NON-RESIDENTIAL USES	
Agricultural Use Category	
Agricultural Uses*	None required
Greenhouse	None required. Maximum 1.5 parking spaces for each 4,000 square feet of Occupied Floor Area, where the Occupied Floor Area exceeds 5,000 square feet.
Automotive Use Category	
Automotive Uses	None required.
Entertainment, Arts and Recreation Use Category	

Entertainment, Arts and Recreation Uses*	None required. Maximum 1.5 parking spaces for each 200 square feet of Occupied Floor Area, where the Occupied Floor Area exceeds 5,000 square feet.
Arts Activities, except theater or auditorium spaces	None required. Maximum 1.5 parking spaces for each 2,000 square feet of Occupied Floor Area, where the Occupied Floor Area exceeds 7,500 square feet.
Sports Stadium	None required. Maximum 1.5 parking spaces for each 15 seats.
Theater or auditorium	None required. Maximum 1.5 parking spaces for each 8 seats up to 1,000 seats where the number of seats exceeds 50 seats, plus 1.5 parking spaces for each 10 seats in excess of 1,000.
Industrial Use Category	
Industrial Uses*	None required. Maximum 1.5 parking spaces for each 2,000 square feet of Occupied Floor Area, where the Occupied Floor Area exceeds 10,000 square feet.
Live/Work Units	None required. Maximum 1.5 parking spaces for each 2,000 square feet of Occupied Floor Area, where the Occupied Floor Area exceeds 7,500 square feet, except in RH or RM Districts, within which the requirement shall be one space for each Live/Work Unit.
Institutional Uses Category	
Institutional Uses*	None required.
Child Care Facility	None required. Maximum 1.5 parking spaces for each 25 children to be accommodated at any one time, where the number of such children exceeds 24.
Hospital	None required. Maximum 1.5 parking spaces for each 8 beds excluding bassinets or for each 2,400 square feet of Occupied Floor Area devoted to sleeping rooms, whichever results in the greater requirement, provided that these requirements shall not apply if the calculated number of spaces is no more than two.
Post-Secondary Educational Institution	None required. Maximum 1.5 parking spaces for each two classrooms.
Religious Institution	None required. Maximum 1.5 parking spaces for each 20 seats by which the number of seats in the main auditorium exceeds 200.
Residential Care Facility	None required. Maximum in RH-1 and RH-2 Districts, 1.5 parking spaces for each 10 beds where the number of beds exceeds nine.
School	None required. Maximum 1.5 parking spaces for each six classrooms.
Trade School	None required. Maximum 1.5 parking spaces for each two classrooms.
Sales and Service Category	
Retail Sales and Services*	None required. Maximum 1.5 parking spaces for each 500 square feet of Occupied Floor Area up to 20,000 where the Occupied Floor Area exceeds 5,000 square feet, plus 1.5 spaces for each 250 square feet of Occupied Floor Area in excess of 20,000.
Eating and Drinking Uses	None required. Maximum 1.5 parking spaces for each 200 square feet of Occupied Floor Area, where the Occupied Floor Area exceeds 5,000 square feet.
Health Services	None required. Maximum 1.5 parking spaces for each 300 square feet of Occupied Floor Area, where the Occupied Floor Area exceeds 5,000 square feet.
Hotel in NC Districts	None required. Maximum 1.2 parking spaces for each guest bedroom.

Hotel in districts other than NC	None required. Maximum 1.5 parking spaces for each 16 guest bedrooms where the number of guest bedrooms exceeds 23, plus one for the manager's Dwelling Unit, if any.
Mortuary	Eight
Motel	None required. Maximum 1.5 parking spaces for each guest unit, plus one for the manager's Dwelling Unit, if any.
Retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture	None required. Maximum 1.5 parking spaces for each 1,000 square feet of Occupied Floor Area, where the Occupied Floor Area exceeds 5,000 square feet.
Retail Greenhouse or plant nursery	None required. Maximum 1.5 parking spaces for each 4,000 square feet of Occupied Floor Area, where the Occupied Floor Area exceeds 5,000 square feet.
Self-Storage	None required. Maximum 1.5 parking spaces for every three self-storage units.
Non-Retail Sales and Services*	None required. Maximum 1.5 parking spaces for each 1,000 square feet of Occupied Floor Area, where the Occupied Floor Area exceeds 5,000 square feet.
Commercial Storage or Wholesale Storage	None required. Maximum 1.5 parking spaces for each 2,000 square feet of Occupied Floor Area, where the Occupied Floor Area exceeds 10,000 square feet.
Office	None required. Maximum 1.5 parking spaces for each 500 square feet of Occupied Floor Area, where the Occupied Floor Area exceeds 5,000 square feet.
Utility and Infrastructure Category	
Utility and infrastructure uses	None required.

* Not listed below

(c) Where no parking is required for a use by this Section 151, the maximum permitted shall be one space per 2,000 square feet of Occupied Floor Area of use, three spaces where the use or activity has zero Occupied Floor Area or the maximum specified elsewhere in this Section.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 445-87, App. 11/12/87; Ord. 537-88, App. 12/16/88; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90; Ord. 32-91, App. 1/25/91; Ord. 368-94, App. 11/4/94; Ord. 217-05, File No. 050865, App. 8/19/2005; Ord. 129-06, File No, 060372, App. 6/22/2006; Ord. 112-08, File No. 080095, App. 6/30/2008; Ord. 51-09, File No. 081620, App. 4/2/2009; Ord. 77-10, File No. 091165, App. 4/16/2010; Ord. 109-11, File No. 101350, App. 6/29/2011, Eff. 7/29/2011; Ord. 232-14 , File No. 120881, App. 11/26/2014, Eff. 12/26/2014; Ord. 14-15 , File No. 141210, App. 2/13/2015, Eff. 3/15/2015; Ord. 34-17, File No. 160925, App. 2/17/2017, Eff. 3/19/2017; Ord. 99-17, File No. 170206, App. 5/19/2017, Eff. 6/18/2017; Ord. 196-17, File No. 170419, App. 10/5/2017, Eff. 11/4/2017; Ord. 205-17, File No. 170418, App. 11/3/2017, Eff. 12/3/2017; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 311-18, File No. 181028, App. 12/21/2018, Eff. 1/21/2019)

AMENDMENT HISTORY

Introductory paragraph amended and designated division (a); Table 151 amended and designated division (b); Ord. 109-11, Eff. 7/29/2011. Division (a) and (b) amended; division (c) added; Ord. 232-14 , Eff. 12/26/2014. Table 151 amended; Ord. 14-15 , Eff. 3/15/2015. Division (a) amended; Ord. 34-17, Eff. 3/19/2017. Divisions (a), (b), and (c) amended; former divisions (c)(1), (2), (4), and (5) deleted; division (c)(3) amended and redesignated division (c)(1); division (c)(2) added; Ord. 99-17, Eff. 6/18/2017. Division (b) amended; Ord. 196-17, Eff. 11/4/2017. Division (a) and Table 151 amended; Ord. 205-17, Eff. 12/3/2017. Table 151 amended; Ord. 202-18, Eff. 9/10/2018. Table 151 amended; former divisions (c)-(c)(1) deleted; former division (c)(2) redesignated as division (c); Ord. 311-18, Eff. 1/21/2019.

SEC. 152. SCHEDULE OF REQUIRED OFF-STREET FREIGHT LOADING SPACES IN DISTRICTS OTHER THAN C-3 AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS.

In districts other than C-3 and Eastern Neighborhoods Mixed Use Districts, off-street freight loading spaces shall be provided in the minimum quantities specified in the following table, except as otherwise provided in Section 152.2 and Section 161 of this Code. The measurement of Occupied Floor Area shall be as defined in this Code, except that non-accessory parking spaces and driveways and maneuvering areas incidental thereto shall not be counted. In accordance with Section 210.5, this Section 152 shall not apply to Commercial to Residential Adaptive Reuse projects.

Table 152

OFF-STREET FREIGHT LOADING SPACES REQUIRED (OUTSIDE C-3 AND EASTERN NEIGHBORHOODS MIXED USE DISTRICTS)

Use or Activity	***Occupied Floor Area of Structure or Use (sq. ft.)***	**Number of Off-Street** Freight Loading **Spaces Required**
Use or Activity	***Occupied Floor Area of Structure or Use (sq. ft.)***	**Number of Off-Street** Freight Loading **Spaces Required**
Retail Sales and Services and Industrial uses.	0 - 10,000	0
	10,001 - 60,000	1
	60,001 - 100,000	2
	over 100,000	3 plus 1 for each additional 80,000 sq. ft.
All other uses not included above	0 - 100,000	0
	100,001 - 200,000	1
	200,001 - 500,000	2
	over 500,000	3 plus 1 for each additional 400,000 sq. ft.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90; Ord. 217-05, File No. 050865, App. 8/19/2005; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 99-17, File No. 170206, App. 5/19/2017, Eff. 6/18/2017; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

AMENDMENT HISTORY

Section and Table 152 amended; Ord. 99-17, Eff. 6/18/2017. Section header, undesignated paragraph, and Table 152 name amended; Ord. 296-18, Eff. 1/12/2019. Undesignated paragraph amended; Ord. 159-23, Eff. 8/28/2023.

SEC. 153. RULES FOR CALCULATION OF REQUIRED SPACES.

(See Interpretations related to this Section.)

(a) In the calculation of off-street parking, freight loading spaces, and bicycle parking spaces required under Sections 151, 152, 152.1, 155.2, 155.3 and 155.4 of this Code, the following rules shall apply:

(1) In the case of mixed uses in the same structure, on the same lot or in the same development, or more than one type of activity involved in the same use, the total requirements for off-street parking and loading spaces shall be the sum of the requirements for the various uses or activities computed separately, including fractional values.

(2) Where an initial quantity of floor area, rooms, seats or other form of measurement is exempted from off-street parking or loading requirements, such exemption shall apply only once to the aggregate of that form of measurement. If the initial exempted quantity is exceeded, for either a structure or a lot or a development, the requirement shall apply to the entire such structure, lot or development, unless the contrary is specifically stated in this Code. In combining the requirements for use categories in mixed use buildings, all exemptions for initial quantities of square footage for the uses in question shall be disregarded, excepting the exemption for the initial quantity which is the least among all the uses in question.

(3) Where a structure or use is divided by a zoning district boundary line, the requirements as to quantity of off-street parking and loading spaces shall be calculated in proportion to the amount of such structure or use located in each zoning district.

(4) Where seats are used as the form of measurement, each 22 inches of space on benches, pews and similar seating facilities shall be considered one seat.

(5) When the calculation of the required number of off-street parking or freight loading spaces results in a fractional number, a fraction of ½ or more shall be adjusted to the next higher whole number of spaces, and a fraction of less than ½ may be disregarded.

(6) In C-3, MUG, MUR, MUO, CMUO, and UMU, substitution of two service vehicle spaces for each required off-street freight loading space may be made, provided that a minimum of 50 percent of the required number of spaces are provided for freight loading. Where the 50 percent allowable substitution results in a fraction, the fraction shall be disregarded.

(b) The requirements for off-street parking and loading for any use not specifically mentioned in Sections 151 and 152 shall be the same as for a use specified which is similar, as determined by the Zoning Administrator.

(c) For all uses and all districts covered by Section 151.1, the rules of calculation established by subsection (a) shall apply to the determination of maximum permitted spaces al allowed by Section 151.1.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 115-90, App. 4/6/90; Ord. 217-05, File No. 050865, App. 8/19/2005; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013 ; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

AMENDMENT HISTORY

Division (a) amended; Ord. 183-13 , Eff. 9/6/2013. Division (a)(6) amended; Ord. 296-18, Eff. 1/12/2019.

SEC. 154. DIMENSIONS FOR OFF-STREET PARKING, FREIGHT LOADING AND SERVICE VEHICLE SPACES.

(a) **Parking Spaces.** Required parking spaces may be either independently accessible or space-efficient as described in 154(a)(4) and 154(a)(5), except as required elsewhere in the Building Code for spaces specifically designated for persons with physical disabilities. Space-efficient parking is encouraged.

(1) Each independently accessible off-street parking space shall have a minimum area of 144 square feet (8 feet by 18 feet) for a standard space and 112.5 square feet for a compact space (7.5 feet by 15 feet), except for the types of parking spaces authorized by Paragraph (a)(4) below and spaces specifically designated for persons with physical disabilities, the requirements for which are set forth in the Building Code. Every required space shall be of usable shape. The area of any such space shall be exclusive of driveways, aisles and maneuvering areas. The parking space requirements for the Bernal Heights Special Use District are set forth in Section 242.

(2) Any ratio of standard spaces to compact spaces may be permitted, so long as compact car spaces are specifically marked and identified as a compact space. Special provisions relating to the Bernal Heights Special Use District are set forth in Section 242.

(3) Off-street parking spaces in DTR, C-3, RTO, NCT, Eastern Neighborhoods Mixed Use, PDR-1-D, and PDR-1-G Districts shall have no minimum area or dimension requirements, except as required elsewhere in the Building Code for spaces specifically designated for persons with physical disabilities. For all uses in all Districts for which there is no minimum off-street parking requirement, per Section 151.1, refer to 151.1(c) for rules regarding calculation of parking spaces.

(4) Parking spaces in mechanical parking structures that allow a vehicle to be accessed without having to move another vehicle under its own power shall be deemed to be independently accessible. Parking spaces that are accessed by a valet attendant and are subject to such conditions as may be imposed by the Zoning Administrator to insure the availability of attendant service at the time the vehicle may reasonably be needed or desired by the user for whom the space is required, shall be deemed to be independently accessible. Any conditions imposed by the Zoning Administrator pursuant to this Section shall be recorded as a Notice of Special Restriction.

(5) Space-efficient parking is parking in which vehicles are stored and accessed by valet, mechanical stackers or lifts, certain tandem spaces, or other space-efficient means. Tandem spaces shall only count towards satisfying the parking requirement if no more than one car needs to be moved to access the desired parking space. Space-efficient parking is encouraged, and may be used to satisfy minimum-parking requirements so long as the project sponsor can demonstrate that all required parking can be accommodated by the means chosen.

(6) Ground floor ingress and egress to any off-street parking spaces provided for a structure or use, and all spaces to be designated as preferential carpool or van pool parking, and their associated driveways, aisles and maneuvering areas, shall maintain a minimum vertical clearance of seven feet.

(b) **Freight Loading and Service Vehicle Spaces.** Every required off-street freight loading space shall have a minimum length of 35 feet, a minimum width of 12 feet, and a minimum vertical clearance including entry and exit of 14 feet, except as provided below.

(1) Minimum dimensions specified herein shall be exclusive of platform, driveways and maneuvering areas except that minimum vertical clearance must be maintained to accommodate variable truck height due to driveway grade.

(2) The first such space required for any structure or use shall have a minimum width of 10 feet, a minimum length of 25 feet, and a minimum vertical clearance, including entry and exit, of 12 feet.

(3) Each substituted service vehicle space provided under Section 153(a)(6) of this Code shall have a minimum width of eight feet, a minimum length of 20 feet, and a minimum vertical clearance of seven feet.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 115-90, App. 4/6/90; Ord. 32-91, App. 1/25/91; Ord. 217-05, File No. 050865, App. 8/19/2005; Ord. 129-06, File No. 060372, App. 6/22/2006; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 112-08, File No. 080095, App. 6/30/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

AMENDMENT HISTORY

Division (a)(1) amended; Ord. 188-15 , Eff. 12/4/2015. Nonsubstantive amendment; Ord. 296-18, Eff. 1/12/2019.

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

(See Interpretations related to this Section.)

Required off-street parking and freight loading facilities shall meet the following standards as to location and arrangement. Facilities which are not required but are actually provided shall also meet the following standards unless such standards are stated to be applicable solely to required facilities. In application of the standards of this Code for off-street parking and loading, reference may be made to provisions of other portions of the Municipal Code concerning off-street parking and loading facilities, and to standards of the Better Streets Plan and the Bureau of Engineering of the Department of Public Works. Final authority for the application of such standards under this Code, and for adoption of regulations and interpretations in furtherance of the stated provisions of this Code shall, however, rest with the Planning Department.

(a) **Required Parking and Loading on the Same Lot as the Use Served.** Every required off-street parking or loading space shall be

located on the same lot as the use served by it, except as provided in Section 161 of this Code.

(b) **Off-Street Parking and Loading on Private Property.** Every off-street parking or loading space shall be located in its entirety within the lot lines of private property. Shared driveways are encouraged.

(c) **Adequate Means of Ingress and Egress.** Every off-street parking or loading space shall have adequate means of ingress from and egress to a Street or Alley. Access to off-street loading spaces shall be from Alleys in preference to Streets, except where otherwise specified in this Code.

Adequate reservoir space shall be provided on private property for entrance of vehicles to off-street parking and loading spaces, except with respect to spaces independently accessible directly from the Street.

For Residential Uses, independently accessible off-street parking spaces shall include spaces accessed by automated garages, or car elevators, lifts or other space-efficient parking as defined in Section 154(a)(4) and Section 154(a)(5) provided that no more than one car needs to be moved under its own power to access any one space.

(d) **Enclosure of Off-Street Loading and Service Vehicle Spaces Required.** All off-street freight loading and service vehicle spaces in the C-3, DTR, MUO, CMUO, WMUO, MUG, WMUG, and MUR shall be completely enclosed, and access from a public Street or Alley shall be provided by means of a private service driveway that is totally contained within the structure. Such a private service driveway shall include adequate space to maneuver trucks and service vehicles into and out of all provided spaces, and shall be designed so as to facilitate access to the subject property while minimizing interference with street and sidewalk circulation. Any such private service driveway shall be of adequate width to accommodate drive-in movement from the adjacent curb or inside traffic lane but shall in no case exceed 30 feet. Notwithstanding the foregoing, if an adjacent Street or Alley is determined by the Zoning Administrator to be primarily used for building service, up to four off-street freight or loading spaces may be allowed to be individually accessible directly from such a Street or Alley, pursuant to the provisions of Section 309 in a C-3 District, the provisions of Section 309.1 in a DTR District, the provisions of Section 329 for projects subject to Section 329 in a MUO, CMUO, WMUO, MUG, WMUG, or MUR District, or by administrative decision of the Zoning Administrator for projects that are not subject to Section 329 in a MUO, CMUO, WMUO, MUG, WMUG, or MUR District.

(e) **Alternate Location of Service Vehicle Spaces.** Where site constraints would make a consolidated freight loading and service vehicle facility impractical, service vehicle spaces required by Sections 153(a)(6) and 154(b)(3) of this Code may be located in a parking garage for the structure or other location separate from freight loading spaces.

(f) **Freight Elevator Access to Off-Street Freight Loading.** Whenever off-street freight loading spaces are provided, freight elevators immediately accessible from the loading dock shall be provided to all floors which contain uses that are included in the calculation of required number of freight loading spaces. If freight loading facilities are subterranean, the location and operation of freight elevators shall be designed, where feasible, to discourage use of freight elevators for deliveries from the ground floor. Directories of building tenants shall be provided at all freight elevators. A raised loading dock or receiving area shall be provided with sufficient dimensions to provide for short-term storage of goods. All required freight loading and service vehicle spaces shall be made available only to those vehicles at all times, and provision shall be made to minimize interference between freight loading and service operations, and garbage dumpster operations and storage.

(g) **Parking Pricing Requirements.** In order to discourage long-term commuter parking, any off-street parking spaces provided for a structure or use other than Residential or Hotel in a C-3, DTR, SPD, MUG, WMUG, MUR, CMUO, WMUO, or MUO District, whether classified as an accessory or Conditional Use, that are otherwise available for use for long-term parking by downtown workers shall maintain a rate or fee structure for their use such that the rate charge for four hours of parking duration is no more than four times the rate charge for the first hour, and the rate charge for eight or more hours of parking duration is no less than 10 times the rate charge for the first hour. Additionally, no discounted parking rate shall be permitted for weekly, monthly or similar time-specific periods.

(h) **Layout and Markings.** The internal layout of off-street parking and loading spaces, driveways, aisles and maneuvering areas shall be according to acceptable standards, and all spaces shall be clearly marked.

(i) **Parking Spaces for Persons with Disabilities.** For each 25 off-street parking spaces provided, one such space shall be designed and designated for persons with disabilities.

(j) **Bicycle Parking.** Bicycle parking shall be provided, as required by Section 155.2.

(k) **Encroachments.** Off-street parking and loading facilities shall be arranged, designed and operated so as to prevent encroachments upon sidewalk areas, bicycle lanes, transit-only lanes and adjacent properties, in the maneuvering, standing, queuing and storage of vehicles, by means of the layout and operation of facilities and by use of bumper or wheel guards or such other devices as are necessary.

(l) **Driveways.** Driveways crossing sidewalks shall be no wider than necessary for ingress and egress, and shall be arranged, to the extent practical, so as to minimize the width and frequency of curb cuts, to maximize the number and size of on-street parking spaces available to the public, and to minimize conflicts with pedestrian and transit movements.

(m) **Surfacing and Grading.** Every off-street parking or loading facility shall be suitably graded, surfaced, drained and maintained.

(n) **Parking or Loading in Required Open Spaces.** Off-street parking and loading spaces shall not occupy any required open space, except as specified in Section 136 of this Code.

(o) **Accounting of Parking and Loading Spaces.** No area credited as all or part of a required off-street parking space shall also be credited as all or part of a required off-street loading space, or used as all or part of an unrequired off-street loading space. No area credited as all or part of a required off-street loading space shall also be credited as all or part of a required off-street parking space, or used as all or part of an unrequired off-street parking space.

(p) **Freight Loading Adjacent to R Districts.** Any off-street freight loading area located within 50 feet of any R District shall be completely enclosed within a building if such freight loading area is used in regular night operation.

(q) **Rooftop Parking.** Rooftop parking, where allowed, shall be screened as provided in Section 141(d) of this Code.

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

(1) Folsom Street, from Second Street to The Embarcadero, not permitted except as set forth in Section 827.

(2) Not permitted:

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

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

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

(D) Mission Street from The Embarcadero to Annie Street and from 10th Street to Division Street,

(E) Octavia Street from Hayes Street to Fell Street,

(F) Embarcadero in the DTR Districts,

(G) 22nd Street between 3rd Street and Minnesota Streets within the NCT-2 District,

(H) Valencia Street between 15th and 23rd Streets in the Valencia Street NCT District,

(I) Mission Street for the entirety of the Mission Street NCT District,

(J) 24th Street for the entirety of the 24th Street-Mission NCT,

(K) 16th Street between Guerrero and Capp Streets within the Valencia Street NCT and Mission Street NCT Districts,

(L) 16th Street between Kansas and Mississippi Streets in the UMU and PDR-1-D Districts,

(M) 6th Street for its entirety within the SoMa NCT District,

(N) 3rd Street, in the UMU districts for 100 feet north and south of Mariposa and 100 feet north and south of 20th Streets,

(O) Ocean Avenue within the Ocean Avenue NCT District,

(P) Geneva Avenue from I-280 to San Jose Avenue within the NCT-2 District,

(Q) Columbus Avenue between Washington and North Point Streets,

(R) Broadway from the Embarcadero on the east to Polk Street on the west,

(S) All alleyways in the Chinatown Mixed Use Districts,

(T) Diamond Street within the Glen Park NCT District,

(U) Chenery Street within the Glen Park NCT District,

(V) Natoma Street from 300 feet westerly of 1st Street to 2nd Street,

(W) Ecker Alley in its entirety,

(X) Shaw Alley in its entirety,

(Y) 2nd Street from Market to Townsend Streets,

(Z) Destination Alleyways, as designated in the Downtown Streetscape Plan,

(AA) The western (inland) side of the Embarcadero between Townsend and Jefferson Streets,

(BB) Post Street, on the north side from Webster Street to Laguna Street and on the south side from Fillmore Street to Webster Street,

(CC) Buchanan Street from Post Street to Sutter Street,

(DD) Grant Avenue between Columbus Avenue and Filbert Street,

(EE) Green Street between Grant Avenue and Columbus/Stockton,

(FF) All Alleys within the North Beach NCD and the Telegraph Hill-North Beach Residential SUD,

(GG)[1] Polk Street between Filbert Street and Golden Gate Avenue,

(HH) California Street between Van Ness Avenue and Hyde Street,

(II) Hyde Street between California Street and Pine Street,

(JJ) Broadway between Van Ness Avenue and Larkin Street,

(KK) Bush Street between Van Ness Avenue and Larkin Street,

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

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

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

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

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

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

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

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

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

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

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

(B) The entire portion of California Street,

(C) Folsom Street, Geary Street, Mission Street, Powell Street and Stockton Street in the C-3 Districts,

(D) Grant Avenue from Market Street to Sacramento Street,

(E) Montgomery Street from Market Street to Columbus Avenue,

(F) Church Street and 16th Street in the RTO District,

(G) Duboce Street from Noe Street to Market Street,

(H) Octavia Street from Fell Street to Market Street,

(I) 1st, Fremont and Beale Streets from Market to Folsom Street,

(J) The eastern (water) side of The Embarcadero between Townsend and Taylor Streets,

(K) Fillmore Street from Hermann Street to Duboce Avenue,

(L) Noe Street from Duboce Avenue to Market Street, and

(M) Dolores Street from Market Street to 16th Street.

(N) Harrison Street from 2nd Street to 6th Street,

(O) Bryant Street from 2nd Street to 6th Street, and

(P) 5th Street from Howard Street to Townsend Street.

(4) Where an alternative frontage is not available, parking or loading access along any Transit Preferential Street as designated in the Transportation Element of the General Plan, or Neighborhood Commercial Street or Commercial Throughways defined in the Better Streets Plan, or any SFMTA Board of Directors adopted bicycle routes or lanes, may be allowed on streets not listed in subsection (r)(2)

above as an exception in the manner provided in Section 309 for C-3-O(SD) Districts, Section 329 for Mixed-Use Districts, and in Section 303 for all other Districts in cases where the Planning Commission can determine that the final design of the parking access minimizes negative impacts to transit movement and to the safety of pedestrians and bicyclists to the fullest extent feasible.

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

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

(7) **Commercial to Residential Adaptive Reuse projects pursuant to Section 210.5.** Pre-existing garage entries, driveways, or other vehicular access to off-street parking and loading via curb cuts for Commercial to Residential Adaptive Reuse projects are not subject to Section 155(r). Creation of new or expanded garage entries, driveways, or other vehicular access to off-street parking and loading via curb cuts shall be subject to Section 155(r).

(s) **Off-Street Parking and Loading in C-3 Districts.** In C-3 Districts, restrictions on the design and location of off-street parking and loading and access to off-street parking and loading are necessary to reduce their negative impacts on neighborhood quality and the pedestrian environment.

(1) **Ground Floor or Below-Grade Parking and Street Frontages with Active Uses.**

(A) All off-street parking in C-3 Districts (both as Accessory and Principal Uses) shall be built no higher than the ground-level (up to a maximum ceiling height of 20 feet from grade) unless an exception to this requirement is granted in accordance with Section 309 and Subsection 155(s)(2) below.

(B) Parking located at or above ground level shall conform to the street frontage requirements of Section 145.1(c), and shall be lined with active uses, as defined by Section 145.4(d), to a depth of at least 25 feet along all ground-level street frontages, except for space allowed for parking and loading access, building egress, and access to mechanical systems.

(2) **Residential Accessory Parking.** For residential accessory off-street parking in C-3 Districts, two additional floors of above-grade parking beyond the at-grade parking allowed by Section 155(s)(1), to a maximum ceiling height of 35 feet from grade, may be permitted subject to the provisions of Section 309 of this Code provided it can be clearly demonstrated that transportation easements or contaminated soil conditions make it practically infeasible to build parking below-ground. The determination of practical infeasibility shall be made based on an independent, third-party geotechnical assessment conducted by a licensed professional and funded by the project sponsor. The Planning Director shall make a determination as to the objectivity of the study prior to the Planning Commission's consideration of the exception application under Section 309.

(3) **Temporary Parking Lots.** Parking lots permitted in C-3 Districts as temporary uses according to Section 156(f) are not subject to the requirements of subsection (1)(B) above.

(4) **Parking and Loading Access.**

(A) **Width of Openings.** Any single development is limited to a total of two façade openings of no more than 11 feet wide each or one opening of no more than 22 feet wide for access to off-street parking and one façade opening of no more than 15 feet wide for access to off-street loading. Shared openings for parking and loading are encouraged. The maximum permitted width of a shared parking and loading garage opening is 27 feet.

(B) **Porte Cocheres.** Porte cocheres to accommodate passenger loading and unloading are not permitted except as part of a Hotel, inn, or hostel use. For the purpose of this Section, a "porte cochere" is defined as an off-street driveway, either covered or uncovered, for the purpose of passenger loading or unloading, situated between the ground floor façade of the building and the sidewalk.

(t) **Garage Additions in the North Beach Neighborhood Commercial District, North Beach-Telegraph Hill Residential Special Use District, and Chinatown Mixed Use Districts.** Notwithstanding any other provision of this Code to the contrary, a mandatory discretionary review hearing by the Planning Commission is required in order to install a garage in an existing or proposed structure of two units or more in the North Beach NCD, the North Beach-Telegraph Hill Residential SUD, and the Chinatown Mixed Use Districts.

In order to approve the installation of any garage in these districts, the City shall find that: (1) the proposed garage opening/addition of off-street parking will not cause the elimination or reduction of ground-story retail or commercial space; (2) the proposed garage opening/addition of off-street parking will not eliminate or decrease the square footage of any dwelling unit, (3) the building has not had two or more evictions with each eviction associated with a separate unit(s) within the past ten years, and (4) the garage would not front on an Alley pursuant to Section 155(r)(2) of this Code or on a public right-of-way narrower than 41 feet, and (5) the proposed garage/addition of off-street parking is consistent with the Priority Policies of Section 101.1 of this Code. Prior to the issuance of notification under Section 311 or 312 of this Code, the Department shall require a signed affidavit by the project sponsor attesting to (1), (2), and (3) above, which the Department shall independently verify, and the Department shall determine whether the project complies with subsection (4) above. If the project sponsor does not provide such signed affidavit, or the garage would front on an Alley or on a public right-of-way narrower than 41 feet, the Department shall disapprove the application and no Planning Commission hearing shall be required.

(u) **Driveway and Loading Operations Plan (DLOP) in the Central SoMa Special Use District and Van Ness & Market Residential Special Use District.**

(1) **Purpose.** The purpose of a Driveway and Loading Operations Plan (DLOP) is to reduce potential conflicts between driveway and loading operations, including passenger and freight loading activities, and pedestrians, bicycles, and vehicles, to maximize reliance of on-site loading spaces to accommodate new loading demand, and to ensure that off-site loading activity is considered in the design of new buildings.

(2) **Applicability.** Development projects of more than 100,000 net new gross square feet in the Central SoMa Special Use District and Van Ness & Market Residential Special Use District.

(3) **Requirement.** Applicable projects shall prepare a DLOP for review and approval by the Planning Department, in consultation with the San Francisco Municipal Transportation Agency. The DLOP shall be written in accordance with any guidelines issued by the Planning Department.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 115-90, App. 4/6/90; Ord. 32-91, App. 1/25/91; Ord. 314-95, App. 10/6/95; Ord. 31-96, App. 1/11/96; Ord. 343-98, App. 11/19/98; Ord. 199-00, File No. 001102, App. 8/18/2000; Ord. 193-01, File No. 010488, App. 9/7/2001; Ord. 217-05, File No. 050865, App. 8/19/2005; Ord. 129-06, File No, 060372, App. 6/22/2006; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 112-08, File No. 080095, App. 6/30/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. 187-09, File No. 090867, App. 8/12/2009; Ord. 77-10, File No. 091165, App. 4/16/2010; Ord. 25-11, File No. 101464, App. 2/24/2011; Ord. 63-11, File No. 101053, App. 4/7/2011, Eff. 5/7/2011; Ord. 109-11, File No. 101350, App. 6/29/2011, Eff. 7/29/2011; Ord. 35-12 , File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 232-14 , File No. 120881, App. 11/26/2014, Eff. 12/26/2014; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 229-15 , File No. 151126, App. 12/22/2015, Eff. 1/21/2016; Ord. 99-17, File No. 170206, App. 5/19/2017, Eff. 6/18/2017; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 196-17, File No. 170419, App. 10/5/2017, Eff. 11/4/2017; Ord. 205-17, File No. 170418, App. 11/3/2017, Eff. 12/3/2017; Ord. 277-18, File No. 180914, App. 11/20/2018, Eff. 12/21/2018; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 311-18, File No. 181028, App. 12/21/2018, Eff. 1/21/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020; Ord. 47-21, File No. 201175, App. 4/16/2021, Eff. 5/17/2021; Ord. 136-21, File No. 210674, App. 8/4/2021, Eff. 9/4/2021; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

AMENDMENT HISTORY

Divisions (d), (s)(1)(B), and (s)(3)(B) amended; Ord. 63-11, Eff. 5/7/2011. Divisions (g), (i), and (r) amended; Ord. 109-11, Eff. 7/29/2011. Divisions (r)(2)(T) and (r)(2)(U) added; Ord. 35-12 , Eff. 3/22/2012. Division (r)(2)(D) amended; divisions (r)(2)(V)-(Y) added; division (r)(3) amended; division (r)(3)(I) added; Ord. 182-12 , Eff. 9/7/2012. Divisions (d) and (g) amended; new division (r)(5) added and former division (r)(5) redesignated as (r)(6); Ord. 42-13 , Eff. 4/27/2013. Designation of subdivisions of division (r)(2) corrected; Ord. 56-13 , Eff. 4/27/2013. Divisions (d) and (e) amended; new divisions (r)(2)(Z) and (r)(2)(AA) added; former division (r)(3)(A) amended and divided into current divisions (r)(3)(A) and (B); former divisions (r)(3)(B)-(E) redesignated as (r)(3)(C)-(F); former division (r)(3)(F) deleted; division (r)(3)(J) added; division (s)(1)(A) amended; former division (s)(1)(B)(i) deleted; former divisions (s)(2) and (s)(2)(A) amended and merged to form current division (s)(2); former division (s)(2)(B) deleted; division (s)(3) amended; former divisions (s)(3)(A) and (B) deleted; division (s)(4) amended; division (t) added; Ord. 232-14 , Eff. 12/26/2014. Divisions (d), (s)(1)(B), and (s)(4)(B) amended; Ord. 22-15, Eff. 3/22/2015. Divisions (r)(2)(BB) and (CC) added; Ord. 229-15 , Eff. 1/21/2016. Introductory paragraph and divisions (a)-(r) amended; former division (c)(1) redesignated as unnumbered; division (s)(1)(A) amended; divisions (s)(1)(C) and (s)(3) deleted; former divisions (s)(4) and (s)(5) redesignated (s)(3) and (s)(4) and current divisions (s)(3) and (s)(4)(B) amended; Ord. 99-17, Eff. 6/18/2017. Divisions (r) and (r)(2)(CC) amended; divisions (r)(2)(DD)-(FF) added; Ord. 129-17, Eff. 7/30/2017. Division (t) amended; Ord. 196-17, Eff. 11/4/2017. Division (r) amended; divisions (r)(2)(GG)-(LL) added; division (s)(4) designation corrected; Ord. 205-17, Eff. 12/3/2017. Divisions (r), (r)(1), and (r)(3)-(6) amended; divisions (r)(2)(MM), (r)(3)(A), and (r)(3)(K)-(M) added; former divisions (r)(3)(A)-(D) redesignated as (r)(3)(B)-(E); former division (r)(3)(E) deleted; Ord. 277-18 , Eff. 12/21/2018. Section header amended; divisions (d), (g), (r)(2)(N), (r)(2)(Y), and (r)(3) amended; divisions (r)(2)(GG)-(MM) [second group], (r)(3)(K)-(M) [second group], and (u)-(u)(3) added; Ord. 296-18 , Eff. 1/12/2019. Introductory paragraph and divisions (a), (s)(1)(A), and (s)(3) amended; Ord. 311-18 , Eff. 1/21/2019. Divisions (r), (r)(3)(A), and (r)(4) amended; division (r)(2)(MM) deleted; divisions (r)(2)(GG)-(MM) [second group] redesignated as (r)(2)(MM)-(RR) and (r)(2)(MMMM); division (r)(2)(TT) added; divisions (r)(3)(K)-(M) [second group] redesignated as (r)(3)(N)-(P); Ord. 63-20 , Eff. 5/25/2020. Divisions (u) and (u)(2) amended; Ord. 126-20 , Eff. 8/31/2020. Division (r)(2)(MMMM) redesignated as (r)(2)(SS); Ord. 47-21, Eff. 5/17/2021 and Ord. 136-21, Eff. 9/4/2021. Division (r)(7) added; Ord. 159-23, Eff. 8/28/2023.

SEC. 155.1. BICYCLE PARKING: DEFINITIONS AND STANDARDS.

(a) **Definitions.** The following definitions are listed alphabetically and shall govern Sections 155.1 through 155.4. For the purpose of these Sections, all terms defined below will be in initial caps throughout these Sections.

"**Attended Facility.**" A location in which the bicycle is delivered to and left with an attendant with provisions for identifying the bicycle's owner. The stored bicycle is accessible only to the attendant.

"**Class 1 Bicycle Parking Space(s).**" Spaces in secure, weather-protected facilities intended for use as long-term, overnight, and work-day bicycle storage by dwelling unit residents, non-residential occupants, and Employees.

"**Class 2 Bicycle Parking Space(s).**" Bicycle racks located in a publicly-accessible, highly visible location intended for transient or short-term use by visitors, guests, and patrons to the building or use.

"**Director.**" Director of the Planning Department.

"**Employees.**" Individuals employed by any entity operating or doing business on the subject lot.

"**Landlord.**" Any person who leases space in a building to the City. The term "Landlord" does not include the City.

"**Locker.**" A fully enclosed and secure bicycle parking space accessible only to the owner or operator of the bicycle or owner and operator of the Locker.

"**Monitored Parking.**" A location where Class 2 parking spaces are provided within an area under constant surveillance by an attendant or security guard or by a monitored camera.

"**New Building.**" A building or structure for which a new construction building permit is issued after the effective date of the Section as determined in Section 155.1(f).

"**Person.**" Any individual, proprietorship, partnership, joint venture, corporation, limited liability company, trust, association, or other entity that may enter into leases.

"**Responsible City Official.**" The highest ranking City official of an agency or department which has authority over a City-owned building or parking facility or of an agency or department for which the City is leasing space.

"**Restricted Access Parking.**" A location that provides Class 2 bicycle racks within a locked room or locked enclosure accessible

only to the owners of bicycles parked within.

"**Stacked Parking.**" Bicycle parking spaces where racks are stacked and the racks that are not on the ground accommodate mechanically-assisted lifting in order to mount the bicycle.

"**U-lock.**" A rigid bicycle lock, typically constructed out of hardened steel composed of a solid U-shaped piece whose ends are connected by a locking removable crossbar.

"**Vertical Bicycle Parking.**" Bicycle Parking that requires both wheels to be lifted off the ground, with at least one wheel that is no more than 12 inches above the ground.

"**Workspace.**" Any designated office, cubicle, workstation, or other normal work area at which an employee typically performs daily work duties and not typically accessible to the public (such as in the case of retail, restaurant, classroom, theater or similar settings) and is not used for circulation. A Workspace shall also exclude any place where storage of a bicycle would be hazardous because of the nature of the work being performed in the immediate vicinity, such as in an industrial or medical setting.

(b) **Standards for Location of Bicycle Parking Spaces.** These standards apply to all bicycle parking subject to Section 155.2, as well as bicycle parking for City-owned and leased buildings, parking garages and parking lots subject to Section 155.3. Bicycle racks shall be located in highly visible areas as described in subsections below in order to maximize convenience and minimize theft and vandalism. For Accessory Dwelling Units, the requirements of this subsection (b) may be modified or waived pursuant to the procedures and criteria set forth in Sections 307(l) and 207(c)(4)(G).

(1) **Class 1** spaces shall be located with direct access for bicycles without requiring use of stairs. The location of such spaces shall allow bicycle users to ride to the entrance of the space or the entrance of the lobby leading to the space. The design shall provide safe and convenient access to and from bicycle parking facilities. Safe and convenient means include, but are not limited to, ramps and wide hallways as described below. Escalators and stairs are not considered safe and convenient means of ingress and egress and shall not be used. Use of elevators to access bicycle parking spaces shall be minimized for all uses and if necessary shall follow the requirements below. Bicycle parking shall be at least as conveniently located as the most convenient nondisabled car parking provided for the subject use. Residential buildings shall not use space in dwelling units, balconies or required private open space for required Class 1 bicycle parking. Class 1 bicycle parking can be stored within the allowable 100 square feet yard obstruction described in Section 136(c)(23) of this Code. Class 1 bicycle parking spaces shall be located:

(A) On the ground floor within 100 feet of the major entrance to the lobby. There shall be either: (i) convenient access to and from the street to the bicycle parking space and another entrance from the bicycle parking space to the lobby area, or (ii) a minimum five foot wide hallway or lobby space that leads to the bicycle parking major entrance, where direct access to bicycle parking space from the street does not exist. Such access route may include up to two limited constriction points, such as doorways, provided that these constrictions are no narrower than three feet wide and extend for no more than one foot of distance.

(B) In the off-street automobile parking area, where lot configurations or other limitations do not allow bicycle parking spaces to be located near the lobby as described in subsection (A) above. Bicycle parking spaces shall be located on the first level of automobile parking either above or below grade and still be located near elevators or other pedestrian entrances to the building.

(C) One level above or below grade, where the two options above will not be possible due to an absence of automobile parking, small or unusual lot configurations, or other unique limitations. In such cases, ramps or elevators shall be provided to access the bicycle parking space and the bicycle parking spaces shall be near the elevators or other entrance to that story. At least one designated access route meeting the dimensional requirements described in (A) above shall connect a primary building entrance to the bicycle parking facility. For non-residential uses, any elevator necessary to access bicycle parking facilities larger than 50 spaces shall have clear passenger cab dimensions of at least 70 square feet and shall not be less than seven feet in any dimension.

(2) **Class 2** spaces shall be located, as feasible, near all main pedestrian entries to the uses to which they are accessory, and should not be located in or immediately adjacent to service, trash or loading areas. Further standards for specific uses include:

(A) All uses, except non-accessory garages and parking lots, may locate Class 2 bicycle parking in a public right-of-way, such as on a sidewalk or in place of an on-street auto parking space, within 100 feet of a main entry to the subject building, subject to demonstration of preliminary approval by the necessary City agencies. If existing Class 2 bicycle parking in the required quantities already exists in a public right-of-way immediately fronting the subject lot, and such spaces are not satisfying bicycle parking requirements for another use, such parking shall be deemed to meet the Class 2 requirement for that use. Parking meters, poles, signs, or other street furniture shall not be used to satisfy Class 2 bicycle parking requirements, unless other public agencies have specifically designed and designated these structures for the parking of a bicycle.

(B) Non-residential uses other than non-accessory garages and parking lots, may locate Class 2 spaces in required non-residential open space (such as open space required by Sections 135.3 and 138 of this Code), provided that such bicycle parking does not occupy more than five percent of the open space area or 120 square feet, whichever is greater, and does not affect pedestrian circulation in the open space.

(C) Non-Accessory Garages and Parking Lots shall place Class 2 spaces within the garage in a location that will protect them from wind-driven rain near a primary entrance.

(3) **All Bicycle Parking Spaces.**

(A) Stadiums, Arenas, and Amphitheaters shall provide Class 1 bicycle parking for on-site Employees in a separate location from Class 2 parking provided as specified below:

(i) Such uses shall provide at least 75 percent but not more than 90 percent of Class 2 parking in the form of an Attended

Facility for patrons. The facilities shall continuously staff the Attended Facility and make it available to patrons of events from not later than one hour before the event begins to not earlier than one hour after the event finishes during all events with an expected attendance of greater than 2,000 people.

(ii) Class 2 parking that is not provided in an Attended Facility per subsection (i) above shall be appropriately dispersed around the subject use in convenient and visible surrounding public spaces and rights-of-way within 500 feet of the perimeter of subject use.

(B) Developments with multiple buildings shall disperse required bicycle parking, for both Class 1 and Class 2 spaces, in smaller facilities located close to primary occupant and visitor entries for each building, as appropriate, rather than in a large centralized facility serving the multiple buildings.

(c) **Design Standards for Bicycle Parking Spaces.** These design standards apply to all bicycle parking spaces subject to Sections 155.2 and 155.3. Bicycle parking shall follow the design standards established in Zoning Administrator Bulletin No. 9, which includes specific requirements on bicycle parking layout and acceptable types of Class 1 and Class 2 bicycle parking spaces. For Accessory Dwelling Units, the requirements of this subsection (c) may be modified or waived pursuant to the procedures and criteria set forth in Sections 307(l) and 207(c)(4)(G).

(1) **Class 1 spaces** shall protect the entire bicycle, its components and accessories against theft and inclement weather, including wind-driven rain. Acceptable forms of Class 1 spaces include (A) individual Lockers, (B) Attended Facilities, (C) Monitored Parking, (D) Restricted Access Parking, and (E) Stacked Parking, as defined in Section 155.1 and further detailed in Zoning Administrator Bulletin No. 9. When Class 1 spaces are provided as Restricted Access Parking, bicycle racks shall follow the specifications in subsection 2 below. Stacked Parking spaces may be used to satisfy any Class 1 required space. However, Class 1 spaces shall not require manually lifting the entire bicycle more than three inches to be placed in the space, except as provided in subsection (3) below for Vertical Bicycle Parking.

(2) **Class 2 spaces** shall meet the following design standards:

(A) Bicycle racks shall permit the locking of the bicycle frame and one wheel to the rack with a U-lock without removal of the wheel, and shall support the bicycle in a stable, upright position without damage to wheels, frame or components. Class 2 spaces are encouraged, but not required, to include weather protection, as feasible and appropriate.

(B) The surface of bicycle parking spaces need not be paved but shall be finished to avoid mud and dust.

(C) All bicycle racks shall be securely anchored to the ground or building structure, with tamper-resistant hardware.

(D) Bicycle parking spaces may not interfere with pedestrian circulation.

(3) **Vertical Bicycle Parking.** Vertical Bicycle Parking shall enable the bicycle to be locked to a rack or other object permanently affixed to a wall. Vertical Bicycle Parking may satisfy required bicycle parking pursuant to Section 155.2 and 155.3 where:

(A) Such parking is primarily an Attended Facility where facility staff parks the bicycles or such racks provide mechanical assistance for lifting the bicycle; or

(B) No more than one-third of the required Class 1 bicycle parking is provided as Vertical Bicycle Parking; or

(C) Class 2 spaces for Personal Services, Restaurants, Limited Restaurants, and Bars, as defined in Table 155.2(16) are provided either indoors or outdoors. In such cases, no more than one-third of all required Class 2 bicycle parking shall be provided as Vertical Bicycle Parking. Class 2 bicycle parking for uses other than those defined in Table 155.2(16) shall not provide any of the required spaces as Vertical Bicycle Parking.

(4) **Signage Requirements for Bicycle Parking.** Where Class 2 bicycle parking areas are not located in an outdoor location clearly visible to bicyclists approaching from adjacent public roadways or paths, signs shall indicate the locations of the facilities on the exterior of the building at each major entrance and in other appropriate locations. Such signs shall be not less than 12 inches square and shall use the template provided in Zoning Administrator Bulletin No. 9. Where necessary, additional directional signage to the bicycle parking area shall be provided.

(d) **Reduction of Auto Parking.** When fulfilling bicycle parking requirements, the number of required automobile parking spaces on any lot may be reduced in the following cases per Section 150(e) of this Code:

(1) Existing buildings subject to Section 155.2(a)(2) through 155.2(a)(5) or for City-owned properties subject to Section 155.3;

(2) Existing buildings not subject to any bicycle parking requirements; or

(3) New Buildings subject to Section 155.2(a)(1).

When replacing automobile parking space with bicycle parking, layout and design standards in Section 155.1(c) and the Zoning Administrator Bulletin No. 9 shall be followed.

(e) **Other Rules and Standards.** This Section shall apply to all bicycle parking subject to Sections 155.2 or 155.3, except as indicated.

(1) Except for non-accessory parking garages, bicycle parking required by Section 155.2 shall be provided at no cost or fee to building occupants, tenants and visitors.

(2) Required bicycle parking shall be provided on the subject lot except where alternative locations are allowed in Sections 155.2(e), 155.3(d), and 307(k) of this Code.

(3) The building, lot or garage may not establish unreasonable rules that interfere with the ability of cyclists to conveniently access bicycle parking. Such unreasonable rules include hours of operation and prohibitions on riding bicycles in areas where driving automobiles is permitted. The rules may require cyclists to walk bicycles through areas that are pedestrian only and where motorized vehicles are not permitted.

(4) All plans submitted to the Department containing bicycle parking intended to satisfy the requirements of Sections 155.2 and 155.3 shall indicate on said plans the location, dimensions, and type of bicycle parking facilities to be provided, including the model or design of racks to be installed and the dimensions of all aisle, hallways, or routes used to access the parking.

(f) **Effective Date.** The effective date of the requirements for bicycle parking for different uses shall be the date that the Planning Code provisions pertaining to bicycle parking requirements for a particular use first became effective, or the date subsequent modifications to the requirements for that use, if any, became effective. The effective day for bicycle parking requirements for:

(A) Commercial and industrial uses shall be either September 7, 2001, when Ordinance 193-01 became effective, or the date subsequent modifications, if any, to the bicycle parking requirements for commercial and industrial uses became effective.

(B) Residential uses shall be either August 19, 2005, when Ordinance 217-05 became effective, or the date subsequent modifications, if any, to the bicycle parking requirements for residential uses became effective.

(C) Non-accessory parking garages shall be either November 19, 1998, when Ordinance 343-98 became effective, or the date a subsequent modification, if any, became effective.

(D) City-owned buildings, leased or purchased by the City shall be either January 11, 1996, when Ordinance 31-96 became effective, or the date a subsequent modification, if any, became effective.

(g) **Commercial to Residential Adaptive Reuse projects.** In accordance with Section 210.5, the requirements of this Section 155.1 shall not apply to any Commercial to Residential Adaptive Reuse projects.

(Added by Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013 ; amended by Ord. 195-18, File No. 180268, App. 8/10/2018, Eff. 9/10/2018; Ord. 122-23, File No. 230371, App. 7/5/2023, Eff. 8/5/2023; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

(Former Sec. 155.1 added by Ord. 31-96, App. 1/11/96; amended by Ord. 343-98, App. 11/19/98; Ord. 187-09, File No. 090867, App. 8/12/2009; Ord. 173-12, File No. 120471, App. 8/2/2012, Eff. 9/1/2012; repealed by Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013)

AMENDMENT HISTORY

Divisions (b) and (c) amended; Ord. 195-18, Eff. 9/10/2018. Division (g) added; Ord. 122-23, Eff. 8/5/2023, and Ord. 159-23, Eff. 8/28/2023.

SEC. 155.2. BICYCLE PARKING: APPLICABILITY AND REQUIREMENTS FOR SPECIFIC USES.

Bicycle parking spaces are required in at least the minimum quantities specified in Table 155.2. Bicycle parking shall meet the standards in Section 155.1.

(a) **Applicability.** The requirements of this Section apply in all the following cases regardless of whether off-street automobile parking is available except if indicated:

(1) New Building; or

(2) addition of a Dwelling Unit to an existing building where off-street vehicle parking exists; or

(3) addition to a building or lot that increases the building's Gross Floor Area by more than 20 percent; or

(4) change of occupancy or increase in intensity of use which would increase the number of total required bicycle parking spaces (inclusive of Class 1 and 2 spaces in aggregate) by 15 percent; or

(5) where DBI determines that an addition or alteration meets the bicycle parking thresholds set in Section 5.106.4 of the 2013 California Green Building Standards Code (CalGreen) (California Title 24, Part 11), as amended from time to time; or

(6) addition or creation of new Gross Floor Area or an increase in the capacity of off-street vehicle parking spaces for an existing building or lot, regardless of whether such vehicle parking is considered accessory or a principally or conditionally permitted use.

(b) **Rules for Calculating Bicycle Parking Requirements.**

(1) Under no circumstances may total bicycle parking provided for any use, building, or lot constitute less than five percent of the automobile parking spaces for the subject building, as required by Section 5.106.4 of the 2013 California Green Building Standards Code (CalGreen) (California Title 24, Part 11), as amended from time to time.

(2) Calculations of bicycle parking requirements shall follow the rules of Section 153(a) of this Code.

(3) Where bicycle parking is required per subsection (a)(2) above, bicycle parking shall be provided for all Dwelling Units at the same ratio as existing off-street vehicle parking is provided relative to the amount of off-street vehicle parking that is required by this Code.

(4) Where bicycle parking is required due to addition, conversion, or renovation of an existing building, per subsection (a)(3) above, the bicycle parking shall be calculated based on the total square footage of the building or lot for all uses after the addition, conversion, renovation or parking expansion.

(5) Where bicycle parking is required due to change of use, per subsection (a)(4) above, the bicycle parking shall be calculated based on the occupied area of uses changed.

(6) Where a project proposes to construct new Non-Residential Uses or increase the area of existing Non-Residential Uses, for which the project has not identified specific uses at the time of project approval by the Planning Department or Planning Commission, the project shall provide the amount of non-residential bicycle parking required for Retail Sales per Table 155.2 .

Table 155.2

BICYCLE PARKING SPACES REQUIRED

Use	*Minimum Number of Class 1 Spaces Required*	*Minimum Number of Class 2 Spaces Required*

Table 155.2

BICYCLE PARKING SPACES REQUIRED

Use	*Minimum Number of Class 1 Spaces Required*	*Minimum Number of Class 2 Spaces Required*
RESIDENTIAL USES		
Dwelling Units (on lots with 3 units or less)	No racks required. Provide secure, weather protected space meeting dimensions set in Zoning Administrator Bulletin No. 9, one per unit, easily accessible to residents and not otherwise used for automobile parking or other purposes.	None.
Dwelling Units (including SRO Units and Student Housing that are Dwelling Units)	One Class 1 space for every Dwelling Unit. For buildings containing more than 100 Dwelling Units, 100 Class 1 spaces plus one Class 1 space for every four Dwelling Units over 100. Dwelling Units that are also considered Student Housing shall provide 50 percent more spaces than would otherwise be required.	One per 20 units. Dwelling Units that are also considered Student Housing shall provide 50 percent more spaces than would otherwise be required.
Group Housing (including SRO Units and Student Housing that are Group Housing; Homeless Shelters are exempt)	One Class 1 space for every four beds. For buildings containing over 100 beds, 25 Class 1 spaces plus one Class 1 space for every five beds over 100. Group Housing that is also considered Student Housing shall provide 50% more spaces than would otherwise be required.	Minimum two spaces. Two Class 2 spaces for every 100 beds. Group Housing that is also considered Student Housing shall provide 50% more spaces than would otherwise be required.
Senior Housing or Dwelling Units dedicated to persons with physical disabilities	One Class 1 space for every 10 units or beds, whichever is applicable.	Minimum two spaces. Two Class 2 spaces for every 50 units or beds, whichever is applicable.
NON-RESIDENTIAL USES		
Agricultural Uses Category		
Agricultural Uses	One Class 1 space for every 40,000 square feet.	None.
Automotive Uses Category		
Automotive Uses not listed below	One class 1 space for every 12,000 square feet of Occupied Floor Area, except not less than two Class 1 spaces for any use larger than 5,000 occupied square feet.	Minimum of two spaces. Four Class 2 spaces for any use larger than 50,000 occupied square feet.
Private Parking Garage or Lot, Public Parking Garage or Lot, Vehicle Storage Garage or Lot	None are required. However, if Class 1 spaces that can be rented on an hourly basis are provided, they may count toward the garage's requirement for Class 2 spaces.	One Class 2 space for every 20 car spaces, except in no case less than six Class 2 spaces.
Entertainment, Arts and Recreation Uses Category		
Entertainment, Arts and Recreation Uses not listed below	Five Class 1 spaces for facilities with a capacity of less than 500 guests; 10 Class 1 spaces for facilities with capacity of grater than 500 guests.	One Class 2 space for every 500 seats or for every portion of each 50 person capacity.
Arts Activities	Minimum two spaces or one Class 1 space for every 5,000 square feet of Occupied Floor Area.	Minimum two spaces or one Class 2 space for every 2,500 square feet of publicly accessible or exhibition space.
Sports Stadium, Arena, Amphitheater, or other venue of public gathering with a capacity of greater than 2,000 people	One Class 1 space for every 20 Employees during events.	Five percent of venue capacity excluding Employees. A portion of these must be provided in Attended Facilities as described in Section 155.1(b)(3).
Industrial Uses Category		

Industrial Uses	One Class 1 space for every 12,000 square feet of Occupied Floor Area, except not less than two Class 1 spaces for any use larger than 5,000 occupied square feet.	Minimum of two spaces. Four Class 2 spaces for any use larger than 50,000 occupied square feet.
Institutional Uses Category		
Child Care Facility	Minimum two spaces or one space for every 20 children.	One Class 2 space for every 20 children.
Community Facility, Private Community Facility, Public Facility	Minimum two spaces or one Class 1 space for every 5,000 square feet of Occupied Floor Area.	Minimum two spaces or one Class 2 space for every 2,500 occupied square feet of publicly-accessible or exhibition area.
Hospital	One Class 1 space for every 15,000 square feet of Occupied Floor Area.	One Class 2 space for every 30,000 square feet of Occupied Floor Area, but no less than four located near each public pedestrian entrance.
Medical Cannabis Dispensary	One Class 1 space for every 7,500 square feet of Occupied Floor Area.	Minimum two spaces. One Class 2 space for every 2,500 square feet of Occupied Floor Area. For uses larger than 50,000 occupied gross square feet, 10 Class 2 spaces plus one Class 2 space for every additional 10,000 occupied square feet.
Philanthropic Administrative Service, Social Service or Philanthropic Facility	One Class 1 space for every 5,000 square feet of Occupied Floor Area.	Minimum two spaces for any use greater than 5,000 square feet of Occupied Floor Area, and one Class 2 space for each additional 50,000 occupied square feet.
Post-Secondary Educational Institution or Trade School	One Class 1 space for every 20,000 square feet of Occupied Floor Area.	Minimum two spaces. One Class 2 space for every 10,000 square feet of Occupied Floor Area.
Religious Facility	Five Class 1 spaces for facilities with a capacity of less than 500 guests; 10 Class 1 spaces for facilities with a capacity of greater than 500 guests.	One Class 2 space for every 50 seats or for every portion of each 50 person capacity.
Residential Care Facility	None required.	Minimum two spaces. Two Class 2 spaces for every 50 units or beds, whichever is applicable.
School	Four Class 1 spaces for every classroom.	One Class 2 space for every classroom.
Sales and Services Use Category		
Retail Sales and Services Uses not listed below	One Class 1 space for every 7,500 square feet of Occupied Floor Area.	Minimum two spaces. One Class 2 space for every 2,500 sq. ft. of Occupied Floor Area. For uses larger than 50,000 occupied square feet, 10 Class 2 spaces plus one Class 2 space for every additional 10,000 occupied square feet.
Eating and Drinking Uses, Personal Services, Financial Services	One Class 1 space for every 7,500 square feet of Occupied Floor Area.	Minimum two spaces. One Class 2 space for every 750 square feet of Occupied Floor Area.
Health Service	One Class 1 space for every 5,000 square feet of Occupied Floor Area.	One Class 2 space for every 15,000 square feet of Occupied Floor Area, but no less than four located near each public pedestrian entrance.
Hotel, Motel	One Class 1 space for every 30 rooms.	Minimum two spaces. One Class 2 space for every 30 rooms -plus- One Class 2 space for every 5,000 square feet of Occupied Floor Area of conference, meeting or function rooms.
Mortuary	None.	None.
Retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture, excluding grocery stores	Minimum two spaces. One Class 1 space for every 15,000 square feet of Occupied Floor Area.	Minimum two spaces. One Class 2 space for every 10,000 square feet of Occupied Floor Area.
Self-Storage	One Class 1 space for every 40,000 square feet.	None.
Trade Shop, Retail Greenhouse or Nursery	One Class 1 space for every 12,000 square feet of Occupied Floor Area, except not less than two Class 1 spaces for any use larger than 5,000 occupied square feet.	Minimum of two spaces. Four Class 2 spaces for any use larger than 50,000 occupied square feet.
Non-Retail Sales and Services not listed below	One Class 1 space for every 12,000 square feet of Occupied Floor Area, except not less than two Class 1 spaces for any use larger than 5,000 occupied square feet.	Minimum of two spaces. Four Class 2 spaces for any use larger than 50,000 gross square feet.
Commercial Storage, Wholesale Storage	One Class 1 space for every 40,000 square feet of Occupied Floor Area.	None.

Office	One Class 1 space for every 5,000 square feet of Occupied Floor Area.	Minimum two spaces for any Office Use greater than 5,000 square feet of Occupied Floor Area, and one Class 2 space for each additional 50,000 occupied square feet.
Utility and Infrastructure Uses Category		
Utility and Infrastructure Uses non listed below	None required.	None required.

(c) **Contractual Limits on Liability.** Requirements for non-accessory garages and parking lots subject to Table 155.2 (29) shall not interfere with the rights of a parking garage owner to enter into agreements with parking garage patrons or take other lawful measures to limit the parking garage owner's liability to patrons with respect to bicycles parked in the parking garage, provided that such agreements or measures are in accordance with the requirements of this subsection.

(d) **In Lieu Fee for Required Class 2 Bicycle Parking.** An applicant may satisfy some or all of the requirements to provide Class 2 bicycle parking by paying the Bicycle Parking In Lieu Fee provided in Section 430 of this Code.

(e) **Alternative Locations, Waivers and Variances.** The Zoning Administrator may administratively waive or grant a variance from bicycle parking requirements or approve alternative locations for bicycle parking under the procedures of Sections 305 and 307(k) of this Code.

(f) **Commercial to Residential Adaptive Reuse projects.** In accordance with Section 210.5, the requirements of this Section 155.2 shall not apply to any Commercial to Residential Adaptive Reuse projects.

(Added by Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013; amended by Ord. 14-15 , File No. 141210, App. 2/13/2015, Eff. 3/15/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 136-21, File No. 210674, App. 8/4/2021, Eff. 9/4/2021; Ord. 122-23, File No. 230371, App. 7/5/2023, Eff. 8/5/2023; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

(Former Sec. 155.2 added by Ord. 343-98, App. 11/19/98; repealed by Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013)

AMENDMENT HISTORY

Table 155.2 amended; Ord. 14-15 , Eff. 3/15/2015. Divisions (a)(5), (a)(6), and (b)(1), and Table 155.2 amended; Ord. 188-15 , Eff. 12/4/2015. Table 155.2 amended; Ord. 202-18, Eff. 9/10/2018. Table 155.2 amended; Ord. 136-21, Eff. 9/4/2021. Division (f) added; Ord. 122-23, Eff. 8/5/2023, and Ord. 159-23, Eff. 8/28/2023.

SEC. 155.4. REQUIREMENTS FOR SHOWER FACILITIES AND LOCKERS.

(a) **Applicability.** Requirements for shower facilities and lockers are applicable under the provisions of Section 155.2(a)(1) through (a)(4) for uses defined under subsection (c) below. Subject uses shall provide shower and clothes locker facilities for short-term use of the tenants or Employees in that building. When shower facilities and lockers are required due to additions to, conversion, or renovation of uses, facilities shall be calculated based on the total square footage of the building or lot after the addition, conversion or renovations.

(b) **Effective Date.** The effective date of the requirements of this Section, shall be either November 19, 1998, which is the date that the requirements originally became effective by Ordinance 343-98, or the date a subsequent modification, if any, became effective.

(c) **Requirements.**

Uses	Minimum Shower Facility and Lockers Required
Entertainment, Arts and Recreation Uses; Industrial Uses; Institutional Uses; Non-Retail Sales and Services Uses; Utility and Infrastructure Uses; Small Enterprise Workspace; and Trade Shop	- One shower and six clothes lockers where the Occupied Floor Area exceeds 10,000 square feet but is no greater than 20,000 square feet, - Two showers and 12 clothes lockers where the Occupied Floor Area exceeds 20,000 square feet but is no greater than 50,000 square feet, - Four showers and 24 clothes lockers are required where the Occupied Floor Area exceeds 50,000 square feet.
Retail Sales and Services Uses, except as listed above	- One shower and six clothes lockers where the Occupied Floor Area exceeds 25,000 square feet but is no greater than 50,000 square feet, - Two showers and 12 clothes lockers where the Occupied Floor Area exceeds 50,000 square feet.

(d) **Exemptions.** An owner of an existing building subject to the requirements of this Section 155.4 shall be exempt from Subsection (c) upon submitting proof to the Zoning Administrator that the owner has made arrangements with a Gym or other facility, located within three blocks of the building, to provide showers and lockers at no cost to the Employees who work in the owner's building.

(Added by Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013; amended by Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

(Former Sec. 155.4 added by Ord. 193-01, File No. 010488, App. 9/7/2001; amended by Ord. 187-09, File No. 090867, App. 8/12/2009; Ord. 173-12, File No. 120471, App. 8/2/2012, Eff. 9/1/2012; Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012 ; repealed by Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013)

AMENDMENT HISTORY

- Divisions (c) and (d) amended; Ord. 188-15 , Eff. 12/4/2015.

SEC. 156. PARKING LOTS.

(See Interpretations related to this Section.)

(a) **Definition.** For purposes of this section, a "parking lot" is defined as an off-street open area or portion thereof solely for the parking of passenger automobiles. Such an area or portion shall be considered a parking lot whether or not on the same lot as another use, whether or not required by this Code for any structure or use, and whether classified as an accessory, principal or Conditional Use.

(b) **Conditional Use.**

(1) Where parking lots are specified in Articles 2, 7, or 8 of this Code as a use for which Conditional Use approval is required in a certain district, such Conditional Use approval shall be required only for such parking lots in such district as are not qualified as accessory uses under Section 204.5 of this Code. The provisions of this Section 156 shall, however, apply to all parking lots whether classified as accessory, principal, or Conditional Uses.

(2) In considering any Conditional Use application for a parking lot for a specific use or uses where the amount of parking provided exceeds the amount classified as accessory parking in Section 204.5 of this Code, the Planning Commission shall consider the criteria set forth in Section 303(t).

(c) **Screening.**

(1) Any vehicle use area that is less than 25 linear feet adjacent to a public right-of-way or is a parking lot for the parking of two or more automobiles which adjoins a lot in any R District, or which faces a lot in any R District across a street or alley, shall be screened from view therefrom, except at driveways necessary for ingress and egress, by a solid fence, a solid wall, or a compact evergreen hedge, not less than four feet in height.

(2) Any vehicle use area that has more than 25 linear feet adjacent to a public right-of-way or is a parking lot for the parking of 10 or more automobiles shall be screened in accordance with the standards described in Section 142, Screening and Greening of Parking and Vehicle Use Areas.

(3) Any parking lot approved pursuant to zoning categories .25, .27 and .29 of Sections 813 through 818 of this Code shall be screened in accordance with the standards described in Section 142, Screening and Greening of Parking and Vehicle Use Areas except where this requirement would prevent otherwise feasible use of the subject lot as an open space or play area for nearby residents.

(d) **Artificial Lighting.** All artificial lighting used to illuminate a parking lot for any number of automobiles in any District shall be arranged so that all direct rays from such lighting fall entirely within such parking lot.

(e) **Dead Storage, Dismantling, or Repair.** No parking lot for any number of automobiles shall have conducted upon it any dead storage or dismantling of vehicles, or any repair or servicing of vehicles other than of an emergency nature.

(f) **Parking Lots in C-3 and NCT Districts.** No permanent parking lot shall be permitted in C-3 and NCT Districts; temporary parking lots may be approved as Conditional Uses, except in the C-3-O(SD) District, pursuant to the provisions of Section 303 for a period not to exceed five years from the date of approval. No new parking lots may be approved in the C-3-O(SD) District, however Conditional Use approval for a two-year extension of existing parking lots in the C-3-O(SD) District may be approved pursuant to this subsection (f) provided that they meet the requirements of subsection (h).

(g) **Interior Landscaping and Street Trees.**

(1) All permanent parking lots are required to provide one tree per five parking spaces in a manner that is compliant with the applicable water use requirements of Administrative Code Chapter 63 and a minimum of 20% Permeable Surface, as defined in Section 102 of this Code. The trees planted in compliance with this subsection (g) shall result in canopy coverage of 50% of the parking lots' hardscape within 15 years of the installations of these trees. Permeable Surfaces and grading shall be coordinated so that stormwater can infiltrate the surface in areas with less than 5% slope.

(2) All parking lots shall meet the street tree requirements specified in Section 138.1(c)(1) of this Code.

(h) **Extension of Existing Parking Lots in the C-3-O(SD) District.** The conditions of approval for the extension of an existing parking lot in the C-3-O(SD) District shall include the following:

(1) a minimum of one parking space for car sharing vehicles meeting all of the requirements in Section 166 for every 20 spaces in said lot;

(2) a minimum of two Class 2 bicycle parking spaces for every 50 linear feet of frontage in a highly visible area on the property adjacent to a public sidewalk or approval attained from the appropriate City agencies to install such bicycle parking on a public sidewalk on the same block;

(3) interior landscaping compliant with the requirements in subsection (g) above, provided that if a site permit has been approved by the Planning Department for construction of building on the subject lot that would replace the parking lot in less than two years, the trees may be planted in movable planters and the lot need not provide Permeable Surfaces described in Subsection (g).

(Amended by Ord. 414-85, App. 9/17/85; Ord. 69-87, App. 3/13/87; Ord. 115-90, App. 4/6/90; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 84-10, File No. 091453, App. 4/22/2010; Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 232-14 , File No. 120881, App. 11/26/2014, Eff. 12/26/2014; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015 ; Ord. 99-17, File No. 170206, App. 5/19/2017, Eff. 6/18/2017)

AMENDMENT HISTORY

Division (h) amended; division (l) added; Ord. 182-12 , Eff. 9/7/2012. [Former] divisions (c), (d), (f), and (k) amended; former divisions (l)(A)-(C) redesignated as [former] (l)(1)-(3); Ord. 56-13 , Eff. 4/27/2013. Division (a) amended; former division (b) amended and redesignated as (b)(1), former division (c) redesignated as (b)(2); former division (d) amended and redesignated as (c)(1); former division (e) redesignated as (c)(2); former division (f) amended and redesignated as (d); former division (g) redesignated a (e); former division (h) amended and redesignated as (f); former division (i) redesignated as (g); former divisions (j), (k), and (l) amended and redesignated as (h)(1), (h)(2), and (i); Ord. 232-14 , Eff. 12/26/2014. Division (i) amended; Ord. 22-15, Eff. 3/22/2015. Divisions (a)- (b)(2) amended; division (c)(3) added; divisions (e) and (f) amended; former division (g) deleted; former divisions (h) and (i) redesignated as divisions (g) and (h); current divisions (g)(1), (g)(2), and (h)(3) amended; Ord. 99-17, Eff. 6/18/2017.

SEC. 157. [REPEALED.]

(Added by Ord. 443-78, App. 10/6/78; Ord. 112-08, File No. 080095, App. 6/30/2008; repealed by Ord. 99-17, File No. 170206, App. 5/19/2017, Eff. 6/18/2017)

SEC. 157.1. [REPEALED.]

(Added by Ord. 298-08, File No. 081153, App. 12/19/2008; amended by Ord. 196-11 , File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013; Ord. 232-14 , File No. 120881, App. 11/26/2014, Eff. 12/26/2014 ; repealed by Ord. 99-17, File No. 170206, App. 5/19/2017, Eff. 6/18/2017)

SEC. 166. CAR SHARING.

(a) **Findings.** The Board hereby finds and declares as follows: One of the challenges posed by new development is the increased number of privately-owned automobiles it brings to San Francisco's congested neighborhoods. Growth in the number of privately-owned automobiles increases demands on the City's limited parking supply and often contributes to increased traffic congestion, transit delays, pollution and noise. Car-sharing can mitigate the negative impacts of new development by reducing the rate of individual car-ownership per household, the average number of vehicle miles driven per household and the total amount of automobile-generated pollution per household. Accordingly, car-sharing services should be supported through the Planning Code when a car-sharing organization can demonstrate that it reduces:

(1) the number of individually-owned automobiles per household;

(2) vehicle miles traveled per household; and

(3) vehicle emissions generated per household.

(b) **Definitions.** For purposes of this Code, the following definitions shall apply:

(1) A "car-share service" is a mobility enhancement service that provides an integrated citywide network of neighborhood-based motor vehicles available only to members by reservation on an hourly basis, or in smaller intervals, and at variable rates. Car-sharing is designed to complement existing transit and bicycle transportation systems by providing a practical alternative to private motor vehicle ownership, with the goal of reducing over-dependency on individually owned motor vehicles. Car-share vehicles must be located at unstaffed, self-service locations (other than any incidental garage valet service), and generally be available for pick-up by members 24 hours per day. A car-share service shall provide automobile insurance for its members when using car-share vehicles and shall assume responsibility for maintaining car-share vehicles.

(2) A "certified car-share organization" is any public or private entity that provides a membership-based car-share service to the public and manages, maintains and insures motor vehicles for shared use by individual and group members. To qualify as a certified car-share organization, a car-share organization shall submit a written report prepared by an independent third party academic institution or transportation consulting firm that clearly demonstrates, based on a statistically significant analysis of quantitative data, that such car-sharing service has achieved two or more of the following environmental performance goals in any market where they have operated for at least two years: (A) lower household automobile ownership among members than the market area's general population; (B) lower annual vehicle miles traveled per member household than the market area's general population; (C) lower annual vehicle emissions per member household than the market area's general population; and (D) higher rates of transit usage, walking, bicycling and other non-automobile modes of transportation usage for commute trips among members than the market area's general population. This report shall be called a Car-sharing Certification Study and shall be reviewed by Planning Department staff for accuracy and made available to the public upon request. The Zoning Administrator shall only approve certification of a car-share organization if the Planning Department concludes that the Certification Study is technically accurate and clearly demonstrates that the car-share organization has achieved two or more of the above environmental performance goals during a two-year period of operation. The Zoning Administrator shall establish specific quantifiable performance thresholds, as appropriate, for each of the three environmental performance goals set forth in this subsection.

(3) The Planning Department shall maintain a list of certified car-share organizations that the Zoning Administrator has determined satisfy the minimum environmental performance criteria set forth in subsection 166(b)(2) above. Any car-share organization seeking to benefit from any of the provisions of this Code must be listed as a certified car-share organization.

(4) An "off-street car-share parking space" is any parking space generally complying with the standards set forth for the district in which it is located and dedicated for current or future use by any car-share organization through a deed restriction, condition of approval or license agreement. Such deed restriction, condition of approval or license agreement must grant priority use to any certified car-share organization that can make use of the space, although such spaces may be occupied by other vehicles so long as no certified car-share organization can make use of the dedicated car-share spaces. Any off-street car-share parking space provided under this Section must be provided as an independently accessible parking space. In new parking facilities that do not provide any independently accessible spaces

other than those spaces required for disabled parking, off-street car-share parking may be provided on vehicle lifts so long as the parking space is easily accessible on a self-service basis 24 hours per day to members of the certified car-share organization. Property owners may enact reasonable security measures to ensure such 24-hour access does not jeopardize the safety and security of the larger parking facility where the car-share parking space is located so long as such security measures do not prevent practical and ready access to the off-street car-share parking spaces.

(5) A "car-share vehicle" is a vehicle provided by a certified car-share organization for the purpose of providing a car-share-service.

(6) A "property owner" refers to the owner of a property at the time of project approval and its successors and assigns.

(c) **Generally Permitted.** Car-share spaces shall be generally permitted in the same manner as residential accessory parking. Any residential or commercial parking space may be voluntarily converted to a car-share space.

(d) **Requirements for Provision of Car-Share Parking Spaces.**

(1) **Amount of Required Spaces.** In newly constructed buildings containing residential uses or existing buildings being converted to residential uses, if parking is provided, car-share parking spaces shall be provided in the amount specified in Table 166. In newly constructed buildings containing parking for non-residential uses, including non-accessory parking in a garage or lot, car-share parking spaces shall be provided in the amount specified in Table 166.

Table 166

REQUIRED CAR-SHARE PARKING SPACES

Number of Residential Units	Number of Required Car-Share Parking Spaces
0 - 49	0
50 - 200	1
201 or more	2, plus 1 for every 200 dwelling units over 200
Number of Parking Spaces Provided for Non-Residential Uses or in a Non-Accessory Parking Facility	Number of Required Car-Share Parking Spaces
0 - 24	0
25 - 49	1
50 or more	1, plus 1 for every 50 parking spaces over 50

(2) **Availability of Car-Share Spaces.** The required car-share spaces shall be made available, at no cost, to a certified car-share organization for purposes of providing car-share services for its car-share service subscribers. At the election of the property owner, the car-share spaces may be provided

(A) on the building site, or

(B) on another off-street site within 800 feet of the building site.

(3) **Off-Street Spaces.** If the car-share space or spaces are located on the building site or another off-street site:

(A) The parking areas of the building shall be designed in a manner that will make the car-share parking spaces accessible to non-resident subscribers from outside the building as well as building residents;

(B) Prior to Planning Department approval of the first building or site permit for a building subject to the car-share requirement, a Notice of Special Restriction on the property shall be recorded indicating the nature of requirements of this Section and identifying the minimum number and location of the required car-share parking spaces. The form of the notice and the location or locations of the car-share parking spaces shall be approved by the Planning Department;

(C) All required car-share parking spaces shall be constructed and provided at no cost concurrently with the construction and sale of units; and

(D) if it is demonstrated to the satisfaction of the Planning Department that no certified car-share organization can make use of the dedicated car-share parking spaces, the spaces may be occupied by non-car-share vehicles; provided, however, that upon ninety (90) days of advance written notice to the property owner from a certified car-sharing organization, the property owner shall terminate any non car-sharing leases for such spaces and shall make the spaces available to the car-share organization for its use of such spaces.

(e) **Substitution for Required Parking.** Provision of a required car-share parking space shall satisfy or may substitute for any required residential parking; however, such space shall not be counted against the maximum number of parking spaces allowed by this Code as a principal use, an accessory use, or a conditional use.

(f) **List of Car-Share Projects.** The Planning Department shall maintain a publicly-accessible list, updated quarterly, of all projects approved with required off-street car-share parking spaces. The list shall contain the Assessor's Block and Lot number, address, number of required off-street car-share parking spaces, project sponsor or property owner contact information and other pertinent information as determined by the Zoning Administrator.

(g) **Optional Car-Share Spaces.**

(1) **Amount of Optional Spaces.** In addition to any permitted or required parking that may apply to the project, the property owner may elect to provide additional car-share parking spaces in the maximum amount specified in Table 166A; provided, however, that the optional car-share parking spaces authorized by this subsection (g) are not permitted for a project that receives a Conditional Use authorization to increase parking. Additional car-share parking spaces shall be allowed beyond the maximum amount specified in Table 166A, to the extent needed, when such additional car-share parking spaces are part of a Development Project's compliance with the Transportation Demand Management Program set forth in Section 169 of the Planning Code.

Table 166A

OPTIONAL CAR-SHARE PARKING SPACES

Number of Residential Units	Maximum Number of Optional Car-Share Parking Spaces
10 - 24	2
25 - 49	3
50 or more	5
Amount of Square Footage for Non-Residential Uses	**Maximum Number of Optional Car-Share Parking Spaces**
5,000 - 9,999 sq. ft.	2
10,000 - 19,999 sq. ft.	3
20,000 or more sq. ft.	5

The optional car-share spaces shall not be counted against the maximum number of parking spaces allowed by this Code as a principal use, an accessory use, or a conditional use.

(2) **Requirements for Optional Car-Share Spaces.** All car-share spaces are subject to the following:

(A) They shall meet the provisions of this Section 166.

(B) The car-share parking spaces shall be deed-restricted and dedicated for car-sharing, and must be offered and maintained in perpetuity.

(C) At project entitlement, the property owner must submit a letter of intent from a certified car-share organization that articulates the car-share organization's intent to occupy the requested car-share spaces under this Subsection (g).

(D) Use of the car-share vehicles shall not be limited to residents of the building.

(E) If an additional car-share space is built, and a certified car-share organization chooses not to place vehicles in that space, the owner of the project may not sell, rent, or otherwise earn fees on the space but may use it for (i) bicycle parking, or (ii) permitted storage and other permitted uses but not for parking of any motorized vehicle; provided, however, that upon ninety (90) days of advance written notice to the property owner from a certified car-sharing organization, the property owner shall terminate any non car-sharing use for such space and shall make the space available to the car-share organization for its use of such space.

(F) A sign shall be placed above or next to each car-share parking space stating that the parking space is for car-sharing and cannot be used for private automobile parking. The sign shall meet the Department's design specifications and shall include the name and contact information of a person to call for enforcement of this requirement and such other information as the Department requires. An informational plaque shall also be placed on the outside of the building location, which shall meet the design, location and information requirements established by the Department.

(3) **Existing Car-Share Spaces Located on Gas Stations Sites and Surface Parking Lots.** If the number of car-share spaces located on a gas station, surface parking lot, or other similar site for at least one year exceeds the total number of required and/or optional car-share parking spaces as provided for under Table 166 and Table 166A, the developer may retain those car-share spaces if the site is redeveloped without reducing the permitted levels of private parking; provided, however, that a property owner cannot seek additional optional car-share parking spaces per Table 166A.

(Added by Ord. 217-05, File No. 050865, App. 8/19/2005; amended by Ord. 129-06, File No, 060372, App. 6/22/2006; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 286-10, File No. 100829, App. 11/18/2010; Ord. 28-13 , File No. 120900, App. 3/5/2013, Eff. 4/4/2013 ; Ord. 34-17, File No. 160925, App. 2/17/2017, Eff. 3/19/2017)

AMENDMENT HISTORY

Divisions (c), (d)(1), (d)(2), (e), and (f) amended; new division (g) added; Ord. 28-13 , Eff. 4/4/2013. Division (g)(1) amended; Ord. 34-17, Eff. 3/19/2017.

SEC. 169. TRANSPORTATION DEMAND MANAGEMENT PROGRAM.

Sections 169 through 169.6 (hereafter referred to collectively as "Section 169") set forth the requirements of the Transportation Demand Management Program (TDM Program).

(Added by Ord. 34-17, File No. 160925, App. 2/17/2017, Eff. 3/19/2017)

SEC. 169.1. FINDINGS.

(a) According to Plan Bay Area 2040, the long-range integrated transportation and land-use/housing strategy for the San Francisco Bay Area through 2040 adopted in 2013 by the Association of Bay Area Governments and the Metropolitan Transportation Commission, San Francisco is expected to grow by approximately 191,000 jobs and 102,000 households from 2010 to 2040.

(b) This growth will generate an increased demand for transportation infrastructure and services on an already constrained transportation system. One of the challenges posed by this growth is the increased number of single occupancy vehicle trips, and the pressures they add to San Francisco's limited public streets and rights-of-way, contributing to congestion, transit delays, and public health and safety concerns caused by motorized vehicles, air pollution, greenhouse gas (GHG) emissions, and noise, thereby negatively impacting the quality of life in the City.

(c) The Transportation Sustainability Program, or TSP, is aimed at accommodating this new growth while minimizing its impact on San Francisco's transportation system. It is a joint effort of the Mayor's Office, the Planning Department, the San Francisco County Transportation Authority, and the San Francisco Municipal Transportation Agency that has spanned many years and has involved a robust process of public outreach and discussion. The TSP includes three separate but related policy initiatives: the Transportation Sustainability Fee (TSF); the modernization of San Francisco's environmental review process under the California Environmental Quality Act (CEQA); and the Transportation Demand Management (TDM) Program.

(1) The first component, the TSF, seeks to fund transportation improvements to support new growth by charging a development impact fee on new development. The City approved the TSF in 2015 with the enactment of Ordinance No. 200-15 (Board of Supervisors File No. 150790).

(2) The second component, the modernization of the environmental review process under CEQA, has been shepherded by the State under Senate Bill 743 (Stats. 2013. C. 386, now codified in Public Resources Code Section 21099). SB 743 required the Office of Planning and Research (OPR) to develop new guidelines to replace the existing transportation review standard, focused on automobile delay, with new criteria that "promote the reduction of greenhouse gas emissions, the development of multimodal transportation networks, and a diversity of land uses." OPR recommended a replacement metric of Vehicle Miles Traveled, or VMT, that is, the amount and distance of automobile travel attributable to a project. The Planning Commission unanimously approved a Resolution adopting changes consistent with implementation of SB 743, including the use of Vehicle Miles Traveled as the metric for calculating transportation-related environmental impacts, at its hearing on March 3, 2016 (Planning Commission Resolution No. 19579).

(3) The third component creates the TDM Program, detailed in Section 169. The TDM Program seeks to promote sustainable travel modes by requiring new development projects to incorporate design features, incentives, and tools that support transit, ride-sharing, walking, and bicycle riding for the residents, tenants, employees, and visitors of their projects.

(d) State and regional governments have enacted many laws and policy initiatives that promote the same sustainable transportation goals the TDM Program seeks to advance. For instance, at the state level, the Congestion Management Law, Gov. Code Section 65088, establishes that to reduce the state's traffic congestion crisis and "keep California moving," it is important to build transit-oriented development, revitalize the state's cities, and promote all forms of transportation. Assembly Bill 32, the California Global Warming Solutions Act of 2006 (Chapter 488, Statutes of 2006), requires statewide GHG reductions to 1990 levels by 2020. Executive Orders B-30-15, S-3-05 and B-16-12 set forth GHG reduction targets beyond that year, to 2050. Senate Bill 375, the Sustainable Communities and Climate Protection Act of 2008 (Chapter 728, Statutes of 2008) supports the state's climate action goals to reduce GHG emissions through coordinated transportation and land use planning with the goal of creating more sustainable communities. Under this statute, the California Air Resources Board establishes GHG reduction targets for metropolitan planning organizations, based on land use patterns and transportation systems specified in Regional Transportation Plans and Sustainable Community Strategies. Plan Bay Area 2040 sets GHG and Vehicle Miles Traveled reduction targets and a target for increasing non-automobile mode share for the Bay Area.

(e) In addition, San Francisco has enacted many laws and policy initiatives that promote the same sustainable transportation goals the TDM Program seeks to advance. The "Transit First Policy," in Section 8A.115 of the City Charter, declares that public transit is "an economically and environmentally sound alternative to transportation by individual automobiles," and that within the City, "travel by public transit, by bicycle and on foot must be an attractive alternative to travel by private automobile." The GHG Reduction Ordinance, codified at Chapter 9 of the Environment Code, sets GHG reduction emission targets of 25% below 1990 levels by 2017; 40% below 1990 levels by 2025; and 80% below 1990 levels by 2050. The City's Climate Action Strategy, prepared pursuant to the GHG Reduction Ordinance, has identified a target of having 50% of total trips within the City be made by modes other than automobiles by 2017, and 80% by 2030. One of the ways identified to achieve this target is through TDM for new development.

(f) San Francisco has long acknowledged the importance of TDM strategies in the Transportation Element of the City's General Plan, the San Francisco County Transportation Plan, and many Area Plans. For example, each of the Area Plans within Eastern Neighborhoods and the Transit Center District Plan identify policies for the development of a TDM program within them.

(g) The TDM Program set forth in Section 169 requires new projects subject to its requirements to incorporate design features, incentives, and tools to encourage new residents, tenants, employees, and visitors to travel by sustainable transportation modes, such as transit, walking, ride-sharing, and biking, thereby reducing Vehicle Miles Traveled associated with new development. The goals of the TDM Program are to help keep San Francisco moving as it grows, and to promote better environmental, health, and safety outcomes, consistent with the state, regional, and local policies mentioned above.

(h) For projects that use Development Agreements and may not be required to comply fully with the requirements of Section 169, it is the Board of Supervisors' strong preference that Development Agreements should include similar provisions that meet the goals of the TDM Program.

(i) The Board of Supervisors finds that it is in the public interest to exempt affordable housing from the fees and requirements of the TDM Program, in order to promote this important City policy and priority, and also because these projects generally generate less VMT. A 2014 study by Transform and California Housing Partnership Corporation, "Why creating and preserving affordable homes near

transit is a highly effective climate protection strategy," finds that "Higher Income households [defined as above 120% of area median income] drive more than twice as many miles and own more than twice as many vehicles as Extremely Low-Income households [defined as 30% or less of AMI] living within 1/4 mile of frequent transit," which demonstrates how the TDM value for on-site affordable housing units is largely dependent on the level of affordability of the targeted households.

(j) The Board of Supervisors finds that it is in the public interest to exempt some uses from the TDM Program fees, in order to promote other important City policies and priorities, such as the goals and missions of City-funded charitable health and human service organizations. As such, the Board of Supervisors finds that parking spaces dedicated to service vehicles provided for City-funded charitable health and human service organizations shall be excluded from the definition of a parking space in the TDM Program Standards.

(Added by Ord. 34-17, File No. 160925, App. 2/17/2017, Eff. 3/19/2017)

SEC. 169.2. DEFINITIONS.

For purpose of Section 169, the following definitions shall apply. In addition, see the Planning Commission Standards for the Transportation Demand Management Program (TDM Program Standards), described in Section 169.6, for additional definitions of terms applicable to this Section 169.

Approval. Any required approval or determination on a Development Application that the Planning Commission, Planning Department or Zoning Administrator issues.

Development Application. As defined in Section 401.

Development Project. As defined in Section 401.

Transportation Demand Management, or TDM. Design features, incentives, and tools implemented by Development Projects to reduce VMT, by helping residents, tenants, employees, and visitors choose sustainable travel options such as transit, bicycle riding, or walking.

Transportation Demand Management Plan, or TDM Plan. A Development Project's plan describing compliance with the TDM Program.

Transportation Demand Management Program, or TDM Program. The San Francisco policy requiring Development Projects to incorporate TDM measures in their proposed projects, as set forth in Section 169.

Vehicle Miles Traveled, or VMT. A measure of the amount and distance that a Development Project causes people to drive, as set forth in more detail by the Planning Commission in the TDM Program Standards prepared pursuant to Section 169.6.

(Added by Ord. 34-17, File No. 160925, App. 2/17/2017, Eff. 3/19/2017)

SEC. 169.3. APPLICABILITY.

(a) Except as provided in subsection (b), Section 169 shall apply to any Development Project in San Francisco that results in:

(1) Ten or more Dwelling Units, as defined in Section 102; or

(2) Ten or more bedrooms of Group Housing, as this term is defined in Section 102; or

(3) Any new construction resulting in 10,000 occupied square feet or more of any use other than Residential, as this term is defined in Section 102, excluding any area used for accessory parking; or

(4) Any Change of Use resulting in 25,000 occupied square feet or more of any use other than Residential, as this term is defined in Section 102, excluding any area used for accessory parking, as set forth in the TDM Program Standards, if:

(A) The Change of Use involves a change from a Residential use to any use other than Residential; or

(B) The Change of Use involves a change from any use other than Residential, to another use other than Residential.

(5) For any Development Project that has been required to finalize and record a TDM Plan pursuant to Section 169.4 below, any increase in accessory parking spaces or Parking Garage spaces within such Development Project that results in an increase in the requirements of the TDM Standards shall be required to modify such TDM Plan pursuant to Section 169.4(f) below.

(b) **Exemptions.** Notwithstanding subsection (a), Section 169 shall not apply to the following:

(1) One Hundred Percent Affordable Housing Projects. Residential uses within Development Projects where all residential units are affordable to households at or below 120% of the Area Median Income, as defined in Section 401, shall not be subject to the TDM Program. Any uses other than Residential within those projects, whose primary purpose is to provide services to the Residential uses within those projects shall also be exempt. Other uses shall be subject to the TDM program. All uses shall be subject to all other applicable requirements of the Planning Code.

(2) Parking Garages and Parking Lots, as defined in Section 102. However, parking spaces within such Parking Garages or Parking Lots, when included within a larger Development Project, may be considered in the determination of TDM Plan requirements, as described in the TDM Program Standards.

(3) Commercial to Residential Adaptive Reuse projects per Planning Code Section 210.5.

(c) When determining whether a Development Project shall be subject to the TDM Program, the Development Project shall be considered in its entirety. A Development Project shall not seek multiple applications for building permits to evade the applicability of

the TDM Program.

(d) The TDM Program shall not apply to any Development Project that receives Approval of any Development Application or Development Agreement before the effective date of this Section.

(e) **Operative Date.**

(1) Except as described in subsection (4) below, Development Projects with a Development Application filed or an Environmental Application deemed complete on or before September 4, 2016 shall be subject to 50% of the applicable target, as defined in the Planning Commission's Standards.

(2) Except as described in subsection (4) below, Development Projects with no Development Application filed or an Environmental Application deemed complete on or before September 4, 2016, but that file a Development Application on or after September 5, 2016, and before January 1, 2018, shall be subject to 75% of such target.

(3) Development Projects with a Development Application filed on or after January 1, 2018 shall be subject to 100% of such target.

(4) Development Projects within the Central SoMa Special Use District that fall within Central SoMa Fee Tier A, B, or C, as defined in Section 423.2, shall be subject to the following requirements:

(i) projects that have filed a Development Application or submitted an Environmental Application deemed complete on or before September 4, 2016 shall be subject to 75% of such target.

(ii) projects that filed a Development Application or submitted an Environmental Application deemed complete after September 4, 2016 shall be subject to 100% of such target.

(Added by Ord. 34-17, File No. 160925, App. 2/17/2017, Eff. 3/19/2017; amended by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 122-23, File No. 230371, App. 7/5/2023, Eff. 8/5/2023; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

AMENDMENT HISTORY

Division (e) amended and redesignated as divisions (e)-(e)(3); divisions (e)(4)-(e)(4)(ii) added; Ord. 296-18, Eff. 1/12/2019. Division (b)(3) added; Ord. 122-23, Eff. 8/5/2023, and Ord. 159-23, Eff. 8/28/2023.

SEC. 169.4. TRANSPORTATION DEMAND MANAGEMENT PLAN REQUIREMENTS.

(a) A property owner shall submit a proposed TDM Plan along with the Development Project's first Development Application. For all projects that require a community meeting occur prior to project application, the Project Sponsor shall discuss potential TDM measures and program standards at that meeting and solicit feedback from the local community to be taken into consideration in preparing the proposed TDM Plan for submittal to the Planning Department. If the Planning Department requires any preliminary application or assessment prior to the project application, the project sponsor shall submit a draft TDM plan at that time. The proposed TDM Plan shall document the Development Project's proposed compliance with Section 169 and the Planning Commission's TDM Program Standards.

(b) The proposed TDM Plan shall be reviewed in conjunction with the approval of the first Development Application for the Development Project.

(c) Compliance with the TDM Program, including compliance with a finalized TDM Plan, shall be included as a Condition of Approval of the Development Project. The Planning Commission shall not waive, reduce, or adjust the requirements of the TDM Program through the approval processes described in Sections 304, 309, 329 or any other Planning Commission approval process that allows for exceptions.

(d) The Development Project shall be subject to the TDM Program Standards in effect at the time of its first Development Project Application. If the Planning Commission has issued revised TDM Program Standards subsequent to the date of the Development Project's first Development Application was filed, then the property owner may elect to have the Development Project be subject to the later-approved TDM Program Standards, but if so, must meet all requirements of such revised Standards.

(e) The Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property prior to the issuance of a building or site permit. This Notice shall include the Development Project's final TDM Plan and detailed descriptions of each TDM measure.

(f) Upon application of a property owner, after a TDM Plan is finalized and the associated building or site permit has been issued, a Development Project's TDM Plan may be modified in accordance with procedures and standards adopted by the Planning Commission in the TDM Program Standards. However, if such modification to an existing TDM Plan is required pursuant to Section 169.3(a)(5) above, the modified TDM Plan shall be finalized in accordance with the procedures and requirements of the TDM Standards in effect at the time of the modification.

(g) Property owners shall pay administrative fees with the application, periodic compliance review, and voluntary update review of their TDM Plans, as set forth in the Planning Department Fee Schedule.

(Added by Ord. 34-17, File No. 160925, App. 2/17/2017, Eff. 3/19/2017)

SEC. 169.5. MONITORING, REPORTING AND COMPLIANCE.

(a) Prior to the issuance of a first certificate of occupancy, the property owner shall facilitate a site inspection by Planning Department staff to confirm that all approved physical improvement measures in the Development Project's TDM Plan have been implemented and/or installed. The property owner shall also provide documentation that all approved programmatic measures in the Development Project's TDM Plan will be implemented. The process and standards for determining compliance shall be specified in the Planning Commission's TDM Program Standards.

(b) Throughout the life of the Development Project, the property owner shall:

(1) Maintain a TDM coordinator, as defined in the Planning Commission's TDM Program Standards, who shall coordinate with the City on the Development Project's compliance with its approved TDM Plan.

(2) Allow City staff access to relevant portions of the property to conduct site visits, surveys, inspection of physical improvements, and/or other empirical data collection, and facilitate in-person, phone, and/or e-mail or web-based interviews with residents, tenants, employees, and/or visitors. City staff shall provide advance notice of any request for access and shall use all reasonable efforts to protect personal privacy during visits and in the use of any data collected during this process.

(3) Submit periodic compliance reports to the Planning Department, as required by the Planning Commission's TDM Program Standards.

(Added by Ord. 34-17, File No. 160925, App. 2/17/2017, Eff. 3/19/2017)

SEC. 169.6. TRANSPORTATION DEMAND MANAGEMENT PROGRAM STANDARDS.

(a) The Planning Commission, with the assistance of the Planning Department and in consultation with staff of the San Francisco Municipal Transportation Agency and the San Francisco County Transportation Authority, shall adopt the Planning Commission Standards for the Transportation Demand Management Program, or TDM Program Standards. The TDM Program Standards shall contain the specific requirements necessary for compliance with the TDM Program. The TDM Program Standards shall be updated from time to time, as deemed appropriate by the Planning Commission, to reflect best practices in the field of Transportation Demand Management.

(b) When preparing, adopting, or updating the TDM Program Standards, the Planning Commission shall consider the primary goals of Section 169, that is, to reduce VMT from new development in order to maintain mobility as San Francisco grows, and to achieve better environmental, health and safety outcomes. In addition, the Planning Commission shall consider the following principles:

(1) The requirements of the TDM Program, as set forth in the TDM Program Standards, shall be proportionate to the total amount of VMT that Development Projects produce, and shall take into account site-specific information, such as density, diversity of land uses, and access to travel options other than the private automobile in the surrounding vicinity.

(2) The TDM Program Standards shall provide flexibility for Development Projects to achieve the purposes of the TDM Program in a way that best suits the circumstances of each Development Project. To that end, the TDM Program Standards shall include a menu of TDM measures from which to choose. Each measure in this TDM menu shall be designed to reduce VMT by site residents, tenants, employees, or visitors, as relevant to the Development Project, and must be under the control of the developer, property owner, or tenant.

(3) Each of the TDM measures in the TDM Program Standards shall be assigned a number of points, reflecting its relative effectiveness to reduce VMT. This relative effectiveness determination shall be grounded in literature review, local data collection, best practice research, and/or professional transportation expert opinion, and shall be described in the TDM Program Standards.

(c) One year after the effective date of the TDM Program, the Planning Department shall prepare a report analyzing the implementation of the TDM Program and describing any changes to the TDM Program Standards. Every four years, following the periodic updates to the San Francisco Countywide Transportation Plan that the San Francisco County Transportation Authority prepares, the Planning Department shall prepare a report containing the same information. The Planning Department shall present such reports to the Planning Commission, and may present them to the Board of Supervisors during a public hearing, if a Supervisor chooses to request a hearing on the matter.

(Added by Ord. 34-17, File No. 160925, App. 2/17/2017, Eff. 3/19/2017)

SEC. 187.1. AUTOMOTIVE SERVICE STATIONS, ELECTRIC VEHICLE CHARGING LOCATIONS, AND GAS STATIONS AS LEGAL NONCONFORMING USES.

(See Interpretations related to this Section.)

(a) **Continuation as a Nonconforming Use.** Notwithstanding any other provision of this Code, an Automotive Service Station or a Gas Station as defined in Section 102 of this Code, located in a Residential district, and having legal nonconforming use status under the provisions of this Code on January 1, 1980, shall be regarded as a legal nonconforming use so long as the station either: (1) continues to sell and dispense gasoline and other motor fuels and lubricating fluids directly into motor vehicles, or (2) transitions to an Electric Vehicle Charging Location.

(b) **Enlargement and Intensification.** An Automotive Service Station regarded as a legal nonconforming use under subsection (a) of this Section 187.1 may enlarge or intensify its current service station operations provided the station receives Conditional Use authorization for such enlargement or intensification under Section 303 of this Code. Conditional Use authorizations issued pursuant to this Section 187.1 shall not contain termination dates.

(c) **Accessory Uses.** Parking for car-share vehicles, as defined in Section 166, is permitted as an Accessory Use, and the addition of car-share vehicle parking shall not constitute an enlargement or intensification of the use.

(Added by Ord. 362-90, App. 11/6/90; amended by Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 190-22, File No. 220036, App. 9/16/2022, Eff. 10/17/2022)

AMENDMENT HISTORY

Former division (a) deleted and former divisions (b) and (c) redesignated as (a) and (b) and amended; new division (c) added; Ord. 22-15, Eff. 3/22/2015. Section header and section amended; Ord. 202-18, Eff. 9/10/2018. Section header and division (a) amended; Ord. 190-22, Eff. 10/17/2022.

SEC. 202.1. ZONING CONTROL TABLES.

(a) All Districts that are provided for in Section 201 of this Code have a corresponding Zoning Control Table that details basic development standards and use controls. Zoning Control Tables for R, C, PDR, and M Districts are located in Article 2; Zoning Control tables for Neighborhood Commercial Districts are located in Article 7; Zoning Control tables for Chinatown and Mixed Use Districts are located in Article 8; and Zoning Control tables for Mission Bay Districts are located in Article 9. Zoning Control Tables are intended to be used in conjunction with other relevant sections of the Code. Descriptions for Zoning Control Tables in Articles 7, 8, and 9 are located in the corresponding Article. Each of the Zoning Control Tables contains a brief summary of, and reference guide to, the specific rules that appear elsewhere in this Planning Code. To the extent of any inconsistency between a Table and the relevant governing sections, the latter shall control.

(b) Zoning Control Tables in Article 2 are organized as follows:

(1) **Building Standards:** This section lists basic Code requirements that are specific to that particular Zoning District and apply to all buildings in that District regardless of the proposed use.

(2) **Residential Standards and Uses:** This section lists basic Code requirements for Residential uses, permitted residential uses, and permitted densities for the subject District.

(3) **Non-Residential Standards and Uses:** This section lists basic Code requirements for Non-Residential Uses and Non-residential use controls.

(c) The columns in the Zoning Control Tables in Article 2 are organized as follows:

(1) The first column in the Zoning Control Table, titled "Zoning Category," provides either the title of the listed requirement or the Use.

(2) The second column, titled "§ References," contains numbers of other sections in the Planning Code, and other City Codes, in which additional control provisions, including exceptions and definitions where pertinent, are contained. Any requirements in these sections pertinent to the zoning district shall be followed.

(3) In the third and subsequent columns, the controls applicable to the various Districts are indicated either directly, by reference to other Code Sections that contain the controls, or by indicating when a specific requirement is required.

(d) The uses and features listed in the Zoning Control Tables in Articles 2, 7, 8, and 9 are permitted in the Districts as indicated by the following symbols in the respective columns for each district:

P:	The use or project is permitted as a principal use in this district.
C:	The use or project is subject to approval by the Planning Commission as a conditional use in this district as provided in Section 303 of this Code.
DR:	A Mandatory Discretionary Review hearing before the Planning Commission is required before the Planning Department can approve the proposed use or project. Uses or projects subject to Mandatory Discretionary Review may be disapproved or modified by the Planning Commission.
NA:	This listing not applicable to this district.
NP or Blank Space:	The use or project is not permitted in this district.
R:	Required.
1st:	First Story and below.
2nd:	Second Story
3rd+	Third Story and above

(1) Determinations as to the classification of uses not specifically listed shall be made in the manner indicated in Sections 202 and 307(a) of this Code.

(2) References shall be made to Sections 204 through 204.5 for regulations pertaining to accessory uses permitted for principal and conditional uses listed in Sections 206.1 through 206.4.

(3) Reference shall also be made to the other Articles of this Code containing provisions relating to definitions, off-street parking and loading dimensions, areas and open spaces, nonconforming uses, height and bulk districts, signs, historic preservation, and other factors affecting the development and alteration of properties in these use Districts.

(4) Reference shall be made to Section 249.1 for provisions pertaining to uses in the Folsom and Main Residential/Commercial Special Use District.

(Added by Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; amended by Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017)

AMENDMENT HISTORY

Division (d) amended; Ord. 129-17, Eff. 7/30/2017.

SEC. 202.2. LOCATION AND OPERATING CONDITIONS.

(a) **Retail Sales and Service Uses.** The Retail Sales and Service Uses listed below shall be subject to the corresponding conditions:

(1) **Eating and Drinking Uses.** Eating and Drinking Uses, as defined in Section 102, shall be subject to the following conditions:

(A) The business operator shall maintain the main entrance to the building and all sidewalks abutting the subject property in a clean and sanitary condition in compliance with the Department of Public Works Street and Sidewalk Maintenance Standards. In addition, the operator shall be responsible for daily monitoring of the sidewalk within a one-block radius of the subject business to maintain the sidewalk free of paper or other litter associated with the business during business hours, in accordance with Article 1, Section 34 of the San Francisco Police Code.

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works.

(B) When located within an enclosed space, the premises shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building, and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

For information about compliance of fixed mechanical objects such as rooftop air conditioning, restaurant ventilation systems, and motors and compressors with acceptable noise levels, contact the Environmental Health Section, Department of Public Health.

For information about compliance with construction noise requirements, contact the Department of Building Inspection.

For information about compliance with the requirements for amplified sound, including music and television, contact the Police Department.

(C) While it is inevitable that some low level of odor may be detectable to nearby residents and passersby, appropriate odor control equipment shall be installed in conformance with the approved plans and maintained to prevent any significant noxious or offensive odors from escaping the premises.

For information about compliance with odor or other chemical air pollutant standards, contact the Bay Area Air Quality Management District (BAAQMD) and Code Enforcement, Planning Department.

(D) Garbage, recycling, and compost containers shall be kept within the premises and hidden from public view, and placed outside only when being serviced by the disposal company. Trash shall be contained and disposed of pursuant to garbage and recycling receptacles guidelines set forth by the Department of Public Works.

For information about compliance, contact the Bureau of Street Use and Mapping, Department of Public Works.

(2) **Pharmacy.** Notwithstanding anything to the contrary in this Code, a pharmacy may operate on a 24-hour basis as a permitted use provided that the following conditions are met during any period between 11:00 p.m. and 6:00 a.m. in which the pharmacy is open for business:

(A) A pharmacist licensed by the State of California in accordance with the California Business and Professions Code is on duty on the premises;

(B) The pharmacy provides prescription drugs for retail sale; and

(C) The pharmacy provides adequate lighting and security for the safety of customers, residents, and the adjoining property, including adequate lighting and security for any parking facilities provided. Such lighting and security may not negatively impact neighborhood character.

(3) **Motel.** The entrance to a motel must be within 200 feet of and immediately accessible from a major thoroughfare as designated in the General Plan.

(4) **Massage Establishments.** Any Massage Establishment found to be operating, conducted, or maintained contrary to this Code or Health Code Article 29 shall be found to be in violation of this Code and will be subject to enforcement as provided in Section 176 of the Planning Code. For three years following closure of a Massage Establishment for violations of this Code or the Health Code no new Massage Establishment or Personal Service shall be approved at the site where the former Massage Establishment was closed.

(5) **Cannabis Retail.** A Cannabis Retail establishment must meet all of the following conditions:

(A) A Cannabis Retail establishment must apply for a permit from the Office of Cannabis pursuant to Article 16 of the Police Code prior to submitting an application to the Planning Department.

(B) The parcel containing the Cannabis Retail Use shall not be located within a 600-foot radius of a parcel containing an existing School, public or private, unless a State licensing authority specifies a different radius, in which case that different radius shall apply. In addition, the parcel containing the Cannabis Retail Use shall not be located within a 600-foot radius of a parcel for which a valid permit from the City's Office of Cannabis for a Cannabis Retailer or a Medicinal Cannabis Retailer has been issued, except that a Cannabis Retail Use may be located in the same place of business as one or more other establishments holding valid permits from the City's Office of Cannabis to operate as Cannabis Retailers or Medicinal Cannabis Retailers, where the place of business contains a minimum of 350 square feet per Cannabis Retail or Medical Cannabis Dispensary Use, provided that such locations are permitted by state law. There shall be no minimum radius from a Cannabis Retail Use to an existing day care center or youth center unless a State licensing authority

specifies a minimum radius, in which case that minimum radius shall apply.

(C) Cannabis may be consumed or smoked on site pursuant to authorization by the Department of Public Health as applicable.

(6) **Liquor Stores.** Liquor Stores, as defined in Section 102, shall comply with the following requirements:

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

(B) The business operator shall provide outside lighting sufficient to illuminate street and sidewalk areas and adjacent parking as appropriate to maintain security, without disturbing area residents.

(C) The store frontage shall comply with the visibility requirements of Section 145.1(c)(6) and the signage requirements of Article 6 of this Code. In addition, all advertising and signage shall be placed and maintained in a manner that ensures that law enforcement personnel have a clear and unobstructed view of the interior of the premises, including the area in which the cash registers are maintained, from the exterior public sidewalk or entrance to the premises.

(7) **Outdoor Activity Area.** An Outdoor Activity Area shall be principally permitted in any Neighborhood Commercial District or Neighborhood Commercial Transit District, and in the WMUG, WMUO, SALI, and RED-MX Districts, if it meets all of the following conditions:

(A) The Outdoor Activity Area is located on the ground level;

(B) The Outdoor Activity Area is in operation only between 9:00 a.m. and 10:00 p.m.;

(C) The Outdoor Activity Area is not operated in association with a Bar use;

(D) Where associated with a Limited Restaurant or Restaurant Use, the Outdoor Activity Area includes only seated, not standing, areas for patrons; and

(E) Alcohol is dispensed to patrons only inside the premises or through wait staff services at the patron's outdoor seat in the Outdoor Activity Area.

Any Outdoor Activity Area seeking to operate beyond these limitations requires a Conditional Use Authorization, unless such Outdoor Activity Area is permitted by Planning Code Section 145.2.

(8) **Adult Sex Venue.** Notwithstanding anything to the contrary in this Code, a principally permitted Adult Sex Venue may operate on a 24-hour basis as a permitted use provided that the following conditions are met during any period between midnight and 6:00 a.m. in which the venue is open for business:

(A) The venue shall provide adequate lighting and security for the safety of customers, residents, and the adjoining property. Such lighting and security may not negatively impact adjacent properties; and

(B) The venue shall be adequately soundproofed or insulated for noise and operated so that incidental noise shall not be audible beyond the premises or in other sections of the building and fixed-source equipment noise shall not exceed the decibel levels specified in the San Francisco Noise Control Ordinance, Police Code Article 29.

(b) **Automotive Uses.** The Automotive Uses listed below shall be subject to the corresponding conditions:

(1) **Prohibition on Sales of Distilled Liquor with Motor Vehicle Fuel.** Any establishment that retails motor vehicle fuel and provides retail sale of alcoholic beverages, other than beer and wine, is prohibited.

(2) **Conditional Use Authorization Required for Establishments that Sell Beer or Wine with Motor Vehicle Fuel.** Any establishment that proposes to retail motor vehicle fuel and provide retail sale of beer or wine shall require Conditional Use authorization. The Planning Commission may deny authorization or grant Conditional Use authorization to an applicant based upon the criteria set forth in Section 303(c) of this Code.

(A) The Planning Commission shall include each of the following as conditions applicable to establishments at which the concurrent sale of motor vehicle fuel and beer or wine occurs:

(i) No beer or wine shall be displayed within five feet of the cash register or the front door unless it is in a permanently affixed cooler;

(ii) No advertisement of alcoholic beverages, including beer and wine, shall be displayed at motor fuel islands;

(iii) No sale of beer or wine shall be made from a drive-in window;

(iv) No display or sale of beer or wine shall be made from an ice tub;

(v) No self-illuminated advertising for beer or wine shall be located on buildings or windows;

(vi) Employees on duty between the hours of 10:00 p.m. and 2:00 a.m. who sell beer or wine shall be at least 21 years of age;

(vii) No alcoholic beverages, other than beer and wine, shall be sold at any time;

(viii) No beer or wine shall be sold for consumption on the premises;

(ix) The permittee shall comply with all State statutes, rules, and regulations relating to the sale, purchase, display, possession,

and consumption of alcoholic beverages;

(x) The permittee shall comply with all local statutes, rules, and regulations;

(xi) The permittee shall not operate the establishment in a manner that presents a nuisance, as defined in California Civil Code Sections 3479 and 3480; and

(xii) The City may impose sanctions, including suspension or revocation of the Conditional Use authorization, for violation of any of the terms or conditions of the Conditional Use authorization.

(B) In acting on any application for Conditional Use authorization, the Commission shall make written findings and such findings shall be based on substantial evidence in view of the whole record to justify the ultimate decision.

(C) Where the sale of beer, wine, or motor vehicle fuel are not permitted or conditionally authorized uses, this Subsection shall not be construed to permit or conditionally authorize such sales to be conducted concurrently. Where the sale of beer and wine and motor vehicle fuel are permitted or conditionally authorized uses, this Subsection shall be construed to require Conditional Use authorization to conduct such sales concurrently.

(D) **Definitions.** For purposes of Subsection 202.2(b)(1) and (2), the following definitions shall apply:

(i) "Alcoholic beverages" shall be as defined in California Business and Professions Code Section 23004;

(ii) "Beer" and "wine" shall be as defined in California Business and Professions Code Section 23006 and Section 23007, respectively;

(iii) “Motor vehicle fuel” shall mean gasoline, other motor fuels including electricity at an Electric Vehicle Charging Location, and lubricating oil dispensed directly into motor vehicles; and

(iv) "Establishment" shall include an arrangement where a lot containing a business selling motor vehicle fuel provides direct access to another business selling alcoholic beverages on the same or adjacent lot.

(E) **Application to Existing Uses.** Any use lawfully selling motor vehicle fuel and alcoholic beverages (as licensed by the State of California) and existing prior to the effective date of this Section shall be subject to this Subsection 202.2(b) to the extent allowable by Business and Professions Code Section 23790.

(3) **Automotive Wash.** Cleaning and polishing are required to be conducted within an enclosed building having no openings, other than fixed windows or exits required by law located within 50 feet of any R District, and that has an off-street waiting and storage area outside the building which accommodates at least one-quarter the hourly capacity in vehicles of the enclosed operations, provided: (1) that incidental noise is reasonably confined to the premises by adequate soundproofing or other device; and (2) that complete enclosure within a building may be required as a condition of approval, notwithstanding any other provision of this Code; but the foregoing provisions shall not preclude the imposition of any additional conditions pursuant to Section 303 of this Code.

(4) **Electric Vehicle Charging Location.** At Electric Vehicle Charging Locations, the Electric Vehicle Charging Stations, including the charging space for the electric vehicle and all necessary charging equipment and infrastructure, may be located within any setbacks required by the underlying zoning district. Any structures associated with ancillary services, including restrooms or vending machines, must adhere to any underlying zoning setback requirements.

(5) **Fleet Charging and Electric Vehicle Charging Location Reporting Requirements.** Beginning on June 1, 2023, the Planning Department shall submit a report to the Board of Supervisors and the Mayor that includes the number and location of all Electric Vehicle Charging Locations and Fleet Charging locations that have been approved since the ordinance in Board File No. 220036 establishing this reporting requirement became effective. The Planning Department’s report shall include: the address of each such charging location, number of charging stations at each location, prior use of the property, whether the charging location was principally permitted or conditionally permitted, and what percent of each station is dedicated to Fleet Charging. The Planning Department shall submit this report annually for five years, with the last report to be submitted on June 1, 2027.

(c) **Agriculture Use.** The Agricultural Uses listed below shall be subject to the corresponding conditions:

(1) **Agricultural Uses, General.** Any plot of land that exceeds 1,000 square feet and is newly established shall comply with the applicable water use requirements of Administrative Code Chapter 63. Pursuant to Section 63.6.2(b) of the Administrative Code, no permit for any site where the modified land area exceeds 1,000 square feet shall be issued until the General Manager of the Public Utilities Commission has approved the applicable landscape project documentation.

(2) **Neighborhood Agriculture.** Limited sales and donation of fresh food and/or horticultural products grown on site may occur on otherwise vacant property, but such sales may not occur within a Dwelling Unit. Food and/or horticultural products grown that are used for personal consumption are not regulated. The following physical and operational standards shall apply to Neighborhood Agriculture:

(A) Compost areas must be setback at least 3 three feet from Dwelling Units and decks;

(B) If the farmed area is enclosed by fencing, the fencing must be (i) wood fencing, (ii) Ornamental Fencing as defined by Planning Code Section 102, or (ii) chain-link or woven wire fencing if over half of the fence area that borders a public right-of-way will be covered by plant material or other vegetative screening within three years of the fence installation;

(C) Use of mechanized farm equipment is generally prohibited in Residential Districts; provided, however, that during the initial preparation of the land, heavy equipment may be used to prepare the land for Agriculture use. Landscaping equipment designed for household use shall be permitted;

(D) Farm equipment shall be enclosed or otherwise screened from sight;

(E) Sale of food and/or horticultural products from the use may occur between the hours of 6:00 a.m. and 8:00 p.m.;

(F) In all districts, sales, pick-ups, and donations of fresh food and horticultural produces grown on site are permitted. In every district except Residential Districts, value-added products, where the primary ingredients are grown and produced on site, are permitted.

(3) **Industrial Agriculture.** Cannabis must only be grown within an enclosed structure.

(d) **Industrial Uses.** The Industrial and PDR uses listed below shall be subject to the corresponding conditions:

(1) **Heavy Manufacturing 1, Metal Working, and Agricultural and Beverage Processing 1 and 2.** These uses are required to operate within a completely enclosed building, with no opening, other than fixed windows or exits required by law, within 50 feet of any R District; No noise, vibration, or unhealthful emissions shall extend beyond the premises of the use.

(2) **Heavy Manufacturing 2, Junk Yard, Power Plant and Hazardous Waste Facilities.** These uses are required to operate within a completely enclosed building, with no opening, other than fixed windows or exits required by law, within 200 feet of any R or NC District; No noise, vibration, or unhealthful emissions shall extend beyond the premises of the use.

(3) **Heavy Manufacturing 3, Livestock Processing 1 & 2, and Volatile Materials Storage.** These uses are required to operate within a completely enclosed building, with no opening, other than fixed windows or exits required by law, within 500 feet of any R District or NC District; No noise, vibration, or unhealthful emissions shall extend beyond the premises of the use.

(4) **Automobile Wrecking.** Automobile Wrecking operations are subject to the following operating conditions:

(A) There shall be sufficient working space on the property to permit proper functioning of the operation without use of any public right-of-way for storage of inoperable vehicles or parts;

(B) The operation shall be clearly separated from adjacent properties and public rights-of-way; and

(C) the operation be conducted not less than 500 feet from any R or NC District. No automobile wrecking operation lawfully existing at the effective date hereof shall be continued more than three years from said date unless a conditional use authorization for such operation has been granted pursuant to this Code, provided, however, that no such automobile wrecking operation eligible for governmental payments to assist relocation shall be continued more than one and one-half years from said effective date unless a conditional use authorization for such operation has been granted pursuant to this Code.

(5) **Truck Terminal.** A Truck Terminal Facility must be located not less than 200 feet from any R District.

(e) **Institutional Uses.** The Institutional Uses listed below shall be subject to the corresponding conditions:

(1) **Medical Cannabis Dispensaries.** Medical Cannabis Dispensary Uses are required to meet all of the following conditions:

(A) A Medical Cannabis Dispensary Use shall apply for a permit from the Office of Cannabis pursuant to Article 16 of the Police Code prior to submitting an application to the Planning Department;

(B) The parcel containing the Medical Cannabis Dispensary Use shall not be located within a 600-foot radius of a parcel containing: an existing School, public or private, unless a State licensing authority specifies a different radius, in which case that different radius shall apply. In addition, the parcel containing the Medical Cannabis Dispensary shall not be located within a 600-foot radius of a parcel for which a valid permit from the City's Office of Cannabis for a Cannabis Retailer or a Medicinal Cannabis Retailer has been issued, except that a Medical Cannabis Dispensary Use may be located in the same place of business as one or more other establishments holding valid permits from the City's Office of Cannabis to operate as Cannabis Retailers or Medicinal Cannabis Retailers, where the place of business contains a minimum of 350 square feet per Cannabis Retail or Medical Cannabis Dispensary Use, provided that such locations are permitted by state law. There shall be no minimum radius from a Medical Cannabis Dispensary Use to an existing day care center or youth center unless a State licensing authority specifies a minimum radius, in which case that minimum radius shall apply.

(C) Cannabis may be consumed or smoked on site pursuant to authorization by the Department of Public Health as applicable.

(D) Regardless of whether medical cannabis is smoked on the premises, the parcel containing the Medical Cannabis Dispensary shall not be located on the same parcel as a facility providing substance abuse services that is licensed or certified by the State of California or funded by the Department of Public Health;

(E) Alcohol shall not be sold or distributed on the premises for on- or off-site consumption; and

(F) Any permit issued for a Medical Cannabis Dispensary shall contain the following statement in boldface type: "Issuance of this permit by the City and County of San Francisco is not intended to and does not authorize the violation of State or Federal law."

(2) **Social Service Uses in South of Market Mixed Use Districts Serving Indigent Transient and Homeless People.** Social Service uses in South of Market Mixed Use Districts serving indigent transient and homeless people shall maintain the following operating conditions:

(A) Service providers shall satisfy the following operating conditions, upon first occupancy of the proposed project and going forward;

(B) Service providers shall provide adequate waiting areas within the premises for clients and prospective clients such that sidewalks are not used as queuing or waiting areas;

(C) Service providers shall provide sufficient numbers of restrooms for clients and prospective clients, and provide access during all hours of operation. For Group Housing and Homeless Shelter programs, adequate private showers shall be provided along with lockers for clients to temporarily store their belongings;

(D) Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the establishment;

(E) Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where they may seek similar services;

(F) Service providers shall maintain the sidewalks in the vicinity in a clean and sanitary condition and, when necessary, shall steam-clean the sidewalks within the vicinity of the project. Employees or volunteers of the project shall walk a 100-foot radius from the premises each morning or evening and shall pick up and properly dispose of any discarded beverage and/or food containers, clothing, and any other trash which may have been left by clients;

(G) Notices shall be well-lit and prominently displayed at all entrances to and exits from the establishment urging clients leaving the premises and neighborhood to do so in a quiet, peaceful, and orderly fashion and to please not loiter or litter; and

(H) The establishment shall implement other conditions and/or measures as determined by the Zoning Administrator, in consultation with other City agencies and neighborhood groups, to be necessary to ensure that management and/or clients of the establishment maintain the quiet, safety and cleanliness of the premises and the vicinity of the use.

(f) **Residential Uses.** The Residential Uses listed below shall be subject to the corresponding conditions:

(1) **Senior Housing.** In order to qualify as Senior Housing, as defined in Section 102 of this Code, the following definitions shall apply and shall have the same meaning as the definitions in California Civil Code Sections 51.2, 51.3, and 51.4, as amended from time to time. These definitions shall apply as shall all of the other provisions of Civil Code Sections 51.2, 51.3, and 51.4. Any Senior Housing must also be consistent with the Fair Housing Act, 42 U.S.C. §§ 3601-3631 and the Fair Employment and Housing Act, California Government Code Sections 12900-12996.

(A) "Designed to meet the physical and social needs of senior citizens" shall mean a development that meets the requirements of Civil Code Section 51.2(d), is constructed on or after January 1, 2001, and includes all of the following elements:

(i) Entryways, walkways, and hallways in the common areas of the development, and doorways and paths of access to and within the housing units, shall be as wide as required by current laws applicable to new multifamily housing construction for provision of access to persons using a standard-width wheelchair.

(ii) Walkways and hallways in the common areas of the development shall be equipped with standard height railings or grab bars to assist persons who have difficulty with walking.

(iii) Walkways and hallways in the common areas shall have lighting conditions that are of sufficient brightness to assist persons who have difficulty seeing.

(iv) Access to all common areas and housing units within the development shall be provided without use of stairs, either by means of an elevator or sloped walking ramps.

(v) The development shall be designed to encourage social contact by providing at least one common room and at least some common open space.

(vi) Refuse collection shall be provided in a manner that requires a minimum of physical exertion by residents.

(vii) The development shall comply with all other applicable requirements for access and design imposed by law including, but not limited to, the Fair Housing Act (42 U.S.C. Sec. 3601, *et seq.*), the Americans with Disabilities Act (42 U.S.C. Sec. 12101, *et seq.*), and the regulations promulgated at Title 24 of the California Code of Regulations that relate to access for persons with disabilities or handicaps. Nothing in this section shall be construed to limit or reduce any right or obligation applicable under those laws.

(B) "Qualifying Resident" or "Senior Citizen" means a person 62 years of age or older, or 55 years of age or older in a senior citizen housing development.

(C) **Definition.** “Senior Citizen Housing Development” means a residential development developed, substantially rehabilitated, or substantially renovated for senior citizens that has at least 35 Dwelling Units. Any Senior Citizen Housing Development that is required to obtain a public report under Section 11010 of the Business and Professions Code and that submits its application for a public report after July 1, 2001, shall be required to have been issued a public report as a Senior Citizen Housing Development under Section 11010.05 of the Business and Professions Code. No housing development constructed prior to January 1, 1985, shall fail to qualify as a Senior Citizen Housing Development because it was not originally developed or put to use or occupancy by senior citizens.

(D) **Requirements.** In order to qualify as Senior Housing, the proposed project must meet all of the following conditions:

(i) **Design and Construction.** The project must be designed to meet the physical and social needs of senior citizens as defined herein.

(ii) **Occupancy.** Each proposed Dwelling Unit must be initially put to use by senior citizens and shall be limited to the occupancy of senior citizens or other qualifying residents under Civil Code Section 51.3 for the actual lifetime of the building, regardless of whether the units will be owner-occupied or renter-occupied. The project must meet all of the requirements of Civil Code Section 51.3 including, but not limited to, the requirement that the covenants, conditions, and restrictions shall set forth limitations on occupancy,

residency, and use based on age. Any such limitation shall not be more exclusive than to require that one person in residence in each Dwelling Unit may be required to be a senior citizen and that each other resident in the same Dwelling Unit may be required to be a qualified permanent resident as defined in Civil Code Section 51.3(b), a permitted health care resident as defined in Civil Code Section 51.3(b), or a person under 55 years of age whose occupancy is permitted under Civil Code Section 51.3 or Section 51.4(b). That limitation may be less exclusive but shall at least require that the persons commencing any occupancy of a Dwelling Unit include a senior citizen who intends to reside in the unit as his or her primary residence on a permanent basis. The application of the rules set forth in this Section and in State law may result over time in less than all of the Dwellings being actually occupied by a senior citizen.

(iii) **Inclusionary Housing Requirements.** If the project must meet the requirements of the Residential Inclusionary Affordable Housing Program, Planning Code Sections 415 *et seq.*, the inclusionary units must be constructed on site and, like the other units in the project, will be limited to occupancy as stated above.

(iv) **Location.** The proposed project must be within a ¼ of a mile from a NC-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including named Neighborhood Commercial districts, and must be located in an area with adequate access to services, including but not limited to transit, shopping, and medical facilities;

(v) **Recording.** The project sponsor must record a Notice of Special Restriction with the Assessor-Recorder that states all of the above restrictions and any other conditions that the Planning Commission or Department places on the property; and

(vi) **Covenants, Conditions, and Restrictions.** If the property will be condominiumized, the project sponsor must provide the Planning Department with a copy of the Covenants, Conditions, and Restrictions ("CC&R") that will be filed with the State.

(E) **Density.** For the purpose of qualifying for and receiving additional density at a density ratio or number of Dwelling Units not exceeding twice the number of Dwelling Units otherwise permitted, the project sponsor shall enter into a contract with the City acknowledging that the additional density received under Section 207(c)(3) is a form of assistance specified in California Government Code Sections 65915 *et seq.* for purposes of Civil Code Section 1954.52(b) of the Costa-Hawkins Rental Housing Act. All such contracts must be reviewed and approved by the Mayor's Office of Housing and approved as to form by the City Attorney. All contracts that involve 100% affordable housing projects in the residential portion shall be executed by the Director of the Mayor's Office of Housing and Community Development (MOHCD). Any contract that involves less than 100% affordable housing in the residential portion, may be executed by either the Director of MOHCD or, after review and comment by the MOHCD, the Director of Planning.

(g) **Small Enterprise Workspace (S.E.W.).**

(1) An S.E.W. building must meet the following requirements:

(A) Each unit may contain only uses principally or conditionally permitted in the subject zoning district, or Office Uses as defined in Sections 102 and 890.70;

(B) Any non-accessory Retail Uses are subject to any per parcel size controls of the subject zoning district;

(C) No Residential Uses shall be permitted;

(D) Each of the units in the building must contain no more than 1,500 gross square feet each; an exception to this rule applies for larger PDR spaces on the ground floor, as described in subsection (g)(1)(E) below

(E) An S.E.W. building may contain units larger than 1,500 square feet on the ground floor as long as each such unit contains a principal PDR Use. Such PDR units may be independently accessible from the street.

(F) After the issuance of any certificate of occupancy or completion for the building, any merger, subdivision, expansion, or other change in Gross Floor Area of any unit shall be permitted only as long as the provisions of subsections (D) and (E), above, are met.

(2) S.E.W. units may be established only in new buildings or in buildings for which a first certificate of occupancy or completion was issued after January 19, 2009.

(3) Where permitted, S.E.W. Buildings are exempt from the controls in Section 202.7 limiting demolition of industrial buildings.

(4) S.E.W. projects shall provide a PDR Business Plan in accordance with the requirements of Section 210.3C of this Code.

(5) In considering the approval of a S.E.W. project, the Planning Commission should consider the likely viability of the new PDR space that the development creates, as influenced by such facts as the content of the project sponsor's PDR Business Plan and whether the project sponsor has the commitments of established PDR tenants and/or a demonstrated relationship with organizations established in the PDR community.

(h) **Cannabis-Related Uses.** Except as otherwise specified in the Code, there shall be no minimum radius from a cannabis-related Use to an existing School, public or private; day care center; or youth center unless a State licensing authority specifies a minimum radius, in which case that minimum radius shall apply.

(i) **Non-Retail Sales and Service Use; Design Professional.** In order to preserve and enhance active commercial frontage in the City's Neighborhood Commercial Districts, a Design Professional use located on the First Story or below within any Neighborhood Commercial or Neighborhood Commercial Transit District must provide its services to the general public.

(Added by Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; amended by Ord. 73-15, File No. 141303, App. 5/28/2015, Eff. 6/27/2015; Ord. 188-15, File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 229-17, File No. 171041, App. 12/6/2017, Eff. 1/5/2018; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 182-19, File No. 190248, App. 8/9/2019, Eff. 9/9/2019; Proposition H, 11/3/2020, Eff. 12/18/2020; Ord. 233-21, File No. 210381, App. 12/22/2021, Eff. 1/22/2022; Ord. 37-22, File No. 211263, App. 3/14/2022, Eff. 4/14/2022; Ord. 75-22, File No. 220264, App. 5/13/2022, Eff. 6/13/2022; Ord. 190-22, File No. 220036, App. 9/16/2022, Eff. 10/17/2022; Ord. 70-23, File No. 220340, App. 5/3/2023, Eff. 6/3/2023)

AMENDMENT HISTORY

Division (a)(4) added; Ord. 73-15, Eff. 6/27/2015. Division (e)(1)(B) amended; other nonsubstantive changes; Ord. 188-15 , Eff. 12/4/2015. Divisions (e)(1)(B), (f), (f)(1), (f)(1)(C)-(D), (f)(1)(D)(ii), (f)(1)(D)(iv), (f)(1)(E), and (g)(1)(D) amended; Ord. 129-17, Eff. 7/30/2017. Divisions (a)(5)-(a)(5)(C), (c)(3), and (h) added; divisions (c)(1), (d), (d)(1), (e)(1)-(e)(1)(C) amended; Ord. 229-17, Eff. 1/5/2018. Divisions (e)(1)(F)-(H) deleted; former division (e)(1)(I) redesignated as division (e)(1)(F); division (g) deleted; divisions (g)(1)-(g)(1)(E) redesignated as divisions (g)-(g)(5); current divisions (g), (g)(1)- (g)(1)(F), and (g)(3) amended; division (i) added; Ord. 202-18, Eff. 9/10/2018. Divisions (a)(6)-(a)(6)(C) added; Ord. 182-19, Eff. 9/9/2019. Divisions (a)(6)- (a)(6)(C) added; Ord. 182-19, Eff. 9/9/2019. Divisions (a)(7)-(a)(7)(E) added; Proposition H, 11/3/2020, Eff. 12/18/2020. Division (a)(4) amended; Ord. 233-21, Eff. 1/22/2022. Division (a)(4) amended; Ord. 37-22, Eff. 4/14/2022. Divisions (a)(8)-(a)(8)(B) added; Ord. 75-22, Eff. 6/13/2022. Division (b)(2)(D)(iii) amended; divisions (b)(4) and (b)(5) added; Ord. 190-22, Eff. 10/17/2022. Division (a)(7) amended; divisions (e)(2)-(e)(2)(H) added; Ord. 70-23, Eff. 6/3/2023.

Editor's Note:

Prior to the addition of this section to the Code as part of the substantial revision effected by Ord.22-15, portions of this section were codified under other section numbers as follows: division (b) was codified as Sec. 229, division (c)(1) was codified as Sec. 102.35(c), divisions (c)(2)(A)-(F) were codified as Sec. 102.35(a), and division (f)(1) was codified as Sec. 102.6.1. See those former sections for prior legislative history relating to those provisions.

SEC. 202.4. LIMITATION ON CHANGE IN USE OR DEMOLITION OF MOVIE THEATER USE.

Notwithstanding any other provision of this Article, a change in use or demolition of a Movie Theater use, as defined in Section102 shall require Conditional Use authorization pursuant to Section 303, including the specific conditions in that Section for conversion of such a use. This Section shall not authorize a change in use if the new use or uses are otherwise prohibited.

(Added as Sec. 221.1 by Ord. 270-04, File No. 041070, App. 11/9/2004; amended by Ord. 99-08, File No. 080339, App. 6/11/2008; redesignated and amended by Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

AMENDMENT HISTORY

Former Sec. 221.1 redesignated as Sec. 202.4 and amended; Ord. 22-15, Eff. 3/22/2015.

SEC. 202.10. LIMITATION ON INTERMEDIATE LENGTH OCCUPANCIES.

(a) **Purpose.** To encourage the use of Dwelling Units for long-term occupancy by permanent San Francisco residents with initial terms of occupancy of at least one year, the following provisions shall apply to Intermediate Length Occupancy units.

(b) **Controls.**

(1) **Permitting.** Intermediate Length Occupancy units shall be permitted as follows:

(A) Any application to establish an Intermediate Length Occupancy Use Characteristic shall:

(i) Specifically identify the unit proposed to be permitted as an Intermediate Length Occupancy unit; and

(ii) Include a proof to the Department's satisfaction that the proposed Intermediate Length Occupancy unit is located within a building that has no outstanding Notice of Violations.

(B) Additional requirements for specific buildings sizes:

(i) Intermediate Length Occupancy units are prohibited in buildings with three or fewer Dwelling Units.

(ii) For buildings with four to nine Dwelling Units, requests to authorize the establishment of an Intermediate Length Occupancy Use Characteristic shall be principally permitted, provided that no more than 25% of the Dwelling Units in the building may be permitted as Intermediate Length Occupancy units.

(iii) For buildings with 10 or more Dwelling Units, Intermediate Length Occupancy units shall be prohibited, unless authorized pursuant to a conditional use authorization, provided that the Planning Commission shall find, in addition to compliance with the criteria of Section 303, that the following criteria are met:

a. No more than 20% of the Dwelling Units in the building may be permitted as Intermediate Length Occupancy units.

b. That not less than two thirds of the total allowable Intermediate Length Occupancy units be in the downtown core, with the policy goal of keeping such uses near corresponding hotel and tourism districts, and job centers.

c. That not more than one third of the total allowable Intermediate Length Occupancy units be permitted in Census Tracts in sensitive communities, as defined by the UC Berkeley Urban Displacement Project Sensitive Communities map.

(2) **Maximum Amount.** No more than 1,000 Intermediate Length Occupancy units shall be permitted in the City.

(3) **Exceptions.** The requirements of this Section 202.10 shall not apply to:

(A) Any Dwelling Unit that is defined as Student Housing in Section 102;

(B) A Residential Hotel unit subject to the provisions of Administrative Code Chapter 41; or

(C) An organization with tax-exempt status under 26 United States Code Sections[1] 501(c)(3) providing access to the unit in furtherance of its primary mission to provide housing, provided that any organization that provides a Dwelling Unit offered for occupancy by a natural person for an initial stay, whether through lease, subscription, license, or otherwise, for a duration of greater than 30 consecutive days but less than one year must comply with the reporting requirements in subsection (d).

(4) **Ineligible units.** The following shall not be eligible to be permitted as Intermediate Length Occupancy units:

(A) Dwelling Units that are subject to the City's Inclusionary Affordable Housing Program set forth in Sections 415.1. *et seq.*, or otherwise designated as below market rate or income-restricted under City, state, or federal law;

(B) Dwelling Units that are subject to the rent increase limitations in Administrative Code Section 37.3 shall not be eligible to be Intermediate Length Occupancy units.

(c) **Compliance.**

(1) **Abandonment.** Any Dwelling Unit permitted as an Intermediate Length Occupancy unit pursuant to this subsection (b) may be offered for an initial term of occupancy of one year or greater without losing the Use Characteristic, provided that the Use Characteristic shall be considered abandoned if discontinued or otherwise abandoned for the time periods specified in Article 1.7.

(2) **Compliance Schedule.** Within six months of the Effective Date of this ordinance in Board File No. 191075, the Department shall develop and publish procedures for evaluating requests to establish Intermediate Length Occupancy units. The owner or operator of each Intermediate Length Occupancy unit must submit a complete application within 24 months of the Effective Date of this ordinance in Board File No. 191075.

(d) **Annual Reports.** No later than March 1 of each year, the owner or operator of each Intermediate Length Occupancy unit shall submit to the Department an Annual Unit Usage Report for the prior calendar year containing the following information:

(1) The address and location of the Intermediate Length Occupancy unit.

(2) The number of times the unit was occupied by a natural person for an initial stay, whether through lease, subscription, license, or otherwise, for a duration of greater than 30 consecutive days but less than one year, including the duration and dates of each of those stays.

(3) The average duration of each stay.

(4) The average vacancy between each stay.

(5) The nature of the services, if any, that are provided to occupants of the Intermediate Length Occupancy units, including furnishings, or other amenities, and whether there has been an increase or decrease in the services since the last report.

(Added by Ord. 78-20, File No. 191075, App. 5/22/2020, Eff. 6/22/2020)

CODIFICATION NOTE

1. So in Ord. 78-20.

SEC. 204. ACCESSORY USES, GENERAL.

(See Interpretations related to this Section.)

This Section 204 and Sections 204.1 through 204.6 , shall regulate Accessory Uses, as defined in Section 102. Any use which does not qualify as an Accessory Use shall be classified as a Principal or Conditional Use, unless it qualifies as a temporary use under Sections 205 through 205.4 of this Code.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 463-87, App. 11/19/87; Ord. 77-02, File No. 011448, App. 5/24/2002; Ord. 298-08, File No. 081153, App. 12/19/2008 ; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015 ; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 190-22, File No. 220036, App. 9/16/2022, Eff. 10/17/2022)

AMENDMENT HISTORY

Section amended; Ord. 22-15, Eff. 3/22/2015. Section amended; Ord. 129-17, Eff. 7/30/2017. Reference updated; Ord. 190-22, Eff. 10/17/2022.

SEC. 204.5. PARKING AND LOADING AS ACCESSORY USES.

(See Interpretations related to this Section.)

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

(a) **Location.** Such parking or loading facilities shall be located on the same lot as the structure or use served by them. (For provisions concerning required parking on a separate lot as a Principal or Conditional Use, see Sections 156 and 161 of this Code.)

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

(c) **Lease of Accessory Residential and Live/Work Parking to Neighbors.** Notwithstanding any provision of this Code to the contrary, the following shall be permitted as an Accessory Use:

(1) for use by any resident of a Dwelling Unit located on a different lot within 1,250 feet of such parking space; or

(2) for use by any resident of a Dwelling Unit located on a different lot within the City and County of San Francisco so long as no more than five spaces are rented to those who live beyond 1,250 feet of such parking space.

(d) **Parking Exceeding Accessory Amounts.** Accessory parking facilities shall include only those facilities that do not exceed the amounts permitted by Section 151(c) or Table 151.1. Off-street parking facilities that exceed the accessory amounts shall be classified as a separate use, and may be principally or conditionally permitted as indicated in the Zoning Control Table for the district in which such facilities are located.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 112-08, File No. 080095, App. 6/30/2008; Ord. 298-08, File No. 081153, App. 12/19/2008 ; Ord. 209-12 , File No. 120631, App. 9/28/2012, Eff. 10/28/2012; Ord. 232-14 , File No. 120881, App. 11/26/2014, Eff. 12/26/2014 ; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 99-17, File No. 170206, App. 5/19/2017, Eff. 6/18/2017; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 311-18, File No. 181028, App. 12/21/2018, Eff. 1/21/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Divisions (b) and (b)(1) amended; divisions (b)(1)(A) and (B) added; Ord. 209-12 , Eff. 10/28/2012. Divisions (b) and (c) amended; Ord. 232-14 , Eff. 12/26/2014. Divisions (a), (b), and (c) amended; Ord. 188-15 , Eff. 12/4/2015. Divisions (a), (b), (b)(1)(B), and (c) amended; Ord. 99-17, Eff. 6/18/2017. Non-substantive amendments; designation of former division (b)(1) removed; former divisions (b)(1)(A) and (B) redesignated as divisions (b)(1) and (b)(2); Ord. 202-18, Eff. 9/10/2018. Division (a) amended; former divisions (b)-(b)(2) redesignated as divisions (b) and (c)- (c)(2); current divisions (b) and (c) amended; former division (c) redesignated as division (d); Ord. 311-18, Eff. 1/21/2019. Division (b) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 207. DWELLING UNIT DENSITY LIMITS.

(a) **Applicability.** The density of Dwelling Units permitted in the various Districts shall be as set forth in the Zoning Control Table for the district in which the lot is located. The term "Dwelling Unit" is defined in Section 102 of this Code. In districts where no density limit is specified, density shall not be limited by lot area but rather by the applicable requirements and limitations set forth elsewhere in this Code. Such requirements and limitations include, but are not limited to, height, bulk, setbacks, open space, exposure and unit mix as well as applicable design guidelines, elements and area plans of the General Plan and design review by the Planning Department.

(b) **Rules for Calculating Dwelling Unit Density.** In districts that establish a maximum dwelling unit density, the following rules shall apply in the calculation of dwelling unit density under this Code:

(1) A remaining fraction of one-half or more of the minimum of lot area per Dwelling Unit shall be adjusted upward to the next higher whole number of Dwelling Units.

(2) Where permitted by this Code, two or more of the dwelling and other housing uses specified in the Code may be located on a single lot, either in one structure or in separate structures, provided that the specified density limits are not exceeded by the total of such combined uses. Where Dwelling Units and Group Housing are combined, the maximum permitted density for Dwelling Units and for Group Housing shall be prorated to the total lot area according to the quantities of these two uses that are combined on the lot.

(3) Where any portion of a lot is narrower than five feet, such a portion shall not be counted as part of the lot area for purposes of calculating the permitted dwelling density.

(4) No private right-of-way used as the principal vehicular access to two or more lots shall be counted as part of the lot area of any such lot for purposes of calculating the permitted dwelling unit density.

(5) Where a lot is divided by a use district boundary line, the dwelling unit density limit for each district shall be applied to the portion of the lot in that district, and none of the Dwelling Units attributable to the district permitting the greater density shall be located in the district permitting the lesser density.

(6) In Neighborhood Commercial Districts, the dwelling unit density shall be at a density ratio not exceeding the number of Dwelling Units permitted in the nearest R District, provided that the maximum density ratio shall in no case be less than the amount set forth in the Zoning Control Table for the district in which the lot is located. The distance to each R District shall be measured either from the midpoint of the front lot line or from a point directly across the street therefrom, whichever permits the greater density.

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

(1) **Affordable Units in Projects with 20% or More Affordable Units.** For projects that are not located in any RH-1 or RH-2 zoning district, or are not seeking and receiving a density bonus under the provisions of California Government Code Section 65915, where 20% or more of the Dwelling Units on-site are "Affordable Units," the on-site Affordable Units shall not count towards the calculation of dwelling unit density. This Planning Code Section does not provide exceptions to any other Planning Code requirements such as height or bulk. For purposes of this Section 207, "Affordable Units" shall be defined as meeting (A) the criteria of Section 406(b); (B) the requirements of Section 415 *et seq.* for on-site units; or (C) restricted units in a project using California Debt Limit Allocation Committee (CDLAC) tax-exempt bond financing and 4% tax credits under the Tax Credit Allocation Committee (TCAC). If a project sponsor proposes to provide "Affordable Units" that are not restricted by any other program, in order to receive the benefit of the additional density permitted under this Subsection (c)(1) or Subsection (c)(2), the project sponsor shall elect and the Planning Department and MOHCD shall be authorized to enforce, restricting the units as affordable under Planning Code Section 415.6 up to a maximum of 25% of the units in the Principal Project. The project sponsor shall make such election through the procedures described in Section 415.5(g) including submitting an Affidavit of Compliance indicating the project sponsor's election to pursue the benefits of Subsection (c)(1) or (c)(2) and committing to up to 25% on-site units restricted under Section 415.6 prior to approval by the Planning Commission or Planning Department staff. If a project sponsor obtains the exemption from the density calculation for Affordable Units provided in this subsection, the exemption shall be documented and recorded against the property under the terms of a Regulatory Agreement as defined under Section 206.2 and consistent with the provisions set forth in Section 206.6(f)(4). Any later request to decrease the number of Affordable Units shall require the project to go back to the Planning Commission or Planning Department, whichever entity approved the project as a whole.

(2) **Affordable Units in RTO Districts.** In the RTO District, on site Dwelling Units that are "Affordable Units," as defined in

Subsection (a), shall not count toward density calculations or be limited by lot area.

(3) **Double Density for Senior Housing in RH, RM, RC, and NC Districts.** Senior Housing, as defined in and meeting all the criteria and conditions defined in Section 102 of this Code, is permitted up to twice the dwelling unit density otherwise permitted for the District.

(A) Projects in RC Districts or within one-quarter of a mile from an RC or NC-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including Named Commercial Districts, and located in an area with adequate access to services including but not limited to transit, shopping and medical facilities, shall be principally permitted.

(B) Projects in RH and RM Districts located more than one-quarter of a mile from an RC or NCD-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including Named Commercial Districts, shall require Conditional Use authorization.

(4) **Accessory Dwelling Units – Local Program: Accessory Dwelling Units in Multifamily Buildings and Accessory Dwelling Units in Single-Family Homes That Do Not Strictly Meet the Requirements in subsection (c)(6).**

(A) **Definition.** An "Accessory Dwelling Unit" (ADU) is defined in Section 102.

(B) **Applicability.** This subsection (c)(4) shall apply to the construction of ADUs on all lots located within the City and County of San Francisco in areas that allow residential use, except ADUs regulated by subsection (c)(6) below.

(C) **Controls on Construction.** An ADU regulated by this subsection (c)(4) is permitted to be constructed in an existing or proposed building under the following conditions:

(i) For lots that have four existing Dwelling Units or fewer, or where the zoning would permit the construction of four or fewer Dwelling Units, one ADU is permitted. For lots that have more than four existing Dwelling Units or are undergoing seismic retrofitting under subsection (c)(4)(F) below, or where the zoning would permit the construction of more than four Dwelling Units, there is no limit on the number of ADUs permitted, as long as all other health and safety requirements are met.

(ii) The Department shall not approve an application for construction of an ADU where a tenant on the lot was evicted pursuant to Administrative Code Sections 37.9(a)(9) through (a)(12) and 37.9(a)(14) under a notice of eviction served within 10 years prior to filing the application for a building permit to construct the ADU, or where a tenant was evicted pursuant to Administrative Code Section 37.9(a)(8) under a notice of eviction served within five years prior to filing the application for a building permit to construct the ADU. This subsection (c)(4)(C)(ii) shall not apply if the tenant was evicted under Section 37.9(a)(11) or 37.9(a)(14) and the applicant(s) either (A) have certified that the original tenant reoccupied the unit after the temporary eviction or (B) have submitted to the Department and to the Residential Rent Stabilization and Arbitration Board (Rent Board) a declaration from the property owner or the tenant certifying that the property owner notified the tenant of the tenant's right to reoccupy the unit and the tenant chose not to reoccupy it.

(iii) Prior to submitting an application to construct an ADU under this subsection (c)(4), the property owner shall file with the Rent Board a written declaration, signed under penalty of perjury, demonstrating that the project will comply with the requirements of Administrative Code Sections 37.2(r) and 37.9 relating to severance, substantial reduction, or removal of a housing service. The Rent Board shall determine the form and content of said declaration, which shall include the following information: (1) a description of any housing services supplied in connection with the use or occupancy of any units on the subject property that are located in the area of the property or building where the ADU would be constructed; (2) whether construction of the ADU would result in the severance, substantial reduction, or removal of any such housing services; and (3) whether any of the just causes for eviction under Administrative Code Section 37.9(a) would apply. The property owner shall also file a copy of the notice required under Section 207(c)(4)(J) with the declaration.

(iv) Tenants at the subject property may contest the information in the declaration required by subsection 207(c)(4)(C)(iii) by petitioning for a written determination from the Rent Board verifying the presence and defining characteristics of the housing service or services in question, and whether any such housing services would be severed, substantially reduced, or removed by the project as proposed. Petitions must be filed with the Rent Board within 30 calendar days after the notice required under subsection 207(c)(4)(J) has been provided. If no such petition is timely filed, the Rent Board shall promptly transmit the declaration to the Planning Department. If any such petition is timely filed, the Rent Board shall endeavor to transmit the declaration and its final written determination on the petition to the Planning Department within 90 calendar days of receipt of said petition. The Department shall not approve an application to construct an ADU under this subsection (c)(4) unless (1) the Rent Board has transmitted the declaration and final written determination required by subsections (c)(4)(C)(iii) and (c)(4)(C)(iv), and (2) the materials transmitted by the Rent Board indicate that construction of the ADU would not result in the severance, substantial reduction, or removal without just cause of any tenant housing service set forth in Administrative Code Section 37.2(r) that is supplied in the area of the property or building where the ADU would be constructed, unless the property owner demonstrates that the tenant supplied with that housing service has given their express written consent for the severance, substantial reduction, or removal of the housing service.

(v) Except as provided in subsections (vi), (vii), and (xiv) below, an ADU shall be constructed a. entirely within the buildable area of an existing lot, provided that the ADU does not include a vertical addition, or b. within the built envelope of an existing and authorized detached garage, storage structure, or other detached structure on the same lot. For purposes of this subsection 207(c)(4), a "detached" structure or ADU shall not share structural walls with either the primary structure or any other structure on the lot. For purposes of this subsection (c)(4)(C)(v), the "built envelope" shall include the open area under an existing and authorized cantilevered room or room built on columns; decks, except for decks that are supported by columns or walls other than the building wall to which they are attached and are multi-level or more than 10 feet above grade; and lightwell infills provided that the infill will be against a blank neighboring wall at the property line and not visible from any off-site location; as these spaces existed as of July 11, 2016. An ADU constructed entirely within the existing built envelope, as defined in this subsection 207(c)(4)(C)(v), along with permitted obstructions allowed in Section 136(c)(32), of an existing building or authorized detached structure on the same lot, or where an existing detached garage or storage structure has been expanded to add dormers, is exempt from the notification requirements of Section 311 of this Code

unless the existing building or authorized detached structure on the same lot is an Article 10 or Article 11 individual landmark or is in an Article 10 or Article 11 District,,[4] in which case the notification requirements will apply. If an ADU will be constructed under a cantilevered room or deck that encroaches into the required rear yard, a pre-application meeting that complies with the Planning Commission's Pre-Application policy is required.

(vi) When a detached garage, storage, or other auxiliary structure is being converted to an ADU, an expansion to the envelope is allowed to add dormers even if the detached garage, storage structure, or other auxiliary structure is in the required rear yard.

(vii) On a corner lot, a legal detached nonconforming garage, storage structure, or other auxiliary structure may be expanded within its existing footprint by up to one additional story in order to create a consistent street wall and improve the continuity of buildings on the block.

(viii) ADUs shall comply with any applicable controls in Planning Code Section 134(f).

(ix) An ADU shall not be constructed using space from an existing Dwelling Unit, except that an ADU may expand into habitable space on the ground or basement floors provided that it does not exceed 25% of the total gross square footage of such space on the ground and basement floors. The Zoning Administrator may waive this 25% limitation if (1) the resulting space would not be usable or would be impractical to use for other reasonable uses, including, but not limited to, storage or bicycle parking or (2) waiving the limitation would help relieve any negative layout issues for the proposed ADU.

(x) An existing building undergoing seismic retrofitting may be eligible for a height increase pursuant to subsection (c)(4)(F) below.

(xi) Notwithstanding any other provision of this Code, an ADU authorized under this subsection (c)(4) may not be merged with an original unit(s).

(xii) An ADU shall not be permitted in any building in a Neighborhood Commercial District or in the Chinatown Community Business or Visitor Retail Districts if it would eliminate or reduce a ground-story retail space, unless the Accessory Dwelling Unit is a Designated Child Care Unit, as defined in Section 102, and meets all applicable standards of Planning Code Section 414A.6(e).

(xiii) An Accessory Dwelling Unit shall not be permitted under this subsection (c)(4) if it would result in the reduction or removal of on-site laundry service, unless that laundry service is replaced with at least the same number or capacity of washers and dryers within the same building and as accessible as before to all building tenants.

(xiv) An application for a permit solely to construct an ADU in a proposed building pursuant to this subsection 207(c)(4)(C) shall not be subject to the notification requirements of Section 311 of this Code; however, any application for a permit to construct the proposed building shall be subject to any applicable notification requirements of Section 311 of this Code.

(xv) In addition to any ADUs permitted under this Section 207(c)(4) within the primary structure, one detached ADU shall be permitted within the required rear yard if it complies with the following requirements:

a. The proposed ADU is located at least four feet from the side and rear lot lines and has a height no greater than sixteen feet.

b. The Gross Floor Area of a detached ADU that provides one bedroom or less shall not exceed 850 square feet. The Gross Floor Area of a detached ADU that provides more than one bedroom shall not exceed 1,000 square feet.

(D) **Prohibition of Short-Term Rentals.** An ADU shall not be used for Short-Term Residential Rentals under Chapter 41A of the Administrative Code, which restriction shall be recorded as a Notice of Special Restriction on the subject lot.

(E) **Restrictions on Subdivisions.** Notwithstanding the provisions of Article 9 of the Subdivision Code, a lot with an ADU authorized under this Section 207(c)(4) shall not be subdivided in a manner that would allow for the ADU to be sold or separately financed pursuant to any condominium plan, housing cooperative, or similar form of separate ownership. This prohibition on separate sale or finance of the ADU shall not apply to an ADU in a building that consisted entirely of condominium units as of July 11, 2013, and has had no evictions pursuant to Sections 37.9(a) through 37.9(a)(12) and 37.9(a)(14) of the Administrative Code since July 11, 1996. This prohibition on separate sale or finance of the ADU shall not apply to an ADU that meets the requirements of California Government Code Section 65852.26.

(F) **Buildings Undergoing Seismic Retrofitting.** For ADUs on lots with a building undergoing mandatory seismic retrofitting in compliance with Chapter 4D of the Existing Building Code or voluntary seismic retrofitting in compliance with the Department of Building Inspection's Administrative Bulletin 094, the following additional provision applies: If allowed by the Building Code, a building in which an ADU is constructed may be raised up to three feet to create ground floor ceiling heights suitable for residential use. Such a raise in height

(i) Shall be exempt from the notification requirements of Section 311 of this Code; and

(ii) May expand a noncomplying structure, as defined in Section 180(a)(2) of this Code and further regulated in Sections 172, 180, and 188, without obtaining a variance for increasing the discrepancy between existing conditions on the lot and the required standards of this Code.

(iii) On lots where an ADU is added in coordination with a building undergoing mandatory seismic retrofitting in compliance with Chapter 4D of the Existing Building Code or voluntary seismic retrofitting in compliance with the Department of Building Inspection's Administrative Bulletin 094, the building and the new ADU shall maintain any eligibility to enter the condo-conversion lottery and may only be subdivided if the entire property is selected on the condo-conversion lottery.

(iv) Pursuant to subsection (4)(C)(i), there is no limit on the number of ADUs that are permitted to be added in connection with

a seismic retrofit, as long as all health and safety requirements are met.

(G) **Waiver of Code Requirements; Applicability of Rent Ordinance.** Pursuant to the provisions of Section 307(l) of this Code, the Zoning Administrator may grant a complete or partial waiver of the density limits and bicycle parking, rear yard, exposure, or open space standards of this Code for ADUs constructed within an existing building, and may grant a waiver of the density limits of this Code for ADUs constructed within a proposed building. If the Zoning Administrator grants a complete or partial waiver of the requirements of this Code and the subject lot contains any Rental Units at the time an application for a building permit is filed for construction of the ADU(s), the property owner(s) shall enter into a Regulatory Agreement with the City under subsection (c)(4)(H) subjecting the ADU(s) to the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) as a condition of approval of the ADU(s). For purposes of this requirement, Rental Units shall be as defined in Section 37.2(r) of the Administrative Code.

(H) **Regulatory Agreements.** A Regulatory Agreement required by subsection (c)(4)(G) as a condition of approval of an Accessory Dwelling Unit shall contain the following:

(i) a statement that the ADU(s) are not subject to the Costa Hawkins Rental Housing Act (California Civil Code Section 1954.50) because, under Section 1954.52(b), the owner has entered into this agreement with the City in consideration for a complete or partial waiver of the density limits, and/or bicycle parking, rear yard, exposure, or open space standards of this Code or other direct financial contribution or other form of assistance specified in California Government Code Sections 65915 *et seq.* ("Agreement"); and

(ii) a description of the complete or partial waiver of Code requirements granted by the Zoning Administrator or other direct financial contribution or form of assistance provided to the property owner; and

(iii) a description of the remedies for breach of the Agreement and other provisions to ensure implementation and compliance with the Agreement.

(iv) The property owner and the Planning Director (or the Director's designee), on behalf of the City, will execute the Agreement, which shall be reviewed and approved by the City Attorney's Office. The Agreement shall be executed prior to the City's issuance of the First Construction Document for the project, as defined in Section 107A.13.1 of the San Francisco Building Code.

(v) Following execution of the Regulatory Agreement by all parties and approval by the City Attorney, the Regulatory Agreement or a memorandum thereof shall be recorded against the property and shall be binding on all future owners and successors in interest.

Any Regulatory Agreement entered into under this Section 207(c)(4) shall not preclude a landlord from establishing the initial rental rate pursuant to Section 1954.53 of the Costa Hawkins Rental Housing Act.

(I) **Monitoring Program.**

(i) **Monitoring and Enforcement of Unit Affordability.** The Department shall establish a system to monitor the affordability of the Accessory Dwelling Units authorized to be constructed by this subsection 207(c)(4) and shall use such data to enforce the requirements of the Regulatory Agreements entered into pursuant to subsection (c)(4)(H). Property owners shall provide the Department with rent information as requested by the Department. The Board of Supervisors recognizes that property owners and tenants generally consider rental information sensitive and do not want it publicly disclosed. The intent of the Board is for the Department to obtain the information for purposes of monitoring and enforcement but that its public disclosure is not linked to specific individuals or units. The Department shall consult with the City Attorney's Office with respect to the legal requirements to determine how best to achieve the intent of the Board.

(ii) **Monitoring of Prohibition on Use as Short Term Rentals.** The Department shall collect data on the use of ADUs authorized to be constructed by this subsection (c)(4) as Short-Term Residential Rentals, as that term is defined in Administrative Code Section 41A.4, and shall use such data to evaluate and enforce Notices of Special Restriction pursuant to subsection 207(c)(4)(D) and the requirements of Administrative Code Chapter 41A.

(iii) **Department Report.** As part of the annual Housing Inventory, the Department shall report report the types of units being developed pursuant to this subsection 207(c)(4), their affordability rates, their use as Short-Term Residential Rentals, and such additional information as the Director or the Board of Supervisors determines would inform decision makers and the public on the effectiveness and implementation of this subsection 207(c)(4), and shall include recommendations for any amendments to the requirements of this Section 207(c)(4).

(J) **Notification.** Prior to submitting an application to construct an ADU under this subsection (c)(4), the property owner shall cause a notice describing the proposed project to be posted in an accessible common area of the building for at least 15 calendar days prior to submitting an application to construct an ADU, and shall cause said notice to be mailed or delivered to each unit (including unauthorized units) at the subject property, also at least 15 calendar days prior to submitting the application. The property owner shall submit proof of these notices to the Planning Department as part of the application to construct an ADU. These notices shall have a format and content determined by the Zoning Administrator, and shall generally describe the project, including the number and location of the proposed ADU(s), and shall include a copy of the written declaration required by subsection (c)(4)(C)(iii). These notices shall also include instructions on how a tenant may petition the Rent Board for a written determination on the declaration as set forth in subsection (c)(4)(C)(iii), including the deadline for filing such petition, which shall be 30 calendar days after the notice has been provided. These notices shall also describe how to obtain additional information regarding the project and shall provide contact information for the Planning Department that complies with the requirements of the Language Access Ordinance, Chapter 91 of the Administrative Code, to provide vital information about the Planning Department's services or programs in the languages spoken by a Substantial Number of Limited English Speaking Persons, as defined in Chapter 91.

(5) **On-site Units in Group Housing Projects.** For On-site Units in Group Housing projects subject to Section 415.6 that are not located in any RH-1 or RH-2 zoning district, or are not seeking and receiving a density bonus under the provisions of California

Government Code Section 65915, the On-site Units in Group Housing projects subject to Section 415.6 shall not count towards the calculation of dwelling unit density. This Planning Code Section does not provide exceptions to any other Planning Code requirements such as height or bulk.

(6)[1] **Accessory Dwelling Units - State Mandated Program: Accessory Dwelling Units in Existing or Proposed Dwellings or in a Detached Structure on the Same Lot.**

(A) **Applicability.** This subsection 207(c)(6) shall apply to the construction of ADUs and Junior Accessory Dwelling Units ("JADUs") (as defined in Section 102) in existing or proposed dwellings or in a detached structure on the same lot, if the ADU meets the applicable requirements of this subsection 207(c)(6). An ADU constructed pursuant to this subsection is considered a residential use that is consistent with the General Plan and the zoning designation for the lot. Adding an ADU or JADU in compliance with this subsection 207(c)(6) does not exceed the allowable density for the lot. Unless otherwise specified, for purposes of this subsection 207(c)(6), a "detached" structure or ADU shall not share structural walls with either the primary structure or any other structure on the lot. If construction of the ADU will not meet the requirements of this subsection, the ADU is regulated pursuant to subsection 207(c)(4) and not this subsection 207(c)(6).

(B) **General Controls on Construction.** An ADU constructed pursuant to this subsection (c)(6) shall meet all of the following:

(i) The ADU must have independent exterior access from the existing or proposed primary dwelling or existing accessory structure, and side and rear setbacks sufficient for fire safety.

(ii) For projects involving a property listed in the California Register of Historic Places, or a property designated individually or as part of a historic or conservation district pursuant to Article 10 or Article 11, the ADU or JADU shall comply with any architectural review standards adopted by the Historic Preservation Commission to prevent adverse impacts to such historic resources. Such projects shall not be required to obtain a Certificate of Appropriateness or a Permit to Alter.

(iii) All applicable requirements of San Francisco's health and safety codes shall apply, including but not limited to the Building and Fire Codes.

(iv) No parking is required for the ADU.

(C) **Specific Controls for Ministerial ADUs.** The purpose of this subsection 207(c)(6)(C) is to implement California Government Code Sections 65852.2(e) and 65852.22, which requires ministerial consideration of ADUs and JADUs that meet certain standards ("Ministerial ADUs"). ADUs and JADUs shall strictly meet the requirements set forth in this subsection (c)(6)(C) without requiring a waiver of Code requirements pursuant to subsection (c)(4)(G). The City shall approve ADUs and JADUs meeting the following requirements, in addition to the requirements of subsection 207(c)(6)(B) and any other applicable standards:

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

a. The lot on which the ADU or JADU is proposed contains an existing or proposed single-family dwelling.

b. Only one ADU and one JADU is permitted per lot.

c. Each proposed ADU and JADU includes an entrance that is separate from the entrance to the existing or proposed dwelling.

d. Side and rear setbacks will be sufficient for fire safety.

e. If an ADU is proposed, it will be within the existing space of a single-family dwelling or accessory structure, or within the space of a proposed single-family dwelling, or it will require an addition of no more than 150 square feet to an existing accessory structure to accommodate ingress and egress.

f. If a JADU is proposed, it meets the requirements of California Government Code Section 65852.22.

(ii) **Detached, new construction ADUs on lot containing a proposed or existing single-family dwelling meeting the following conditions:**

a. The lot on which the detached ADU is proposed contains an existing or proposed single-family dwelling.

b. The lot on which the ADU is proposed does not contain another ADU, but may contain a JADU.

c. The proposed ADU is detached from the single-family dwelling and any other structure.

d. The proposed ADU is new construction.

e. The proposed ADU is located at least four feet from the side and rear lot lines, is no greater than 800 square feet in Gross Floor Area, and has a height no greater than sixteen feet.

(iii) **ADUs within existing space of a multifamily dwelling meeting the following conditions:**

a. The lot on which the ADU is proposed contains an existing multifamily dwelling.

b. The ADU is proposed within a portion of the multifamily dwelling structure that is not used as livable space, including but not limited to storage rooms, boiler rooms, passageways, attics, basements, or garages.

c. The total number of ADUs within the dwelling structure would not exceed twenty-five percent of the existing number of primary dwelling units within the structure, provided that all multifamily dwelling structures shall be permitted to have at least one ADU

pursuant to this subsection 207(c)(6)(C)(iii) if all other applicable standards are met.

(iv) **Detached, new construction ADUs on lot containing multifamily dwelling meeting the following conditions:**

a. The lot on which the ADU is proposed contains an existing multifamily dwelling.

b. The proposed ADU is detached from the multifamily dwelling.

c. The proposed ADU is located at least four feet from the side and rear lot lines and has a height no greater than sixteen feet.

d. No more than two ADUs shall be permitted per lot pursuant to this subsection 207(c)(6)(C)(iv).

(D) **Specific Controls for Streamlined ADUs.** The purpose of this subsection 207(c)(6)(D) is implement California Government Code Sections 65852.2(a) through (d), which requires streamlined, ministerial approval of ADUs meeting certain standards ("Streamlined ADUs"). An ADU located on a lot that is zoned for single-family or multifamily use and contains an existing or proposed dwelling, and that is constructed pursuant to this subsection 207(c)(6)(D), shall meet all of the following requirements, in addition to the requirements of subsection 207(c)(6)(B) and any other applicable standards. Provided, however, that the City shall not impose limits on lot coverage, floor area ratio, open space, and minimum lot size, for either attached or detached dwellings, that does not permit construction of an ADU meeting all other requirements that is 800 square feet or less in Gross Floor Area, 16 feet or less in height, and with four foot side and rear yard setbacks. ADUs under this subsection 207(c)(6)(D) shall meet the following conditions:

(i) Only one ADU will be constructed.

(ii) The ADU will be located on a lot that is zoned for single-family or multifamily use and contains an existing or proposed dwelling.

(iii) The lot on which the ADU is proposed does not contain another ADU or JADU.

(iv) The ADU is either a. attached to or will be constructed entirely within the proposed or existing primary dwelling, including attached garages, storage areas, or similar uses, or an accessory structure on the same lot, or b. attached to or will be constructed entirely within a proposed or legally existing detached structure on the same lot, or c. detached from the proposed or existing primary dwelling and located on the same lot as the proposed or existing primary dwelling.

(v) If there is an existing primary dwelling, the Gross Floor Area of an attached ADU that provides one bedroom or less shall not exceed 50 percent of the Gross Floor Area of the existing primary dwelling or 850 square feet, whichever is greater. If there is an existing primary dwelling, the Gross Floor Area of an attached ADU that provides more than one bedroom shall not exceed 50 percent of the Gross Floor Area of the existing primary dwelling or 1,000 square feet, whichever is greater.

(vi) The Gross Floor Area of a detached ADU that provides one bedroom or less shall not exceed 850 square feet. The Gross Floor Area of a detached ADU that provides more than one bedroom shall not exceed 1,000 square feet.

(vii) **Setbacks.** No setback is required for an ADU located within an existing living area or an existing accessory structure, or an ADU that replaces an existing structure and is located in the same location and constructed to the same dimensions as the structure being replaced. A setback of no more than four feet from the side and rear lot lines shall be required for an ADU that is not converted from either an existing structure or a new structure constructed in the same location and to the same dimensions as an existing structure.

(viii) When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, replacement of those offstreet parking spaces is not required.

(ix) The ADU shall not exceed a height of 16 feet.

(E) **Notification requirements for ADUs on a lot containing a proposed or existing single-family dwelling.** Prior to submitting an application to construct an ADU or JADU on a lot containing a proposed or existing single-family dwelling under subsection 207(c)(6)(D), the property owner shall notify all tenants on the subject property of the application, including tenants of the subject property in unauthorized residential units. The property owner shall satisfy this notification requirement in one of the following two ways.

(i) Comply with the requirements of the Building Code and applicable Department of Building Inspection screening forms, and submit a copy of any applicable Department of Building Inspection Screening forms to the Planning Department as part of the application to construct an ADU or JADU; or

(ii) Cause a notice describing the proposed project to be posted on the subject property for at least 15 days, cause a written notice describing the proposed project to be mailed to the tenants of the subject property, and submit proof of these notices to the Planning Department as part of the application to construct an ADU or JADU. These notices shall have a format and content determined by the Zoning Administrator, and shall generally describe the project, including the number and location of the proposed ADU and JADU. These notices shall describe how to obtain additional information regarding the project and provide contact information for the Planning Department that complies with the requirements of the Language Access Ordinance, Chapter 91 of the Administrative Code, to provide vital information about the Planning Department's services or programs in the languages spoken by a Substantial Number of Limited English Speaking Persons, as defined in Chapter 91.

(F) **Permit Application Review and Approval.** The City shall act on an application for a permit to construct an ADU or JADU under this subsection 207(c)(6) within 60 days from receipt of the complete application, without modification or disapproval, if the proposed construction fully complies with the requirements set forth in this subsection 207(c)(6). No requests for discretionary review shall be accepted by the Planning Department for permit applications meeting the requirements of this subsection 207(c)(6). The Planning Commission shall not hold a public hearing for discretionary review of permit applications meeting the requirements of this subsection 207(c)(6). Permit applications meeting the requirements of this subsection 207(c)(6) shall not be subject to the notification or

review requirements of Section 311 of this Code.

(G) **Appeal.** The procedures for appeal to the Board of Appeals of a decision by the Department under this subsection 207(c)(6) shall be as set forth in Section 8 of the Business and Tax Regulations Code.

(H) **Prohibition of Short-Term Rentals.** An ADU or JADU authorized under this subsection 207(c)(6) shall not be used for Short-Term Residential Rentals under Chapter 41A of the Administrative Code. This restriction shall be recorded as a Notice of Special Restriction on the subject lot.

(I) **Rental; Restrictions on Subdivisions.** The following restrictions shall be recorded as a Notice of Special Restriction on the subject lot on which an ADU or JADU is constructed under this subsection 207(c)(6) and shall be binding on all future owners and successors in interest:

(i) An ADU or JADU constructed pursuant to this subsection 207(c)(6) may be rented and is subject to all applicable provisions of the Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code).

(ii) Notwithstanding the provisions of Article 9 of the Subdivision Code, a lot with an ADU or JADU authorized under this subsection 207(c)(6) shall not be subdivided in a manner that would allow for the ADU or JADU to be sold or separately financed pursuant to any condominium plan, housing cooperative, or similar form of separate ownership, except that this prohibition on separate sale or finance of the ADU shall not apply to an ADU that meets the requirements of California Government Code Section 65852.26.

(iii) The size and attributes of a JADU constructed pursuant to this subsection 207(c)(6) shall comply with the requirements of this subsection 207(c)(6) and Government Code 65852.22.

(J) **Department Report.** In addition to the information required by subsection 207(c)(4)(I)(iii), the annual Housing Inventory shall include a description and evaluation of the number and types of units being developed pursuant to this subsection (c)(6), their affordability rates, and such other information as the Director or the Board of Supervisors determines would inform decision makers and the public.

(K) **Fees.** No impact fees shall be imposed on ADUs or JADUs authorized under this subsection 207(c)(6), where the ADU or JADU is smaller than seven hundred and fifty square feet of Gross Floor Area, or for ADUs that are proposed in lots with three existing units or fewer. Impact fees for all other ADUs shall be imposed proportionately in relation to the Gross Floor Area of the primary dwelling unit.

(7) A Designated Child Care Unit that meets all the applicable standards of Planning Code Section 414A.6 shall not count towards the calculation of maximum density permitted on the site.

(8) **Residential Density Exception in RH Districts.**

(A) **Density Exception.** Projects located in RH Districts that are not seeking or receiving a density bonus under the provisions of Planning Code Sections 206.5 or 206.6 shall receive an exception from residential density limits for up to four dwelling units per lot, excluding Corner Lots, or up to six dwelling units per lot in Corner Lots, not inclusive of any Accessory Dwelling Units as permitted under this Section 207, provided that the dwelling units meet the requirements set forth in this subsection (c)(8).

(B) **Eligibility of Historic Resources.** To receive the density exception authorized under this subsection (c)(8), a project must demonstrate to the satisfaction of the Environmental Review Officer that it does not cause a substantial adverse change in the significance of an historic resource as defined by California Code of Regulations, Title 14, Section 15064.5, as may be amended from time to time. Permit fees for pre-application Historic Resource Assessments shall be waived for property owners who apply to obtain a density exception under this subsection (c)(8), if they sign an affidavit stating their intent to reside on the property for a period of three years after the issuance of the Certificate of Final Completion and Occupancy for the new dwelling units. Permit fees for Historic Resource Determinations shall not be waived.

(C) **Applicable Standards.** Projects utilizing the density exception of this subsection (c)(8) and that provide at least four dwelling units shall be subject to a minimum Rear Yard requirement of the greater of 30% of lot depth or 15 feet. All other building standards shall apply in accordance with the applicable zoning district as set forth in Section 209.1.

(D) **Unit Replacement Requirements.** Projects utilizing the density exception of this subsection (c)(8) shall comply with the requirements of Section 66300(d) of the California Government Code, as may be amended from time to time, including but not limited to requirements to produce at least as many dwelling units as the projects would demolish; to replace all protected units; and to offer existing occupants of any protected units that are lower income households relocation benefits and a right of first refusal for a comparable unit, as those terms are defined therein.

(E) **Applicability of Rent Ordinance; Regulatory Agreements.** Project sponsors of projects utilizing the density exception of this subsection (c)(8) shall enter into a regulatory agreement with the City, subjecting the new units created pursuant to the exception to the San Francisco Residential Rent Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code), as a condition of approval of the density exception ("Regulatory Agreement"). At a minimum, the Regulatory Agreement shall contain the following: (i) a statement that the new units created pursuant to the density exception are not subject to the Costa-Hawkins Rental Housing Act (California Civil Code Sections 1954.50 *et seq.*) because, under Section 1954.52(b), the property owner has entered into and agreed to the terms of this agreement with the City in consideration of an exception from residential density limits of up to four dwelling units per lot, or up to six units per lot in Corner Lots, or other direct financial contribution or other form of assistance specified in California Government Code Sections 65915 *et seq.*; (ii) a description of the exception of residential density or other direct financial contribution or form of assistance provided to the property owner; and (iii) a description of the remedies for breach of the agreement and other provisions to ensure implementation and compliance with the agreement. The property owner and the Planning Director (or the Director's designee), on behalf of the City, will execute the Regulatory Agreement, which shall be reviewed and approved by the City

Attorney's Office. The Regulatory Agreement shall be executed prior to the City's issuance of the First Construction Document for the project, as defined in Section 107A.13.1 of the San Francisco Building Code. Following execution of the Regulatory Agreement by all parties and approval by the City Attorney, the Regulatory Agreement or a memorandum thereof shall be recorded to the title records in the Office of the Assessor-Recorder against the property and shall be binding on all future owners and successors in interest.

(F) **Unit Sizes.** At least one of the dwelling units resulting from the density exception shall have two or more bedrooms or shall have a square footage equal to no less than 1/3 of the floor area of the largest unit on the lot.

(G) **Eligibility.** To receive the density exception authorized under this subsection (c)(8), property owners must demonstrate that they have owned the lot for which they are seeking the density exception for a minimum of one year prior to the time of the submittal of their application. For the purposes of establishing eligibility to receive a density exception according to subsection (c)(8)(B), a property owner who has inherited the subject lot, including any inheritance in or through a trust, from a blood, adoptive, or step family relationship, specifically from either (i) a grandparent, parent, sibling, child, or grandchild, or (ii) the spouse or registered domestic partner of such relations, or (iii) the property owner's spouse or registered domestic partner (each an "Eligible Predecessor"), may add an Eligible Predecessor's duration of ownership of the subject lot to the property owner's duration of ownership of the same lot.

(H) **Annual Report on Housing Affordability, Racial Equity, and Language Access Goals.** To help the City evaluate whether the implementation of this Section 207(c)(8) comports with the City's housing affordability, racial equity, and language access goals, each year the Planning Department, in consultation with other City departments including the Department of Building Inspection, the Rent Board, and the Office of the Assessor-Recorder, shall prepare a report addressing the characteristics and demographics of the applicants to and participants in the program established in said section; the number of units permitted and constructed through this program; the geographic distribution, affordability, and construction costs of those units; and the number of tenants that vacated or were evicted from properties as a result of the permitting or construction of units through this program ("Affordability and Equity Report"). The Affordability and Equity Report shall be included and identified in the annual Housing Inventory Report. The Planning Department shall prepare the report utilizing applicant data that has been provided by program applicants voluntarily and anonymously, and separate from the submittal of an application for a density exception. An applicant's decision to provide or decline to provide the information requested by the Planning Department in order to prepare the report shall have no bearing on the applicant's receipt of a density exception.

(9)[3] **Replacing Auto-Oriented Uses with Housing.**

(A) **Purpose.** The purpose of this subsection (c)(9) is to encourage housing development on parcels that are being used for Auto-Oriented Uses, with the goal of easing the City's housing shortage while addressing the adverse impacts that automobiles have on climate change, pedestrian safety, and livability.

(B) **Definition.** For the purposes of this subsection (c)(9), an Auto-Oriented Use shall mean any parcel that has, or had as its last permitted use, an accessory parking lot or garage, or any use defined as an Automotive Use in Planning Code Section 102.

(C) **Applicability.** This subsection (c)(9) shall apply to all properties (i) with an Auto-Oriented Use on which a residential use is permitted as a Principal Use but does not contain a Residential Use, and which also (ii) have not had a Legacy Business, as defined in Administrative Code Section 2A.242(b), on the site for four years prior to submittal of an application under this subsection (c)(9). Notwithstanding the previous sentence, this subsection (c)(9) shall not apply to properties located in RM or RC districts, or to properties located in a designated historic district under Article 10 of this Code. Sites that contain a business that has been nominated for inclusion in the Legacy Business Registry shall be ineligible for this subsection (c)(9), unless the Small Business Commission finally determines that such business does not meet the criteria for a Legacy Business under Administrative Code section 2A.242(b).

(D) **Density Controls.** Notwithstanding any other provision of this Code, eligible properties shall be subject to the following density controls:

(i) **Eligible Sites in RH Zoning Districts:** Four Dwelling Units per lot as a Principally Permitted use.

(ii) **Eligible Sites in Other Zoning Districts:** Density shall be regulated by the permitted height and bulk, and required setbacks, exposure, open space, and any adopted design standards or guidelines for each parcel as a Principally Permitted Use. Notwithstanding any contrary provision of this Code, projects using this subsection (c)(9) may also seek a density bonus under Section 206.6.

(E) **Conditional Use.** Any other Conditional Use required by this Code that is not related to permitted residential density shall continue to apply.

(F) **Parking Requirements.**

(i) **Residential Parking.** Proposed projects using the density exception in this subsection (c)(9) are subject to the following parking controls:

P: up to 0.25 parking spaces per residential unit

C: up to 0.5 parking spaces per unit

NP: above 0.5 spaces per unit

(ii) **Non-Residential Parking.** Notwithstanding any other provision of this Code, up to 75% of Non-Residential Parking otherwise allowed by this Code shall be permitted for projects using the density exception in this subsection (c)(9).

(G) **Review of Program and Limit on Number of Residential Units.** The Planning Department shall include the number and location of projects using this subsection (c)(9) and number of units provided in such projects in the Housing Inventory Report. This

subsection (c)(9) shall remain in effect until the Planning Department approves a total of 5,000 residential units under the authority of this subsection (c)(9). When the Planning Director certifies in writing that the Planning Department has approved 5,000 residential units under this subsection 207(c)(9), the subsection shall expire by operation of law, and the City Attorney shall cause the subsection to be removed from the Planning Code.

(Amended by Ord. 155-84, App. 4/11/84; Ord. 115-90, App. 4/6/90; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 30-15 , File No. 140954, App. 3/26/2015, Eff. 4/25/2015; Ord. 161-15, File No. 150804, App. 9/18/2015, Eff. 10/18/2015; Ord. 162-15 , File No. 150805, App. 9/18/2015, Eff. 10/18/2015; Ord. 164-15 , File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 162-16 , File No. 160657, App. 8/4/2016, Eff. 9/3/2016; Ord. 95-17, File No. 170125, App. 5/12/2017, Eff. 6/11/2017; Ord. 162-17 ,, File No. 170434, App. 7/27/2017, Eff. 8/26/2017; Ord. 195-18, File No. 180268, App. 8/10/2018, Eff. 9/10/2018; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 7-19, File No. 180917, App. 1/25/2019, Eff. 2/25/2019; Ord. 116-19, File No. 181156, App. 6/28/2019, Eff. 7/29/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 208-21, File No. 210699, App. 11/12/2021, Eff. 12/13/2021; Ord. 209-21, File No. 210808, App. 11/19/2021, Eff. 12/20/21; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021; Ord. 210-22, File No. 210866, App. 10/28/2022, Eff. 11/28/2022; Ord. 264-22, File No. 220811, App. 12/22/2022, Eff. 1/22/2023; Ord. 53-23, File No. 210585, App. 4/21/2023, Eff. 5/22/2023)

AMENDMENT HISTORY

Section header and section amended; Ord. 22-15, Eff. 3/22/2015. Section header amended; former section amended and designated as current division (a); former Sec. 207.1 amended and designated as divisions (b) and (c) of this section [see that section for its prior legislative history]; Ord. 30-15 , Eff. 4/25/2015. Divisions (c)(1), (c)(4)(A)-(C) and [former] (c)(4)(D) amended; Ords. 161-15 and 162-15 , Eff. 10/18/2015 [see Editor's Note below]. Division (c) amended; division (c)(5)[1] added; Ord. 164-15 , Eff. 10/23/2015. Divisions (b)(1) and (b)(6) amended; Ord. 188-15 , Eff. 12/4/2015. Divisions (c)(4), (c)(4)(B), and (c)(4)(C) amended; new divisions (c)(4)(D)-(I) added; former division (c)(4)(D) redesignated as (c)(4)(I) and amended; division (c)(5)[1] added; Ord. 162-16 , Eff. 9/3/2016. Divisions (a), (c), (c)(4), (c)(4)(A), (B), (F), (F)(iii) amended; divisions (c)(4)(B)(i) - (v) and (c)(6)(C) - (F) added; division (c)(5)[1] redesignated as (c)(6); division (c)(5)(C)[1] redesignated as (c)(6)(G) and amended; Ord. 95-17 , Eff. 6/11/2017. Divisions (c)(4)(B), (c)(4)(B)(ii) and (iii), (c)(4)(C)(i)-(iii) and (vi) amended; division (c)(4)(F)(iv) added; division (c)(6)(B) deleted; divisions (c)(6)(C)-(G) redesignated as (c)(6)(B)-(F) and current divisions (c)(6)(B), (c)(6)(B)(i), (c)(6)(B)(iii), (c)(6)(B)(v), (c)(6)(B)(vi), and (c)(6)(C) amended; Ord. 162-17 , Eff. 8/26/2017. Divisions (c)(4)(B)(iii), (c)(4)(B)(v), (c)(4)(C)(i), (c)(4)(C)(ii) amended; new divisions (c)(4)(C)(iii) and (iv) added; former divisions (c)(4)(C)(iii)-(vi) redesignated as (c)(4)(C)(v)-(viii); divisions (c)(4)(G), (c)(4)(H)(i), (c)(4)(H)(iv), (c)(4)(I)(ii), (c)(6)(A), (c)(6)(B)(i), and (c)(6)(B)(iii) amended; divisions (c)(6)(B)(x) and (xi) added; divisions (c)(6)(C) and (c)(6)(E)(ii) amended; Ord. 195-18 , Eff. 9/10/2018. Divisions (c)(6)(B)(i) and (c)(6)(C) amended; Ord. 202-18 , Eff. 9/10/2018. Division (c)(4)(C)(viii) amended; division (c)(7) added; Ord. 7-19 , Eff. 2/25/2019. Divisions (c)(4), (c)(4)(B)(ii)-(iii), (c)(4)(C), (c)(4)(C)(i), (ii), and (iv), (c)(4)(E), (c)(4)(F)(i)-(iv), (c)(4)(G), (c)(4)(H)(i) and (iv), (c)(6)-(c)(6)(B), (c)(6)(B)(iii)-(v) and (x) amended; division (c)(6)(B)(xii) added; division (c)(6)(C) amended; division (c)(6)(D) added; former divisions (c)(6)(D)-(F) redesignated as (c)(6)(E)- (G); divisions (c)(6)(H)-(c)(6)(H)(viii) added; Ord. 116-19 , Eff. 7/29/2019. Divisions (c)(4), (c)(4)(B)(iii), (c)(6)(B)(x), and (c)(6)(H)(ii) amended; Ord. 63-20 , Eff. 5/25/2020. Division (c)(4)(C)(i) amended as (c)(4)(C)(i) and (ii); new divisions (c)(4)(C)(iii) and (iv) added; former divisions (c)(4)(C)(ii)-(viii) redesignated as (c)(4)(C)(v)-(xi); divisions (c)(4)(C)(v), (viii), and (x) amended; division (c)(4)(J) added; Ord. 208-21 , Eff. 12/13/2021. Second division (c)(4)(C)(ix)[2] added following current division (c)(4)(C)(xi); Ord. 209-21 , Eff. 12/20/2021. Division (c)(1) amended; Ord. 210-21 , Eff. 12/20/2021. Divisions (c)(8) - (c)(8)(H) added; Ord. 210-22 , Eff. 11/28/2022. Divisions (c)(9)-(c)(9)(G)[3] added; Ord. 264-22 , Eff. 1/22/2023. Divisions (c)(4), (c)(4)(B), (c)(4)(C) - (c)(4)(C)(ii), and (c)(4)(C)(v)-(vii) amended; divisions (c)(4)(C)(viii) - second (ix)[2] amended as (c)(4)(C)(ix) - (xiii); divisions (c)(4)(D)-(F), (c)(4)(F)(iv), (c)(4)(G), (c)(4)(I)(ii)-(iii), and (c)(6)-(c)(6)(B) amended; divisions (c)(6)(B)(iv)-(v) and (viii)-(ix) amended as (c)(6)(B)(i)-(iv); divisions (c)(4)(B)(i)-(v), (c)(6)(B)(i)-(iii), (vi)-(vii), and (x)-(xii), and (c)(6)(C)-(H)(viii) deleted; divisions (c)(4)(C)(viii), (xiv), and (xv)-(xv)b., and (c)(6)(C)-(K) added; Ord. 53-23 , Eff. 5/22/2023.

CODIFICATION NOTES

1. Division (c)(6) was originally added as division (c)(5) by Ord. 162-16, Eff. 9/3/2016. Because Ord. 164-15, Eff. 10/23/2015, had already added a division (c)(5), the newer division (c)(5) was redesignated as division (c)(6) by Ord. 95-17, Eff. 6/11/2017.

2. So in Ord. 209-21.

3. Division (c)(9) was originally added as division (c)(8) by Ord. 264-22. Because Ord. 201-22 had already added a division (c)(8), the publisher has editorially redesignated the newer division (c)(8) as (c)(9).

4. So in Ord. 53-23.

Editor's Notes:

As documented in the history notes above, this section was amended by two ordinances enacted concurrently, Ords.161-15 and 162-15, both effective on 10/18/2015. The ordinances contained a number of overlapping amendments, with the primary distinction between them being the addition of references to two different specific Board of Supervisors Districts. (Those references were deleted by subsequent amendments.) The second of the two concurrent ordinances expressly provides that:

> The Board intends that, if adopted, the additions and deletions shown in both ordinances be given effect so that the substance of each ordinance be given full force and effect. To this end, the Board directs the City Attorney's Office and the publisher to harmonize the provisions of each ordinance.

See Section 9 of Ord. 162-15. The editor set out this section in accordance with the Board's direction to harmonize the two ordinances.

As a separate matter, Ord. 155-15 (File No. 150348, App. 8/6/2015, Eff. 9/5/2015) purported to amend this section. At the direction of the Office of the City Attorney, Ord. 155-15 was never codified (and accordingly is not referenced in the history notes above). Its provisions effectively were superseded by Ord. 164-15 (File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015).

SEC. 207.7. REQUIRED MINIMUM DWELLING UNIT MIX.

(a) **Purpose.** To ensure an adequate supply of family-sized units in new housing stock, new residential construction must include a minimum percentage of units of at least two and three bedrooms.

(b) **Applicability.**

(1) This Section 207.7 shall apply to all applications for building permits and/or Planning Commission entitlements that propose the creation of 10 or more Dwelling Units in all districts that allow residential uses, unless that project is located in the RTO, RCD, NCT, DTR, and Eastern Neighborhoods Mixed Use Districts, or in an area or Special Use District with higher specific bedroom mix requirements, or is a HOME SF project subject to the requirements of Planning Code Section 206.3.

(2) This Section 207.7 shall not apply to buildings for which 100% of the residential uses are: Group Housing, Dwelling Units that are provided at below market rates pursuant to Section 406(b)(1) of this Code, Single Room Occupancy (SRO) Units, Student Housing (all as defined in Section 102 of this Code), or housing specifically and permanently designated for seniors or persons with physical disabilities, including units to be occupied by staff serving any of the foregoing residential uses. This Section 207.7 shall apply to Student Housing unless the educational institution with which it is affiliated has an Institutional Master Plan that the City has accepted, as

required under Planning Code Section 304.5.

(3) This Section 207.7 shall not apply to projects that filed a complete Environmental Evaluation Application on or prior to January 12, 2016, or to projects that have received an approval, including approval by the Planning Commission, as of June 15, 2017.

(4) In accordance with Section 210.5, this Section 207.7 shall not apply to Commercial to Residential Adaptive Reuse projects.

(c) **Controls.** In all residential districts subject to this Section 207.7 , the following criteria shall apply:

(1) No less than 25% of the total number of proposed dwelling units shall contain at least two bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units;

(2) No less than 10% of the total number of proposed dwelling units shall contain at least three bedrooms. Any fraction resulting from this calculation shall be rounded to the nearest whole number of dwelling units. Units counted towards this requirement may also count towards the requirement for units with two or more bedrooms as described in subsection (c)(1).

(d) **Modifications.**

(1) These requirements may be waived or modified with Conditional Use Authorization. In addition to those conditions set forth in Section 303, the Planning Commission shall consider the following criteria:

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

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

(Added by Ord. 158-17, File No. 161351, App. 7/27/2017, Eff. 8/26/2017; amended by Ord. 122-23, File No. 230371, App. 7/5/2023, Eff. 8/5/2023; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

(Former Sec. 207.7 added by Ord. 72-08, File No. 071157, App. 4/3/2008; amended by Ord. 25-11, File No. 101464, App. 2/24/2011; repealed by Ord. 287-13, File No. 130041, App. 12/26/2013, Eff. 1/25/2014)

AMENDMENT HISTORY

Division (b)(4) added; Ord. 122-23, Eff. 8/5/2023, and Ord. 159-23, Eff. 8/28/2023.

Editor's Note:

For current provisions relating to demolition, merger, and conversion of dwelling units, see Sec.317.

SEC. 208. DENSITY LIMITATIONS FOR GROUP HOUSING OR HOMELESS SHELTERS.

(See Interpretations related to this Section.)

The density limitations for Group Housing or Homeless Shelters, as described in Sections 102 and 890.88(b) and (c) of this Code, shall be as follows:

(a) For Group Housing, the maximum number of Bedrooms on each Lot shall be as specified in the Zoning Control Table for the District in which the Lot is located, except that in RTO, RTO-M, RCD, UMU, MUG, WMUG, MUR, MUO, CMUO, WMUO, RED, RED-MX, SPD, DTR, and all NCT Districts the density of Group Housing shall not be limited by lot area, and except that for Lots in NC Districts, the group housing density shall not exceed the number of Bedrooms permitted in the nearest R District provided that the maximum density not be less than the amount permitted by the ratio specified for the NC District in which the lot is located. For Homeless Shelters, the maximum number of beds on each lot shall be regulated pursuant to the requirements of the Standards of Care for City Shelters contained in Administrative Code, Chapter 20, Article XIII, in addition to the applicable requirements of the Building Code and Fire Code.

(b) For purposes of calculating the maximum density for Group Housing as set forth in this Section 208, the number of Bedrooms on a lot shall in no case be considered to be less than one Bedroom for each two beds. Where the actual number of beds exceeds an average of two beds for each Bedroom, each two beds shall be considered equivalent to one Bedroom.

(c) The rules for calculating dwelling unit density set forth in Section 207 shall also apply in calculating the density limits for Group Housing.

(d) The group housing density in all RTO Districts and all NCT Districts, as listed in Section 702.1(b), shall not be limited by lot area, but by the applicable requirements and limitations elsewhere in this Code, including but not limited to height, bulk, setbacks, open space, and exposure, as well as by the Residential Design Guidelines in RTO Districts, other applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department.

(Added by Ord. 443-78, App. 10/6/78; amended by Ord. 69-87, App. 3/13/87; Ord. 131-87, App. 4/24/87; Ord. 115-90, App. 4/6/90; Ord. 368-94, App. 11/4/94; Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 14-15 , File No. 141210, App. 2/13/2015, Eff. 3/15/2015; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 30-15 , File No. 140954, App. 3/26/2015, Eff. 4/25/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015 ; Ord. 129-17 , File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

AMENDMENT HISTORY

Division (a) and [former] Table 208 amended; Ord. 42-13 , Eff. 4/27/2013. Section header, undesignated introductory paragraph, and division (a) amended; Ord. 14-15 , Eff. 3/15/2015. Undesignated introductory paragraph and division (a) amended; former Table 208 deleted; division (b) amended; Ord. 22-15, Eff. 3/22/2015. Division (c) amended; Ord. 30-15 , Eff. 4/25/2015. Nonsubstantive changes; Ord. 188-15 , Eff. 12/4/2015. Undesignated introductory paragraph amended; Ord. 129-17 ,, Eff. 7/30/2017. Undesignated introductory paragraph and division (a) amended; Ord. 296-18, Eff. 1/12/2019.

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

(See Interpretations related to this Section.)

These Districts are intended to recognize, protect, conserve, and enhance areas characterized by dwellings in the form of houses and small multi-family buildings, usually with one, two, or three units with separate entrances, and limited scale in terms of building width and height, and characterized by rear yards and a pattern of mid-block open spaces. Such areas tend to have similarity of building styles and predominantly contain large units suitable for family occupancy, considerable open space, and limited nonresidential uses. The RH Districts are composed of five separate classes of districts, as follows:

RH-1(D) Districts: One-Family (Detached Dwellings). These Districts are characterized by lots of greater width and area than in other parts of the City, and by single-family houses with side yards. The structures are relatively large, but rarely exceed 35 feet in height. Ground level open space and landscaping at the front and rear are usually abundant. Much of the development has been in sizable tracts with similarities of building style and narrow streets following the contours of hills. In some cases private covenants have controlled the nature of development and helped to maintain the street areas.

RH-1 Districts: One-Family. These Districts are occupied almost entirely by single-family houses on lots 25 feet in width, without side yards. Floor sizes and building styles vary, but tend to be uniform within tracts developed in distinct time periods. Though built on separate lots, the structures have the appearance of small-scale row housing, rarely exceeding 35 feet in height. Front setbacks are common, and ground level open space is generous. In most cases the single-family character of these Districts has been maintained for a considerable time.

RH-1(S) Districts: One-Family with Minor Second Unit. These Districts are similar in character to RH-1 Districts, except that a small second dwelling unit has been installed in many structures, usually by conversion of a ground-story space formerly part of the main unit or devoted to storage. The second unit remains subordinate to the owner's unit, and may house one or two persons related to the owner or be rented to others. Despite these conversions, the structures retain the appearance of single-family dwellings.

RH-2 Districts: Two-Family. These Districts are devoted to one-family and two-family houses, with the latter commonly consisting of two large flats, one occupied by the owner and the other available for rental. Structures are finely scaled and usually do not exceed 25 feet in width or 40 feet in height. Building styles are often more varied than in historically single-family areas, but certain streets and tracts are quite uniform. Considerable ground-level open space is available, and it frequently is private for each unit. The Districts may have easy access to shopping facilities and transit lines. In In[1] some cases, Group Housing and institutions are found in these areas, although nonresidential uses tend to be quite limited.

RH-3 Districts: Three-Family. These Districts have many similarities to RH-2 Districts, but structures with three units are common in addition to one-family and two-family houses. The predominant form is large flats rather than apartments, with lots 25 feet wide, a fine or moderate scale, and separate entrances for each unit. Building styles tend to be varied but complementary to one another. Outdoor space is available at ground level, and also on decks and balconies for individual units. Nonresidential uses are more common in these areas than in RH-2 Districts.

Table 209.1

ZONING CONTROL TABLE FOR RH DISTRICTS

Zoning Category	*§ References*	*RH-1(D)*	*RH-1*	*RH-1(S)*	*RH-2*	*RH-3*
Zoning Category	*§ References*	*RH-1(D)*	*RH-1*	*RH-1(S)*	*RH-2*	*RH-3*
BUILDING STANDARDS						
Massing and Setbacks						
Height and Bulk Limits	§§ 102, 105, 106, 250-252, 253, 260, 261, 261.1, 270, 271. See also Height and Bulk District Maps.	No portion of a Dwelling may be taller than 35 feet. Structures with uses other than Dwellings may be constructed to the prescribed height limit, which is generally 40 feet. Per § 261 the height limit may be decreased or increased based on the slope of the lot.			No portion of a Dwelling may be taller than 40 feet. Structures with uses other than Dwellings may be constructed to the prescribed height limit. Per § 261 the height limit may be decreased based on the slope of the lot.	Varies, but generally 40 feet. Height sculpting on Alleys per § 261.1.
Front Setback	§§ 130, 131, 132	Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than 15 feet.				

Rear Yard (10)	§§ 130, 134	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.	
Side Yard	§§ 130, 133	Required for lots 28 feet and wider. Width of side setback depends on width of lot.			Not Required.	
Residential Design Guidelines	§ 311	Subject to the Residential Design Guidelines. Other design guidelines that have been approved by the Planning Commission may also apply.				
Street Frontage and Public Realm						
Front Setback Landscaping and Permeability Requirements	§ 132	Required. At least 50% of Front Setback shall be permeable so as to increase storm water infiltration and 20% of Front Setback shall be unpaved and devoted to plant material.				
Streetscape and Pedestrian Improvements (Street Trees)	§ 138.1	Required.				
Street Frontage Requirements	§ 144	§ 144 applies generally. Additional requirements apply to Limited Commercial Uses, as specified in § 186.				
Street Frontage, Parking and Loading Access Restrictions	§ 155(r)	As specified in § 155(r)				
Miscellaneous						
Large Project Review	§ 253	C required for projects over 40 feet in height.				
Planned Unit Development	§ 304	C	C	C	C	C
Awning	§ 136.1	P (1)	P (1)	P (1)	P (1)	P (1)
Canopy or Marquee	§ 136.1	NP	NP	NP	NP	NP
Signs	§ 606	As permitted by Section § 606				
RESIDENTIAL STANDARDS AND USES						
Development Standards						
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	At least 300 square feet if private, and 400 square feet if common.	At least 300 square feet if private, and 400 square feet if common.	At least 300 square feet for the first unit and 100 for the minor second unit if private, and 400 square feet for the first unit and 133 square feet for the second unit if common.	At least 125 square feet if private, and 166 square feet if common.	At least 100 square feet if private, and 133 square feet if common.
Parking Requirements	§§ 151, 161	None required. Maximum permitted per § 151.				
Residential Conversion, Demolition, or Merger	§ 317	C for Removal of one or more Residential Units or Unauthorized Units.				
Use Characteristics						
Intermediate Length Occupancy	§§102, 202.10	P(9)	P(9)	P(9)	P(9)	P(9)
Single Room Occupancy	§ 102	P	P	P	P	P
Student Housing	§ 102	P	P	P	P	P
Residential Uses						
Residential Density, Dwelling Units (6) (11)	§§ 102, 207	One unit per lot.	P up to one unit per lot. C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.	P up to two units per lot, if the second unit is 600 sq. ft. or less. C up to one unit per 3,000 square feet of lot area, with no more than three units per lot.	P up to two units per lot. C up to one unit per 1,500 square feet of lot area.	P up to three units per lot. C up to one unit per 1,000 square feet of lot area.
Senior Housing	§§ 102, 202.2(f)	P up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all the requirements of § 202.2(f)(1). C up to twice the number of dwelling units otherwise permitted as a principal use in the district and meeting all requirements of Section § 202.2(f)(1) except for § 202.2(f)(1)(D)(iv), related to location.				
Residential Density, Group Housing	§ 208	NP	NP	NP	C, up to one bedroom for every 415 square feet of lot area.	C, up to one bedroom for every 275 square feet of lot area.
Homeless Shelter	§§ 102, 208	NP	NP	NP	C	C
NON-RESIDENTIAL STANDARDS AND USES						
Development Standards						

Floor Area Ratio	§§ 102, 123, 124	1.8 to 1	1.8 to 1	1.8 to 1	1.8 to 1	1.8 to 1
Off-Street Parking	§§ 150, 151, 161	None required. Maximum permitted per § 151.				
Limited Commercial Uses	§§ 186, 186.3	Continuing nonconforming uses are permitted, subject to the requirements of § 186. Limited Commercial Uses may be conditionally permitted in historic buildings subject to § 186.3.				
Agricultural Use Category						
Agricultural Uses*	§§ 102, 202.2(c)	C	C	C	C	C
Agriculture, Industrial	§§ 102, 202.2(c)	NP	NP	NP	NP	NP
Agriculture, Neighborhood	§§ 102, 202.2(c)	P	P	P	P	P
Automotive Use Category						
Automotive Uses*	§ 102	NP	NP	NP	NP	NP
Parking Garage, Private	§ 102	C	C	C	C	C
Parking Lot, Private	§ 102	C	C	C	C	C
Parking Lot, Public	§§ 102, 142, 156	NP	NP	NP	NP (8)	NP
Entertainment, Arts and Recreation Use Category						
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP	NP	NP
Open Recreation Area	§ 102	C	C	C	C	C
Passive Outdoor Recreation	§ 102	P	P	P	P	P
Industrial Use Category						
Industrial Uses*	§ 102	NP	NP	NP	NP	NP
Institutional Use Category						
Institutional Uses*	§ 102	NP	NP	NP	NP	NP
Child Care Facility	§ 102	P	P	P	P	P
Community Facility	§ 102	C	C	C	C	C
Hospital	§ 102	C	C	C	C	C
Post-Secondary Ed. Institution	§ 102	C	C	C	C	C
Public Facilities	§ 102	P	P	P	P	P
Religious Institution	§ 102	C	C	C	C	C
Residential Care Facility	§ 102	P	P	P	P	P
School	§ 102	C	C	C	C	C
Sales and Service Category						
Retail Sales and Service Uses*	§ 102	NP	NP	NP	NP	NP
Hotel	§ 102	NP	NP	NP	C (4)	C (4)
Mortuary	§ 102	C (5)	C (5)	C (5)	C (5)	C (5)
Non-Retail Sales and Service*	§ 102	NP	NP	NP	NP	NP
Utility and Infrastructure Use Category						
Utility and Infrastructure*	§ 102	NP	NP	NP	NP	NP
Internet Service Exchange	§ 102	C	C	C	C	C
Utility Installation	§ 102	C	C	C	C	C
Wireless Telecommunications Services Facility	§ 102	C or P (7)	C or P (7)	C or P (7)	C or P (7)	C or P (7)

* Not listed below.

(1) P for Limited Commercial Uses per § 136.1(a) only; otherwise NP.

(2) [Note Deleted]

(3) [Note deleted]

(4) C for five or fewer guest rooms or suites of rooms; NP for six or more guest rooms.

(5) Must be located on a landmark site, and where the site is within a Height and Bulk District of 40 feet or less, and where a columbarium use has lawfully and continuously operated since the time of designation.

(6) Construction of Accessory Dwelling Units may be permitted pursuant to Sections 207(c)(4) and 207(c)(6).

(7) C if a Macro WTS Facility; P if a Micro WTS Facility.

(8) P only for parcels located in both the Glen Park NCT and RH-2 zoning districts where the property has been used as a Public

Parking Lot for the past 10 years without the benefit of a permit, and the adjoining RH-2 parcel is no larger than 40 feet by 110 feet. Unless reenacted, this note shall expire by operation of law 72 months after the effective date of the ordinance in Board File No. 180191. Upon its expiration, any approved Public Parking Lot shall be removed and the current zoning control shall apply. Any approval of a Public Parking Lot use pursuant to this note shall be conditioned upon the recordation of a Notice of Special Restrictions reflecting these conditions, subject to the approval as to form of the Planning Department and the City Attorney. Upon the expiration of this note, the City Attorney is authorized to take steps to remove this note from the Planning Code.

(9) NP for buildings with three or fewer Dwelling Units; C for buildings with 10 or more Dwelling Units.

(10) Projects utilizing the density exception of Section 207(c)(8) and that provide at least four dwelling units shall be subject to a minimum Rear Yard requirement of 30% of lot depth, but in no case less than 15 feet.

(11) P for up to four dwelling units per lot, excluding Corner Lots, and P for up to six dwelling units in Corner Lots, pursuant to Section 207(c)(8).

(Added as Sec. 206.1 by Ord. 443-78, App. 10/6/78; redesignated and amended by Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; amended by Ord. 161-15, File No. 150804, App. 9/18/2015, Eff. 10/18/2015; Ord. 162-15 , File No. 150805, App. 9/18/2015, Eff. 10/18/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 33-16 , File No. 160115, App. 3/11/2016, Eff. 4/10/2016; Ord. 162-16 , File No. 160657, App. 8/4/2016, Eff. 9/3/2016; Ord. 166-16 , File No. 160477, App. 8/11/2016, Eff. 9/10/2016; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 189-17, File No. 170693, App. 9/15/2017, Eff. 10/15/2017; Ord. 229-17, File No. 171041, App. 12/6/2017, Eff. 1/5/2018; Ord. 168-18 , File No. 180191, App. 7/17/2018, Eff. 8/17/2018; Ord. 303-18, File No. 180915, App. 12/21/2018, Eff. 1/21/2019; Ord. 311-18, File No. 181028, App. 12/21/2018, Eff. 1/21/2019; Ord. 116-19, File No. 181156, App. 6/28/2019, Eff. 7/29/2019; Ord. 206-19, File No. 190048, App. 9/13/2019, Eff. 10/14/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 78-20, File No. 191075, App. 5/22/2020, Eff. 6/22/2020; Ord. 136-21, File No. 210674, App. 8/4/2021, Eff. 9/4/2021; Ord. 149-21, File No. 210535, App. 9/29/2021, Eff. 10/30/2021; Ord. 210-22, File No. 210866, App. 10/28/2022, Eff. 11/28/2022)

(Former Sec. 209.1 added by Ord. 443-78, App. 10/6/78; amended by Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 130-10, File No. 090906, App. 6/24/2010; repealed by Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

AMENDMENT HISTORY

Former Sec. 206.1 redesignated as Sec. 209.1; Table 209.1 added; Ord. 22-15, Eff. 3/22/2015. Note (7) added; Ords. 161-15 and 162-15 , Eff. 10/18/2015. Table 209.1 amended; Ord. 188-15 , Eff. 12/4/2015. Table 209.1 amended; Ord. 33-16 , Eff. 4/10/2016. Note (7) amended; Ord. 162-16 , Eff. 9/3/2016. Table 209.1 amended; second Note (7) added; Ord. 166-16 , Eff. 9/10/2016. Table 209.1 amended; Note (5) deleted; Note (6) and first Note (7) redesignated as Notes (5) and (6); Ord. 129-17, Eff. 7/30/2017. Table 209.1 amended; Note (2) deleted; Ord. 189-17, Eff. 10/15/2017. Table 209.1 amended; Ord. 229-17, Eff. 1/5/2018. Table 209.1 amended; Ord. 229-17, Eff. 1/5/2018. Table 209.1 and Notes (3) and (4) amended; Note (8) added; Ord. 168-18 , Eff. 8/17/2018. Note (6) amended; Ord. 116-19, Eff. 7/29/2019. Table 209.1 amended; Ord. 206-19, Eff. 10/14/2019. Table 209.1 amended; Ord. 63-20, Eff. 5/25/2020. Table 209.1 amended; Note (9) added; Ord. 78-20, Eff. 6/22/2020. Note (9) amended; Ord. 136-21, Eff. 9/4/2021. Table 209.1 amended; Note (3) deleted; Ord. 149-21, Eff. 10/30/2021. Undesignated introductory paragraphs and Table 209.1 amended; Notes (10) and (11) added; Ord. 210-22, Eff. 11/28/2022.

CODIFICATION NOTE

1. So in Ord. 210-22.

SEC. 250. HEIGHT AND BULK DISTRICTS ESTABLISHED.

(a) In order to carry out further the purposes of this Code, height and bulk districts are hereby established, subject to the provisions of this Article 2.5.

(b) No building or structure or part thereof shall be permitted to exceed, except as stated in Sections172, 188, and 206 of this Code, the height and bulk limits set forth in this Article for the district in which it is located, including the height limits for use districts set forth in Section 261.

(c) The establishment of these height and bulk districts and the repeal and replacement of special height districts or height limits previously in effect in the City shall in no way be deemed to confer legal noncomplying status upon any building or structure constructed, reconstructed, enlarged, altered or relocated in violation of the height districts or limits previously in effect.

(d) In the case of any apparent inconsistency among requirements of this Code applicable to the same property or development, including but not limited to standards for height, bulk, floor area ratio, setbacks, yards, usable open space and dwelling unit density, the most restrictive of such requirements shall prevail.

(e) The provision of this Article 2.5 shall apply to all properties and developments, both public and private, including those of the City and County of San Francisco.

(f) The requirements of height and bulk districts established by this Article 2.5 shall not apply to buildings and structures on sites for which a redeveloper had been formally selected by the Redevelopment Agency of the City prior to August 26, 1971, for development in a Redevelopment Project Area in accordance with an agreement that specifically committed the City to a height or bulk configuration not consistent with the provisions of this Article for height and bulk districts.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 143-16 , File No. 160687, App. 7/29/2016, Eff. 8/28/2016)

AMENDMENT HISTORY

Division (b) amended; Ord. 143-16 , Eff. 8/28/2016.

SEC. 251. HEIGHT AND BULK DISTRICTS: PURPOSES.

In addition to the purposes of this Code as stated in Section 101, these height and bulk districts are established for further purposes of implementing the Urban Design element and other elements of the General Plan, according to the objectives, principles and policies stated therein. Among these purposes are the following:

(a) Relating of the height of buildings to important attributes of the City pattern and to the height and character of existing development;

(b) Relating of the bulk of buildings to the prevailing scale of development to avoid an overwhelming or dominating appearance in new construction;

(c) Promotion of building forms that will respect and improve the integrity of open spaces and other public areas;

(d) Promotion of harmony in the visual relationships and transitions between new and older buildings;

(e) Protection and improvement of important City resources and of the neighborhood environment;

(f) Conservation of natural areas and other open spaces; and

(g) Direction of new development to locations that are appropriate in terms of land use and transportation.

(Amended by Ord. 234-72, App. 8/18/72; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

- Introductory material amended; Ord. 188-15 , Eff. 12/4/2015.

SEC. 252. CLASSES OF HEIGHT AND BULK DISTRICTS.

The City is hereby divided into classes of height and bulk districts as indicated on the Zoning Map and in this Article 2.5. The original of the sectional maps establishing said districts is on file with the Clerk of the Board of Supervisors under File No. 362-72-2. The height limits for each such district are specified on said map by numerical designations in feet, and the bulk limits are designated thereon by letter symbols referring to the limitations upon the plan dimensions of buildings and structures set forth in Section 270 of this Code.

- (Amended by Ord. 234-72, App. 8/18/72)

SEC. 260. HEIGHT LIMITS: MEASUREMENT.

(See Interpretations related to this Section.)

(a) **Method of Measurement.** The limits upon the height of buildings and structures shall be as specified on the Zoning Map, except as permitted by Section 206. In the measurement of height, the following rules shall be applicable:

(1) The point above which such measurements shall be taken shall be as specified as follows.

(A) In the case of either (B) or (C) below, such point shall be taken at the centerline of the building or, where the building steps laterally in relation to a street that is the basis for height measurement, separate points shall be taken at the centerline of each building step.

(B) Where the lot is level with or slopes downward from a street at the centerline of the building or building step, such point shall be taken at curb level on such a street. This point shall be used for height measurement only for a lot depth not extending beyond a line 100 feet from and parallel to such street, or beyond a line equidistant between such street and the street on the opposite side of the block, whichever depth is greater. Measurement of height for any portion of the lot extending beyond such line shall be considered in relation to the opposite (lower) end of the lot, and that portion shall be considered an upward sloping lot in accordance with Subsection (C) below, whether or not the lot also has frontage on a lower street.

(C) Where the lot slopes upward from a street at the centerline of the building or building step, such point shall be taken at curb level for purposes of measuring the height of the closest part of the building within 10 feet of the property line of such street; at every other cross-section of the building, at right angles to the centerline of the building or building step, such point shall be taken as the average of the ground elevations at either side of the building or building step at that cross-section. The ground elevations used shall be either existing elevations or the elevations resulting from new grading operations encompassing an entire block. Elevations beneath the building shall be taken by projecting a straight line between ground elevations at the exterior walls at either side of the entire building in the same plane.

(D) Where the lot has frontage on two or more streets, the owner may choose the street or streets from which the measurement of height is to be taken, within the scope of the rules stated above.

Where the height limits for buildings and structures are established by this Code, the upper points to be taken for measurement of height shall be as prescribed in the provisions relating to such height limits.

(2) The upper point to which such measurement shall be taken shall be the highest point on the finished roof in the case of a flat roof, and the average height of the rise in the case of a pitched or stepped roof, or similarly sculptured roof form, or any higher point of a feature not exempted under Subsection (b) below. For any building taller than 550 feet in height in the S-2 Bulk District, the height of the building shall be measured at the upper point of all features of the building and exempted features in such cases shall be limited to only those permitted in Subsection (b)(1)(M) and which are permitted by the Planning Commission according to the procedures of Section 309.

(3) In cases where the height limit is 65 feet or less and a street from which height measurements are made slopes laterally along the lot, or the ground slopes laterally on a lot that also slopes upward from the street, there shall be a maximum width for the portion of the building or structure that may be measured from a single point at curb or ground level, according to the definition of "height," as

specified in the following table. These requirements shall not apply to any property to which the bulk limitations in Section 270 of this Code are applicable.

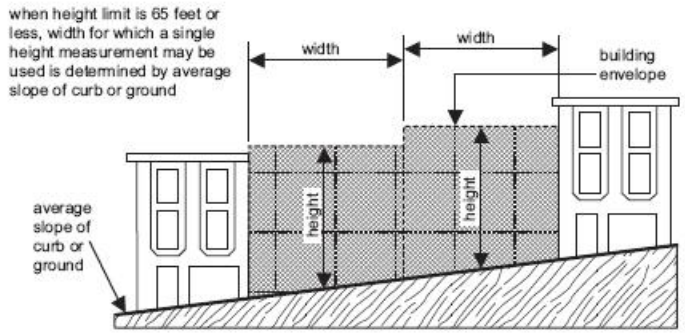
TABLE 260

HEIGHT MEASUREMENT

ON LATERAL SLOPES WHERE

HEIGHT LIMIT IS 65 FEET OR LESS

Average Slope of Curb or Ground From Which Height is Measured	Maximum Width for Portion of Building that May Be Measured from a Single Point
5 percent or less	No requirement
More than 5 percent but no more than 15 percent	65 feet
More than 15 percent but no more than 20 percent	55 feet
More than 20 percent but no more than 25 percent	45 feet
More than 25 percent	35 feet



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

(1) The following features shall be exempt provided the limitations indicated for each are observed; and provided further that the sum of the horizontal areas of all features listed in this subsection (b)(1) shall not exceed 30% of the horizontal area of the roof above which they are situated, or, in C-3 Districts and in the Rincon Hill Downtown Residential District, where the top of the building has been separated into a number of stepped elements to reduce the bulk of the upper tower, of the total of all roof areas of the upper towers; and provided further that in any R, RC-3, or RC-4 District the sum of the horizontal areas of all such features located within the first 10 feet of depth of the building, as measured from the front wall of the building, shall not exceed 20% of the horizontal area of the roof in such first 10 feet of depth.

As an alternative, the sum of the horizontal areas of all features listed in this subsection (b)(1) may be equal to but not exceed 30% of the horizontal area permitted for buildings and structures under any bulk limitations in Section 270 of this Code applicable to the subject property.

Any such sum of 30% heretofore described may be increased to 40% by unroofed screening designed either to obscure the features listed under (A) and (B) below or to provide a more balanced and graceful silhouette for the top of the building or structure.

(A) Mechanical equipment and appurtenances necessary to the operation or maintenance of the building or structure itself, including chimneys, ventilators, plumbing vent stacks, cooling towers, water tanks, panels or devices for the collection of solar or wind energy, and window-washing equipment, together with visual screening for any such features. This exemption shall be limited to the top 16 feet of such features where the height limit is 65 feet or less, and the top 20 feet of such features where the height limit is more than 65 feet. In C-3 districts, for existing buildings whose height exceeds the permitted height limit, these exempted features shall be measured from the existing roofline instead of the height limit.

(B) Elevator, stair and mechanical penthouses, fire towers, skylights, and dormer windows. This exemption shall be limited to the top 16 feet of such features where the height limit is 65 feet or less, and the top 20 feet of such features where the height limit is more than 65 feet. However, for elevator penthouses, the exemption shall be limited to the top 16 feet and limited to the footprint of the elevator shaft, regardless of the height limit of the building. The design of all elevator penthouses in Residential Districts shall be consistent with the “Residential Design Guidelines” as adopted and periodically amended for specific areas or conditions by the Planning Commission. In C-3 districts, for existing buildings whose height exceeds the permitted height limit, these exempted features shall be measured from the existing roofline instead of the height limit.

The Zoning Administrator may, after conducting a public hearing, grant a further height exemption for an elevator penthouse for

a building with a height limit of more than 65 feet but only to the extent that the Zoning Administrator determines that such an exemption is required to meet state or federal laws or regulations. All requests for height exemptions for elevator penthouses located in Residential or Neighborhood Commercial Districts shall be subject to the neighborhood notification requirements of Section 311 of this Code.

(C) Stage and scenery lofts.

(D) Ornamental and symbolic fea- tures of public and religious buildings and struc- tures, including towers, spires, cupolas, belfries and domes, where such features are not used for human occupancy.

(E) In any C-3 District, the CMUO District, and any MUR or MUG District within the Central SoMa Special Use District, enclosed space related to the recreational, Restaurant, or Bar use of the roof, not to exceed 16 feet in height. In C-3 districts, for existing buildings whose height exceeds the permitted height limit, these exempted features shall be measured from the existing roofline instead of the height limit.

(F) Rooftop enclosures and screening for features listed in subsections (b)(1)(A) and (B) above that add additional building volume in any C-3 District except as otherwise allowed in the S-2 Bulk district according to subsection (M) below or the Eastern Neighborhoods Mixed Use Districts. The rooftop enclosure or screen creating the added volume:

(i) shall not be subject to the percentage coverage limitations otherwise applicable to this Section 260(b) but shall meet the requirements of Section 141;

(ii) shall not exceed 20 feet in height, measured as provided in subsection (a) above;

(iii) may have a volume, measured in cubic feet, not to exceed three-fourths of the horizontal area of all upper tower roof areas multiplied by the maximum permitted height of the enclosure or screen;

(iv) shall not be permitted within the setbacks required by Sections 132.1, 132.2, and 132.3;

(v) shall not be permitted within any setback required to meet the sun access plane requirements of Section 146; and

(vi) shall not be permitted within any setback required by Section 261.1.

(G) In any C-3 District except as otherwise allowed in the S-2 Bulk district according to subsection (M) below, vertical extensions to buildings, such as spires, which enhance the visual appearance of the structure and are not used for human occupancy may be allowed, pursuant to the provisions of Section 309, up to 75 feet above the height otherwise allowed. The extension shall not be subject to the percentage coverage limitations otherwise applicable to this subsection, provided that the extension is less than 100 square feet in cross-section and 18 feet in diagonal dimension.

(H) In the Rincon Hill Downtown Residential District, enclosed space related to the recreational use of the roof, not to exceed 16 feet in height.

(I) In the Rincon Hill Downtown Residential District, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (b)(1)(B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this subsection but shall meet the requirements of Section 141, shall not exceed 10 percent of the total height of any building taller than 105 feet, shall have a horizontal area not more than 85 percent of the total area of the highest occupied floor, and shall contain no space for human occupancy. The features described in (b)(1)(B) shall not be limited to 16 feet for buildings taller than 160 feet, but shall be limited by the permissible height of any additional rooftop volume allowed by this Subsection.

(J) In the Van Ness Special Use District, additional building volume used to enclose or screen from view the features listed under Subsections (b)(1)(A) and (b)(1)(B) above and to provide additional visual interest to the roof of the structure. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this Subsection, but shall meet the requirements of Section 141 and shall not exceed 10 feet in height where the height limit is 65 feet or less or 16 feet where the height limit is more than 65 feet, measured as provided in Subsection (a) above, and may not exceed a total volume, including the volume of the features being enclosed, equal to ¾ of the horizontal area of all upper tower roof areas of the building measured before the addition of any exempt features times 10 where the height limit is 65 feet or less or times 16 where the height limit is more than 65 feet.

(K) In the Northeast China Basin Special Use District, light standards for the purpose of lighting the ballpark.

(L) In the C-3-G District, on sites fronting on Van Ness Avenue in the 120-X height district, additional building volume used to enclose or screen from view the features listed under subsections (b)(1)(A) and (b)(1)(B) above, to allow increased roof height for performance and common space, and to provide additional visual interest to the roof of the structure. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to this subsection (b)(1)(L), but shall meet the requirements of Section 141 and shall not exceed 16 feet in height, measured as provided in subsection (a) above. Buildings that are eligible for this exemption are also eligible for exceptions to any quantitative standards set forth in Article 1.2 of this Code through Section 309 of this Code.

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

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

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

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

(iii) such elements are designed as integral components of the building design, enhance both the overall silhouette of the building and the City skyline as viewed from distant public vantage points by producing an elegant and unique building top, and achieve overall design excellence.

(O) In the Van Ness & Market Residential Special Use District and only in the block/lot districts 85-X // 120/365-R-2, additional building volume used to enclose or screen from view the features listed in subsections (b)(1)(A) and (b)(1)(B) above. The rooftop form created by the added volume shall not be subject to the percentage coverage limitations otherwise applicable to the building, but shall meet the requirements of Section 141; shall not exceed 10 percent of the total height of any building taller than 200 feet; shall have a horizontal area not more than 100 percent of the total area of the highest occupied floor; and shall contain no space for human occupancy that is enclosed or otherwise not open to the sky. The features described in subsection (b)(1)(B) shall not be limited to 16 feet for buildings taller than 200 feet but shall be limited by the permissible height of any additional rooftop volume allowed by this subsection (O).

(2) The following features shall be exempt, without regard to their horizontal area, provided the limitations indicated for each are observed:

(A) Railings, parapets and catwalks, with a maximum height of four feet.

(B) Open railings, catwalks and fire escapes required by law, wherever situated.

(C) Unroofed recreation facilities with open fencing, including tennis and basketball courts at roof level, swimming pools with a maximum height of four feet and play equipment with a maximum height of 10 feet.

(D) Unenclosed seating areas limited to tables, chairs and benches, and related windscreens, lattices and sunshades with a maximum height of 10 feet.

(E) Landscaping, with a maximum height of four feet for all features other than plant materials.

(F) Short-term parking of passenger automobiles, without additional structures or equipment other than trellises or similar overhead screening for such automobiles with a maximum height of eight feet.

(G) Amusement parks, carnivals and circuses, where otherwise permitted as temporary uses.

(H) Flagpoles and flags, clothes poles and clotheslines, and weathervanes.

(I) Wireless Telecommunications Services Facilities and other antennas, dishes, and towers and related screening elements, subject to any other applicable Planning Code provisions, including but not limited to applicable design review criteria and Planning Code Section 295.

(J) Warning and navigation signals and beacons, light standards and similar devices, not including any sign regulated by this Code.

(K) Public monuments owned by government agencies.

(L) Cranes, scaffolding and batch plants erected temporarily at active construction sites.

(M) Structures and equipment necessary for the operation of industrial plants, transportation facilities, public utilities and government installations, where otherwise permitted by this Code and where such structures and equipment do not contain separate floors, not including towers and antennae for transmission, reception, or relay of radio, television, or other electronic signals where permitted as principal or conditional uses by this Code.

(N) Buildings, structures and equipment of the San Francisco Port Commission, where not subject to this Code due to provisions of the San Francisco Charter or State law.

(O) Enclosed recreational facilities up to a height of 10 feet above the otherwise applicable height limit when located within a 65-U Height and Bulk District and an MUO District, and only then when authorized by the Planning Commission as a Conditional Use pursuant to Section 303 of this Code, provided that the project is designed in such a way as to reduce the apparent mass of the structure above a base 50-foot building height.

(P) Historic Signs and Vintage Signs permitted pursuant to Article 6 of this Code.

(Q) In the Eastern Neighborhoods Mixed Use Districts, enclosed utility sheds of not more than 100 square feet, exclusively for the storage of landscaping and gardening equipment for adjacent rooftop landscaping, with a maximum height of 8 feet above the

otherwise applicable height limit.

(R) Hospitals, as defined in this Code, that are legal non-complying structures with regard to height, may add additional mechanical equipment so long as the new mechanical equipment 1) is not higher than the highest point of the existing rooftop enclosure, excluding antennas; 2) has minimal visual impact and maximum architectural integration; 3) is necessary for the function of the building; and 4) no other feasible alternatives exist. Any existing rooftop equipment that is out of service or otherwise abandoned shall be removed prior to installation of new rooftop equipment.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 532-85, App. 12/4/85; Ord. 537-88, App. 12/16/88; Ord. 115-90, App. 4/6/90; Proposition B, 3/26/96; Proposition F, 6/3/97; Ord. 276-98, App. 8/28/98; Ord. 217-05, File No. 050865, App. 8/19/2005; Ord. 269-05, File No. 050496, App. 11/30/2005; Proposition G, 6/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. 252-14 , File No. 141096, App. 12/17/2014, Eff. 1/16/2015; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 102-16 , File No. 160346, App. 6/24/2016, Eff. 7/24/2016; Ord. 143-16 , File No. 160687, App. 7/29/2016, Eff. 8/28/2016; Ord. 166-16 , File No. 160477, App. 8/11/2016, Eff. 9/10/2016; Ord. 217-16, File No. 160424, App. 11/10//2016, Eff. 12/10/2016; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 58-18, File No. 180114, App. 4/12/2018, Eff. 5/13/2018; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020; Ord. 136-21, File No. 210674, App. 8/4/2021, Eff. 9/4/2021; Ord. 122-23, File No. 230371, App. 7/5/2023, Eff. 8/5/2023; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

AMENDMENT HISTORY

Divisions (a)(2), (b)(1)(F), and (b)(1)(G) amended; division (b)(1)(M) added; Ord. 182-12 , Eff. 9/7/2012. Division (b)(2)(S) added; Ord. 252-14 , Eff. 1/16/2015. Division (a)(1) amended; divisions (a)(1)(A)-(D) added; division (b)(2)(I) amended; Ord. 22-15, Eff. 3/22/2015. Divisions (b)(1) and (b)(1)(F) amended; Ord. 102-16 , Eff. 7/24/2016. Division (a) amended; Ord. 143-16 , Eff. 8/28/2016. Division (b)(2)(I) amended; Ord. 166-16 , Eff. 9/10/2016. Division (b)(2)(Q) amended; Ord. 217-16, Eff. 12/10/2016. Divisions (b) and (b)(2)(P) amended; Ord. 129-17, Eff. 7/30/2017. Divisions (b)(1), (b)(1)(A), and (b)(1)(L) amended; Ord. 58-18, Eff. 5/13/2018. Divisions (b)(1)(E) and (F) amended; second division (b)(1)(L) added, former division (b)(2)(O) deleted; former divisions (b)(2)(P)-(S) redesignated as divisions (b)(2)(O)-(R); current divisions (b)(2)(O) and (b)(2)(R) amended; Ord. 296-18 , Eff. 1/12/2019. Divisions (b)(1)(B) and (b)(1)(E) amended; second division (b)(1)(L) and division (b)(1)(M) redesignated as (b)(1)(M)-(N); current divisions (b)(1)(M) and (b)(1)(N)(ii) amended; Ord. 63-20, Eff. 5/25/2020. New division (b)(1)(N)[1] added; Ord. 126-20 , Eff. 8/31/2020. Second division (b)(1)(N) redesignated as (b)(1)(O); Ord. 136-21, Eff. 9/4/2021. Divisions (b)(1)-(b)(1)(B) and (b)(1)(E) amended; Ord. 122-23, Eff. 8/5/2023, and Ord. 159-23, Eff. 8/28/2023.

SEC. 262. ADDITIONAL HEIGHT LIMITS APPLICABLE TO SIGNS.

(a) The height limits established by this Article 2.5 shall apply to all signs regulated by this Code, except for Historic Signs and Vintage Signs defined in Section 602, and Historic Movie Theater Projecting Signs and Historic Movie Theater Marquees defined in Section 188(e) of this Code. No sign shall be erected, placed, replaced, reconstructed or relocated except in conformity with the provisions of this Article, whether such sign is freestanding or attached to a building or structure.

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

(Amended by Ord. 234-72, App. 8/18/72; Ord. 276-98, App. 8/28/98; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Divisions (a) and (b) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 270. BULK LIMITS: MEASUREMENT.

(See Interpretations related to this Section.)

(a) The limits upon the bulk of buildings and structures shall be as stated in this Section and in Sections 271 and 272. The terms Diagonal Dimension, Height, Length, and Plan Dimensions shall be as defined in this Code. In each height and bulk district, the maximum plan dimensions shall be as specified in the following table, at all horizontal cross-sections above the height indicated.

TABLE 270

BULK LIMITS

District Symbol on Zoning Map	*Height Above Which Maximum Dimensions Apply (in feet)*	*Maximum Plan Dimensions (in feet)*	
		Length	*Diagonal Dimension*

TABLE 270

BULK LIMITS

District Symbol on Zoning Map	*Height Above Which Maximum Dimensions Apply (in feet)*	*Maximum Plan Dimensions (in feet)*	
		Length	*Diagonal Dimension*
A	40	110	125
B	50	110	125
C	80	110	125
D	40	110	140
E	65	110	140
F	80	110	140
G	80	170	200
H	100	170	200

I	150	170	200
J	40	250	300
K	60	250	300
L	80	250	300
M	100	250	300
N	40	50	100
R	This table not applicable. But see Section 270(e).		
R-2	This table not applicable. But see Section 270(f).		
V		110	140
V	* At setback height established pursuant to Section 253.2.		
OS	See Section 290.		
S	This table not applicable. But see Section 270(d).		
S-2	This table not applicable. But see Section 270(d).		
T	At setback height established pursuant to Section 132.2, but no higher than 80 feet.	110	125
X	This table not applicable. But see Section 260(a)(3).		
TB	This table not applicable. But see Section 263.18.		
CP	This table not applicable. But see Section 263.24.		
HP	This table not applicable. But see Section 263.25.		
PM	This table not applicable. But see Section 249.64 Parkmerced Special Use District.		
TI	This table not applicable. But see Section 263.26.		
EP	This table not applicable. But see Section 263.27.		
CS	This table not applicable. But see Section 270(h).		

(b) These limits shall not apply to the buildings, structures and equipment listed in Section 260(b)(2) (K), (L), (M) and (N) of this Code, subject to the limitations expressed therein.

(c) Maximum plan lengths and diagonal dimensions do not apply to cornices or other decorative projections.

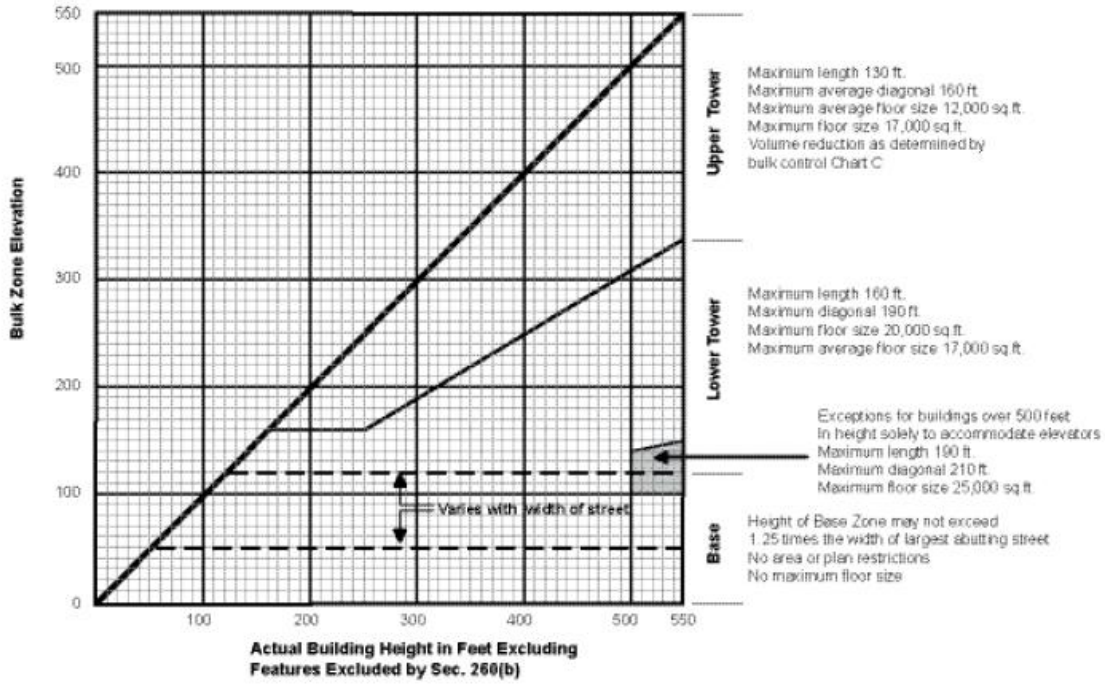
(d) The bulk limits contained in this subsection shall apply in S and S-2 Bulk Districts as designated on Sectional Map Nos. 1H, 2H and 7H of the Zoning Map.

(1) **Base.** The base is the lowest portion of the building extending vertically to a streetwall height up to 1.25 times the width of the widest abutting street or 50 feet, whichever is more. There are no length or diagonal dimension limitations applicable to the base. The building base shall be delineated from the lower and upper tower and related to abutting buildings by a setback, cornice line or equivalent projection or other appropriate means. In the C-3-O(SD) District additional requirements for building base and streetwall articulation and setbacks are described in Section 132.1.

(2) **Lower Tower.**

(A) **Dimensions.** Bulk controls for the lower tower apply to that portion of the building height above the base as shown on Chart B. For buildings of less than 160 feet in height, the lower tower controls are the only bulk controls above the base of the building. The bulk controls for the lower tower are a maximum length of 160 feet, a maximum floor size of 20,000 square feet, and a maximum diagonal dimension of 190 feet.

CHART B
BULK LIMITS



(B) **Additional Bulk for Elevators.** Solely in order to accommodate additional elevators required by tall buildings the lower portion (up to the height shown on Chart B) of the lower tower of a building 500 feet tall or taller may be enlarged up to a maximum length of 190 feet, a maximum diagonal dimension of 230 feet and a maximum floor size of up to 25,000 square feet without a corresponding reduction in upper floor size.

(3) **Upper Tower.**

(A) **Dimensions.** Upper tower bulk controls apply to buildings taller than 160 feet. They apply to the upper tower portion of a building up to the height shown on Chart B, which height excludes the vertical attachment and other features exempted by Section 260 and excludes the extended upper tower height exceptions provided for in Section 263.7 of this Code. The bulk controls for the upper tower are: a maximum length of 130 feet; a maximum average floor size of 12,000 square feet; a maximum floor size for any floor of 17,000 square feet; and a maximum average diagonal measure of 160 feet. In determining the average floor size of the upper tower, areas with a cross-sectional area of less than 4,000 square feet may not be counted and sculptured architectural forms that contain large volumes of space but no usable floors shall be included in average floor size calculation by computing the cross section at 12.5-foot intervals.

(B) **Volume Reduction.** When the average floor size of the lower tower exceeds 5,000 square feet, the volume of the upper tower shall be reduced to a percentage of the volume that would occur if the average floor size of the lower tower were extended to the proposed building height. The percentage varies with the bulk of the lower tower and with whether or not a height extension is employed pursuant to Section 263.7 and is shown on Chart C. In achieving the required volume reduction, a setback or change in profile at a specific elevation is not required.

(C) **Extensions.** Extension of the upper tower above the otherwise allowable height limits may be permitted as provided in Section 263.9.

(D) **Termination of the Tower.** The top of the tower shall be massed in a manner that will create a visually distinctive roof or other termination of the building facade. Modifications to a proposed project may be required, in the manner provided in Section 309, to achieve this purpose.

(4) **Buildings Taller than 650 Feet in the S-2 Bulk District.** For buildings taller than 650 feet in height in the S-2 Bulk District, the following controls shall apply in lieu of the controls of subsections (1)-(3):

(A) **Lower Tower.** There are no bulk controls for the lower tower except as required by Section 132.1. The lower tower for such buildings shall be defined as the bottom two-thirds of the building from sidewalk grade to roof of the uppermost occupied floor.

(B) **Upper Tower.** The average floor size of the upper tower shall not exceed 75 percent of the average floor size of the lower tower, and the average diagonal dimension shall not exceed 87 percent of the average diagonal dimension of the lower tower.

(i) In determining the average floor size and average diagonal of the upper tower, unoccupied architectural elements permitted according to Section 260(b)(1)(M), except for levels consisting of singular spires with a diagonal in cross-section of less than 18 feet, may be included in the calculations if the Planning Commission determines, according to the procedures of Section 309, that such unoccupied architectural elements produce a distinct visual tapering of the building as intended by the controls of subsection (B) and

create an elegant profile for the upper tower from key public vantage points throughout the City and beyond. In calculating the floor size and diagonal of such architectural elements, a cross section floor proscribed by the most distant outside points of all elements shall be assumed at 12.5-foot intervals.

(e) **Rincon Hill and South Beach.** In Bulk District R (Rincon Hill and South Beach DTR Districts), bulk limitations are as follows:

(1) There are no bulk limits below the podium height as described in Section 263.19, except for the lot coverage limitations and setback requirements described in Sections 825 and 827.

(2) **Tower Bulk and Spacing.** All portions of structures above the podium height as described in Section 263.19 shall meet the following bulk limitations, as illustrated in Chart C.

(A) Buildings between the podium height limit and 240 feet in height may not exceed a plan length of 90 feet and a diagonal dimension of 120 square feet.

(B) Buildings between 241 and 300 feet in height may not exceed a plan length of 100 feet and a diagonal dimension of 125 feet, and may not exceed a maximum average floor area of 8,500 gross square feet.

(C) Buildings between 301 and 350 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average floor area of 9,000 gross square feet.

(D) Buildings between 351 and 550 feet in height may not exceed a plan length of 115 feet and a diagonal dimension of 145 feet. They may not exceed a maximum average floor area of 10,000 gross square feet.

(E) To allow variety in the articulation of towers, the floor plates of individual floors may exceed the maximums described above by as much as 5 percent, provided the maximum average floor plate is met.

(F) To encourage tower sculpting, the gross floor area of the top one-third of the tower shall be reduced by 10 percent from the maximum floor plates described in (A) - (D) above, unless the overall tower floor plate is reduced by an equal or greater volume.

(G) In order to provide adequate sunlight and air to streets and open spaces, a minimum distance of 115 feet must be preserved between all structures above 110 feet in height at all levels above 110 feet in height. Spacing shall be measured horizontally from the outside surface of the exterior wall of the subject building to the nearest point on the closest structure above 110 feet in height. Any project that is permitted pursuant to the exception described in Section 270(e)(3) shall not be considered for the purposes of measuring tower spacing pursuant to this Section.

(H) The procedures for granting special exceptions to bulk limits described in Section 271 shall not apply; exceptions may be granted pursuant to Sections 270(e)(3) and 270(e)(4).

(I) Additional setback, lot coverage, and design requirements for the DTR Districts are described in Sections 825, 827, 828 and 829.

(3) Exceptions to tower spacing and upper tower sculpting requirements in Rincon Hill DTR. An exception to the 115 feet tower spacing requirement and the upper tower sculpting requirement described in (e)(2)(F) and (G) above may be granted to a project only on Block 3747 on a lot formed by the merger of part or all of Lots 001E, 002 and 006, pursuant to the procedures described in 309.1 of this Code provided that projects meet the following criteria:

(A) Applications for environmental review and conditional use related to a building above 85 feet in height on the subject lot have been filed with the Department prior to March 1, 2003 and February 1, 2005, respectively;

(B) Given the 115 tower spacing requirement described in (G) above, the existence of an adjacent building greater than 85 feet in height precludes the development of a tower on the subject lot;

(C) The subject lot has a total area of no less than 35,000 square feet;

(D) The proposed project is primarily residential and has an area of no more than 528,000 gross square feet;

(E) The proposed project conforms to all other controls described or referenced in Section 827 and any other controls in this Code related to the Rincon Hill DTR District.

(F) For the purposes of subsection (D) above, the term "gross square feet" shall be the sum of the gross areas of all floors of a building or buildings above street grade measured from the exterior faces of exterior walls or from the center lines of walls separating two buildings, excluding area below street grade. Where columns are outside and separated from an exterior wall (curtain wall) which encloses the building space or are otherwise so arranged that the curtain wall is clearly separated from the structural members, the exterior face of the curtain wall shall be the line of measurement, and the area of the columns themselves at each floor shall also be counted.

(4) **Allowance for limited reduction in spacing from existing towers in Rincon Hill DTR.** To allow limited variation in tower placement from towers for which a certificate of occupancy has been issued prior to February 1, 2005, a reduction in tower spacing described in (e)(2)(G) above may be granted pursuant to the procedures described in 309.1 of this Code if all the following criteria are met:

(A) For every percent reduction from the maximum average floor area as described in (2) above, an equal percent reduction in tower separation may be granted subject to the following limits:

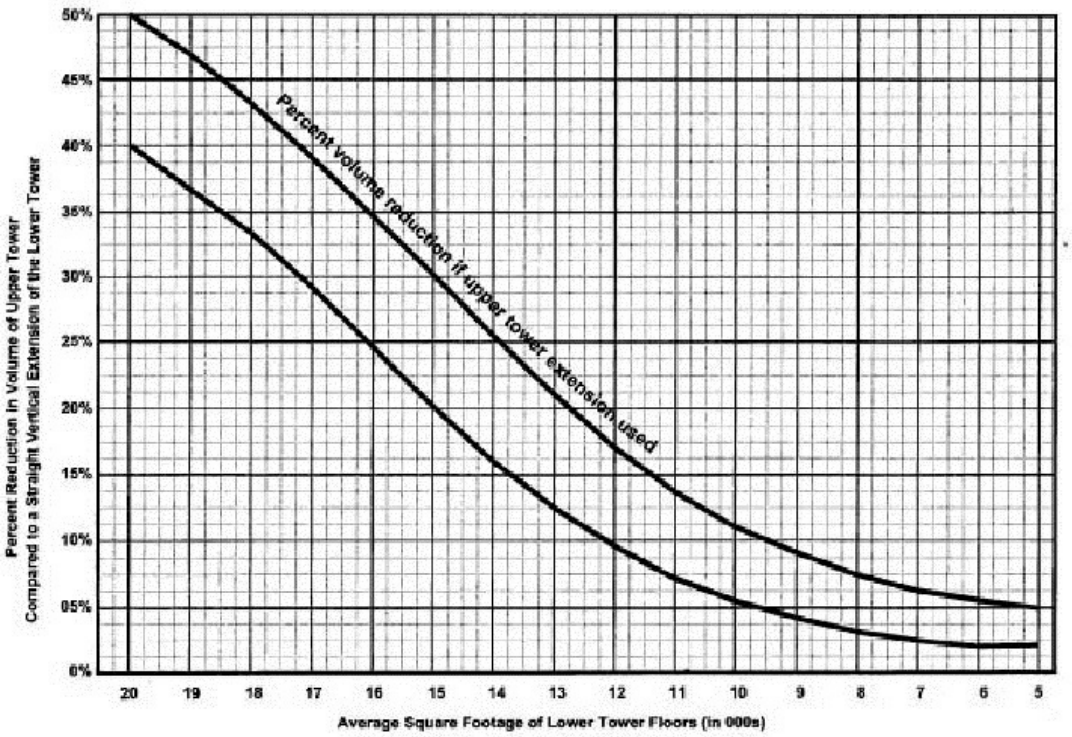
(i) Up to a height of one-and-one-half times the maximum permitted podium height, tower spacing described in (e)(2)(G) above

may be reduced by not more than 15 percent;

(ii) up to a height of 180 feet, tower spacing described in (e)(2)(G) above may be reduced by not more than 10 percent; and

(iii) all floors above 180 feet achieve the full 115-foot minimum tower spacing requirement described in (e)(2)(G) above. A project may average the tower separation of all floors below 180 feet so long as the requirements of (ii) and (iii) herein are satisfied.

CHART C
BULK CONTROL
UPPER TOWER VOLUME REDUCTION



(5) **Exceptions to Tower Bulk, Upper Tower Sculpting and Tower Spacing Requirements on Block 3764.** Exceptions to the tower bulk, upper tower sculpting and tower spacing requirements described in Subsections (e)(2)(A), (F) and (G) above may be granted to a project only on Block 3764, Lot 063, pursuant to the procedures described in Section 309.1 of this Code, provided that the project meets all of the following criteria:

(A) Within 115 feet of Block 3764, Lot 063, there is a tower greater than 85 feet in height as part of a building that has received a First Construction Document;

(B) The project involves the construction of, or alteration to, a tower of no more than 250 feet in height;

(C) The subject lot has a total area of no more than 15,000 square feet;

(D) A minimum distance of 82 feet is preserved between any structures on the parcel and any other structure on or off the parcel above 110 feet in height at all levels above 110 feet in height. Spacing shall be measured horizontally from the outside surface of the exterior wall of structures, which shall include those features described in Planning Code Section 136(c)(2) and (3); and

(E) The project is primarily residential, contains no more than 250,000 gross square feet and provides on-site inclusionary affordable units equivalent to 15% of all units constructed on the site, which shall be subject to the requirements of the Inclusionary Affordable Housing Program under Planning Code Section 415 *et seq.*, and the City's Inclusionary Affordable Housing Program Monitoring and Procedures Manual, as amended from time to time.

(f) **Van Ness & Market Residential Special Use District.** In Bulk District R-2 (Van Ness & Market Residential Special Use District), bulk limitations are as follows:

(1) **Tower Bulk and Spacing.** In the R-2 bulk district there are no bulk limitations below the podium height, and structures above the podium height shall meet the bulk limitations described in subsection (e)(2)(A)-(E). To ensure tower sculpting, the gross floor area of the top one-third of the height of the tower shall be reduced by not less than 10 percent from the maximum floor plates described in subsections (e)(2)(A) – (E) above, and the average diagonal of the top one-third of the height of the tower shall be reduced by not less than 13% from the average diagonal of the tower, unless the overall tower volume is reduced by an equal or greater volume.

(2) **Exceptions.** In the R-2 bulk district, the Planning Commission may grant bulk exceptions through the procedures and findings of Section 309(a)(17) to increase the allowed bulk of buildings up to the limits described in subsections (A) – (D) below. The procedures for granting exceptions to bulk limits described in Section 272 shall not apply.

(A) Towers up to 350 feet in height may not exceed an average floor area of 10,000 gross square feet.

(B) Towers taller than 350 feet may not exceed an average floor area of 12,000 gross square feet, maximum plan length of 150 feet, and maximum diagonal dimension of 190 feet.

(C) Towers taller than 550 feet in height districts of 590 feet and greater may not exceed an average floor area of 18,500 gross square feet between a podium height of 140 feet and 170 feet. Building mass above 150 feet shall be set back at least 10 feet from the property line for a minimum of 90% of all street frontages.

(D) Exceptions to the tower sculpting requirements described in subsection (f)(1) above may be considered up to the limits as follows:

(i) For towers less than 400 feet in height, the provision may be fully waived.

(ii) For towers taller than 400 feet in height, at least one-quarter of the tower's floors shall be reduced by not less than 10% from the maximum floor areas described in (2)(B) above.

(iii) For towers between 500 and 550 feet in height, the average diagonal of the upper one-third of the height of the tower shall be reduced by not less than 5% of maximum diagonal dimension described in subsection 270(e), above.

(3) In order to provide adequate sunlight and air to streets and open spaces, a minimum distance of 115 feet must be preserved between all structures above the applicable podium height for the subject development lot. Spacing shall be measured horizontally from the outside surface of the exterior wall of the subject building to the nearest point on the closest structure above 120 feet in height.

(4) Exceptions shall be permitted as described in section (2)(a)-(c) above. The procedures for granting special exceptions to bulk limits described in Section 272 shall not apply.

(g) **1500 Mission Street Special Use District (Planning Code Section 249.12).** In Bulk District R-3, bulk limitations are as follows:

(1) In height districts 130/240-R-3 and 130/400-R-3, there are no bulk limitations below 130 feet in height, and structures above 130 feet in height shall meet the following bulk limitations.

(A) Buildings between the podium height limit and 240 feet in height may not exceed a plan length of 170 feet and a diagonal dimension of 225 feet.

(B) Buildings between 241 and 400 feet in height may not exceed a plan length of 156 feet and a diagonal dimension of 165 feet, and may not exceed a maximum average floor area of 13,100 gross square feet. To encourage tower sculpting, the gross floor area of the top one-third of the tower shall be reduced by 7% from the maximum floor plate of the tower above the podium height limit unless the overall tower floor plate is reduced by an equal or greater volume.

(C) To provide adequate sunlight and air to streets and open spaces, a minimum distance of 115 feet must be preserved between all structures above 130 feet in height at all levels above 130 feet in height. Spacing shall be measured horizontally from the outside surface of the exterior wall of the subject building to the nearest point on the closest structure above 130 feet in height.

(2) The procedures for granting special exceptions to bulk limits described in Section 272 shall not apply.

(h) **Bulk Limits within the Central SoMa Special Use District.** In the CS Bulk District and height and bulk districts that allow heights of 65 feet and above and that are within the Central South of Market Special Use District, the bulk limits contained in this subsection 270(h) shall apply.

(1) **Definitions.** For purposes of this subsection, the definitions of Section 102 and the following definitions apply unless otherwise specified in this Section:

Apparent Mass Reduction. The percentage of the Skyplane that does not include the Projected Building Mass from the subject lot. For purposes of calculating Apparent Mass Reduction, any portion of the Projected Building Mass that projects above the Height limit shall be added to the projection within the Skyplane.

Base Height. The lowest Height from which the Skyplane is measured.

Lower Tower. The lower two-thirds of the Tower Portion of a Tower, rounded to the nearest floor.

Major Street. 2nd Street, 3rd Street, 4th Street, 5th Street, 6th Street, Mission Street, Howard Street, Folsom Street, Harrison Street, Bryant Street, Brannan Street, and Townsend Street.

Mid-Block Passage. Any passage created pursuant to Section 270.2.

Narrow Street. A right-of-way with a width of 40 feet or less and more than 60 feet from an intersection with a street wider than 40 feet.

Projected Building Mass. The portion of the subject building that projects into the Skyplane as viewed from the most directly opposite property line. This volume includes all parts and features of a building, including but not limited to any feature listed in Section 260(b).

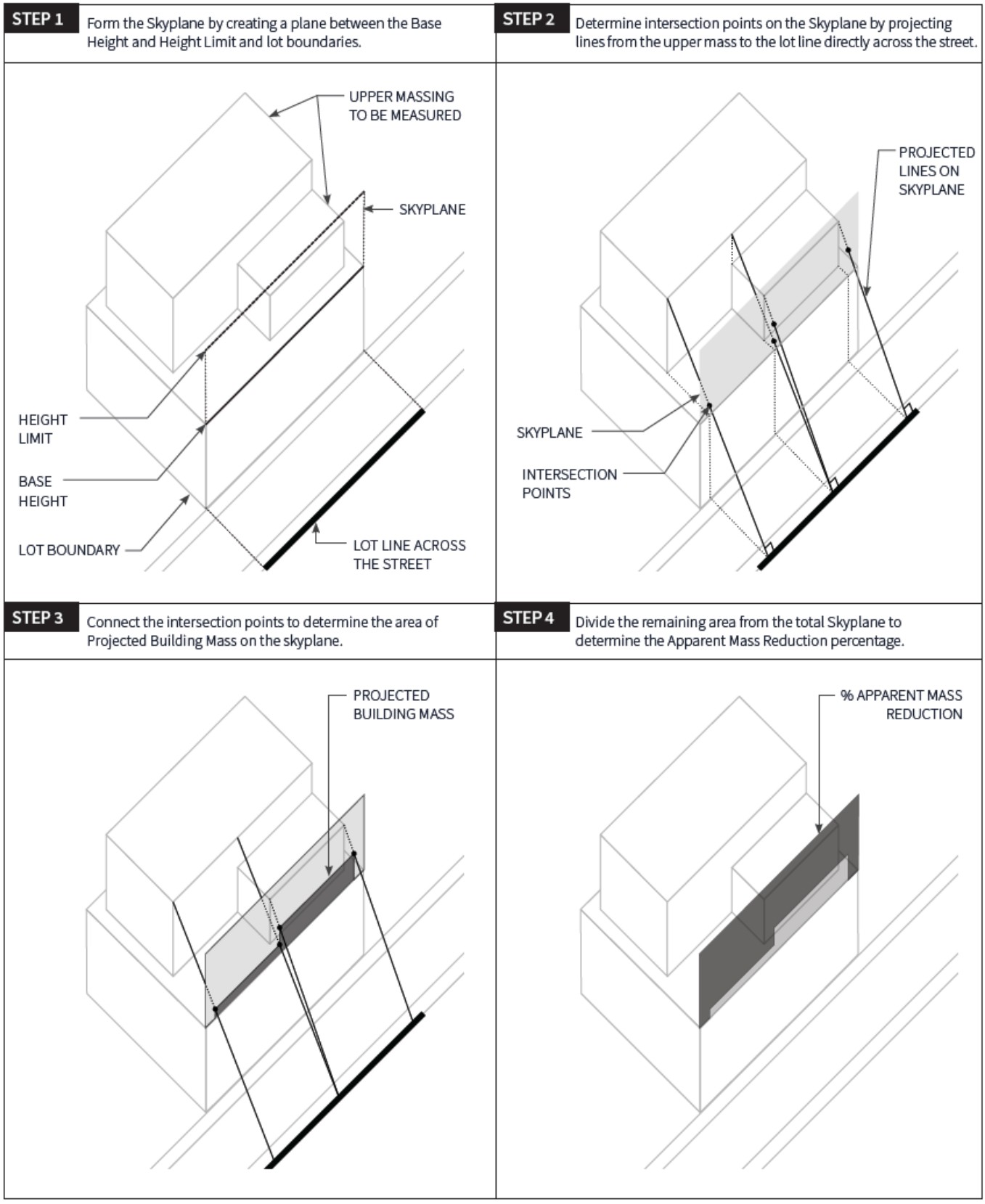
Skyplane.

(i) A plane along each street-facing property line of the subject lot extending:

(aa) Vertically from the Base Height up to the Height limit for the subject lot; and

(bb) Horizontally for the length of the street-facing property line.

(ii) The figure below illustrates how a skyplane is to be measured:



Tower. Any building taller than 160 feet in Height.

Tower Portion. The portion of a Tower above 85 feet in Height.

Upper Tower. The upper one-third of the Tower Portion of a Tower, rounded to the nearest floor.

(2) **Apparent Mass Reduction.** Projects in the CS Bulk District are subject to the Apparent Mass Reduction controls of Table 270(h), as well as the setback requirements of Section 132.4.

Table 270(h)

Apparent Mass Reduction***

Building Frontage	Side of the Street	Height District	Base Height*	Apparent Mass Reduction

Table 270(h)

Apparent Mass Reduction***

Building Frontage	Side of the Street	Height District	Base Height*	Apparent Mass Reduction
Major Street	Southeast and southwest	130 feet	85 feet	67%
Major Street	Southeast and southwest	160 feet	85 feet	80%
Major Street	Northeast and northwest	130 feet	85 feet	50%
Major Street	Northeast and northwest	160 feet	85 feet	70%
Major Street	All	Above 160 feet	85 feet	None for the Tower Portion, as defined in Section 132.4. 80% for the remainder of the building, using a Height limit of 160 feet for purposes of this calculation.
Narrow Street	Northeast and northwest	130 feet and 160 feet	35 feet	85%
Narrow Street	Northeast and northwest	65 feet	35 feet	50%
Narrow Street	Northeast and northwest	85 feet	35 feet	70%
Narrow Street	All	Above 160 feet	35 feet	None for the Tower Portion, as defined in Section 132.4. 85% for the remainder of the building, using a Height limit of 160 feet for purposes of this calculation.
Mid-Block Passage	All	All	None	The controls of Section 261.1(d)(3) shall apply. **
Perry Street	Northwest	All	None	The controls of Section 261.1(d)(1) shall apply. **
Stillman Street	Southeast	All	35 feet	Between 2nd and 3rd Streets: the controls of Section 261.1 shall apply. Between 3rd and 4th Streets: the controls of Section 261.1 shall not apply, and for the first 60 feet from an intersection, 0% apparent mass reduction is required; elsewhere, 85% apparent mass reduction is required.
Other Street	All	All	Width of the abutting street	Same as the Apparent Mass Reduction for projects along Major Streets in the same height district and on the same side of the street.

* For projects that are required to provide PDR pursuant to Sections 202.8 and 249.78(c)(5), if such PDR is provided on the ground floor or above, add 3 vertical feet to the Base Height.

** For projects that are required to provide PDR pursuant to Sections 202.8 and 249.78 (c)(5), if such PDR is provided on the ground floor or above, add 3 vertical feet to the height where upper story setback is required pursuant to Section 261.1.

*** Any building that exceeds the height allowed by the applicable Height District shall comply with the apparent mass reduction requirement in this Table based on its actual height.

(3) **Bulk Controls for Buildings Towers.**

(A) **Maximum Floor Area for the Tower Portion.**

(i) For residential and hotel uses, the maximum Gross Floor Area of any floor is 12,000 gross square feet.

(ii) For all other uses, the maximum Gross Floor Area of any floor is 17,000 gross square feet and the average Gross Floor Area for all floors in the Tower Portion shall not exceed 15,000 gross square feet.

(B) **Maximum Plan Dimensions for the Tower Portion.**

(i) The maximum length shall be 150 feet.

(ii) The maximum diagonal shall be 190 feet.

(iii) For buildings with a Height of 250 feet or more, the average Gross Floor Area of the Upper Tower shall not exceed 85 percent of the average Gross Floor Area of the Lower Tower, and the average diagonal of the Upper Tower shall not exceed 92.5 percent of the average diagonal of the Lower Tower.

(4) **Exceptions.** Except as specifically described in this subsection (h) and in Section 329(e), no exceptions to the controls in the CS Bulk District shall be permitted. The procedures for granting special exceptions to bulk limits described in Section 272 shall not apply.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 532-85, App. 12/4/85; Ord. 131-87, App. 4/24/87; Ord. 537-88, App. 12/16/88; Ord. 217-05, File No. 050865, App. 8/19/2005; Ord. 94-06, File No. 050182, App. 5/19/2006; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 208-10, File No. 208-10, App. 8/3/2010; Ord. 90-11, File No. 110301, App. 6/9/2011, Eff. 7/9/2011; Ord. 98-11, File No. 110229, App. 6/15/2011, Eff. 7/15/2011; Ord. 144-11, File No. 110625, App. 7/18/2011, Eff. 8/17/2011; Ord. 182-12, File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 217-15, File No. 151063, App. 12/16/2015, Eff. 1/15/2016; Ord. 101-17, File No. 170348, App. 5/24/2017, Eff. 6/23/2017; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 206-19, File No. 190048, App. 9/13/2019, Eff. 10/14/2019; Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020; Ord. 47-21, File No. 201175, App. 4/16/2021, Eff. 5/17/2021)

AMENDMENT HISTORY

Table 270 row PM added; Ord. 90-11, Eff. 7/9/2011. Table 270 row TI added; Ord. 98-11, Eff. 7/15/2011. Table 270 row EP added; Ord. 144-11, Eff. 8/17/2011. Table 270 row S-2 added; divisions (d) and (d)(1) amended; new division (d)(4) added; Ord. 182-12, Eff. 9/7/2012. Table 270 row PM amended; former divisions (e)(3)(i) through (vi) redesignated as (e)(3)(A) through (F); former divisions (e)(4)(i) through (iv) redesignated as (e)(4)(A) through (e)(4)(A)(iii); Chart C replaced; Ord. 56-13, Eff. 4/27/2013. Divisions (e)(2)(I), (e)(3)(B), and (e)(3)(F) amended; Division (e)(5) added; Ord. 217-15, Eff. 1/15/2016. Division (g) added; Ord. 101-17, Eff. 6/23/2017. Table 270 row CS added; divisions (h)-(h)(4) and Table 270(h) added; Ord. 296-18, Eff. 1/12/2019. Division (a) amended; Ord. 206-19, Eff. 10/14/2019. Divisions (f) and (f)(1) amended; former divisions (f)(2)-(3) redesignated as (f)(3)-(4) and amended; new divisions (f)(2)-(f)(2)(D)(iii) added; Ord. 126-20, Eff. 8/31/2020. Division (h) amended; Table 270(h) amended; Ord. 47-21, Eff. 5/17/2021.

SEC. 271. BULK LIMITS: SPECIAL EXCEPTIONS, IN DISTRICTS OTHER THAN C-3.

(a) **General.** The bulk limits prescribed by Section 270 have been carefully considered in relation to objectives and policies for conservation and change in districts other than C-3. There may be some exceptional cases in which these limits may properly be permitted to be exceeded to a certain degree; however, following public review and exploration of alternatives, provided there are adequate compensating factors. Such deviation might occur, when the criteria of this Section are met, for one or both of the following positive reasons:

(1) Achievement of a distinctly better design, in both a public and a private sense, than would be possible with strict adherence to the bulk limits, avoiding an unnecessary prescription of building form while carrying out the intent of the bulk limits and the principles and policies of the General Plan.

(2) Development of a building or structure with widespread public service benefits and significance to the community at large, where compelling functional requirements of the specific building or structure make necessary such a deviation.

(b) **Procedures.** Deviations from the bulk limits under this section shall be permitted only upon approval by the City Planning Commission according to the procedures for conditional use approval in Section 303 of this Code, or for the procedures for design review in Section 329 of this Code for subject projects in the Eastern Neighborhoods Mixed Use Districts.

(c) **Criteria.** In acting upon any application for a conditional use or modification to permit the bulk limits to be exceeded under this section, the City Planning Commission shall consider the following standards and criteria in addition to those stated in Sections 303(c) and 329 of this Code:

(1) The appearance of bulk in the building, structure or development shall be reduced by means of at least one and preferably a combination of the following factors, so as to produce the impression of an aggregate of parts rather than a single building mass:

(A) Major variations in the planes of wall surfaces, in either depth or direction, that significantly alter the mass;

(B) Significant differences in the heights of various portions of the building, structure or development that divide the mass into distinct elements;

(C) Differences in materials, colors or scales of the facades that produce separate major elements;

(D) Compensation for those portions of the building, structure or development that may exceed the bulk limits by corresponding reduction of other portions below the maximum bulk permitted; and

(E) In cases where two or more buildings, structures or towers are contained within a single development, a wide separation between such buildings, structures or towers.

(2) In every case the building, structure or development shall be made compatible with the character and development of the surrounding area by means of all of the following factors:

(A) A silhouette harmonious with natural land-forms and building patterns, including the patterns produced by height limits;

(B) Either maintenance of an overall height similar to that of surrounding development or a sensitive transition, where appropriate, to development of a dissimilar character;

(C) Use of materials, colors and scales either similar to or harmonizing with those of nearby development; and

(D) Preservation or enhancement of the pedestrian environment by maintenance of pleasant scale and visual interest.

(3) While the above factors must be present to a considerable degree for any bulk limit to be exceeded, these factors must be present to a greater degree where both the maximum length and the maximum diagonal dimension are to be exceeded than where only one maximum dimension is to be exceeded.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

- Division (a)(1) amended; former Chart C deleted; Ord. 188-15 , Eff. 12/4/2015.

SEC. 295. HEIGHT RESTRICTIONS ON STRUCTURES SHADOWING PROPERTY UNDER THE JURISDICTION OF THE RECREATION AND PARK COMMISSION.

(a) No building permit authorizing the construction of any structure that will cast any shade or shadow upon any property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission may be issued except upon prior action of the Planning Commission pursuant to the provisions of this Section; provided, however, that the provisions of this Section shall not apply to building permits authorizing:

(1) Structures which do not exceed 40 feet in height;

(2) Structures which cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission only during the first hour after sunrise and/or the last hour before sunset;

(3) Structures to be constructed on property under the jurisdiction of the Recreation and Park Commission for recreational and park-related purposes;

(4) Structures of the same height and in the same location as structures in place on June 6, 1984;

(5) Projects for which a building permit application has been filed and either

(i) a public hearing has been held prior to March 5, 1984 on a draft environmental impact report published by the Planning Department, or

(ii) a Negative Declaration has been published by the Planning Department prior to July 3, 1984;

(6) Projects for which a building permit application and an application for environmental evaluation have been filed prior to March 5, 1984 and which involve physical integration of new construction with rehabilitation of a building designated as historic either by the San Francisco Board of Supervisors as a historical landmark or by the State Historic Preservation Officer as a State Historic Landmark, or placed by the United States Department of the Interior on the National Register of Historic Places and which are located on sites that, but for separation by a street or alley, are adjacent to such historic building.

(b) The Planning Commission shall conduct a hearing and shall disapprove the issuance of any building permit governed by the provisions of this Section if it finds that the proposed project will have any adverse impact on the use of the property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission because of the shading or shadowing that it will cause, unless it is determined that the impact would be insignificant. The Planning Commission shall not make the determination required by the provisions of this Subsection until the general manager of the Recreation and Park Department in consultation with the Recreation and Park Commission has had an opportunity to review and comment to the Planning Commission upon the proposed project.

(c) The Planning Commission and the Recreation and Park Commission, after a joint meeting, shall adopt criteria for the implementation of the provisions of this Section.

(d) The Zoning Administrator shall determine which applications for building permits propose structures which will cast a shade or shadow upon property under the jurisdiction of, or designated for acquisition by, the Recreation and Park Commission. As used in this Section, "property designated for acquisition by the Recreation and Park Commission" shall mean property which a majority of each of the Recreation and Park Commission and the Planning Commission, meeting jointly, with the concurrence of the Board of Supervisors, have recommended for acquisition from the Open Space Acquisition and Park Renovation Fund, which property is to be placed under the jurisdiction of the Recreation and Park Commission.

(Added Ord. 62-85, App. 1/31/85; amended by Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

- Nonsubstantive changes; Ord. 188-15 , Eff. 12/4/2015.

SEC. 302. PLANNING CODE AMENDMENTS.

(See Interpretations related to this Section.)

(a) **General.** Whenever the public necessity, convenience and general welfare require, the Board of Supervisors may, by ordinance, amend any part of this Code. Such amendments may include reclassifications of property (changes in the Zoning Map), changes in the text of the Code, or establishment, abolition or modification of a setback line. The procedures for amendments to the Planning Code shall be as specified in this Section and in Sections 306 through 306.6 , and in Section 333.

(b) **Initiation.** An amendment to the Planning Code may be initiated by introduction by a member of the Board of Supervisors of a proposed ordinance approved as to form by the City Attorney, or by a resolution of intention by the Planning Commission, or by application of one or more interested property owners, residents or commercial lessees or their authorized agents. Upon the introduction of an ordinance, the Clerk of the Board of Supervisors shall transmit the proposed ordinance to the Planning Commission. A resolution of intention adopted by the Planning Commission shall refer to, and incorporate by reference, a proposed ordinance approved as to form by the City Attorney. An "interested property owner" is hereby defined, for the purposes of this Section, as an owner of real property, a resident or a commercial lessee, that is either within the area included in the application or within a distance of 300 feet of the exterior boundaries of such area, or at a greater distance therefrom upon a showing that such property is influenced by development currently permitted by this Code within the area.

(c) **Determination.** The Planning Commission shall hold a hearing on the proposed amendment to the Planning Code. If, following its hearing, the Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendment or any part thereof, it shall approve such amendment or part, and otherwise it shall disapprove the same. If approved by the Planning Commission in whole or in part, the proposed amendment or part shall be presented to the Board of Supervisors, together with a copy of the resolution of approval, and the Board of Supervisors may adopt such amendment or part by a majority vote. Disapproval of the proposed amendment or part by the Planning Commission shall have the following effect, depending upon the type of amendment involved:

(1) A proposed amendment to the Planning Code or part that had been introduced by a member of the Board of Supervisors to change the text of the Code or the Zoning Map shall be presented to said Board, together with a copy of the resolution of disapproval, and said amendment or part may be adopted by said Board by a majority vote.

(2) In all other cases, the disapproval of the Planning Commission shall be final, except upon the filing of a valid appeal to the Board of Supervisors as provided in Section 308.1.

(d) **Referral of Proposed Text Amendments to the Planning Code Back to Planning Commission.** In acting upon any proposed amendment to the text of the Code, the Board of Supervisors may modify said amendment but shall not take final action upon any material modification that has not been approved or disapproved by the Planning Commission. Should the Board adopt a motion proposing to modify the amendment while it is before said Board, said amendment and the motion proposing modification shall be referred back to the Planning Commission for its consideration. In all such cases of referral back, the amendment and the proposed modification shall be heard by the Planning Commission according to the requirements for a new proposal, except that online notice required under Section 333 need be given only 10 days prior to the date of the hearing. The motion proposing modification shall refer to, and incorporate by reference, a proposed amendment approved by the City Attorney as to form.

(Amended by Ord. 210-84, App. 5/4/84; Ord. 42-87, App. 2/20/87; Ord. 180-95, App. 6/2/95; Ord. 321-96, App. 8/8/96; Ord. 179-18, File No. 180423, App. 7/27/2018, Eff. 8/27/2018, Oper. 1/1/2019)

AMENDMENT HISTORY

Division (d) amended; Ord. 179-18, Oper. 1/1/2019.

SEC. 303. CONDITIONAL USES.

(See Interpretations related to this Section.)

(a) **General.** The Planning Commission shall hear and make determinations regarding applications for the authorization of Conditional Uses in the specific situations in which such authorization is provided for elsewhere in this Code. The procedures for Conditional Uses shall be as specified in this Section 303 and in Sections 306 through 306.6, except that Planned Unit Developments shall in addition be subject to Section 304, Hospitals and Post-Secondary Educational Institutions shall in addition be subject to the Institutional Master Plan requirements of Section 304.5.

(b) **Initiation.** A Conditional Use action may be initiated by application of the owner, or authorized agent for the owner, of the property for which the Conditional Use is sought. For a Conditional Use application to relocate a General Advertising Sign under subsection (I) below, application shall be made by a General Advertising Sign company that has filed a Relocation Agreement application and all required information with the Planning Department pursuant to Section 2.21 of the San Francisco Administrative Code.

(c) **Determination.** After its hearing on the application, or upon the recommendation of the Director of Planning that no hearing is required, the Planning Commission shall approve the appli- cation and authorize a Conditional Use if the facts presented are such to establish that:

(1) The proposed use or feature, at the size and intensity contemplated and at the proposed location, will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community. If the proposed use exceeds the Non-Residential Use Size limitations for the district in which the use is located, the following shall be considered:

(A) The intensity of activity in the district is not such that allowing the larger use will be likely to foreclose the location of other needed neighborhood-servicing uses in the area; and

(B) The proposed use will serve the neighborhood, in whole or in significant part, and the nature of the use requires a larger size in order to function; and

(C) The building in which the use is to be located is designed in discrete elements which respect the scale of development in the district; and

(2) Such use or feature as proposed will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, with respect to aspects including but not limited to the following:

(A) The nature of the proposed site, including its size and shape, and the proposed size, shape and arrangement of structures;

(B) The accessibility and traffic patterns for persons and vehicles, the type and volume of such traffic, and the adequacy of proposed off-street parking and loading and of proposed alternatives to off-street parking, including provisions of car-share parking spaces, as defined in Section 166 of this Code.

(C) The safeguards afforded to prevent noxious or offensive emissions such as noise, glare, dust and odor;

(D) Treatment given, as appropriate, to such aspects as landscaping, screening, open spaces, parking and loading areas, service areas, lighting and signs; and

(3) Such use or feature as proposed will comply with the applicable provisions of this Code and will not adversely affect the General Plan; and

(4) Such use or feature as proposed will provide development that is in conformity with the stated purpose of the applicable Use District; and

(5) The use or feature satisfies any criteria specific to the use or feature in Subsections (g),*et seq.* of this Section.

(d) **Conditions.** When considering an application for a Conditional Use as provided herein with respect to applications for development of "dwellings" as defined in Chapter 87 of the Administrative Code, the Commission shall comply with that Chapter which requires, among other things, that the Commission not base any decision regarding the development of “dwellings” in which “protected class” members are likely to reside on information which may be discriminatory to any member of a “protected class” (as all such terms are defined in Chapter 87 of the Administrative Code). In addition, when authorizing a Conditional Use as provided herein, the Planning Commission, or the Board of Supervisors on appeal, shall prescribe such additional conditions, beyond those specified in this Code, as are in its opinion necessary to secure the objectives of the Code. Once any portion of the Conditional Use authorization is utilized, all such conditions pertaining to such authorization shall become immediately operative. The violation of any condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the Conditional Use authorization. Such conditions may include time limits for exercise of the Conditional Use authorization; otherwise, any exercise of such authorization must commence within a reasonable time.

(e) **Modification of Conditions.** Authorization of a change in any condition previously imposed in the authorization of a Conditional Use shall be subject to the same procedures as a new Conditional Use. Such procedures shall also apply to applications for modification or waiver of conditions set forth in prior stipulations and covenants relative thereto continued in effect by the provisions of Section 174 of this Code.

(f) **Conditional Use Abatement.** The Planning Commission may consider the possible revocation of a Conditional Use or the possible modification of or placement of additional conditions on a Conditional Use when the Planning Commission determines, based upon substantial evidence, that the applicant for the Conditional Use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or the Conditional Use is not in compliance with a Condition of Approval, is in violation of law if the violation is within the subject matter jurisdiction of the Planning Commission, or operates in such a manner as to create hazardous, noxious, or offensive conditions enumerated in Section 202(c) if the violation is within the subject matter jurisdiction of the Planning Commission and these circumstances have not been abated through administrative action of the Director, the Zoning Administrator or other City authority. Such consideration shall be the subject of a public hearing before the Planning Commission but no fee shall be required of the applicant or the subject Conditional Use operator.

(1) **Public Hearing.** The Director of Planning or the Planning Commission may schedule a public hearing on Conditional Use abatement when the Director or Commission has obtained or received (A) substantial evidence submitted within one year of the effective date of the Conditional Use authorization that the applicant for the Conditional Use had submitted false or misleading information in the application process that could have reasonably had a substantial effect upon the decision of the Commission or (B) substantial evidence, submitted or received at any time while the Conditional Use authorization is effective, of a violation of conditions of approval, a violation of law, or operation which creates hazardous, noxious or offensive conditions enumerated in Section 202(c).

(2) **Notification.** The notice for the public hearing on a Conditional Use abatement shall be subject to the notification procedure described in Section 333 of this Code.

(3) **Consideration.** In considering a Conditional Use revocation, the Commission shall consider whether and how the false or misleading information submitted by the applicant could have reasonably had a substantial effect upon the decision of the Commission, or the Board of Supervisors on appeal, to authorize the Conditional Use, substantial evidence of how any required condition has been violated or not implemented or how the Conditional Use is in violation of the law if the violation is within the subject matter jurisdiction of the Planning Commission or operates in such a manner as to create hazardous, noxious or offensive conditions enumerated in Section

202(c) if the violation is within the subject matter jurisdiction of the Planning Commission. As an alternative to revocation, the Commission may consider how the use can be required to meet the law or the conditions of approval, how the hazardous, noxious or offensive conditions can be abated, or how the criteria of Section 303(c) can be met by modifying existing conditions or by adding new conditions which could remedy a violation.

(4) **Appeals.** A decision by the Planning Commission to revoke a Conditional Use, to modify conditions or to place additional conditions on a Conditional Use or a decision by the Planning Commission refusing to revoke or amend a Conditional Use, may be appealed to the Board of Supervisors within 30 days after the date of action by the Planning Commission pursuant to the provisions of Section 308.1(b). The Board of Supervisors may disapprove the action of the Planning Commission in an abatement matter by the same vote necessary to overturn the Commission's approval or denial of a Conditional Use. The Planning Commission's action on a Conditional Use abatement issue shall take effect when the appeal period is over or, upon appeal, when there is final action on the appeal.

(5) **Reconsideration.** The decision by the Planning Commission with respect to a Conditional Use abatement issue or by the Board of Supervisors on appeal shall be final and not subject to reconsideration within a period of one year from the effective date of final action upon the earlier abatement proceeding, unless the Director of Planning determines that:

(A) There is substantial new evidence of a new Conditional Use abatement issue that is significantly different than the issue previously considered by the Planning Commission; or

(B) There is substantial new evidence about the same Conditional Use abatement issue considered in the earlier abatement proceeding, this new evidence was not or could not be reasonably available at the time of the earlier abatement proceeding, and that new evidence indicates that the Commission's decision in the earlier proceeding has not been implemented within a reasonable time or raises significant new issues not previously considered by the Planning Commission. The decision of the Director of Planning regarding the sufficiency and adequacy of evidence to allow the reconsideration of a Conditional Use abatement issue within a period of one year from the effective date of final action on the earlier abatement proceeding shall be final.

(g) **Hotels and Motels.** With respect to applications for development of tourist hotels and motels, the Planning Commission shall consider, in addition to the criteria set forth in Subsections (c) and (d) above:

(1) The impact of the employees of the hotel or motel on the demand in the City for housing, public transit, child-care, and other social services. To the extent relevant, the Commission shall also consider the seasonal and part-time nature of employment in the hotel or motel;

(2) The measures that will be taken by the project sponsor to employ residents of San Francisco in order to minimize increased demand for regional transportation;

(3) The market demand for a hotel or motel of the type proposed; and

(4) In the Transit Center C-3-O(SD) Commercial Special Use District, the opportunity for commercial growth in the Special Use District and whether the proposed hotel, considered with other hotels and non-commercial uses approved or proposed for major development sites in the Special Use District since its adoption would substantially reduce the capacity to accommodate dense, transit-oriented job growth in the District.

(h) **Internet Services Exchange.**

(1) With respect to application for development of Internet Services Exchange as defined in Section 102, the Planning Commission shall, in addition to the criteria set forth in Subsection (c) above, find that:

(A) The intensity of the use at this location and in the surrounding neighborhood is not such that allowing the use will likely foreclose the location of other needed neighborhood-serving uses in the area;

(B) The building in which the use is located is designed in discrete elements, which respect the scale of development in adjacent blocks, particularly any existing residential uses;

(C) Rooftop equipment on the building in which the use is located is screened appropriately.

(D) The back-up power system for the proposed use will comply with all applicable Federal, State, regional and local air pollution controls.

(E) Fixed-source equipment noise does not exceed the decibel levels specified in the San Francisco Noise Control Ordinance.

(F) The building is designed to minimize energy consumption, such as through the use of energy-efficient technology, including without limitation, heating, ventilating and air conditioning systems, lighting controls, natural ventilation and recapturing waste heat, and as such commercially available technology evolves;

(G) The project sponsor has examined the feasibility of supplying and, to the extent feasible, will supply all or a portion of the building's power needs through on-site power generation, such as through the use of fuel cells or co-generation;

(H) The project sponsor shall have submitted design capacity and projected power use of the building as part of the conditional use application; and

(2) As a condition of approval, and so long as the use remains an Internet Services Exchange, the project sponsor shall submit to the Planning Department on an annual basis power use statements for the previous twelve-month period as provided by all suppliers of utilities and shall submit a written annual report to the Department of Environment and the Planning Department which shall state: (a) the annual energy consumption and fuel consumption of all tenants and occupants of the Internet Services Exchange; (b) the number of

all diesel generators located at the site and the hours of usage, including usage for testing purposes; (c) evidence that diesel generators at the site are in compliance with all applicable local, regional, State, and Federal permits, regulations and laws; and (d) such other information as the Planning Commission may require.

(3) The Planning Department shall have the following responsibilities regarding Internet Services Exchanges:

(A) Upon the effective date of the requirement of a Conditional Use authorization for an Internet Services Exchange, the Planning Department shall notify property owners of all existing Internet Services Exchanges that the use has been reclassified as a conditional use;

(B) Upon the effective date of the requirement of a Conditional Use authorization for an Internet Services Exchange, the Planning Department shall submit to the Board of Supervisors and to the Director of the Department of Building Inspection a written report covering all existing Internet Services Exchanges and those Internet Services Exchanges seeking to obtain a Conditional Use authorization, which report shall state the address, assessor's block and lot, zoning classification, square footage of the Internet Services Exchange constructed or to be constructed, a list of permits previously issued by the Planning and/or Building Inspection Departments concerning the Internet Services Exchange, the date of issuance of such permits, and the status of any outstanding requests for permits from the Planning and/or Building Inspection Departments concerning Internet Services Exchange; and

(C) Within three years from the effective date of the requirement of a Conditional Use authorization for an Internet Services Exchange, the Planning Department, in consultation with the Department of Environment, shall submit to the Board of Supervisors a written report, which report shall contain the Planning Commission's evaluation of the effectiveness of the conditions imposed on Internet Services Exchanges, and whether it recommends additional or modified conditions to reduce energy and fuel consumption, limit air pollutant emissions, and enhance the compatibility of industrial uses, such as Internet Services Exchanges, located near or in residential or commercial districts.

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

(1) The extent to which the retail use's parking is planned in a manner that creates or maintains active street frontage patterns;

(2) The extent to which the retail use is a component of a mixed-use project or is designed in a manner that encourages mixed-use building opportunities;

(3) The shift in traffic patterns that may result from drawing traffic to the location of the proposed use;

(4) The impact that the employees at the proposed use will have on the demand in the City for housing, public transit, childcare, and other social services; and

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

(A) **Employment Analysis.** The report shall include the following employment information: a projection of both construction-related and permanent employment generated by the proposed project, and a discussion of whether the employer of the proposed project will pay a living wage, inclusive of non-salary benefits expected to be provided, relative to San Francisco's cost of living.

(B) **Fiscal Impact.** The report shall itemize public revenue created by the proposed project and public services needed because of the proposed project, relative to net fiscal impacts to the General Fund. The impacts to the City's public facilities and infrastructure shall be estimated using the City's current assumptions in existing nexus studies (including area plan, transit, open space in-lieu fee and other impact fees), and should account for any contributions the proposed project would make through such impact fee payments.

(C) **Leakage Analysis Study.** This portion of the report shall be twofold: both quantitative and qualitative. The quantitative portion shall provide an analysis of whether the proposed project will result in a net increase or decrease in the capture of spending by area residents on items that would otherwise be purchased outside the area. The area to be studied for potential economic impacts of the proposed project shall be determined by the City in consultation with the expert conducting the study as different sizes of study areas would be pertinent depending on a multitude of factors, including but not limited to, size and type of the proposed store. This quantitative leakage analysis should be paired with a qualitative assessment of whether the proposed use would complement existing merchandise selection in the area by adding greater variety of merchandise, bolstering the strength of an existing retail cluster, or matching evolving consumer preferences.

(j) **Change in Use or Demolition of Movie Theater Uses.** With respect to a change in use or demolition of a Movie Theater use pursuant to Section 202.4, in addition to the criteria set forth in subsections (c) and (d) above, the Commission shall make the following findings:

(1) Preservation of a Movie Theater use is no longer economically viable and cannot effect a reasonable economic return to the property owner. For purposes of defining “reasonable economic return,” the Planning Commission shall be guided by the criteria for Fair Return on Investment set forth in Section 102;

(2) The change in use or demolition of the Movie Theater use will not undermine the economic diversity and vitality of the surrounding District; and

(3) The resulting project will preserve the architectural integrity of important historic features of the movie theater use affected.

(k) **Relocation of Existing General Advertising Signs pursuant to a General Advertising Sign Company Relocation Agreement.**

(1) Before the Planning Commission may consider an application for a Conditional Use to relocate an existing lawfully permitted General Advertising Sign as authorized by Section 611 of this Code, the applicant sign company must have:

(A) Obtained a current Relocation Agreement approved by the Board of Supervisors under Section 2.21 of the San Francisco Administrative Code that covers the sign or signs proposed to be relocated; and

(B) Submitted to the Department a current sign inventory, site map, and the other information required under Section 604.2 of this Code; and

(C) Obtained the written consent to the relocation of the sign from the owner of the property upon which the existing sign structure is erected.

(D) Obtained a permit to demolish the sign structure at the existing location.

(2) The Department, in its discretion, may review in a single Conditional Use application all signs proposed for relocation by a General Advertising Sign company or may require that one or more of the signs proposed for relocation be considered in a separate application or applications. Prior to the Commission's public hearing on the application, the Department shall have verified the completeness and accuracy of the General Advertising Sign company's sign inventory.

(3) Only one sign may be erected in a new location, which shall be the same square footage or less than the existing sign proposed to be relocated. In no event may the square footage of several existing signs be aggregated in order to erect a new sign with greater square footage; provided however the square footage of one or more existing signs may be disaggregated in order to erect multiple smaller signs with lesser total square footage.

(4) In addition to applicable criteria set forth in subsection (c) above, the Planning Commission shall consider the size and visibility of the signs proposed to be located as well as the following factors in determining whether to approve or disapprove a proposed relocation:

(A) The factors set forth in this subsection (A) shall weigh in favor of the Commission's approval of the proposed relocation site:

(i) The sign or signs proposed for relocation are lawfully existing but are not in conformity with the sign regulations that existed prior to the adoption of Proposition G on March 5, 2002.

(ii) The sign or signs proposed for relocation are on a City list, if any, of priorities for sign removal or signs preferred for relocation.

(iii) The sign or signs proposed for relocation are within, adjacent to, or visible from property under the jurisdiction of the San Francisco Port Commission, the San Francisco Unified School District, or the San Francisco Recreation and Park Commission.

(iv) The sign or signs proposed for relocation are within, adjacent to, or visible from an Historic District or conservation district designated in Article 10 or Article 11 of the Planning Code.

(v) The sign or signs proposed for relocation are within, adjacent to, or visible from a zoning district where general advertising signs are prohibited.

(vi) The sign or signs proposed for relocation are within, adjacent to, or visible from a designated view corridor.

(B) The factors set forth in this subsection (k)(4)(B) shall weigh against the Commission's approval of the proposed relocation:

(i) The sign or signs proposed for relocation are or will be obstructed, partially obstructed, or removed from public view by another structure or by landscaping.

(ii) The proposed relocation site is adjacent to or visible from property under the jurisdiction of the San Francisco Port Commission, the San Francisco Unified School District, or the San Francisco Recreation and Park Commission.

(iii) The proposed relocation site is adjacent to or visible from an Historic District or conservation district designated in Article 10 or Article 11 of the Planning Code.

(iv) The proposed relocation site is within, adjacent to, or visible from a zoning district where General Advertising Signs are prohibited.

(v) The proposed relocation site is within, adjacent to, or visible from a designated view corridor.

(vi) There is significant neighborhood opposition to the proposed relocation site.

(5) In no event may the Commission approve a relocation where:

(A) The sign or signs proposed for relocation have been erected, placed, replaced, reconstructed, or relocated on the property, or intensified in illumination or other aspect, or expanded in area or in any dimension in violation of Article 6 of this Code or without a permit having been duly issued; or

(B) The proposed relocation site is not a lawful location under Planning Code Section 611(c)(2); or

(C) The sign in its new location would exceed the size, height or dimensions, or increase the illumination or other intensity of the

sign at its former location; or

(D) The sign in its new location would not comply with the Code requirements for that location as set forth in Article 6 of this Code; or

(E) The sign has been removed from its former location; or

(F) The owner of the property upon which the existing sign structure is erected has not consented in writing to the relocation of the sign.

(6) The Planning Commission may adopt additional criteria for relocation of General Advertising Signs that do not conflict with this Section 303(k) or Section 611 of this Code.

(l) **Change in Use or Demolition of General Grocery Uses.** With respect to a change in use or demolition of General Grocery use which use exceeds 5,000 gross square feet pursuant to Section 202.3 of this Code, in addition to the criteria set forth in subsections (c) and (d) above, the Commission shall make the following findings:

(1) Preservation of a General Grocery use is no longer economically viable and cannot effect a reasonable economic return to the property owner. The Commission may disregard the above finding if it finds that the change in use or replacement structure in the case of demolition will contain a General Grocery that is of a sufficient size to serve the shopping needs of nearby residents and offers comparable services to the former General Grocery store. For purposes of defining "reasonable economic return," the Planning Commission shall be guided by the criteria for Fair Return on Investment set forth in Section 102; and

(2) The change in use or demolition of the General Grocery use will not undermine the economic diversity and vitality of the surrounding neighborhood.

(m) **Tobacco Paraphernalia Establishments.**

(1) With respect to a Tobacco Paraphernalia Establishment, as defined in Section 102 of this Code, in addition to the criteria set forth in Subsections (c) and (d) above, the Commission shall make the following findings:

(A) The concentration of such establishments in the particular zoning district for which they are proposed does not appear to contribute directly to peace, health, safety, and general welfare problems, including drug use, drug sales, drug trafficking, other crimes associated with drug use, loitering, and littering, as well as traffic circulation, parking, and noise problems on the district's public streets and lots;

(B) The concentration of such establishments in the particular zoning district for which they are proposed does not appear to adversely impact the health, safety, and welfare of residents of nearby areas, including fear for the safety of children, elderly and disabled residents, and visitors to San Francisco; and

(C) The proposed establishment is compatible with the existing character of the particular district for which it is proposed.

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

(1) Whether the use's façade is transparent and open to the public. Permanent transparency and openness are preferable. Elements that lend openness and transparency to a façade include:

(A) active street frontage of at least 25 feet in length where 75% of that length is devoted to entrances to commercially used space or windows at the pedestrian eye-level;

(B) windows that use clear, untinted glass, except for decorative or architectural accent;

(C) any decorative railings or decorative grille work, other than wire mesh, which is placed in front of or behind such windows, should be at least 75% open to perpendicular view and no more than six feet in height above grade;

(2) Whether the use includes pedestrian-oriented lighting. Well lit establishments where lighting is installed and maintained along all public rights-of-way adjacent to the building with the massage use during the post-sunset hours of the massage use are encouraged:

(3) Whether the use is reasonably oriented to facilitate public access. Barriers that make entrance to the use more difficult than to an average service-provider in the area are to be strongly discouraged. These include (but are not limited to) foyers equipped with double doors that can be opened only from the inside and security cameras.

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

(1) The massage use is accessory to a Principal Use, if the massage use is accessed by the Principal Use and the Principal Use is a Hotel, not including a Residential Hotel; a Personal Service; a Health Service; or an Institutional Use as defined in this Code.

(2) The only massage service provided is Chair/Foot Massage, such service is visible to the public, and customers are fully clothed at all times.

(o) **Eating and Drinking Uses.** With regard to a Conditional Use authorization application for a Restaurant, Limited-Restaurant and Bar uses the Planning Commission shall consider, in addition to the criteria set forth in subsection (c) above, the existing concentration of eating and drinking uses in the area. Such concentration should not exceed 25% of the total commercial frontage as measured in linear feet within the immediate area of the subject site except as otherwise provided in this subsection (o). The concentration of eating and drinking uses in the Polk Street Neighborhood Commercial District shall not exceed 35% of the total commercial frontage as measured in

linear feet within the immediate area of the subject site. For the purposes of this Section 303 of the Code, the immediate area shall be defined as all properties located within 300' of the subject property and also located within the same zoning district.

(p) **Adult Business, Adult Sex Venue, Nighttime Entertainment, and General Entertainment Uses.** With respect to Conditional Use authorization applications for Adult Business, Adult Sex Venue, Nighttime Entertainment, and General Entertainment uses, such use or feature shall meet the following conditions:

(1) All Nighttime Entertainment uses shall comply with the Entertainment Commission's Good Neighbor Policy.

(2) The Planning Commission may authorize Hours of Operation that exceed those principally permitted for the zoning district in which the use is located, provided that:

(A) facts presented are such to establish that the use will be operated in such a way as to minimize disruption to residences in and around the district with respect to noise and crowd control; and

(B) the proposed use shall not operate outside the Conditionally Permitted Hours of Operation for the zoning district.

(3) If the proposed use is located in a Cultural District established under Administrative Code Section 107, the Planning Commission shall consider the purpose and goals established in Section 107.2 as well as any recommendations set forth in the Cultural, History, Housing, and Economic Stability Strategy report for the district if one has been adopted pursuant to Section 107.4.

(4) The action of the Planning Commission approving a Conditional Use does not take effect until the appeal period is over or while the approval is under appeal.

(5) If the use is an Adult Business, it shall not be located within 1,000 feet of another such use.

(q) **Power Plants.** The controls of this Subsection shall apply to all Power Plants in M-1, M-2, and PDR-1-G, and PDR-2 Districts, including any intensification of a Power Plants as described in Section 178(c)(2).

(1) **Criteria.** In acting on any application for Conditional Use authorization for a Power Plant, the Commission shall consider the conditional use authorization requirements set forth in Subsection (c) above and, in addition, shall only approve an application for a Conditional Use authorization if facts are presented to establish that, on the basis of the record before the Commission:

(A) The benefits to the City's energy system resulting from the energy generated by the proposed power plant cannot be obtained in a reasonable time from a technically and economically feasible power plant and/or energy conservation project that would have materially fewer potential environmental impacts considering, but not limited to, the following: (i) Emissions of criteria air pollutants and greenhouse gas emissions; (ii) Stormwater and wastewater discharges; and (iii) noise and vibration impacts.

(B) A newly proposed Power Plant use would not directly and adversely impact existing or reasonably foreseeable adjoining land uses, or, as applied to a prior nonconforming use, the extension of the power plant use or the increase in intensity of the use would not result in increased direct and adverse impacts on existing or reasonably foreseeable adjoining land uses; and

(C) Granting Conditional Use authorization would not reasonably be expected to leave known contamination in place in such a way that would prolong or increase public health risks associated with such contamination at levels inconsistent with a risk-based remediation consistent with the proposed power plant use; and

(D) Granting Conditional Use authorization would not reasonably be expected to preclude future redevelopment and reuse of the property for non-power plant uses.

(2) **Written Findings.** The Planning Commission shall make detailed written findings explaining the basis for its decision under this Section.

(3) **Severability**. In the event that a court or agency of competent jurisdiction holds that Federal or State law, rule, or regulation invalidates any clause, sentence, paragraph of this Section or the application thereof to any person or circumstances, it is intended that the court or agency sever such clause, sentence, paragraph or section so that the remainder of this Section shall remain in effect.

(r) **Development of Large Lots in RTO and RTO-M Districts.** In order to promote, protect, and maintain a scale of development that is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in Table 209.4 under Large Project Review shall be permitted only as Conditional Uses subject to the provisions set forth in this Section of this Code.

In addition to the criteria of Section 303(c)(1) of this Code, the Planning Commission shall consider the extent to which the following criteria are met:

(1) The mass and articulation of the proposed structures are compatible with the intended scale of the district.

(2) For development sites greater than ½-acre, the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of streets and alleys, and foster beneficial pedestrian and vehicular circulation.

(3) The site plan, including the introduction of new streets and alleys, the provision of open space and landscaping, and the articulation and massing of buildings, is compatible with the goals and policies of the applicable Area Plan in the General Plan.

(s) **Wireless Telecommunications Services (WTS) Facilities.**

(1) Due to the potential modification of WTS Facilities over time and the resulting impacts on a neighborhood's aesthetics and character, as well as other changes in neighborhood character over time, a Conditional Use Authorization for a WTS Facility shall have a

duration of ten years from the date of approval. If any administrative appeal is taken from the Conditional Use Authorization, the ten-year period shall run from the date the Authorization is upheld on administrative appeal.

(2) The Authorization may be renewed, without limitation, for subsequent time periods of ten years, subject to the following:

(A) The renewal application is filed with the Planning Department prior to expiration, but no earlier than 24 months prior to expiration.

(B) For any Conditional Use Authorization for a WTS Facility, the Planning Commission may, in granting the Conditional Use Authorization, determine that the Director shall review and determine whether to grant any application for renewal of the Conditional Use Authorization for an additional ten-year period.

(C) This provision shall not apply to Conditional Use Authorizations granted prior to the effective date of this Subsection (s). However, applications for Conditional Use Authorizations to modify existing WTS Facilities that are granted on or after the effective date of this Subsection (s) are subject to this Subsection (s).

(t) **Non-accessory Parking.** When considering a Conditional Use application for non-accessory parking for a specific use or uses, the Planning Commission shall find affirmatively that the project satisfies the following criteria, in addition to those of subsection 303(c), as applicable.

(1) In all zoning districts, the Planning Commission shall apply the following criteria:

(A) Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit service which exists or is likely to be provided in the foreseeable future, by car pool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means;

(B) Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one or more car-share parking spaces in addition to those that may already be required by Section 166 of this Code;

(C) The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services, walking, and cycling;

(D) In the case of uses other than housing, limitation of the proposed parking to short-term occupancy by visitors rather than long-term occupancy by employees; and

(E) Availability of the proposed parking to the general public at times when such parking is not needed to serve the use or uses for which it is primarily intended.

(2) **For Non-Accessory Parking in Mixed Use Districts:**

(A) A non-accessory garage permitted with Conditional Use may not be permitted under any condition to provide additional accessory parking for specific residential or non-residential uses if the number of spaces in the garage, in addition to the accessory parking permitted in the subject project or building, would exceed those amounts permitted as-of-right or as a Conditional Use by Section 151.1.

(B) **Criteria.**

(i) Such facility shall meet all the design requirements for setbacks from facades and wrapping with active uses at all levels per the requirements of Section 145.1; and

(ii) Such parking shall not be accessed from any protected Transit or Pedestrian Street described in Section 155(r); and

(iii) Such parking garage shall be located in a building where the ratio of gross square footage of parking uses to other uses that are permitted or Conditionally permitted in that district is not more than 1 to 1; and

(iv) Such parking shall be available for use by the general public on equal terms and shall not be deeded or made available exclusively to tenants, residents, owners, or users of any particular use or building except in cases that such parking meets the criteria of subsection (C) or (D) below; and

(v) Such facility shall provide spaces for car sharing vehicles per the requirements of Section 166 and bicycle parking per the requirements of Sections 155.1 and 155.2; and

(vi) Such facility, to the extent open to the public per subsection (iv) above, shall meet the pricing requirements of Section 155(g) and shall generally limit the proposed parking to short-term occupancy rather than long-term occupancy; and

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

(viii) Such facility and its access does not diminish the quality and viability of existing or planned streetscape enhancements.

(C) **Parking of Fleet Vehicles.** Parking of fleet of commercial or governmental vehicles intended for work-related use by employees and not used for parking of employees' personal vehicles may be permitted with Conditional Use provided that the Commission affirmatively finds all of the above criteria except criteria (iv) and (vi).

(D) **Pooled Residential Parking.** Non-accessory parking facilities limited to use by residents, tenants, or visitors of specific off-

site development(s) may be permitted with Conditional Use, provided that the Commission affirmatively finds all of the above criteria under (B) except criteria (iv) and (vi), and provided further that the proposed parking on the subject lot would not exceed the maximum amounts permitted by Section 151.1 with Conditional Use or Exceptions under Sections 309.1 and 329 as accessory for the uses in the off-site residential development. For the purpose of this subsection, an "off-site development" is a development which is existing or has been approved by the Planning Commission or Planning Department in the previous 12 months, is located on a lot other than the subject lot, and does not include any off-street parking. A Notice of Special Restrictions shall be recorded on both the off-site and subject development lot indicating the allocation of the pooled parking.

(3) **For Non-Accessory Parking in C-3, RC, NCT, and RTO Districts:**

(A) The rate structure of Section 155(g) shall apply;

(B) The project sponsor has produced a survey of the supply and utilization of all existing publicly-accessible parking facilities, both publicly and privately owned, within one-half mile of the subject site, and has demonstrated that such facilities do not contain excess capacity, including via more efficient space management or extended operations;

(C) In the case of expansion of existing facilities, the facility to be expanded has already maximized capacity through use of all feasible space efficient techniques, including valet operation or mechanical stackers;

(D) The proposed facility meets or exceeds all relevant urban design requirements and policies of this Code and the General Plan regarding wrapping with active uses and architectural screening, and such parking is not accessed from any frontages protected in Section 155(r);

(E) Non-accessory parking facilities shall be permitted in new construction only if the ratio between the amount of Occupied Floor Area of principally or conditionally-permitted non- parking uses to the amount of Occupied Floor Area of parking is at least two to one;

(F) The proposed facility shall dedicate no less than 5% of its spaces for short-term, transient use by car share vehicles as defined in Section 166, vanpool, rideshare, or other co-operative auto programs, and shall locate these vehicles in a convenient and priority location. These spaces shall not be used for long-term storage or to satisfy the requirement of Section 166, but rather are intended for use by short-term visitors and customers. Parking facilities intended for sole and dedicated use as long-term storage for company or government fleet vehicles, and not to be available to the public nor to any employees for commute purposes, are not subject to this requirement;

(G) For new or expanding publicly owned non-accessory parking facilities in the C-3, RC, NCT, and RTO Districts, the following shall also apply:

(i) Expansion or implementation of techniques to increase utilization of existing public parking facilities in the vicinity has been explored in preference to creation of new facilities, and has been demonstrated to be infeasible;

(ii) The City has demonstrated that all major institutions (cultural, educational, government) and employers in the area intended to be served by the proposed facility have Transportation Demand Management programs in place to encourage and facilitate use of public transit, carpooling, car sharing, bicycling, walking, and taxis;

(iii) The City has demonstrated that conflicts with pedestrian, cycling, and transit movement resulting from the placement of driveways and ramps, the breaking of continuity of shopping facilities along sidewalks, and the drawing of traffic through areas of heavy pedestrian concentration, have been minimized, and such impacts have been mitigated to the fullest extent possible; and

(iv) The proposed parking conforms to the objectives and policies of the General Plan and any applicable area plans, and is consistent with the City's transportation management, sustainability, and climate protection goals.

(u) **Accessory Parking Above That Principally Permitted.**

(1) **Residential Uses.**

(A) In granting approval for parking accessory to Residential Uses above that principally permitted in Table 151.1, the Planning Commission shall make the following affirmative findings in addition to those stated in Section 303(c):

(i) For projects with 50 units or more, all residential accessory parking in excess of 0.5 parking spaces for each Dwelling Unit shall be stored and accessed by mechanical stackers or lifts, valet, or other space-efficient means that allow more space above-ground for housing, maximizes space efficiency, and discourages use of vehicles for commuting or daily errands. The Planning Commission may authorize the request for additional parking notwithstanding that the project sponsor cannot fully satisfy this requirement provided that the project sponsor demonstrates hardship or practical infeasibility (such as for retrofit of existing buildings) in the use of space-efficient parking given the configuration of the parking floors within the building and the number of independently accessible spaces above 0.5 spaces per unit is de minimus and subsequent valet operation or other form of parking space management could not significantly increase the capacity of the parking space above the maximums in Table 151.1;

(ii) All parking meets the active use and architectural screening requirements in Section 145.1 and the project sponsor is not requesting any exceptions or variances requiring such treatments elsewhere in this Code;

(iii) Demonstration that trips to the use or uses to be served, and the apparent demand for additional parking, cannot be satisfied by the amount of parking classified by this Code as accessory, by transit service which exists or is likely to be provided in the foreseeable future, by carpool arrangements, by more efficient use of existing on-street and off-street parking available in the area, and by other means;

(iv) Demonstration that the apparent demand for additional parking cannot be satisfied by the provision by the applicant of one

or more car-share parking spaces in addition to those that may already be required by Section 166 of this Code;

(v) The absence of potential detrimental effects of the proposed parking upon the surrounding area, especially through unnecessary demolition of sound structures, contribution to traffic congestion, or disruption of or conflict with transit services, walking, and cycling; and

(vi) Accommodating excess accessory parking does not degrade the overall urban design quality of the project proposal nor diminish the quality and viability of existing or planned streetscape enhancements.

(B) **Required Additional Conditions.** Additionally, in granting approval for such accessory parking above that principally permitted, the Commission may require the property owner to pay the annual membership fee to a certified car-share organization, as defined in Section 166(b)(2), for any resident of the project who so requests and who otherwise qualifies for such membership, provided that such requirement shall be limited to one membership per Dwelling Unit, when the following findings are made:

(i) that the project encourages additional private-automobile use, thereby creating localized transportation impacts for the neighborhood; and

(ii) that these localized transportation impacts may be lessened for the neighborhood by the provision of car-share memberships to residents.

(2) **Non-Residential Uses.**

(A) **Criteria.** In granting such Conditional Use, the Planning Commission shall make the following affirmative findings according to the uses to which the proposed parking is accessory:

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

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

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

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

(B) **Conditions.** All Non-Residential Uses exceeding 20,000 square feet shall be subject to the following conditions:

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

(ii) Retail uses larger than 20,000 square feet including but not limited to grocery, hardware, furniture, consumer electronics, greenhouse or nursery, and appliance stores, which sell merchandise that is impractical to carry on public transit, shall offer, at minimal or no charge to its customers, door-to-door delivery service and/or shuttle service. This is encouraged, but not required, for retail uses less than 20,000 square feet;

(iii) Parking shall be limited to short-term use only; and

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

(v) **Affordable Housing Bonus Projects.** The purpose of this Section 303(v) is to ensure that all Analyzed State Density Bonus Program Projects under Section 206.5 are reviewed in coordination with priority processing available for certain projects with greater levels of affordable housing. While most projects in the Program will likely be somewhat larger than their surroundings in order to facilitate higher levels of affordable housing, the Planning Commission and Department shall ensure that each project is consistent with the Affordable Housing Bonus Design Guidelines and any other applicable design guidelines, as adopted and periodically amended by the Planning Commission, so that projects respond to their surrounding context, while still meeting the City's affordable housing goals.

(1) **Planning Commission Design Review:** The Planning Commission shall review and evaluate all physical aspects of a State Analyzed Project at a public hearing. The Planning Commission recognizes that most qualifying projects will need to be larger in height and mass than surrounding buildings to achieve the Affordable Housing Bonus Program's affordable housing goals. However, the Planning Commission may, consistent with the Affordable Housing Bonus Program Design Guidelines, and any other applicable design guidelines, and upon recommendation from the Planning Director, make minor modifications to a project to reduce the impacts of such differences in scale.

(2) **Additional Criteria.** In addition to the criteria set forth in subsection (c)(2), the Planning Commission shall consider the extent to which the following criteria are met:

(A) whether the project would require the demolition of an existing building;

(B) whether the project would remove existing commercial or retail uses;

(C) If the project would remove existing commercial or retail uses, how recently the commercial or retail uses were occupied by a tenant or tenants;

(D) whether the project includes commercial or retail uses;

(E) whether there is an adverse impact on the public health, safety, and general welfare due to the loss of commercial or retail uses in the district where the project is located; and

(F) whether any existing commercial or retail use has been designated, or is eligible to be designated, as a Legacy Business under Administrative Code Section 2A.242; or is a formula retail business.

(3) In no case may a project receive a site permit or any demolition permit prior to 18 months from the date of written notification required by 206.5(d)(7).

(w) **Cannabis Retail.** With respect to any application for the establishment of a new Cannabis Retail Use, in addition to the criteria set forth in subsections (c) and (d) above, the Commission shall consider the geographic distribution of Cannabis Retail Uses throughout the City, the concentration of Cannabis Retail and Medical Cannabis Dispensary Uses within the general proximity of the proposed Cannabis Retail Use, the balance of other goods and services available within the general proximity of the proposed Cannabis Retail Use, any increase in youth access and exposure to cannabis at nearby facilities that primarily serve youth, and any proposed measures to counterbalance any such increase.

(x) **Medical Cannabis Dispensaries.** With respect to any application for the establishment of a new Medical Cannabis Dispensary Use, in addition to the criteria set forth in subsections (c) and (d) above, the Commission shall consider the concentration of Cannabis Retail and Medical Cannabis Dispensary Uses within the general proximity the proposed Medical Cannabis Dispensary Use.

(y) **Curb Cuts on Restricted Streets.** With respect to an application for a new or expanded curb cut on street frontages subject to Section 155(r), the Planning Commission shall affirmatively find, in addition to those findings in subsections 303(c) and (d) above, that the project meets one or more of the following criteria:

(1) That the restriction on curb cuts at this location would substantially affect access to or operations of emergency services;

(2) That the proposed land use(s) requires off-street parking or loading for disability access under a local, State, or federal law or has an extraordinary need to provide off-street parking or loading for a General Grocery Use, Institutional Use, or PDR Use; and/or

(3) The proposed use necessitates on-site loading spaces in order to prevent a significant negative impact on Muni operations, the safety of pedestrian, cyclists, or traffic hazards.

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

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

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

(aa) **Change in Use or Demolition of Residential Care Facility.** With respect to a change of use from or demolition of a Residential Care Facility, as defined in Sections 102 and 890.50(e) of the Planning Code, including a Residential Care Facility established with or without the benefit of any permits required under the Municipal Code, in addition to the criteria set forth in subsections (c) and (d) of this Section 303, the Commission shall take into account the following factors when considering a Conditional Use Authorization for the change of use or demolition of a Residential Care Facility:

(1) Information provided by the Department of Public Health, the Human Services Agency, the Department of Disability and Aging Services, the Golden Gate Regional Center, and/or the San Francisco Long-Term Care Coordinating Council with regard to the population served, nature and quality of services provided, and capacity of the existing Residential Care Facility;

(2) Data on available beds at licensed Residential Care Facilities within a one-mile radius of the site, and assessment from any of the above agencies regarding whether these available beds are sufficient to serve the need for residential care beds in the neighborhoods served by the Residential Care Facility proposed for a change of use or demolition, and in San Francisco;

(3) Whether the Residential Care Facility proposed for a change of use or demolition will be relocated or its capacity will be replaced at another Residential Care Facility Use, and whether such relocation or replacement is practically feasible; and

(4) Whether the continued operation of the existing Residential Care Facility by the current operator is practically feasible and whether any other licensed operator or any of the above agencies has been contacted by the applicant seeking the change of use or demolition, or has expressed interest in continuing to operate the facility.

(bb) **Social Service and Philanthropic Facilities in Chinatown Visitor Retail, Chinatown Residential Neighborhood Commercial, and Chinatown Community Business Districts.** With regard to a Conditional Use application for a Social Service or Philanthropic Facility use pursuant to Section 121.4 of this Code, in addition to consideration of the criteria set forth in subsection (c) above, the Planning Commission shall, in order to grant a Conditional Use Authorization, find that the proposed use will primarily serve the Chinatown neighborhood.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 412-88, App. 9/10/88; Ord. 115-90, App. 4/6/90; Ord. 47-92, App. 2/14/92; Ord. 304-99, File No. 990495, App. 12/3/99; Ord. 311-99, File No. 991585, App. 12/3/99; Ord. 169-00, File No. 991953, App. 7/7/2000; Ord. 259-00, File No. 001422, App. 11/17/2000; Ord. 77-02, File No. 011448, App. 5/24/2002; Ord. 43-03, File No. 021772, App. 4/3/2003; Ord. 62-04, File No. 031501, App. 4/9/2004; Ord. 89-04, File No. 031463, App. 5/27/2004; Ord. 270-04, File No. 041070, App. 11/9/2004; Ord. 140-06, File No. 052921, App. 6/22/2006; Ord. 298-06, File No. 061261, App. 12/12/2006; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 112-08, File No. 080095, App. 6/30/2008; Ord. 244-08, File No. 080567, App. 10/30/2008; Ord. 245-08, File No. 080696; Ord. 139-09, File No. 090402, App. 7/2/2009; Ord. 140-11, File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. 75-12, File No. 120084, App. 4/23/2012, Eff. 5/23/2012; Ord. 106-12, File No. 120047, App. 6/22/2012, Eff. 7/22/2012; Ord. 182-12, File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 248-13, File No. 130372, App. 11/8/2013, Eff. 12/8/2013; Ord. 235-14, File No. 140844, App. 11/26/2014, Eff. 12/26/2014; Ord. 235-14, File No. 140844, App. 11/26/2014, Eff. 12/26/2014; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 188-15, File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 166-16, File No. 160477, App. 8/11/2016,

Eff. 9/10/2016; Ord. 99-17, File No. 170206, App. 5/19/2017, Eff. 6/18/2017; Ord. 116-17, File No. 150969, App. 6/13/2017, Eff. 7/13/2017; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 205-17, File No. 170418, App. 11/3/2017, Eff. 12/3/2017; Ord. 229-17, File No. 171041, App. 12/6/2017, Eff. 1/5/2018; Ord. 198-18, File No. 180456, App. 8/10/2018, Eff. 9/10/2018; Ord. 277-18, File No. 180914, App. 11/20/2018, Eff. 12/21/2018; Ord. 179-18, File No. 180423, App. 7/27/2018, Eff. 8/27/2018, Oper. 1/1/2019; Ord. 182-19, File No. 190248, App. 8/9/2019, Eff. 9/9/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 149-21, File No. 210535, App. 9/29/2021, Eff. 10/30/2021; Ord. 197-21, File No. 210600, App. 11/5/2021, Eff. 12/6/2021; Ord. 233-21, File No. 210381, App. 12/22/2021, Eff. 1/22/2022; Ord. 37-22, File No. 211263, App. 3/14/2022, Eff. 4/14/2022; Ord. 75-22, File No. 220264, App. 5/13/2022, Eff. 6/13/2022; Ord. 70-23, File No. 220340, App. 5/3/2023, Eff. 6/3/2023)

AMENDMENT HISTORY

[Former] division (i) and division (l)(5)(A) amended; Ord. 140-11, Eff. 8/4/2011. [Former] division (i) amended; [former] division (p) added; Ord. 75-12 , Eff. 5/23/2012. [Former] division (i) amended; Ord. 106-12 , Eff. 7/22/2012. [Former] division (g)(1)(D) added; [former] divisions (g)(2) and (g)(3) amended; Ord. 182-12 , Eff. 9/7/2012. Divisions (c)(3), (c)(4), (c)(5)(A), (c)(5)(A)(i), and [former] (i) amended; former divisions (j)(A)-(D) redesignated as [former] (j)(1)-(4); [former] divisions (k)(1), (l)(3), (l)(5), (n)(1), and (o)(1) amended; Ord. 56-13 , Eff. 4/27/2013. [Former] division (i) amended; Ord. 248-13 , Eff. 12/8/2013. Former division (i) deleted; former division (j) redesignated as current division (i) and new division (i)(5) added; former divisions (k)-(o) redesignated as current divisions (j)-(n) and internal references adjusted accordingly; former divisions (p) and (p)(1)(A) redesignated as current divisions (o) and [former] (o)(1); Ord. 235-14 , Eff. 12/26/2014. Former division (c)(1)(A) merged into division (c)(1) and amended; former divisions (c)(1)(A)(i)-(iii) redesignated as (c)(1)(A)-(C); divisions (c)(4) and (c)(5) amended; former division (c)(6) deleted; divisions (f)(1)-(3) amended; former division (g)(1) merged into division (g) and former divisions (g)(1)(A)-(D) redesignated as (g)(1)-(4); former divisions (g)(2) and (g)(3) deleted; divisions (h)(1), (h)(3)(A)-(C), (j), and (j)(1) amended; former division (j)(1)(A)(i) merged into division (j)(1)(A) and amended; divisions (j)(1)(B), (l), and (l)(1) amended; former division (l)(1)(A)(i) merged into division (l)(1)(A) and amended; divisions (m)(1), (n)(1), and (n)(1)(A) amended; former division (o)(1) merged into division (o) and amended; divisions (p) and (q) added; Ord. 22-15, Eff. 3/22/2015. Divisions (n)(1)(A), (p), (p)(1), and (p)(2) amended; division (r) added; Ord. 188-15 , Eff. 12/4/2015. Division (s) added; Ord. 166-16 , Eff. 9/10/2016. Divisions (t) and (u) added; Ord. 99-17 , Eff. 6/18/2017. [Former] division (t) added; Ord. 116-17 , Eff. 7/13/2017. Divisions (a), (b), (c), (d), (e), (f)-(f)(5)(B), amended; former division (j)(1) merged into division (j) and amended; former divisions (j)(1)(A)-(C) redesignated as (j)(1)-(3); divisions (k)(1), (k)(2), (k)(4)(B), (k)(4)(B)(iv), and (k)(6) amended; former division (l)(1) merged into division (l), former divisions (l)(1)(A)-(B) redesignated as (l)(1)-(2), and current divisions (l)-(l)(2) amended; former division (n)(1) merged into division (n), former divisions (n)(1)(A)-(D) redesignated as (n)(1)-(4), and former divisions (n)(1)(B)(i)-(iii) redesignated as (n)(2)(A)-(C); current divisions (n), (n)(1), (n)(2)(A), and (n)(2)(C) amended; divisions (p), (p)(1), (p)(2), (p)(3), and (r) amended; Ord. 129-17 , Eff. 7/30/2017. Divisions (a), (f), and (o) amended; Ord. 205-17 , Eff. 12/3/2017. Second division (t) redesignated as (v) and related references amended; divisions (w) and (x) added; Ord. 229-17, Eff. 1/5/2018. Divisions (v) and (v)(1) amended; former divisions (v)(1)(A)- (v)(2)(G) deleted; former divisions (v)(3)-(v)(3)(F) and (v)(4) redesignated as (v)(2)-(v)(2)(F) and (v)(3); current division (v)(3) amended; Ord. 198-18, Eff. 9/10/2018. Divisions (y)-(y)(3) added; Ord. 277-18, Eff. 12/21/2018. Division (f)(2) amended; Ord. 179-18, Oper. 1/1/2019. Divisions (z)-(z)(B)[1] added; Ord. 182-19 , Eff. 9/9/2019. Exceptions (1)-(3) appended to division (n); divisions (z)(A) and (z)(B) redesignated as (z)(1) and (z)(2); Ord. 63-20, Eff. 5/25/2020. Division (aa) added; Ord. 149-21, Eff. 10/30/2021. Division (bb) added; Eff. 12/6/2021. Division (n)(1) deleted; divisions (n)(2)-(4) redesignated as (n)(1)-(3); division (n) Exceptions (1)(A) and (3) deleted; division (n) Exception (1)(B) merged into Exception (1); current division (n) Exceptions (1) and (2) amended; Ord. 233-21, Eff. 1/22/2022. Division (n) amendments reapplied; Exception (1) further amended; Ord. 37-22, Eff. 4/14/2022. Divisions (p), (p)(1), (p)(1)(D), (p)(2) amended; new division (p)(3) added; former division (p)(3) redesignated as (p)(4); Ord. 75-22, Eff. 6/13/2022. Divisions (p)(1)(A)-(D) deleted; divisions (p)-(p)(1) amended as (p); division (p)(2) amended as (p)(2)-(p)(2)(A); divisions (p)(1), (p)(2)(B), and (p)(5) added; Ord. 70-23, Eff. 6/3/2023.

*** Editor's Note:**

Prior to the effectiveness of Ord. *235-14* , this Sec. 303(i) pertained to formula retail uses. That ordinance deleted those provisions from this section and enacted new Sec. 303.1 ("Formula Retail Uses").

SEC. 303.1. FORMULA RETAIL USES.

(See Interpretations related to this Section)

(a) **Findings.**

(1) San Francisco is a city of diverse and distinct neighborhoods identified in large part by the character of their commercial areas.

(2) One of the eight Priority Policies of the City's General Plan resolves that "existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced."

(3) Retail uses are the land uses most critical to the success of the City's commercial districts.

(4) Formula Retail businesses are increasing in number in San Francisco, as they are in cities and towns across the country.

(5) San Francisco is one of a very few major urban centers in the State in which housing, shops, work places, schools, parks and civic facilities intimately co-exist to create strong identifiable neighborhoods. The neighborhood streets invite walking and bicycling and the City's mix of architecture contributes to a strong sense of neighborhood community within the larger City community.

(6) Notwithstanding the marketability of a retailer's goods or services or the visual attractiveness of the storefront, the standardized architecture, color schemes, decor and signage of many Formula Retail businesses can detract from the distinctive character and aesthetics of certain Neighborhood Commercial Districts.

(7) The increase of Formula Retail businesses in the City's neighborhood commercial areas, if not monitored and regulated, will hamper the City's goal of a diverse retail base with distinct neighborhood retailing personalities comprised of a mix of businesses. Specifically, the unregulated and unmonitored establishment of additional Formula Retail uses may unduly limit or eliminate business establishment opportunities for smaller or medium-sized businesses, many of which tend to be non-traditional or unique, and unduly skew the mix of businesses towards formula retailers in lieu of unique or start-up retailers, thereby decreasing the diversity of merchandise available to residents and visitors and the diversity of purveyors of merchandise.

(8) If, in the future, neighborhoods determine that the needs of their Neighborhood Commercial Districts are better served by eliminating the notice requirements for proposed Formula Retail uses, by converting Formula Retail uses into conditional uses in their district, or by prohibiting Formula Retail uses in their district, they can propose legislation to do so.

(9) Neighborhood Commercial Districts are intended to preserve the unique qualities of a district while also serving the daily needs of residents living in the immediate neighborhood; however, community members have reported loss of daily needs uses due to inundation of formula retailers that target larger citywide or regional audiences. The City strives to ensure that goods and services that residents require for daily living are available within walking distance and at an affordable price. Establishments that serve daily needs and Formula Retail establishments are neither mutually exclusive nor completely overlapping.

(10) The San Francisco retail brokers' study of 28 Neighborhood Commercial Districts conducted in 2014 found that the healthiest

and most viable retail environments offer a mix of retailers who vary in size and offerings; including a mix of conventional and cutting edge retailers as well as established players and newcomers.

(11) Formula retailers are establishments with multiple locations and standardized features or a recognizable appearance. Recognition is dependent upon the repetition of the same characteristics of one store in multiple locations. The sameness of Formula Retail outlets, while providing clear branding for consumers, counters the general direction of certain land use controls and General Plan Policies which value unique community character and therefore need controls, in certain areas, to maintain neighborhood individuality.

(12) The homogenizing effect of Formula Retail, based on its reliance on standardized branding, is greater if the size of the Formula Retail use, in number of locations or size of use or branded elements, is larger. The increased level of homogeneity distracts from San Francisco's unique neighborhoods, which thrive on a high level of surprise and interest maintained by a balanced mix of uses and services, both independent and standardized.

(13) Due to the distinct impact that Formula Retail uses have on a neighborhood, these uses are evaluated for concentration as well as compatibility within a neighborhood. As neighborhoods naturally evolve over time, changes and intensifications of Formula Retail uses should also be re-evaluated for concentration and compatibility within a neighborhood.

(14) According to an average of ten studies done by the firm Civic Economics and published by the American Independent Business Alliance in October of 2012, spending by independent retailers generated 3.7 times more direct local spending than that of Formula Retail chains.

(15) Money earned by independent businesses is more likely to circulate within the local neighborhood and City economy than the money earned by Formula Retail businesses which often have corporate offices and vendors located outside of San Francisco.

(16) According to a 2014 study by the San Francisco Office of Economic Analysis (OEA) report "Expanding Formula Retail Controls: Economic Impact Report" the uniqueness of San Francisco's neighborhoods is based on a combination of unique visual characteristics and a sense of community fostered by small merchants and resident relationships. A Formula Retail establishment is determined by its recognizable look which is repeated at every location, therefore, detracting from the unique community character.

(17) The OEA Report found that in general, chain stores charge lower prices and provide affordable goods, but may spend less within the local economy, and can be unpopular with some residents because they can be seen to diminish the character of the neighborhood. At the same time, this OEA Report found that excessively limiting chain stores can reduce commercial rents and raise vacancy rates.

(18) Through a 2014 study commissioned by the Planning Department, titled "San Francisco Formula Retail Economic Analysis," staff and consultants conducted one-on-one interviews and worked with small groups including independent retailers, small business owners, merchants associations, formula retailers, commercial brokers, neighborhood representatives and other stakeholders. The Study found that landlords often perceive a benefit in renting to large established chains, which landlords believe typically have better credit and can sign longer leases than local, independent retailers, lowering the risk that the tenant will be unable to pay its rent. The existing land use controls for Formula Retail may create a disincentive for formula retailers to locate where the formula retail controls apply.

(b) **Definition.** A Formula Retail use is hereby defined as a type of retail sales or service activity or retail sales or service establishment that has eleven or more other retail sales establishments in operation, or with local land use or permit entitlements already approved, located anywhere in the world. In addition to the eleven establishments either in operation or with local land use or permit entitlements approved for operation, the business maintains two or more of the following features: a standardized array of merchandise, a standardized facade, a standardized decor and color scheme, uniform apparel, standardized signage, a trademark or a servicemark.

(1) Standardized array of merchandise shall be defined as 50% or more of in-stock merchandise from a single distributor bearing uniform markings.

(2) Trademark shall be defined as a word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of the goods from one party from those of others.

(3) Servicemark shall be defined as word, phrase, symbol or design, or a combination of words, phrases, symbols or designs that identifies and distinguishes the source of a service from one party from those of others.

(4) Decor shall be defined as the style of interior furnishings, which may include but is not limited to, style of furniture, wall coverings or permanent fixtures.

(5) Color Scheme shall be defined as selection of colors used throughout, such as on the furnishings, permanent fixtures, and wall coverings, or as used on the facade.

(6) Facade shall be defined as the face or front of a building, including awnings, looking onto a street or an open space.

(7) Uniform Apparel shall be defined as standardized items of clothing including but not limited to standardized aprons, pants, shirts, smocks or dresses, hats, and pins (other than name tags) as well as standardized colors of clothing.

(8) Signage shall be defined as business sign pursuant to Section 602.3 of the Planning Code.

(c) **"Retail Sales or Service Activity or Retail Sales or Service Establishment."** For the purposes of this Section 303.1, a retail sales or service activity or retail sales or service establishment shall include the following uses whether functioning as a Principal or Accessory Use, as defined in Articles 1, 2, 7, and 8 of this Code:

- Bar § 102;
- Drive-up Facility §§ 102, 890.30;

- Eating and Drinking Use § 102;
- Liquor Store § 102;
- Sales and Service, Other Retail § 890.102 and Retail Sales and Service, General;
- Restaurant § 102;
- Limited-Restaurant § 102;
- Sales and Service, Retail §§ 102, 890.104;
- Service, Financial §§ 102, 890.110;
- Movie Theater §§ 102, 890.64;
- Amusement Game Arcade § 890.4;
- Service, Limited Financial, except single automated teller machines at the street front that meet the Commission's adopted Performance-Based Design Guidelines and automated teller machines located within another use that are not visible from the street § 102;
- Service, Fringe Financial §§ 102, 890.113;
- Tobacco Paraphernalia Establishment §§ 102, 890.123;
- Massage Establishment §§ 102, 890.60;
- Service, Personal §§ 102, 890.116
- Service, Instructional § 102 ;
- Gym; § 102
- General Grocery § 102;
- Specialty Grocery § 102;
- Pharmacy § 102;
- Jewelry Store §§ 102, 890.51;
- Tourist Oriented Gift Store §§ 102, 890.39;
- Non-Auto Vehicle Sales or Rental §§ 102, 890.69; and
- Cannabis Retail §§ 102, 890.125.

(d) **Conditional Use Criteria.** With regard to a Conditional Use authorization application for a Formula Retail use, the Planning Commission shall consider, in addition to the criteria set forth in Section 303, the criteria below and the Performance-Based Design Guidelines adopted by the Planning Commission to implement the criteria below.

(1) The existing concentrations of Formula Retail uses within the district and within the vicinity of the proposed project. To determine the existing concentration, the Planning Commission shall consider the percentage of the total linear street frontage within a 300-foot radius or a quarter of a mile radius, at the Planning Department's discretion, from the subject property that is occupied by Formula Retail and non-Formula Retail businesses. The Department's review shall include all parcels that are wholly or partially located within the 300-foot radius or quarter-mile radius. If the subject property is a corner parcel, the 300-foot radius or quarter mile radius shall include all corner parcels at the subject intersection. For each property, the Planning Department shall divide the total linear frontage of the lot facing a public-right of way by the number of storefronts, and then calculate the percentage of the total linear frontage for Formula Retail and non-Formula Retail. Half percentage points shall be rounded up.

For the Upper Market Street Neighborhood Commercial District only, if the application would bring the formula retail concentration within a 300-foot radius to a concentration of 20% or above, Planning Department staff shall recommend disapproval of the application to the Planning Commission. If the application would not bring the formula retail concentration within the 300-foot radius to a concentration of 20% or above, Planning Department staff shall assess the application according to all the other criteria listed in this Subsection 303.1(d), and recommend approval or disapproval to the Planning Commission, according to its discretion and professional judgment. In either case, the Planning Commission may approve or reject the application, considering all the criteria listed in this Subsection 303.1(d).

(2) The availability of other similar retail uses within the district and within the vicinity of the proposed project.

(3) The compatibility of the proposed Formula Retail use with the existing architectural and aesthetic character of the district.

(4) The existing retail vacancy rates within the district and within the vicinity of the proposed project.

(5) The existing mix of Citywide-serving retail uses and daily needs-serving retail uses within the district and within the vicinity of the proposed project.

(6) Additional relevant data and analysis set forth in the Performance-Based Design Guidelines adopted by the Planning

Commission.

(7) For Formula Retail uses of 20,000 gross square feet or more, except for General or Specialty Grocery stores as defined in Articles 2, 7 and 8 of this Code, the contents of an economic impact study prepared pursuant to Section 303(i) of this Code.

(8) Notwithstanding anything to the contrary contained in Planning Code Article 6 limiting the Planning Department's and Planning Commission's discretion to review signs, the Planning Department and Planning Commission may review and exercise discretion to require changes in the time, place and manner of the proposed signage for the proposed Formula Retail use, applying the Performance-Based Design Guidelines.

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

(1) All Neighborhood Commercial Districts in Article 7;

(2) All Mixed Use-General Districts in Section 840;

(3) All Urban Mixed Use Districts in Section 843;

(4) All Residential-Commercial Districts as defined in Section 209.3;

(5) Chinatown Community Business District as defined in Section 810;

(6) Chinatown Residential/Neighborhood Commercial District as defined in 812;

(7) Western SoMa Planning Area Special Use District as defined in 823;

(8) Limited Commercial Uses in RH, RM, RTO, and RED Districts, as permitted by Sections 186, 186.3, and 231;

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

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

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

(f) **Formula Retail Uses Not Permitted.** Formula Retail uses are not permitted in the following zoning districts:

(1) Hayes-Gough Neighborhood Commercial Transit District;

(2) North Beach Neighborhood Commercial District;

(3) Chinatown Visitor Retail District;

(4) Upper Fillmore District does not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses;

(5) Broadway Neighborhood Commercial District does not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses;

(6) Mission Street Formula Retail Restaurant Subdistrict does not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses;

(7) Geary Boulevard Formula Retail Pet Supply Store and Formula Retail Eating and Drinking Subdistrict does not permit Formula Retail uses that are also either a Retail Pet Supply Store or an Eating and Drinking use as set forth in Section 781.4;

(8) Taraval Street Restaurant Subdistrict does not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses;

(9) Chinatown Mixed Use Districts do not permit Formula Retail uses that are also Restaurant or Limited-Restaurant uses; and

(10) Central SoMa Special Use District does not permit Formula Retail Uses that are also Bar, Restaurant, or Limited Restaurant Uses as defined in Section 102.

(g) **Neighborhood Notification and Design Review.** Any application for a Formula Retail use as defined in this section shall be subject to the notification and review procedures of Sections 311 or 333, as applicable, of this Code.

(h) **Determination of Formula Retail Use.** In those areas in which Formula Retail uses are prohibited or subject to the provisions of Subsections 303.1(d) or (e), any application for an entitlement or determination determined by the City to be for a Formula Retail use that does not identify the use as a Formula Retail use is incomplete and cannot be processed until the omission is corrected. Any entitlement approved or determination made that is determined by the City to have been, at the time of application, for a Formula Retail use that did not identify the use as a Formula Retail use is subject to revocation at any time. If the City determines that an entitlement or determination, or an application for the same, is for a Formula Retail use, the applicant or holder of the entitlement bears the burden of proving to the City that the proposed or existing use is not a Formula Retail use.

(i) **Performance-Based Design Guidelines.** All new, enlarged, intensified or non-intensified Formula Retail uses or establishments must comply with the Commission's adopted Performance-Based Design Guidelines for Formula Retail, as directed by the Planning Department and Planning Commission.

(j) **Change of Use.** Changes of Formula Retail establishments are generally described below, except that a change of a Formula Retail

use that is also a nonconforming use pursuant to Section 182 is prohibited. In all other instances, changes of Formula Retail establishments from one use category to another, including a change from one use to another within the sub-categories of uses set forth in the definition of Retail Sales and Services in Section 102 and in Section 890.102 for Mixed Use Districts, require a new Conditional Use authorization as a new Formula Retail use. Changes of Formula Retail owner or operator within the same use category that are determined to be an enlargement or intensification of use pursuant to subsection 178(c) are required to obtain Conditional Use authorization and shall meet the Commission's adopted Performance-Based Design Guidelines for Formula Retail. In cases determined not to be an enlargement or intensification of use, the Performance-Based Design Guidelines for Formula Retail may be applied and approved administratively by the Planning Department, unless the applicant requests a Conditional Use hearing at the Planning Commission. The applicant shall also pay an administrative fee to compensate Planning Department and City staff for its time reviewing the project under this subsection (j), as set forth in Section 360 of this Code.

(k) **Accessory Uses.** Conditional Use authorization shall be required for all Accessory Uses within those use categories subject to Formula Retail controls as defined in this Section 303.1, except for the following:

(1) Single automated teller machines falling within the definition of Limited Financial Services that are located at the street front that meet the Commission's adopted Performance-Based Design Guidelines for automated teller machines;

(2) Automated teller machines located within another use that are not visible from the street;

(3) Vending machines that do not exceed 15 feet of street frontage or occupy more than 200 square feet of area facing a public right of way.

(Added by Ord. 235-14 , File No. 140844, App. 11/26/2014, Eff. 12/26/2014; amended by Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 229-17, File No. 171041, App. 12/6/2017, Eff. 1/5/2018; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 179-18, File No. 180423, App. 7/27/2018, Eff. 8/27/2018, Oper. 1/1/2019; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 205-19, File No. 181211, App. 9/11/2019, Eff. 10/12/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Divisions (c)(18) and (19) added; Ord. 22-15, Eff. 3/22/2015. Division (a)(9) amended; former divisions (c)(1)-(19) merged into division (c) and current division (c) amended; divisions (d) and (e)(4) amended; former divisions (e)(5) and (e)(9) deleted; former divisions (e)(6)-(8) and (e)(10)-(12) redesignated as (e)(5)-(10) and amended; divisions (g), (j), and (k) amended; Ord. 129-17, Eff. 7/30/2017. Division (c) amended; Ord. 229-17, Eff. 1/5/2018. Divisions (c), (f)(4)-(6), (f)(8)-(9), and (j) amended; Ord. 202-18, Eff. 9/10/2018. Division (g) amended; Ord. 179-18, Oper. 1/1/2019. Divisions (e)(13) and (f)(10) added; Ord. 296-18 , Eff. 1/12/2019. Division (c) amended; Ord. 205-19 , Eff. 10/12/2019. Division (e)(13) redesignated as (e)(11); Ord. 63-20, Eff. 5/25/2020.

SEC. 304. PLANNED UNIT DEVELOPMENTS.

(See Interpretations related to this Section.)

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

(a) **Objectives.** The procedures for Planned Unit Developments are intended for projects on sites of considerable size, developed as integrated units and designed to produce an environment of stable and desirable character which will benefit the occupants, the neighborhood and the City as a whole. In cases of outstanding overall design, complementary to the design and values of the surrounding area, such a project may merit a well reasoned modification of certain of the provisions contained elsewhere in this Code.

(b) **Nature of Site.** The tract or parcel of land involved must be either in one ownership, or the subject of an application filed jointly by the owners of all the property included or by the Redevelopment Agency of the City. It must constitute all or part of a Redevelopment Project Area, or if not must include an area of not less than ½ acre, exclusive of streets, alleys and other public property that will remain undeveloped.

(c) **Application and Plans.** The application must describe the proposed development in detail, and must be accompanied by an overall development plan showing, among other things, the use or uses, dimensions and locations of structures, parking spaces, and areas, if any, to be reserved for streets, open spaces and other public purposes. The application must include such pertinent information as may be necessary to a determination that the objectives of this Section are met, and that the proposed development warrants the modification of provisions otherwise applicable under this Code.

(d) **Criteria and Limitations.** The proposed development must meet the criteria applicable to conditional uses as stated in Section 303(c) and elsewhere in this Code. In addition, it shall:

(1) Affirmatively promote applicable objectives and policies of the General Plan;

(2) Provide off-street parking appropriate to the occupancy proposed and not exceeding principally-permitted maximum amounts;

(3) Provide open space usable by the occupants and, where appropriate, by the general public, at least equal to the open spaces required by this Code;

(4) Be limited in dwelling unit density to less than the density that would be allowed by Article 2 of this Code for a district permitting a greater density, so that the Planned Unit Development will not be substantially equivalent to a reclassification of property;

(5) In R Districts, include Commercial Uses only to the extent that such uses are necessary to serve residents of the immediate

vicinity, subject to the limitations for NC-1 Districts under this Code, and in RTO Districts include Commercial Uses only according to the provisions of Section 231 of this Code;

(6) Under no circumstances be excepted from any height limit established by Article 2.5 of this Code, unless such exception is explicitly authorized by the terms of this Code. In the absence of such an explicit authorization, exceptions from the provisions of this Code with respect to height shall be confined to minor deviations from the provisions for measurement of height in Sections 260 and 261 of this Code, and no such deviation shall depart from the purposes or intent of those sections;

(7) In NC Districts, be limited in gross floor area to that allowed under the floor area ratio limit permitted for the district in Section 124 and Article 7 of this Code;

(8) In NC Districts, not violate the use limitations by story set forth in Article 7 of this Code; and

(9) In RTO and NCT Districts, include the extension of adjacent alleys or streets onto or through the site, and/or the creation of new publicly-accessible streets or alleys through the site as appropriate, in order to break down the scale of the site, continue the surrounding existing pattern of block size, streets and alleys, and foster beneficial pedestrian and vehicular circulation.

(10) Provide street trees as per the requirements of Section 138.1 of the Code.

(11) Provide landscaping and permeable surfaces in any required setbacks in accordance with Section 132 (g) and (h).

(Amended by Ord. 414-85, App. 9/17/85; Ord. 69-87, App. 3/13/87; Ord. 115-90, App. 4/6/90; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 84-10, File No. 091453, App. 4/22/2010; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013 ; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 311-18, File No. 181028, App. 12/21/2018, Eff. 1/21/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Division (d)(1) amended; Ord. 56-13 , Eff. 4/27/2013. Division (d)(5) amended; Ord. 188-15 , Eff. 12/4/2015. Undesignated introductory paragraph amended; Ord. 129-17, Eff. 7/30/2017. Undesignated introductory paragraph amended; Ord. 296-18, Eff. 1/12/2019. Undesignated introductory paragraph and division (d)(2) amended; Ord. 311-18, Eff. 1/21/2019. Undesignated introductory paragraph amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 305. VARIANCES.

(See Interpretations related to this Section.)

(a) **General.** The Zoning Administrator shall hear and make determinations regarding applications for variances from the strict application of quantitative standards in this Code. He shall have power to grant only such variances as may be in harmony with the general purpose and intent of this Code and in accordance with the general and specific rules contained herein, and he shall have power to grant such variances only to the extent necessary to overcome such practical difficulty or unnecessary hardship as may be established in accordance with the provisions of this Section. No variance shall be granted in whole or in part which would have an effect substantially equivalent to a reclassification of property; or which would permit any use, any height or bulk of a building or structure, or any type or size or height of sign not expressly permitted by the provisions of this Code for the district or districts in which the property in question is located; or which would grant a privilege for which a conditional use procedure is provided by this Code; or which would change a definition in this Code; or which would waive, reduce or adjust the inclusionary housing requirements of Sections 415 through 415.9; or which would reduce or waive any portion of the usable open space applicable under certain circumstances in the Eastern Neighborhoods Mixed Use Districts pursuant to Section 135(i) and 135.3(d); or which would waive or reduce the quantity of bicycle parking required by Sections 155.2 through 155.3 where off-street automobile parking is proposed or existing ; or which would waive, reduce or adjust the requirements of the TDM Program in Sections 169 *et seq.* A variance may be granted for the bicycle parking layout requirements in Section 155.1 of this Code. A variance may be granted for the bicycle parking layout requirements in Section 155.1 of this Code. If the relevant Code provisions are later changed so as to be more restrictive before a variance authorization is acted upon, the more restrictive new provisions, from which no variance was granted, shall apply. The procedures for variances shall be as specified in this Section and in Sections 306 through 306.5.

(b) **Initiation.** A variance action may be initiated by application of the owner, or authorized agent for the owner, of the property for which the variance is sought.

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

(1) That there are exceptional or extraordinary circumstances applying to the property involved or to the intended use of the property that do not apply generally to other property or uses in the same class of district;

(2) That owing to such exceptional or extraordinary circumstances the literal enforcement of specified provisions of this Code would result in practical difficulty or unnecessary hardship not created by or attributable to the applicant or the owner of the property;

(3) That such variance is necessary for the preservation and enjoyment of a substantial property right of the subject property, possessed by other property in the same class of district;

(4) That the granting of such variance will not be materially detrimental to the public welfare or materially injurious to the property or improvements in the vicinity; and

(5) That the granting of such variance will be in harmony with the general purpose and intent of this Code and will not adversely affect the General Plan.

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

(d) **Conditions.** When considering an application for a variance as provided herein with respect to applications for development of "dwellings" as defined in Chapter 87 of the San Francisco Administrative Code, the Zoning Administrator, or the Board of Appeals on appeal, shall comply with that Chapter which requires, among other things, that the Zoning Administrator and the Board of Appeals not base any decision regarding the development of "dwellings" in which "protected class" members are likely to reside on information which may be discriminatory to any member of a "protected class" (as all such terms are defined in Chapter 87 of the San Francisco Administrative Code). In addition, in granting any variance as provided herein, the Zoning Administrator, or the Board of Appeals on appeal, shall specify the character and extent thereof, and shall also prescribe such conditions as are necessary to secure the objectives of this Code. Once any portion of the granted variance is utilized, all such specifications and conditions pertaining to such authorization shall become immediately operative. The violation of any specification or condition so imposed shall constitute a violation of this Code and may constitute grounds for revocation of the variance. Such conditions may include time limits for exercise of the granted variance; otherwise, any exercise of such variance must commence within a reasonable time.

(Amended by Ord. 234-72, App. 8/18/72; Ord. 378-93, App. 12/2/93; Ord. 305-99, File No. 990496, App. 12/3/99; Ord. 37-02, File No. 001262, App. 4/5/2002; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 75-12 , File No. 120084, App. 4/23/2012, Eff. 5/23/2012; Ord. 62-13 , File No. 121162, App. 4/10/2013, Eff. 5/10/2013; Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013; Ord. 34-17, File No. 160925, App. 2/17/2017, Eff. 3/19/2017; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Division (a) amended; Ord. 75-12 , Eff. 5/23/2012. Division (a) references corrected; Ord. 62-13 , Eff. 5/10/2013. Division (a) amended; Ord. 183-13 , Eff. 9/6/2013. Division (a) amended; Ord. 34-17, Eff. 3/19/2017. Division (c) and undesignated paragraph following (c)(5) amended; Ord. 63-20, Eff. 5/25/2020.

ARTICLE 4:

DEVELOPMENT IMPACT FEES AND PROJECT REQUIREMENTS THAT AUTHORIZE THE PAYMENT OF IN-LIEU FEES

SEC. 401. DEFINITIONS.

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

(Amended by Ord. 63-20; Ord. 210-21; see Sec. 401 history note.)

A

"Affordable Unit" or "Affordable Housing Unit" [1] A unit that is Affordable to Qualifying Households under Section 415 *et seq*.

"Affordable to a household" shall mean a purchase price that a household can afford to pay based on an annual payment for all housing costs, as defined in California Code of Regulations ("CCR") Title 25, Section 6920, as amended from time to time, of 33 percent of the combined household annual gross income, assuming a down payment recommended by the Mayor's Office of Housing in the Procedures Manual, and available financing, or a rent that does not exceed 30 percent of a household's combined annual gross income. Where applicable, the purchase price or rent may be adjusted to reflect the absence or existence of a parking space(s), subject to the Department's policy on unbundled parking for affordable housing units as specified in the Procedures Manual and amended from time to time.

"Affordable to Qualifying Households."

(A) With respect to Owned Units, the average purchase price on the initial sale of all Owned Units in a housing project shall not exceed the allowable average purchase price. Each unit shall be sold:

(i) Only to first-time homebuyer households, as defined in this Section;

(ii) Only to households with an annual gross income equal to or less than the qualifying income limits for a household of moderate income, adjusted for household size, except for the exceptions set forth in Section 415.8(a)(4)(C), (D), and (E);

(iii) Only to households that meet the household size requirements, as defined in the Procedures Manual;

(iv) On the initial sale, at or below the maximum purchase price, as defined in this Section;

(v) On subsequent sales at or below the prices to be determined according to the formula specified in the Procedures Manual in place at the time of the purchase of the Owned Unit, as amended from time to time, such that the units remain affordable for the life of the project. The formula in the Procedures Manual shall permit the seller to include certain allowable capital improvements in the new maximum purchase price. The formula shall include a per unit cap on capital improvements of 10% of the resale price in order to maintain affordability. Special Assessments shall be added to the resale price at an uncapped rate. Capital improvement requests shall be evaluated by the Mayor's Office of Housing according to the formula specified in the Procedures Manual.

(B) With respect to Rental Units, the average annual rent shall not exceed the allowable average annual rent. Each unit shall be rented:

(i) Only to households with an annual gross income equal to or less than qualifying limits for a household of lower income adjusted for household size, as defined in this Section, except for the exceptions set forth in Section 415.8(a)(4)(A) and (B);

(ii) Only to households that meet the household size requirements, as defined in the Procedures Manual;

(iii) At or less than the maximum annual rent.

(Amended by Ord. 210-21; see Sec. 401 history note.)

"Allowable average purchase price." A price for all Owned Units of the size indicated below that are affordable to a household of median income as defined in this Section, adjusted for the household size indicated below as of the date of the close of escrow, except for Single Room Occupancy units and Group Housing units that are less than 350 square feet (both as defined in Section 102), which shall be 75% of the maximum purchase price level for studio units, and, where applicable, adjusted to reflect the Department's policy on unbundled parking for affordable housing units as specified in the Procedures Manual and amended from time to time:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2
2 (851 to 1,100 square feet)	3
3 (1,101 to 1,300 square feet)	4

4 (More than 1,300 square feet)	5

(Amended by Ord. 164-15; Ord. 210-21 ; see Sec. 401 history note.)

“Allowable average annual rent.” Annual rent for a Rental Unit of the size indicated below that is 30% of the annual gross income of a household of low income as defined in this Section, adjusted for the household size indicated below except for Single Room Occupancy units and Group Housing units that are less than 350 square feet (both as defined in Section 102), which shall be 75% of the maximum rent level for studio units, and, where applicable, adjusted to reflect the Department's policy on unbundled parking for affordable housing units as specified in the Procedures Manual and amended from time to time:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2
2 (851 to 1,100 square feet)	3
3 (1,101 to 1,300 square feet)	4
4 (More than 1,300 square feet)	5

At no time can a rent increase, or can multiple rent increases within one year, exceed the percentage change in Maximum Monthly Rent levels as published by MOHCD from the previous calendar year to the current calendar year.

(Amended by Ord. 164-15; Ord. 210-21; see Sec. 401 history note.)

"Area Median Income" or "AMI." The unadjusted median income levels derived from the Department of Housing and Urban Development ("HUD") on an annual basis for the San Francisco area, adjusted solely for household size, but not high housing cost area.

“Annual gross income.” Gross income as defined in CCR Title 25, Section 6914, as amended from time to time, except that MOHCD may, in order to promote consistency with the procedures of the San Francisco Redevelopment Agency, develop an asset test that differs from the State definition if it publishes that test in the Procedures Manual.

(Amended by Ord. 210-21; see Sec. 401 history note.)

"Annual net income." Net income as defined in Title 25 of the California Code of Regulations Section 6916.

"Area Plan Impact Fee" shall mean a development impact fee collected by the City to mitigate impacts of new development in the Area Plans of the San Francisco General Plan, under Article 4 of the Planning Code.

(Added by Ord. 200-15 and Ord. 222-15 ; see Sec. 401 history note.)

“Average annual rent.” The total annual rent for the calendar year charged by a housing project for all Rental Units in the project of an equal number of bedrooms divided by the total number of Affordable Units in the project with that number of bedrooms.

(Amended by Ord. 210-21; see Sec. 401 history note.)

“Average purchase price.” The purchase price for all Owned Units in an affordable housing project of an equal number of bedrooms divided by the total number of Affordable Units in the project with that number of bedrooms.

(Amended by Ord. 210-21; see Sec. 401 history note.)

B

"Balboa Park Community Improvements Fund." The fund into which all fee revenue the City collects from the Balboa Park Impact Fee is deposited.

"Balboa Park Community Improvements Program." The program intended to implement the community improvements identified in the Balboa Park Area Plan, as articulated in the Balboa Park Community Improvements Program Document on file with the Clerk of the Board in File No. 090179.

"Balboa Park Impact Fee." The fee collected by the City to mitigate impacts of new development in the Balboa Park Program Area, as described in the findings in Section 422.1.

"Balboa Park Program Area." The Balboa Park Plan Area in Figure 1 of the Balboa Park Station Area Plan of the San Francisco General Plan.

"Base service standard." The relationship between revenue service hours offered by the Municipal Railway and the number of automobile and transit trips estimated to be generated by certain non-residential uses, expressed as a ratio where the numerator equals the average daily revenue service hours offered by MUNI and the denominator equals the daily automobile and transit trips generated by non-residential land uses as estimated by the TIDF Study, the TIDF Update Report, or as updated under Section 410 of this Article.

"Base service standard fee rate." The TIDF that would allow the City to recover the estimated costs incurred by the Municipal Railway to meet the demand for public transit resulting from new development in the economic activity categories for which the fee is charged, after deducting government grants, fare revenue, and costs for non-vehicle maintenance and general administration.

C

“Child-care provider.” A provider as defined in California Health and Safety Code Section 1596.791.

“Community apartment.” As defined in San Francisco Subdivision Code Section 1308(b).

"Condominium." As defined in California Civil Code Section 783.

"Cultural/Institution/Education (CIE)." An economic activity category subject to the TIDF that includes, but is not limited to, Schools and Post-Secondary Educational Institutions; Child Care Facilities; museums and zoos considered Public Facilities; and Community Facilities and Private Community Facilities, as defined in Section 102.

D

"Dedicated." Legally transferred to the City and County of San Francisco, including all relevant legal documentation, at no cost to the City.

"Dedicated site." The portion of site proposed to be legally transferred at no cost to the City and County of San Francisco under the requirements of this section.

“Designated affordable housing zones.” For the purposes of implementing the Eastern Neighborhoods Community Improvements Fund, shall mean the Mission Street NCT defined in Section 754.

(Amended by Ord. 50-15; Ord. 188-15; Ord. 202-18; Ord. 296-18; see Sec. 401 history note.)

Designated Child Care Unit. As defined in Section 102.

(Added by Ord. 2-16; amended by Ord. 7-19 ; see Sec. 401 history note.)

"Development Application" shall mean any application for a building permit, site permit, Conditional Use, Variance, Large Project Authorization, or any application pursuant to Planning Code Sections 309, 309.1, or 322.

(Added by Ord. 200-15 and Ord. 222-15 ; see Sec. 401 history note.)

"Development fee." Either a development impact fee or an in-lieu fee. It shall not include a fee for service or any time and material charges charged for reviewing or processing permit applications.

"Development Fee Collection Unit" or "Unit." The Development Fee Collection Unit at DBI.

"Development impact requirement." A requirement to provide physical improvements, facilities or below market rate housing units imposed on a development project as a condition of approval to mitigate the impacts of increased demand for public services, facilities or housing caused by the development project that may or may not be governed by the California Mitigation Fee Act (California Government Code Section 66000 *et seq*.).

"Development project." Any change of use within an existing structure, addition to an existing structure, or new construction, which includes any occupied floor area.

"Director of Transportation." The Director of Transportation of the MTA or his or her designee(s).

E

“Eastern Neighborhoods Community Improvements Fund.” The fund into which all fee revenue collected by the City from the Eastern Neighborhoods Impact Fee is deposited.

(Amended by Ord. 296-18; see Sec. 401 history note.)

"Eastern Neighborhoods Infrastructure Impact Fee." The fee collected by the City to mitigate impacts of new development in the Eastern Neighborhoods Program Area, as described in the Findings in Section 423.1

"Eastern Neighborhoods Program Area." The Eastern Neighborhoods Plan Area in Map 1 (Land Use Plan) of the Eastern Neighborhoods Area Plan of the San Francisco General Plan.

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

"Economic activity category." Under the TIDF, one of the following six categories of non-residential uses: Cultural/Institution/Education (CIE), Management, Information and Professional Services (MIPS), Medical and Health Services, Production/Distribution/Repair (PDR), Retail/Entertainment, and Visitor Services.

"Entertainment use." For the purposes of this Section shall mean space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of Nighttime Entertainment, General Entertainment, Adult Businesses, and Movie Theater uses as defined in Section 102 regardless of the zoning district that the use is located in.

F

“Final Approval.” For the purposes of this Section shall mean 1) approval of a project’s first Development Application, unless such approval is appealed; or 2) if a project only requires a building permit, issuance of the first site or building permit, unless such permit is appealed; or 3) if the first Development Application or first site or building permit is appealed, then the final decision upholding the

Development Application, or first site or building permit, on the appeal by the relevant City Board or Commission.

(Amended by Ord. 193-23; see Sec. 401 history note.)

"First Certificate of Occupancy." Either a temporary Certificate of Occupancy or a Certificate of Final Completion and Occupancy as defined in San Francisco Building Code Section 109A, whichever is issued first.

"First construction document." As defined in Section 107A.13.1 of the San Francisco Building Code.

"First-time homebuyer household." At a minimum, shall be a household in which no member of the qualifying household may have owned any interest in a dwelling unit for a three-year period prior to applying to qualify for purchase of a unit restricted as affordable under the Inclusionary Housing Program. The Procedures Manual may contain additional requirements as necessary.

G

"Gross Floor Area." The total area of each floor within the building's exterior walls, as defined in Section 102 of this Code, except for areas devoted to off-street parking and except that for the purposes of determining the applicability of the TIDF, the exclusion from this definition set forth in Subsection (b)(13) of the definition of Gross Floor Area shall not apply. The provision for certain projects in the Van Ness Special Use District set forth in Subsection (b)(20) of the definition shall apply.

(Amended by Ord. 52-15; Ord. 188-15; see Sec. 401 history note.)

"Gross square feet of use." The meaning set forth in Section 102 of this Code, except for areas devoted to off-street parking and with the exception of the TIDF. With respect to the TIDF, the total square feet of gross floor area in a building and/or space within or adjacent to a structure devoted to all uses covered by the TIDF, including any common areas exclusively serving such uses and not serving residential uses. Where a structure contains more than one use, areas common to two or more uses, such as lobbies, stairs, elevators, restrooms, and other ancillary spaces included in gross floor area that are not exclusively assigned to one uses shall be apportioned among the two or more uses in accordance with the relative amounts of gross floor area, excluding such space, in the structure or on any floor thereof directly assignable to each use.

(Amended by Ord. 52-15; see Sec. 401 history note.)

H

"Hope SF Project Area" shall mean an area owned by or previously owned by the San Francisco Housing Authority that is currently undergoing, or planned to undergo redevelopment, whereby existing affordable dwelling units will be replaced, new affordable housing units will be constructed, and market-rate units may be constructed as a means to cross-subsidize newly needed infrastructure and affordable units. Hope SF Project Area shall include the Hunters View project, which is located within the Hunters View Special Use District, the Potrero Terrace and Annex Project, which includes Assessor's Block 4367, Lots 004 and 004A; Block 4220A, Lot 001, Block 4222, Lot 001; and Block 4223, Lot 001; and the Sunnydale/Velasco Project, which includes Assessor's Block 6310, Lot 001; Block 6311, Lot 001; Block 6312, Lot 001; Block 6313, Lot 001; Block 6314, Lot 001; and Block 6315, Lot 001.

(Added by Ord. 200-15 and Ord. 222-15 ; see Sec. 401 history note.)

"Household." Any person or persons who reside or intend to reside in the same housing unit.

"Household of low income." For purposes of Section 415 *et seq*., a household whose combined annual gross income for all members does not exceed 55 percent of AMI.

"Household of median income." For purposes of Section 415 *et seq*., a household whose combined annual gross income for all members does not exceed 90 percent of AMI.

"Household of moderate income." For purposes of Section 415 *et seq*., a household whose combined annual gross income for all members does not exceed 110 percent of AMI.

"Housing developer." Any business entity building housing units which receives a payment from a sponsor for use in the construction of the housing units. A housing developer may be

(a) the same business entity as the sponsor,

(b) an entity in which the sponsor is a partner, joint venturor, or stockholder, or

(c) an entity in which the sponsor has no control or ownership.

“Housing project.” Any development which includes a Residential Use as defined in Section 102 of this Code, including but not limited to Dwellings, Group Housing, Single Room Occupancy Units, independent living units, and other forms of development which are intended to provide long-term housing to individuals and households. “Housing project” shall not include that portion of a development that qualifies as an Institutional Use under the Planning Code. “Housing project” for purposes of the Inclusionary Housing Program shall also include the development of Live/Work units as defined by Section 102. Housing project for purposes of the Inclusionary Housing Program shall mean all phases or elements of a multi-phase or multiple lot residential development.

(Amended by Ord. 164-15; Ord. 202-18; see Sec. 401 history note.)

"Housing unit" or "unit." A residential use in a Housing project. For the purposes of the Inclusionary Affordable Housing Program, Planning Code Section 415 *et seq.*, and corresponding definitions in this Section 401, the use of the word "unit" will also mean bedrooms where a Group Housing or other Housing project is measured by number of bedrooms.

(Amended by Ord. 164-15; see Sec. 401 history note.)

I

"Improvements Fund." The fund into which all revenues collected by the City for each Program Area's impact fees are deposited.

"Infrastructure." Open space and recreational facilities; public realms improvements such as pedestrian improvements and streetscape improvements; public transit facilities; and community facilities such as libraries, child care facilities, and community centers.

"Institutional use." Space within a structure or portion thereof intended or primarily suitable for or accessory to the operation of an Institutional use as defined in Code Section 102, regardless of the zoning district that the use is located in.

"Interim Guidelines." The Office Housing Production Program Interim Guidelines adopted by the Planning Commission on January 26, 1982, as amended.

L

"Life of the project." The time during which the development authorized by the Planning Department or Commission, or any modification of such development, remains in existence in or upon the subject property and thereby confers benefit upon the subject property.

"Low income." For purposes of this Article, up to 80% of median family income for the San Francisco PMSA, as calculated and adjusted by the United States Department of Housing and Urban Development (HUD) on an annual basis, except that as applied to housing-related purposes such as the construction of affordable housing and the provision of rental subsidies with funds from the SOMA Stabilization Fund established in Section 418.7, it shall mean up to 60% of median family income for the San Francisco PMSA, as calculated and adjusted by HUD on an annual basis.

M

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

(Amended by Ord. 202-18; Ord. 63-20; see Sec. 401 history note.)

"Market and Octavia Community Improvements Fund." The fund into which all fee revenue collected by the City from the Market and Octavia Community Improvements Fee is deposited.

"Market and Octavia Community Improvements Impact Fee." The fee collected by the City to mitigate impacts of new development in the Market and Octavia Program Area, as described in the findings in Section 421.1.

“Market and Octavia Community Improvements Program.” The program intended to implement the community improvements identified in the Market and Octavia Area Plan, as articulated in the Market and Octavia Community Improvements Program Document on file with the Clerk of the Board in File No. 071157, and as updated in the revised Market and Octavia Community Improvements Program Document, identified as part of the amendments to the Market and Octavia Area Plan for the area known as the Hub, on file with the clerk of the board in File No. 200559.

(Amended by Ord. 126-20; see Sec. 401 history note.)

“Market and Octavia Program Area.” The Market and Octavia Plan Area in Map 1 (Land Use Plan) of the Market and Octavia Area Plan of the San Francisco General Plan, which includes those districts zoned RTO, NCT, or any neighborhood specific NCT, a few parcels zoned RH-1 or RH-2, and those parcels within the Van Ness and Market Downtown Residential Special Use District (VMDRSUD). The Program Area shall also include the entirety of the Upper Market NCT District, including any portions of such District that fall outside of the Market and Octavia Plan Area.

(Amended by Ord. 83-17; see Sec. 401 history note.)

"Market rate housing." Housing constructed in the principal project that is not subject to sales or rental restrictions.

"Maximum annual rent." The maximum rent that a housing developer may charge any tenant occupying an affordable unit for the calendar year. The maximum annual rent for an affordable housing unit of the size indicated below shall be no more than 30% of the annual gross income for a household of low income as defined in this Section, as adjusted for the household size indicated below, except in the case of Single Room Occupancy units and Group Housing units that are less than 350 square feet (both as defined in Section 102), which shall be 75% of the maximum rent level for studio units, as of the first date of the tenancy:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2
2 (851 to 1,100 square feet)	3
3 (1,101 to 1,300 square feet)	4
4 (More than 1,300 square feet)	5

At no time can a rent increase, or can multiple rent increases within one year, exceed the percentage change in Maximum Monthly Rent levels as published by MOHCD from the previous calendar year to the current calendar year.

(Amended by Ord. 164-15; Ord. 210-21; see Sec. 401 history note.)

"Maximum purchase price." The maximum purchase price for an Owned Unit of the size indicated below except in the case of Single Room Occupancy units and Group Housing units that are less than 350 square feet (both as defined in Section 102), which shall be 75% of the maximum purchase price level for studio units, that is affordable to a household of moderate income, adjusted for the household size indicated below, assuming an annual payment for all housing costs of 33 percent of the combined household annual gross income, a down payment recommended by MOHCD and set forth in the Procedures Manual, and available financing:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2
2 (851 to 1,100 square feet)	3
3 (1,101 to 1,300 square feet)	4
4 (More than 1,300 square feet)	5

(Amended by Ord. 164-15; Ord. 210-21 ; see Sec. 401 history note.)

"Mayor's Office of Housing" or "MOH." The Mayor's Office of Housing and Community Development or its successor.

(Amended by Ord. 210-21; see Sec. 401 history note.)

"Medical and Health Services." An economic activity category under the TIDF that includes, but is not limited to, Hospital use and Social Service and Philanthropic Facility uses.

(Amended by Ord. 202-18; see Sec. 401 history note.)

"Middle Income Household." Except as used in Section 415 *et seq*., a household whose combined annual gross income for all members is between 120 percent and 150 percent of the local median income for the City and County of San Francisco, as calculated by the Mayor's Office of Housing using data from the United States Department of Housing and Urban Development (HUD) and adjusted for household size or, if data from HUD is unavailable, as calculated by the Mayor's Office of Housing using other publicly available and credible data and adjusted for household size.

"MOH." The Mayor's Office of Housing, or the Mayor's Office of Housing and Community Development, or its successor.

(Amended by Ord. 210-21; see Sec. 401 history note.)

"MOHCD." The Mayor's Office of Housing and Community Development, or its successor.

(Added by Ord. 210-21; see Sec. 401 history note.)

"MTA." The Municipal Transportation Agency, or its successor.

"Municipal Railway; MUNI." The public transit system owned by the City and under the jurisdiction of the MTA.

"Museum." A permanent institution open to the public, which acquires, conserves, researches, communicates and exhibits the heritage of humanity or the environment.

N

"Nonprofit child-care provider." A child-care provider that is an organization organized and operated for nonprofit purposes within the provisions of California Revenue and Taxation Code Sections 23701-23710, inclusive, as demonstrated by a written determination from the California Franchise Tax Board exempting the organization from taxes under Revenue and Taxation Code Section 23701.

"Nonprofit organization." An organization organized and operated for nonprofit purposes within the provisions of California Revenue and Taxation Code Sections 23701-23710, inclusive, as demonstrated by a written determination from the California Franchise Tax Board exempting the organization from taxes under Revenue and Taxation Code Section 23701.

O

"Off-site Unit." A unit Affordable to Qualifying Households constructed pursuant to this Article on a site other than the site of the Principal Project. If a Housing Project is constructed in multiple phases or consists of multiple buildings, Affordable Units may be constructed in one building or phase.

(Amended by Ord. 210-21; see Sec. 401 history note.)

"On-site Unit." A unit Affordable to Qualifying Households constructed pursuant to this Article on the site of the principal project. If a Housing Project is constructed in multiple phases or consists of multiple buildings, Affordable Units shall be distributed proportionally throughout the building or phase.

(Amended by Ord. 210-21; see Sec. 401 history note.)

"Owned Unit." A unit Affordable to Qualifying Households that is a condominium, stock cooperative, community apartment, or detached single-family home. The owner or owners of an Owned Unit must occupy the unit as their primary residence.

(Amended by Ord. 210-21; see Sec. 401 history note.)

"Owner." The record owner of the fee or a vendee in possession.

“Owner Occupied.” A qualified-income owner lives in the affordable unit as his or her principal residence and resides in the unit for a minimum period of time set forth in the Procedures Manual.

(Amended by Ord. 202-18; see Sec. 401 history note.)

P

"Principal project." A housing development on which a requirement to provide affordable housing units is imposed.

"Principal site." The total site proposed for development, including the portion of site proposed to be legally transferred to the City and County of San Francisco.

“Procedures Manual.” The City and County of San Francisco Inclusionary Affordable Housing Program Monitoring Procedures Manual issued by the Mayor’s Office of Housing and Community Development, as amended from time to time.

(Amended by Ord. 210-21; see Sec. 401 history note.)

"Program" or "Inclusionary Housing Program." The Inclusionary Affordable Housing Program as detailed in Sections 415-417.

R

"Rent" or "rental." The total charges for rent, utilities, and related housing services to each household occupying an affordable unit.

“Rental Unit.” A unit Affordable to Qualifying Households that is not a condominium, stock cooperative, or community apartment.

(Amended by Ord. 210-21; see Sec. 401 history note.)

“Replacement of use.” The total amount of Gross Floor Area, as defined in Section 102 of this Code, to be demolished and reconstructed by a development project.

(Amended by Ord. 202-18; see Sec. 401 history note.)

"Research and development use." Space within any structure or portion thereof intended or primarily suitable for or accessory to the operation of uses defined in San Francisco Planning Code Section 890.52, regardless of the zoning district that the use is located in.

“Retail/entertainment.” An economic activity category under the TIDF that includes, but is not limited to, a Retail Use, except those Retail Uses which are also PDR Uses; an entertainment use as defined in this section; and Massage Establishments.

(Amended by Ord. 202-18; see Sec. 401 history note.)

"Retail use." For the purposes of this Section, space within any structure or portion thereof intended or primarily suitable for or accessory to the operation of uses contained in the definition of Retail Sales and Services in Section 102, excluding any use that is also considered a PDR Use per Section 102, regardless of the zoning district that the use is located in.

"Revenue services hours." The number of hours that the Municipal Railway provides service to the public with its entire fleet of buses, light rail (including streetcars), and cable cars.

"Rincon Hill Community Improvements Fund." The fund into which all fee revenue collected by the City from the Rincon Hill Community Infrastructure Impact Fee is deposited.

"Rincon Hill Community Infrastructure Impact Fee." The fee collected by the City to mitigate impacts of new development in the Rincon Hill Program Are, as described in the findings in Section 418.1.

"Rincon Hill Program Area." Those districts identified as the Rincon Hill Downtown Residential (RH DTR) Districts in the Planning Code and on the Zoning Maps.

S

"Section 6932." Section 6932 of Title 25 of the California Code of Regulations as such section applies to the County of San Francisco.

"Significant increase in residential development potential" shall mean, for purposes of Charter Section 16.110(h) and the implementation of the Inclusionary Affordable Housing Program, for areas subject to a change in zoning enacted after November 6, 2012 that affects 40 or more acres or greater and results in a significant increase in residential development potential, where the area is not also encompassed by a Special Use District adopted after November 6, 2012:

(a) a 20% or greater increase in developable residential gross floor area, as measured by a change in height limits, Floor Area Ratio limits, or use, over prior zoning, or

(b) a change in use permitting Residential Uses (either as a principally permitted use or with a Conditional Use authorization) where Residential Uses were not previously principally permitted or permitted with a Conditional Use authorization, or

(c) For parcels with an existing residential development capacity of 10 units or greater, the lesser of

1. a 50% or greater increase in residential densities over prior zoning, or,

2. an increase in density of at least 15 additional units over the number of units allowed under prior zoning.

3. For the purposes of determining residential development capacity, the Planning Department shall use unit sizes and efficiency ratios typical (or the subject area at the time of the rezoning.

This definition was adopted by the Board of Supervisors in Motion M13-097 and may only be amended under Charter Section 16.110(h)(1)(B)(iv).

(Amended by Ord. 188-15; see Sec. 401 history note.)

Small Family Daycare Home. A Small Family Daycare Home is defined by California Health & Safety Code Section 1596.78(c), as amended from time to time.

(Added by Ord. 2-16 ; see Sec. 401 history note.)

"SOMA." The area bounded by Market Street to the north, Embarcadero to the east, King Street to the south, and South Van Ness and Division to the west.

"SOMA Community Stabilization Fee." The fee collected by the City to mitigate impacts on the residents and businesses of SOMA of new development in the Rincon Hill Program Area, as described in the findings in Section 418.1.

"SOMA Community Stabilization Fund." The fund into which all fee revenue collected by the City from the SOMA Community Stabilization Fee is deposited.

"Sponsor" or "project sponsor." An applicant seeking approval for construction of a development project subject to this Article, such applicant's successor and assigns, and/or any entity which controls or is under common control with such applicant.

"Stock cooperative." As defined in California Business and Professions Code Section 11003.2.

T

"TIDF; Transit Impact Development Fee." The development fee that is the subject of Section 411.1 *et seq*. of this Article.

"TIDF Study." The study commissioned by the San Francisco Planning Department and performed by Nelson/Nygaard Associates entitled "Transit Impact Development Fee Analysis - Final Report," dated May 2001, including all the Technical Memoranda supporting the Final Report and the Nelson/Nygaard update materials contained in Board of Supervisors File No. 040141.

"TIDF Update Report." The study commissioned by MTA and performed by Cambridge Systematics, Inc. and Urban Economics entitled "Transit Impact Development Fee Update Draft Final Report," dated February, 2011, and contained in Board of Supervisors File No. 120523.

"Total developable site area." That part of the site that can be feasibly developed as residential development, excluding land already substantially developed, parks, required open spaces, streets, alleys, walkways or other public infrastructure.

"Treasurer." The Treasurer for the City and County of San Francisco.

"Trip generation rate." The total number of automobile and Municipal Railway trips generated for each 1,000 square feet of development in a particular economic activity category as established in the TIDF Study, the 2011 TIDF update report, or pursuant to the five-year review process established in Section 410 of this Article.

U

V

"Visitacion Valley." The area bounded by Carter Street and McLaren Park to the west, Mansell Street to the north, Route 101 between Mansell Street and Bayshore Boulevard to the northeast, Bayview Park to the north, Candlestick Park and Candlestick Point Recreation Area to the east, the San Francisco Bay to the southeast, and the San Francisco County line to the south.

"Visitor services." An economic activity category under the TIDF that includes, but is not limited to, Hotel use; Motel use, as defined in Section 102 of this Code; and time-share projects, as defined in Section 11003.5(a) of the California Business and Professions Code.

W

"Waiver Agreement." An agreement acceptable in form and substance to the City Attorney and the Planning Department under which the City agrees to waive all or a portion of the Community Improvements Impact Fee.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010; Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 321-10, File No. 101095, App. 12/21/2010; Ord. 3-11, File No. 101247, App. 1/7/2011; Ord. 25-11, File No. 101464, App. 2/24/2011; Ord. 196-11 , File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. 188-12 , File No. 111374, App. 9/11/2012, Eff. 10/11/2012; Ord. 247-12 , File No. 120523, App. 12/18/2012, Eff. 1/17/2013; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 62-13 , File No. 121162, App. 4/10/2013, Eff. 5/10/2013; Motion M13-097, File No. 130647, Ad. 7/23/2013, Eff. 8/22/2013; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 52-15 , File No. 141266, App. 4/30/2015, Eff. 5/30/2015; Ord. 164-15 , File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015 ; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015; Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016; Ord. 2-16 , File No. 150793, App. 1/19/2016, Eff. 2/18/2016; Ord. 83-17, File No. 170003, App. 3/24/2017, Eff. 4/23/2017; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 296-18, File No. 180184, App. 12/12/2019, Eff. 1/12/2019; Ord. 7-19, File No. 180917, App. 1/25/2019, Eff. 2/25/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Definition amended; Ord. 196-11 , Eff. 11/3/2011. Definition amended; definitions deleted; Ord. 188-12 , Eff. 10/11/2012. Definitions added, amended, and deleted; Ord. 247-12 , Eff. 1/17/2013. Definition amended; Ord. 42-13 , Eff. 4/27/2013. Definitions amended; Ord. 62-13 , Eff. 5/10/2013. Definition added; Motion M13-097, Eff. 8/22/2013. Definitions amended; Ord. 22-15, Eff. 3/22/2015. See individual definitions for subsequent history notes.

CODIFICATION NOTE

1. So in Ord. 210-21.

Editor's Note:

Ordinance 155-15 (File No. 150348, App. 8/6/2015, Eff. 9/5/2015) purported to amend this section. At the direction of the Office of the City Attorney, Ord. 155-15 was never codified (and accordingly is not referenced in the history notes above). Its provisions effectively were superseded by Ord. 164-15 (File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015).

SEC. 401A. FINDINGS.

(a) **General Findings.** The Board makes the following findings related to the fees imposed under Article 4.

(1) **Application.** The California Mitigation Fee Act, Government Code Section 66000 *et seq*. may apply to some or all of the fees in this Article 4. While the Mitigation Fee Act may not apply to all fees, the Board has determined that general compliance with its provisions is good public policy in the adoption, imposition, collection, and reporting of fees collected under this Article 4. By making findings required under the Act, including the findings in this Subsection and findings supporting a reasonable relationship between new development and the fees imposed under this Article 4, the Board does not make any finding or determination as to whether the Mitigation Fee Act applies to all of the Article 4 fees.

(2) **Timing of Fee Collection.** For any of the fees in this Article 4 collected prior to the issuance of the certificate of occupancy, the Board of Supervisors makes the following findings set forth in California Government Code Section 66007(b): the Board of Supervisors finds, based on information from the Planning Department in Board File No. 150149, that it is appropriate to require the payment of the fees in Article 4 at the time of issuance of the first construction document because the fee will be collected for public improvements or facilities for which an account has been established and funds appropriated and for which the City has adopted a proposed construction schedule or plan prior to the final inspection or issuance of the certificate of occupancy or because the fee is to reimburse the City for expenditures previously made for such public improvements or facilities.

(3) **Administrative Fee.** The Board finds, based on information from the Planning Department in Board File No. 150149, that the City agencies administering the fee will incur costs equaling 5% or more of the total amount of fees collected in administering the funds established in Article 4. Thus, the 5% administrative fee included in the fees in this Article 4 do not exceed the cost of the City to administer the funds.

(b) **Specific Findings.** The Board of Supervisors has reviewed the San Francisco Citywide Nexus Analysis ("Nexus Analysis") and the San Francisco Infrastructure Level of Service Analysis ("Level of Service Analysis"), both on file with the Clerk of the Board in File No. 230764 and adopts the findings and conclusions of those studies, specifically the sections of those studies establishing levels of service for and a nexus between new development and four infrastructure categories: Recreation and Open Space, Childcare, Complete Streets, and Transit Infrastructure. The Board of Supervisors finds that, as required by California Government Code Section 66001, for each infrastructure category analyzed, the Nexus Analysis and Infrastructure Level of Service Analysis: identify the purpose of the fee; identify the use or uses to which the fees are to be put, including a reasonable level of service; determine how there is a reasonable relationship between the fee's use and the type of development project on which the fee is imposed; determine how there is a reasonable relationship between the need for the public facility and the type of development project on which the fee is imposed; and determine how there is a reasonable relationship between the amount of the fee and the cost of the public facility or portion of the facility attributable to the development. Specifically, as discussed in more detail in and supported by the Nexus Analysis and Infrastructure Level of Service Analysis the Board adopts the following findings:

(1) **Recreation and Open Space Findings.**

(A) **Purpose.** The fee will help maintain adequate park capacity required to serve new service population resulting from new development.

(B) **Use.** The fee will be used to fund projects that directly increase park capacity in response to demand created by new development. Park and recreation capacity can be increased either through the acquisition of new park land, or through capacity enhancements to existing parks and open space. Examples of how development impact fees would be used include: acquisition of new park and recreation land; lighting improvements to existing parks, which extend hours of operation on play fields and allow for greater capacity; recreation center construction, or adding capacity to existing facilities; and converting passive open space to active open space including but not limited to through the addition of trails, play fields, and playgrounds.

(C) **Reasonable Relationship.** As new development adds more employment and/or residents to San Francisco, it will increase the demand for park facilities and park capacity. Fee revenue will be used to fund the acquisition and additional capacity of these park facilities. Each new development project will add to the incremental need for recreation and open space facilities described above. Improvements considered in the Nexus Study are estimated to be necessary to maintain the City's effective service standard.

(D) **Proportionality.** The new facilities and costs allocated to new development are based on the existing ratio of the City's service population to acres of existing recreation and open space. The scale of the capital facilities and associated costs are proportional to the projected levels of new development and the existing relationship between service population and recreation and open space. The cost of the deferred maintenance required to address any operational shortfall within the City's recreation and open space provision will not be financed by development fees.

(2) **Childcare Findings.**

(A) **Purpose.** The fee will support the provision of childcare facility needs resulting from an increase in San Francisco's residential and employment population.

(B) **Use.** The childcare impact fee will be used to fund capital projects related to infant, toddler, and preschool-age childcare. Funds will pay for the expansion of childcare slots for infant, toddler, and preschool children.

(C) **Reasonable Relationship.** New residential and commercial development in San Francisco will increase the demand for

infant, toddler and preschool-age childcare. Fee revenue will be used to fund the capital investment needed for these childcare facilities. Residential developments will result in an increase in the residential population, which results in growth in the number of children requiring childcare. Commercial development results in an increase of the employee population, which similarly require childcare near their place of work. Improvements considered in this study are estimated to be necessary to maintain the City's provision of childcare at its effective service standard.

(D) **Proportionality.** The costs allocated to new development are based on the estimated childcare demand generated by future development [1] Capital costs required to provide these childcare spaces to accommodate the new population are based on the City's cost of funding new childcare facilities and assigned to new housing units and new non-residential development on a per-square-foot basis. The scale of the capital facilities and associated costs are directly proportional to the expected levels of new development and the corresponding increase in childcare demands.

(3) **Complete Streets Findings.**

(A) **Purpose.** "Complete Streets" encompass sidewalk improvements, such as lighting, landscaping, and safety measures, and sustainable street elements more broadly, including bike lanes, sidewalk paving and gutters, lighting, street trees and other landscaping, bulb-outs, and curb ramps. The primary purpose of the Complete Streets impact fee is to fund capital investments in bicycle, streetscape, and pedestrian infrastructure to accommodate the growth in street activity.

(B) **Use.** The Complete Streets fees will be used to implement the Better Streets Plan (2010), on file in Board File No. 230764, including enhancement of the pedestrian network in the areas surrounding new development – whether through sidewalk improvements, construction of complete streets, or pedestrian safety improvements – and development of new premium bike lanes, upgraded intersections, additional bicycle parking, and new bicycle sharing program stations..[1]

(C) **Reasonable Relationship.** New residential and non-residential development brings an increased demand for new or expanded and improved Complete Streets infrastructure. This relationship between new development, an influx of residents and workers, and a demand for complete streets infrastructure provides the nexus for an impact fee. Complete Streets impact fees, imposed on new development, fund the construction of new and enhanced complete streets infrastructure for the additional residents and workers directly attributable to new development.

(D) **Proportionality.** The fees allocated to new development are based on the existing ratio of the City's service population to a conservative estimate of its current Complete Streets infrastructure provision to date – in the form of square feet of Complete Streets sidewalk per thousand service population units. The costs associated with this level of improvement are drawn from the cost per square foot associated with constructing Complete Streets elements based on data from the San Francisco Planning Department, Department of Public Works, Public Utilities Commission, and Municipal Transportation Agency. Due to the locational variation in the cost of building Complete Street elements, the fee calculation includes a 20 percent markup for the downtown area..[1] The scale of the capital facilities and associated costs are directly proportional to the expected levels of new development and the existing relationship between service population and Complete Streets infrastructure. The cost of the deferred maintenance required to address any operational shortfall is not allocated to be funded by new development.

(4) **Transit Infrastructure Findings.**

(A) **Purpose.** Transit Infrastructure funds will be used to meet the demand for transit capital maintenance, transit capital facilities and fleet, and pedestrian and bicycle infrastructure generated by new development in the City.

(B) **Use.** Transit Infrastructure fees will fund transit capital maintenance and transit capital facilities to maintain the existing level of service. Revenues for capital maintenance operating costs will improve vehicle reliability to expand transit services. Revenues for capital facilities will be used for transit fleet expansion, improvements to increase SFMTA transit speed and reliability, and improvements to regional transit operators. Though the fees are calculated based on transit maintenance and facilities, fee revenues may be used for pedestrian and bicycle improvements to complement revenue from the Complete Streets fee, including Area Plan complete street fees.

(C) **Reasonable Relationship.** The Transit Infrastructure fee is reasonably related to the financial burden that development projects impose on the City. As development generates new trips, the SFMTA must increase the supply of transit services and therefore capital maintenance expenditures to maintain the existing transit level of service. Development also increases the need for expanded transit facilities due to increased transit and auto trips.

(D) **Proportionality.** The existing level of service for transit capital maintenance is based on the current ratio of the supply of transit services (measured by transit revenue service hours) to the level of transportation demand (measured by number of automobile plus transit trips). The fair share cost of planned transit capital facilities is allocated to new development based on trip generation from new development as a percent of total trip generation served by the planned facility, including existing development. The variance in the fee by economic activity category based on trip generation, and the scaling of the fee based on the size of the development project, supports proportionality between the amount of the fee and the share of transit capital maintenance and facilities attributable to each development project.

(5) **Additional Findings.** The Board finds that the Nexus Analysis and Level of Service Analysis establish that the fees are less than the cost of mitigation and do not include the costs of remedying any existing deficiencies. The City may fund the cost of remedying existing deficiencies through other public and private funds. The Board also finds that the Nexus Analysis and Level of Service Analysis establish that the fees do not duplicate other City requirements or fees. The Board further finds that there is no duplication in fees applicable on a Citywide basis and fees applicable within an Area Plan. Moreover, the Board finds that these fees are only one part of the City's broader funding strategy to address these issues. Residential and non-residential impact fees are only one of many revenue sources necessary to address the City's infrastructure needs.

(Added by Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; amended by Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015; Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Nonsubstantive changes; Ord. 188-15 , Eff. 12/4/2015. Division (b) amended; new division (b)(5) added; former division (b)(5) redesignated as (b)(6) and amended; Ord. 200-15 , Eff. 12/25/2015 and Ord. 222-15 , Eff. 1/17/2016. Divisions (b), (b)(1)(D), (b)(2)(D), (b)(3)-(b)(3)(D) amended; (b)(4)-(b)(4)(D) deleted; (b)(5)-(6) amended as (b)(4)-(5); Ord. 193-23, Eff. 10/16/2023.

CODIFICATION NOTE

1. So in Ord. 193-23.

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

(a) **Collection by the Development Fee Collection Unit.** Except as otherwise authorized in Section 411.9, all development impact and in-lieu fees authorized by this Code shall be collected by the Development Fee Collection Unit at DBI in accordance with Section 107A.13 of the San Francisco Building Code.

(b) **Required Department Notice to Development Fee Collection Unit; Request to Record Notice of Fee.**

(1) **Required Notice.** When the Planning Department determines that a development project is subject to one or more development fees or development impact requirements as set forth in Section 402(e), the Department shall send written or electronic notification to the Development Fee Collection Unit at DBI, and also to MOH, MTA or other applicable agency that administers an applicable development fee or development impact requirement, that:

(i) identifies the development project,

(ii) lists which specific development fees and/or development impact requirements are applicable and the legal authorization for their application,

(iii) specifies the dollar amount of the development fee or fees that the Department calculates is owed to the City or that the project sponsor has elected to satisfy a development impact requirement through the provision of physical or "in-kind" improvements, and

(iv) lists the name and contact information for the staff person at each agency or department responsible for calculating the development fee or monitoring compliance with the development impact requirement for physical or in-kind improvements.

(2) **Amended Notices.** The Department shall send an amended notice to the Development Fee Collection Unit, and also to any department or agency that received the initial notice, if at any time subsequent to its initial notice:

(i) any of the information required by subsection (1) above is changed or modified, or

(ii) the development project is modified by the Department or Commission during its review of the project and the modifications change the dollar amount of the development fee or the scope of any development impact requirement.

(3) **Optional Recordation of Notice of Special Restrictions Prior to Issuance of Building or Site Permit.** Prior to issuance of a building or site permit for a development project subject to a development fee or development impact requirement, the Department may request the Project Sponsor to record a notice with the County Recorder that a development project is subject to a development fee or development impact requirement. The County Recorder shall serve or mail a copy of such notice to the persons liable for payment of the fee or satisfaction of the requirement and the owners of the real property described in the notice. The notice shall include:

(i) a description of the real property subject to the development fee or development impact requirement,

(ii) a statement that the development project is subject to the imposition of the development fee or development impact requirement, and

(iii) a statement that the dollar amount of the fee or the specific development impact requirement to which the project is subject has been determined under Article 4 of this Code and citing the applicable section number.

(c) **Process for Revisions of Determination of Development Impact Fee(s) or Development Impact Requirement(s).** In the event that the Department or the Commission takes action affecting any development project subject to this Article and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by court action, the building permit or building permit application for such development project shall be remanded to the Department to determine whether the development project has been changed in a manner which affects the calculation of the amount of development fees or development impact requirements required under this Article and, if so, the Department shall revise the requirement imposed on the permit application in compliance with this Article within 30 days of such remand and notify the project sponsor in writing of such revision or that a revision is not required. The Department shall notify the Development Fee Collection Unit at DBI if the revision materially affects the development fee requirements originally imposed under this Article so that the Development Fee Collection Unit update the Project Development Fee Report and re-issue the associated building or site permit for the project, if necessary, to ensure that any revised development fees or development impact requirements are enforced.

(d) **Timing of Fee Payments.** All impact fees are due and payable to the Development Fee Collection Unit at DBI at the time of, and in no event later than, issuance of the “first construction document” as defined in Section 401 of this Code and Section 107A.13.1 of the Building Code provided that a project sponsor may defer payment of the fee, excluding any fees that must be deposited in the Citywide Affordable Housing Fund (Administrative Code Section 10.100-49), to a later date pursuant to Section 107A.13.3 of the Building Code.

(e) **Amount and Applicability of Impact Fees.** When the Planning Department determines that a project is subject to development impact fees established in the Planning Code, with the exception of the Inclusionary Housing Fee as set forth in Section 415 *et seq.*, the assessment shall be based on the types of fees and the rates of those fees in effect at the time of Final Approval. After Final Approval, the City shall not impose subsequently established development impact fees or increase the rate of existing fees on the development project, including annual inflation adjustments pursuant to Section 409, except as provided in subsection (e)(1)-(2) of this Section 402. The Planning Department shall transmit the fee assessment to the Development Fee Collection Unit at DBI in accordance with this Section 402.

(1) **Modification, Renewal, Extension for Projects.** After the Final Approval, if a development project requires a modification to, renewal, or extension of a previously approved Development Application, the Planning Department shall reassess development impact fees pursuant to subsection (e)(2). For the purposes of this subsection (e)(1), a "modification" shall not include a legislatively-authorized reduction or waiver of fees, including any waivers pursuant to Section 406.

(2) **Amount of Reassessment.** For any development project that requires a modification to, renewal, or extension pursuant to subsection (e)(1), the Planning Department shall reassess fees as follows:

(A) **Modified Projects.** For projects increasing Gross Floor Area of any use, the Planning Department shall assess the new or increased Gross Floor Area by applying the types of impact fees in effect at the time of Final Approval at the rates in effect at the time of modification. For projects reducing Gross Floor Area, the Planning Department shall assess the types and rates of fees in effect at the time of Final Approval only on the remaining Gross Floor Area. If the modified project would result in a new type of fee or a different rate based on applicable thresholds in effect at the time of Final Approval, the entire project square footage is subject to the new type of fee or different rate in effect at the time of modification. The City shall refund fees, if any, without interest, based on the fees in effect at the time of Final Approval.

(B) **Renewal and Extended Projects.** For projects receiving a renewal or extension, the Planning Department shall reassess fees for the entire project's Gross Floor Area based on the type of fees and rates of those fees in effect at the time of renewal or extension.

(3) **Projects Approved Prior to Effective Date of Ordinance in Board File No. 230764.** For projects that have obtained a Final Approval, but that have not yet obtained a first site or building permit prior to the effective date of the ordinance in Board File No. 230764, the assessed types and rates of impact fees shall not be increased after that effective date, unless such project requires a modification, extension, or renewal pursuant to subsection (e)(1)-(2) of this Section 402. For projects that have obtained a Final Approval and a site or building permit prior to the effective date of the ordinance in Board File No. 230764, the types and rate of fees are those assessed at the time of site or building permit issuance, subject to legislative reduction or waiver of fees, unless such project requires a modification, extension, or renewal pursuant to subsection (e)(1)-(2) of this Section 402.

(4) **Applicability to Development Agreements.**

(A) For projects subject to development agreements executed prior to the effective date of the ordinance in Board File No. 230764, the Planning Department shall assess the applicable fees pursuant to the development agreement and no later than the earlier of site or building permit issuance.

(B) Except as may otherwise be agreed to by the parties, for a project subject to a development agreement executed on or after the effective date of the ordinance in Board File No. 230764, the Planning Department shall assess the applicable fees at the earlier of site or building permit issuance.

(C) The procedures set forth in subsection (e)(1)-(2) shall govern the modification, renewal, or extension of a project subject to a development agreement.

(D) In the event of a conflict between this Section 402(e) and the terms of a development agreement, the terms of the development agreement shall apply, unless the development agreement is modified pursuant to the terms of that agreement.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 247-12, File No. 120523, App. 12/18/2012, Eff. 1/17/2013; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Division (a) amended; Ord. 247-12, Eff. 1/17/2013. Division (d) added; Ord. 63-20, Eff. 5/25/2020. Divisions (b), (b)(1), and (d) amended; divisions (e)-(e)(4)(D) added; Ord. 193-23, Eff. 10/16/2023.

SEC. 403. PAYMENT OF DEVELOPMENT FEE(S) OR SATISFACTION OF DEVELOPMENT IMPACT REQUIREMENT(S) AS A CONDITION OF APPROVAL; FEE DEFERRAL PROGRAM.

American Legal Publishing

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 187-23, approved 9/14/2023, effective 10/15/2023, oper. 11/1/2023). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 201-23 , approved 10/12/2023, effective 11/12/2023, oper. 11/1/2023). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

In addition to any other condition of approval that may otherwise be applicable, the Department or Commission shall require as a condition of approval of a development project subject to a development fee or development impact requirement under this Article that such development fee or fees be paid prior to the issuance of the first construction document for any building or buildings within the development project, in proportion to the amount required for each building if there are multiple buildings, with an option for the project sponsor to defer payment of 85 percent of the fees, or 80 percent of the fees if the project is subject to a neighborhood infrastructure impact development fee, to prior to issuance of the first certificate of occupancy, as provided by Section 107A.13.3 of the San Francisco Building Code ("Fee Deferral Program"). The Fee Deferral Program shall not apply to fees that must be deposited in the Citywide Affordable Housing Fund (Administrative Code Section 10.100-49). Projects subject to development agreements executed pursuant to Chapter 56 of the Administrative Code shall be eligible for the Fee Deferral Program, except as may otherwise be agreed to by the parties to the development agreement. The Department or Commission shall also require as a condition of approval that any development impact requirement imposed on a development project under this Article shall be satisfied prior to issuance of the first certificate of occupancy for any building or buildings within the development project, in proportion to the amount required for each building if there are multiple buildings.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 55-11, File No. 101523, App. 3/23/2011; amended by Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Division (b) deleted; section header and section amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 404. PROJECT DEVELOPMENT FEE REPORT; RESOLUTION OF DEVELOPMENT FEE DISPUTE; APPEAL TO BOARD OF APPEALS; PUBLIC NOTICE; FINDINGS SUPPORTING FEE COLLECTION.

(a) **Project Development Fee Report.** Under Section 107A.13.7 of the San Francisco Building Code, prior to issuance of the building or site permit for a development project subject to any development fees or development impact requirements, the Development Fee Collection Unit at DBI shall prepare and provide to the project sponsor, or any member of the public upon request, a Project Development Fee Report.

(b) **Resolution of Development Fee or Development Impact Requirement Dispute; Appeal to Board of Appeals.** If a dispute or question arises concerning the accuracy of the final Project Development Fee Report, including the calculation of any development fee listed thereon, the dispute shall be resolved or appealed to the Board of Appeals in accordance with Section 107A.13.9 of the San Francisco Building Code. The jurisdiction of the Board shall be strictly limited to determining the accuracy of the Report and the mathematical calculation of the development fee or scope of the physical or "in-kind" requirement. The Board has no jurisdiction to: (1) review the scope or amount of the development fee or requirement established by the Code, (2) reduce, adjust, or waive a development fee or requirement on the ground that there is no reasonable relationship or nexus between the impact of development and either the amount of the fee charged or the physical requirement, (3) reduce or waive the development fee or requirement based on housing affordability, duplication of fees, or any other issue related to fairness or equity, or (4) review the nexus studies that support the development fee or requirement and the City's legal authority to impose it.

(c) **Public Notice of the Project Development Fee Report.** Any public notice issued by the Department of an approval action on a development project that is subject to a development fee or a development requirement under this Article shall notify the public of a right to request a copy of the Project Development Fee Report from the Development Fee Collection Unit at DBI. In addition to this notice, DBI shall provide final notice of the availability of the Project Development Fee Report as part of its standard notice of the issuance of a building or site permit for any project and of the right to appeal the accuracy of the Project Development Fee Report to the Board of Appeals as part of the underlying building or site permit in accordance with Section 107A.13.9 of the San Francisco Building Code.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015)

AMENDMENT HISTORY

Section header and divisions (a) and (b) amended; Ord. 50-15 , Eff. 5/24/2015.

SEC. 405. DEVELOPMENT FEE REFUND WHEN BUILDING PERMIT IS CANCELLED OR EXPIRES PRIOR TO COMPLETION OF WORK AND COMMENCEMENT OF OCCUPANCY.

If a project sponsor cancels or withdraws a building or site permit prior to completion of work and commencement of occupancy of a development project, or a building or site permit expires prior to completion of work and commencement of occupancy so that it will be necessary to obtain a new permit to carry out any new work on the development project, any obligation to comply with this Article shall be cancelled, and any development fee previously paid to the Development Fee Collection Unit at DBI shall be refunded to the project sponsor. If and when the project sponsor applies for a new building or site permit, the procedures set forth in this Article shall be

followed for the new development project.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

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

(a) **Waiver or Reduction Based on Absence of Reasonable Relationship.**

(1) The sponsor of any development project subject to a development fee or development impact requirement imposed by this Article may appeal to the Board of Supervisors for a reduction, adjustment, or waiver of the requirement 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.

(2) Any appeal authorized by this Section shall be made in writing and filed with the Clerk of the Board no later than 15 days after the date the Department or Commission takes final action on the project approval that assesses the requirement. The appeal shall set forth in detail the factual and legal basis for the claim of waiver, reduction, or adjustment.

(3) The Board of Supervisors shall consider the appeal at a public hearing within 60 days after the filing of the appeal. The appellant shall bear the burden of presenting substantial evidence to support the appeal, including comparable technical information to support appellant's position. The decision of the Board shall be by a simple majority vote and shall be final.

(4) If a reduction, adjustment, or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment, or reduction of the fee or inclusionary requirement. If the Board grants a reduction, adjustment or waiver, the Clerk of the Board shall promptly transmit the nature and extent of the reduction, adjustment or waiver to the Development Fee Collection Unit at DBI and the Unit shall modify the Project Development Fee Report to reflect the change.

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

(1) An affordable housing unit shall receive a waiver from the Rincon Hill Community Infrastructure Impact Fee, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, the Visitacion Valley Community Facilities and Infrastructure Impact Fee, the Transportation Sustainability Fee, the Residential Child Care Impact Fee [1] the Central South of Market Infrastructure Impact Fee, and the Central South of Market Community Facilities Fee if the affordable housing unit:

(A) is affordable to a household at or below 80% of the Area Median Income (as published by HUD), including units that qualify as replacement Section 8 units under the HOPE SF program;

(B) is subsidized by MOHCD, the San Francisco Housing Authority, the Department of Homelessness and Supportive Housing, and/or the Office of Community Investment and Infrastructure or any future successor agency to those listed herein; and

(C) is subsidized in a manner which maintains its affordability for a term no less than 55 years, whether it is a rental or ownership opportunity. Project sponsors must demonstrate to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary.

(2) Projects that meet the requirements of this subsection are eligible for a 100 percent fee reduction until an alternative fee schedule is published by the Department.

(3) Projects that are located within a HOPE SF Project Area are eligible for a 100 percent fee reduction from the TSF, applicable both to the affordable housing units and the market-rate units within such projects, and to any Non-Residential or PDR uses. Projects within a HOPE SF Project Area are otherwise subject to all other applicable fees per Article 4 of the Planning Code.

(4) Residential uses within projects where all residential units are affordable to households at or below 150% of the Area Median Income (as published by HUD) shall not be subject to the TSF. Non-residential and PDR uses within those projects shall be subject to the TSF. All uses shall be subject to all other applicable fees per Article 4 of the Planning Code.

(5) This waiver clause shall not be applied to units built as part of a developer's efforts to meet the requirements of the Inclusionary Affordable Housing Program, Sections 415 or 419 of this Code or any units that trigger a Density Bonus under California Government Code Sections 65915-65918.

(c) **Waiver for Homeless Shelters.** A Homeless Shelter, as defined in Section 102 of this Code, is not required to pay the Rincon Hill Community Infrastructure Impact Fee, the Transit Center District Impact Fees, the Market and Octavia Community Improvements Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact Fee, the Visitacion Valley Community Facilities and Infrastructure Impact Fee and the Transportation Sustainability Fee.

(d) **Waiver Based on Duplication of Fees.** The City shall make every effort not to assess duplicative fees on new development. In general, project sponsors are only eligible for fee waivers under this Subsection if a contribution to another fee program would result in a duplication of charges for a particular type of community infrastructure. The Department shall publish a schedule annually of all known opportunities for waivers and reductions under this clause, including the specific rate. Requirements under Section 135 and 138 of this Code do not qualify for a waiver or reduction. Should future fees pose a duplicative charge, such as a Citywide open space or childcare fee, the same methodology shall apply and the Department shall update the schedule of waivers or reductions accordingly.

(e) **Waiver or Reduction of Fees for a Public Park in the Central SoMa Plan Area.** A development project may elect to provide land and other resources in order to construct a public park on an approximately 40,000 square-foot portion of Block 3777 as called for in

the Central SoMa Plan, and in doing so may be eligible for a waiver against all or a portion of fees otherwise applicable to such development as set forth in this subsection 406(e). As part of the approval process for such a project, the Planning Commission may waive all or a portion of the Eastern Neighborhoods Infrastructure Impact Fee, the Central SoMa Infrastructure Impact Fee, the Transit Impact Development Fee, and the Transit Sustainability Fee, and may specify how such waiver would be distributed among the aforementioned fees, provided such total amount does not exceed the value of the park, which shall be calculated based on actual costs to acquire the land.

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

(g) **Waiver for Projects in PDR Districts.** In a PDR District, a development project that meets the eligibility criteria in subsection (g)(1) of this Section 406 shall receive a waiver from any development impact fee or development impact requirement imposed by this Article.

(1) **Eligibility.** To be eligible for the waiver in this subsection (g), the project shall:

(A) be located in a PDR District;

(B) contain a Retail Use or PDR Use and no residential uses;

(C) propose the new construction of at least 20,000 square feet of Gross Floor Area and no more than 200,000 square feet of Gross Floor Area;

(D) be located on a vacant site or site improved with buildings with less than a 0.25 to 1 Floor Area Ratio as of the date a complete Development Application is submitted;

(E) submit a complete Development Application on or before December 31, 2026, including any projects that have obtained Final Approval prior to the effective date of the ordinance in Board File No. 230764 that have not already paid development impact fees.

(2) **Extent of Waiver.** The waiver in this subsection (g) shall be limited to development impact fees or development impact requirements for the establishment of any new Gross Floor Area of PDR or Retail Use.

(3) **Sunset.** This subsection (g) shall expire by operation of law on December 31, 2026, unless the duration of the subsection has been extended by ordinance effective on or before that date. Upon expiration, the City Attorney shall cause subsection (g) to be removed from the Planning Code.

(h) **Waiver for Projects in the C-2 and C-3 Districts.** In the C-2 and C-3 Districts, a development project that meets the eligibility criteria in subsection (h)(1) of this Section 406 shall receive a waiver from any development impact fee or development impact requirement imposed by this Article.

(1) **Eligibility.** To be eligible for the waiver in this subsection (h), the project shall:

(A) be located in a C-2 or C-3 District;

(B) contain any of the following uses: Hotel, Restaurant, Bar, Outdoor Activity, or Entertainment;

(C) submit a complete Development Application on or before December 31, 2026, including any projects that have obtained Final Approval prior to the effective date of the ordinance in Board File No. 230764 that have not already paid development impact fees.

(2) **Extent of Waiver.** The waiver in this subsection (h) shall be limited to development impact fees or development impact requirements for the establishment of any new Gross Floor Area of the Hotel, Restaurant, Bar, Outdoor Activity, or Entertainment Use.

(3) **Sunset.** This subsection (h) shall expire by operation of law on December 31, 2026, unless the duration of the subsection has been extended by ordinance effective on or before that date. Upon expiration, the City Attorney shall cause subsection (h) to be removed from the Planning Code.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 3-11, File No. 101247, App. 1/7/2011; Ord. 47-11, File No. 110009, App. 3/16/2011; Ord. 14-15 , File No. 141210, App. 2/13/2015, Eff. 3/15/2015; Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015; Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016; Ord. 2-16 , File No. 150793, App. 1/19/2016, Eff. 2/18/2016; Ord. 26-18, File No. 171193, App. 2/23/2018, Eff. 3/26/2018; Ord. 296-18, File No. 180184, App. 12/12/2019, Eff. 1/12/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 47-21, File No. 201175, App. 4/16/2021, Eff. 5/17/2021; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

New division (c) added and former division (c) redesignated as (d); Ord. 14-15 , Eff. 3/15/2015. Division (b)(1) amended; new divisions (b)(3) and (4) added and former division (b)(3) redesignated as (b)(5); division (c) amended; Ord. 200-15 , Eff. 12/25/2015 and Ord. 222-15 , Eff. 1/17/2016. Divisions (b)(1) and (b)(1)(B) amended; Ord. 2-16 , Eff. 2/18/2016. Division (b)(1)(B) amended; Ord. 26-18, Eff. 3/26/2018. Division (e) added; Ord. 296-18, Eff. 1/12/2019. Division (b)(1)(B) amended; division (f) added; Ord. 63-20, Eff. 5/25/2020. Division (b)(1) amended; Ord. 47-21, Eff. 5/17/2021. Divisions (g)-(h)(3) added; Ord. 193-23, Eff. 10/15/2023.

CODIFICATION NOTE

1. So in Ord. 47-21.

SEC. 407. NOTICE; FAILURE TO GIVE NOTICE.

Any notice required by this Article to be given to a project sponsor or owner shall be sufficiently given or served upon the sponsor or owner for all purposes hereunder if: (a) personally served upon the sponsor or owner, or (b) deposited, postage prepaid, in a post office letterbox addressed in the name of the sponsor or owner at the official address of the sponsor or owner maintained by the Tax Collector for the mailing of tax bills, or if no such address is available, to the sponsor at the address of the development project, and (c) to the applicant for the site or building permit at the address on the permit application. Any failure of the Department or the City to give any notice required under this Article shall not relieve the project sponsor of its obligations under this Article.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 408. LIEN PROCEEDINGS.

(a) Except in the case of a project for which MTA is responsible for the determination and collection of the TIDF under Section 411.9(d) of this Article, if a first construction document or first certificate of occupancy, whichever applies, is inadvertently or mistakenly issued prior to the project sponsor paying all development fees due and owing, or prior to the sponsor satisfying any development impact requirement, DBI shall institute lien proceedings to recover the development fee or fees, plus interest and any Development Fee Deferral Surcharge, under Section 107A.13.15 of the San Francisco Building Code.

(b) (1) Where MTA is responsible for determination and collection of the TIDF under Section 411.9(d) of this Article, MTA has made a final determination of TIDF due under that Section, and the amount due from the project sponsor remains unpaid following 30 days from the date of mailing of the additional notice of payment due under that Section, MTA may initiate lien proceedings in accordance with Article XX of Chapter 10 of the San Francisco Administrative Code to make the entire unpaid balance of the fee that is due, including interest at the rate of one and one-half percent per month or fraction thereof on the amount of unpaid fee, a lien against all parcels used for the development project.

(2) MTA shall send all notices required by Article XX to the owner or owners of the property and to the project sponsor if different from the owner. MTA shall also prepare a preliminary report, and notify the owner and sponsor of a hearing by the Board of Supervisors to confirm such report at least ten days before the date of the hearing. The report shall contain the owner and project sponsor's names, a description of the development project, a description of the parcels of real property to be encumbered as set forth in the Assessor's Map Books for the current year, a description of the alleged violation of Sections 411.1 *et seq.*, and shall fix a time, date, and place for hearing. MTA shall transmit this report to the sponsor and each owner of record of the parcels of real property subject to the lien.

(3) Any notice required to be given to an owner or project sponsor shall be deemed sufficiently served for all purposes in this Section if

(A) personally served upon the owner or project sponsor, or

(B) if deposited, postage prepaid, in the U.S. Mail addressed to the owner or project sponsor at the official address of the owner or project sponsor maintained by the Tax Collector for the mailing of tax bills or, if no such address is available, to the sponsor at the address of the development project and to the applicant for the site or building permit at the address on the permit application.

(4) Except for the release of the lien recording fee authorized by Administrative Code Section 10.237, all sums collected by the Tax Collector under this Section shall be held in trust by the Treasurer and distributed as provided in Section 411.6 of this Code.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010 ; amended by Ord. 247-12 , File No. 120523, App. 12/18/2012, Eff. 1/17/2013)

AMENDMENT HISTORY

Formerly undesignated material amended and designated as division (a); division (b) added; Ord. 247-12 , Eff. 1/17/2013.

SEC. 409. CITYWIDE DEVELOPMENT FEE REPORTING REQUIREMENTS AND COST INFLATION FEE ADJUSTMENTS.

(a) **Citywide Development Fee and Development Impact Requirements Report.** In coordination with the Development Fee Collection Unit at DBI and the Director of Planning, the Controller shall issue a report within 180 days after the end of each even-numbered fiscal year that provides information on all development fees established in the Planning Code collected during the prior two fiscal years organized by development fee account and all cumulative monies collected over the life of each development fee account, as well as all monies expended. The report shall include: (1) a description of the type of fee in each account or fund; (2) the beginning and ending balance of the accounts or funds including any bond funds held by an outside trustee; (3) the amount of fees collected and interest earned; (4) an identification of each public improvement on which fees or bond funds were expended and amount of each expenditure; (5) an identification of the approximate date by which the construction of public improvements will commence; (6) a description of any inter-fund transfer or loan and the public improvement on which the transferred funds will be expended; and (7) the amount of refunds made and any allocations of unexpended fees that are not refunded. The report shall also provide information on the number of projects that elected to satisfy development impact requirements through the provision of "in-kind" physical improvements, including on-site and off-site BMR units, instead of paying development fees. The report shall also include any annual reporting information otherwise required pursuant to the California Mitigation Fee Act, Government Code 66001 *et seq.* The report shall be presented by the Director of Planning to the Planning Commission and to the Land Use & Transportation Committee of the Board of Supervisors. The report shall also contain information on the Controller's annual construction cost inflation adjustments to development fees described in subsection (b) below, as well as information on MOHCD's separate adjustment of the Inclusionary Affordable Housing Fee described in Section 415.5(b)(3).

(b) **Annual Development Fee Inflation Adjustments.** Prior to issuance of the Citywide Development Fee and Development Impact

Requirements Report referenced in subsection (a) above, the Controller shall review the amount of each development fee established in the Planning Code and, with the exception of the Inclusionary Affordable Housing Fee in Section 415 *et seq.*, shall adjust the dollar amount of any development fee by two percent on an annual basis every January 1 in order to maintain a reasonably conservative connection between construction costs and development fees for the next calendar year for a mix of public infrastructure and facilities in San Francisco. The Planning Department and the Development Fee Collection Unit at DBI shall provide notice of the Controller's development fee adjustments, and MOHCD's separate adjustment of the Inclusionary Affordable Housing Fee on the Planning Department and DBI websites and to any interested party who has requested such notice at least 30 days prior to the adjustment taking effect each January 1. The Inclusionary Affordable Housing Fee shall be adjusted under the procedures established in Section 415.5(b)(3).

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 263-13, File No. 130549, App. 11/27/2013, Eff. 12/27/2013; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015 ; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015 ; Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Section header and divisions (a) and (b) amended; Ord. 263-13, Eff. 12/27/2013. Division (a) amended; Ord. 50-15 , Eff. 5/24/2015. Division (a) amended; Ord. 188-15 , Eff. 12/4/2015. Divisions (a) and (b) amended; Ord. 251-19, Eff. 12/16/2019. Division (b) amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 410. COMPREHENSIVE FIVE-YEAR EVALUATION OF ALL DEVELOPMENT FEES AND DEVELOPMENT IMPACT REQUIREMENTS.

Commencing on July 1, 2011, and every five fiscal years thereafter in conjunction with the Annual Citywide Development Fee and Development Impact Requirements Report described in Section 409, above, the Director and the Controller shall jointly prepare and publish a comprehensive report on the status of compliance with this Article, compliance of any development fees in this Article with the California Mitigation Fee Act, Government Code section 66001 *et seq.*, including making specific findings regarding any unexpended funds, the efficacy of existing development fees and development impact requirements in mitigating the impacts of development projects, and the economic impacts of existing development fees and development impact requirements on the financial feasibility of projects and housing affordability in particular, taking into account, to the extent possible, the feasibility of the fees in different areas of the City. In such report, the Director and Controller may recommend any changes in the formulae or requirements or enforcement of any area-specific or Citywide development fee or development impact requirement in this Code, prepare additional economic impact studies on such changes or recommend that additional nexus studies or financial feasibility analyses be done, to improve the efficacy of such fees or requirements in mitigating development impacts or to reduce any unintended deleterious economic or social effects associated with such fees or requirements. In making their joint report and recommendations, the Director and the Controller shall consult with the Directors of OEWD, MOH, the MTA, or other agency whose fees are affected and shall coordinate the report required by this Section with any other development fee evaluations and reports that this Article requires to be performed. The Director and the Controller shall present the Report to the Commission at a public hearing and to the Land Use & Economic Development Committee of the Board of Supervisors at a separate public hearing.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010 ; amended by Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015; Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016)

AMENDMENT HISTORY

Section amended; Ord. 200-15 , Eff. 12/25/2015 and Ord. 222-15 , Eff. 1/17/2016.

[TRANSIT IMPACT DEVELOPMENT FEE]

SEC. 411. TRANSIT IMPACT DEVELOPMENT FEE.

(a) Sections 411.1 through 411.9, hereafter referred to as Section 411.1 *et seq.*, set forth the requirements and procedures for the TIDF. The effective date of these requirements shall be the date the requirements were originally effective or were subsequently modified, whichever applies.

(b) **Partial Suspension of Section 411 *et seq*.** In accordance with Planning Code Section 411A.3(e), the provisions of Section 411A are intended, with certain exceptions, to supersede the provisions of Section 411 *et seq.*, as to new development in the City as of the effective date of Section 411A. Accordingly, Section 411A.3(e) suspends, with certain exceptions, the operation of Section 411 *et seq.*, and states the circumstances under which such suspension shall be lifted.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010 ; amended by Ord. 247-12 , File No. 120523, App. 12/18/2012, Eff. 1/17/2013; Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015; Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016)

AMENDMENT HISTORY

Section reference amended; Ord. 247-12 , Eff. 1/17/2013. Former section designated as division (a); division (b) added; Ord. 200-15 , Eff. 12/25/2015 and Ord. 222-15 , Eff. 1/17/2016.

Editor's Note:

Former Administrative Code Ch. 38 ("Transit Impact Development Fee") was substantially amended and redesignated as this Sec.411 through Sec. 411.8 by Ord. 108-10, App. 5/25/2010. See Administrative Code Ch. 38, Secs. 38.1 through 38.45, for the legislative history of Code provisions pertaining to the TIDF prior to Ord. 108-10.

SEC. 411.1. FINDINGS.

(a) In 1981, the City enacted an ordinance imposing a Transit Impact Development Fee on new office development in the Downtown area of San Francisco. The TIDF was based on studies showing that the development of new office uses places a burden on the Municipal Railway, especially in the downtown area of San Francisco during commute hours, known as "peak periods." The TIDF was based on two cost analyses: one by the Finance Bureau of the City's former Public Utilities Commission, performed in 1981, and one by the accounting firm of Touche-Ross, performed in March 1983 to defend a legal challenge to the TIDF.

(b) In 2000, the Planning Department, with assistance from the Municipal Transportation Agency, commissioned a study of the TIDF. In 2001, the Department selected Nelson/Nygaard Associates, a nationally recognized transportation consulting firm, to perform the study. Later in 2001, Nelson/Nygaard issued its final report ("TIDF Study"). Before issuing the TIDF Study, Nelson/Nygaard prepared several Technical Memoranda, which provided detailed analyses of the methodology and assumptions used in the TIDF Study.

(c) The TIDF Study concluded that new non-residential uses in San Francisco will generate demand for a substantial number of auto and transit trips by the year 2020. The TIDF Study confirmed that while new office construction will have a substantial impact on MUNI services, new development in a number of other land uses will also require MUNI to increase the number of revenue service hours. The TIDF Study recommended that the TIDF be extended to apply to most non-residential land uses. The TIDF Study found that certain types of new development generate very few daily trips and therefore may not appropriately be charged a new TIDF.

(d) The TIDF Study further recommended that the City enact an ordinance to impose transit impact fees that would allow MUNI to maintain its base service standard as new development occurs throughout the City. The proposed ordinance would require sponsors of new development in the City to pay a fee that is reasonably related to the financial burden imposed on MUNI by the new development. This financial burden is measured by the cost that will be incurred by MUNI to provide increased service to maintain the applicable base service standard over the life of such new development.

(e) Subsequently, the City selected Cambridge Systematics, Inc. to prepare a TIDF Update Report, including an updated nexus study for the TIDF. This Report was completed in 2011, and in accordance with the applicable provisions of this Code, used updated data to calculate base service standard fee rates for the Economic Activity Categories subject to the TIDF. The Report also analyzed trip generation rates for these Economic Activity Categories using updated data, and divided the Retail/Entertainment and Cultural/Institution/Education categories into subcategories in order to reflect the comparative diversity of trip generation rates among these land uses.

(f) Based on projected new development over the next 20 years, the TIDF will provide revenue to MUNI that is significantly below the costs that MUNI will incur to mitigate the transit impacts resulting from the new development.

(g) The TIDF is the most practical and equitable method of meeting a portion of the demand for additional Municipal Railway service and capital improvements for the City caused by new non-residential development.

(h) Based on the above findings and the nexus studies performed, the City determines that the TIDF satisfies the requirements of the Mitigation Fee Act, California Government Code Section 66001, as follows:

(1) The purpose of the fee is to meet a portion of the demand for additional Municipal Railway service and capital improvements for the City caused by new nonresidential development.

(2) Funds from collection of the TIDF will be used to increase revenue service hours reasonably necessary to mitigate the impacts of new non-residential development on public transit and maintain the applicable base service standard.

(3) There is a reasonable relationship between the proposed uses of the TIDF and the impact on transit of the new developments on which the TIDF will be imposed.

(4) There is a reasonable relationship between the types of new development on which the TIDF will be imposed and the need to fund public transit for the uses specified in Section 411.6 of this Code.

(5) There is a reasonable relationship between the amount of the TIDF to be imposed on new developments and the impact on public transit from the new developments.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 247-12, File No. 120523, App. 12/18/2012, Eff. 1/17/2013)

AMENDMENT HISTORY

New division (e) added and former divisions (e) through (g) redesignated as current divisions (f) through (h) accordingly; division (h)(4) amended; Ord. 247-12, Eff. 1/17/2013.

SEC. 411.2. DEFINITIONS.

(a) "Final TIDF Determination." The written notice sent by the MTA to a project sponsor in cases where the MTA is responsible for calculation of the TIDF under Section 411.9 of this Article informing the project sponsor of MTA's final calculation of the TIDF.

(b) "New development." Any new construction, or addition to or conversion of an existing structure under one or more building or site permits (1) issued on or after September 4, 2004 but on or before January 31, 2013 that cumulatively results in 3,000 gross square feet or more of a use covered by the TIDF or (2) issued on or after February 1, 2013 that cumulatively result in 800 gross square feet or more of a use covered by the TIDF. In the case of mixed use development that includes residential development, the term "new development" shall refer to only the non-residential portion of such development. For purposes of this definition. "existing structure" shall include a structure for which a sponsor already paid a fee under the prior TIDF ordinance, as well as a structure for which no TIDF was paid.

(c) "Preliminary TIDF Notice." The written notice sent by the MTA to a project sponsor in cases where the MTA is responsible for imposition and collection of the TIDF under Section 411.9 of this Article informing the project sponsor of MTA's initial calculation of the TIDF due and requesting that the project sponsor provide MTA with information about the new development, including but not limited to, the gross square feet of use of the new development.

(d) For additional definitions, see Section 401 of this Article.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 247-12, File No. 120523, App. 12/18/2012, Eff. 1/17/2013)

AMENDMENT HISTORY

Section amended in its entirety; Ord. 247-12, Eff. 1/17/2013.

SEC. 411.3. APPLICATION OF TIDF.

(a) **Application.** Except as provided in Subsections (1) and (2) below, the TIDF shall be payable with respect to any new development in the City for which a building or site permit is issued on or after September 4, 2004. In reviewing whether a development project is subject to the TIDF, the project shall be considered in its entirety. A sponsor shall not seek multiple applications for building permits to evade paying the TIDF for a single development project.

(1) The TIDF shall not be payable on new development, or any portion thereof, for which a TIDF has been paid, in full or in part, under the prior TIDF Ordinance (former Chapter 38 of the Administrative Code as amended through June 30, 2010), except where

(A) Gross Square Feet of use is being added to the building; or

(B) the TIDF rate for the new development is in an economic activity category with a higher fee rate than the current rate for the economic activity category under which the TIDF was originally paid, as set forth in Section 411.3(e).

(2) No TIDF shall be payable on the following types of new development.

(A) New development on property owned (including beneficially owned) by the City, except for that portion of the new development that may be developed by a private sponsor and not intended to be occupied by the City or other agency or entity exempted under Section 411.1 *et seq.*, in which case the TIDF shall apply only to such non-exempted portion. New development on property owned by a private person or entity and leased to the City shall be subject to the fee, unless the City is the beneficial owner of such new development or unless such new development is otherwise exempted under this Section. Nothing in this Section shall interfere with the exclusive jurisdiction of the City's charitable trust departments under Article V of the Charter or impose the TIDF on new development by private nonprofit supporting organizations, beneficiaries, tenants, or licensees of said departments, on property under the exclusive jurisdiction of said departments. The exception established under Subsection 411.3(a)(2)(A) for new development on property beneficially owned by the City shall only be applicable where a project sponsor for a new development has filed an application for environmental evaluation, a categorical exemption or a preliminary project assessment on or before the effective date of Ordinance No. 18-14 or, for new development subject to a redevelopment plan, development agreement, interagency cooperation agreement, or other agreement entered into by the City, the project sponsor submits proof that the sponsor has submitted to the Successor Agency to the Redevelopment Agency of the City and County of San Francisco documentation comparable to that required for an application for environmental evaluation, a categorical exemption or a preliminary project assessment for the project on or before the effective date of Ordinance No. 18-14.

(B) Any new development to the extent application of this Section 411.3 to that development would violate the terms of a redevelopment plan, development agreement, interagency cooperation agreement, or other agreement entered into by the City that is valid and effective on the date that TIDF payments are due under Section 411.3(b). If any such redevelopment plan, development agreement, interagency cooperation agreement or other agreement permits some, but not all, of the TIDF to apply to a development, then the TIDF shall apply to the extent permitted.

(C) New development located on property owned by the United States or any of its agencies to be used exclusively for governmental purposes.

(D) New development located on property owned by the State of California or any of its agencies to be used exclusively for governmental purposes.

(E) New development for which a project sponsor filed an application for environmental evaluation or a categorical exemption prior to April 1, 2004, and for which the City issued a building permit or site permit on or before September 4, 2008; provided however, that such new development may be subject to the TIDF imposed by Ordinance No. 224-81, as amended through June 30, 2004, except that the administration, imposition, review and collection of any such fee shall be conducted in accordance with the administrative procedures set forth in Section 411.9. DBI and MTA shall make the text of Ordinance No. 224-81, as amended through June 30, 2004, available on their websites and shall provide copies of that ordinance upon request.

(F) The following types of new developments, except to the extent that any such new development is also captured under a more specific use under this Code that is not otherwise exempt:

(i) Public Facility, Internet Service Exchange and Utility Installation uses, as defined in Section 102 of this Code, except that this exclusion shall not apply to new development on property owned by a private person or entity and leased to the City;

(ii) Agricultural and Non-Commercial Entertainment and Recreation uses, as defined in Section 102 of this Code;

(iii) Private and Public Auto Parking Garages and Lots, as defined in Section 102 of this Code;

(iv) Automotive services, which includes Public and Private Parking Lots, Public and Private Parking Garages, Parcel Delivery Services, Ambulance Services, Vehicle Storage Lots and Garages, and Truck Terminals as defined in Section 102 of this Code, that are in a new development, where the project sponsor has met the deadline established in Section 411.3(a)(3);

(v) Wholesale Storage, as defined in Section 102 of this Code, where the project sponsor has met the deadline established in Section 411.3(a)(3);

(vi) Mortuary, Public Facility, Utility Installation, Public Transport Facility, Wireless Telecommunications Services Facility, Temporary Uses, Waterborne Commerce, and Internet Service Exchange Uses as defined in Section 102 of this Code, as well as Any use that is permitted as a principal use in any other C, M, or PDR District without limitation as to enclosure within a building, wall or fence.

(3) The exclusions from TIDF set forth in Section 411.3(a)(2)(F)(iv) and (v) (Automotive Services and Wholesale Storage) shall only apply where a project sponsor for a new development has filed an application for environmental evaluation, a categorical exemption or a preliminary project assessment for the project on or before the effective date of Ordinance No. 18-14, or, for new development subject to a redevelopment plan, development agreement, interagency cooperation agreement, or other agreement entered into by the City, the project sponsor submits proof that the sponsor has submitted to the Successor Agency to the former Redevelopment Agency of the City and County of San Francisco documentation comparable to that required for an application for environmental evaluation, a categorical exemption or a preliminary project assessment for the project, on or before the effective date of Ordinance No. 18-14.

(b) **Timing of Payment.** The TIDF shall be paid at the time of and in no event later than issuance of the first construction document, with an option for the project sponsor to defer payment until prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13 of the San Francisco Building Code. Under no circumstances may any City official or agency, including the Port of San Francisco, issue a certificate of final completion and occupancy for any new development subject to the TIDF until the TIDF has been paid.

(c) **Calculation of TIDF.**

(1) The TIDF shall be calculated on the basis of the number of gross square feet of new development, multiplied by the square foot rate in effect at the time of issuance of the first construction document for each of the applicable economic activity categories within the new development, as provided in Subsection 411.3(e) below. An accessory use shall be charged at the same rate as the underlying use to which it is accessory, except that where any underlying use other than Residential is exempt from the TIDF under this Section, the fee shall nonetheless be charged for the accessory use unless such accessory use is otherwise exempt. Whenever any new development or series of new developments cumulatively creates more than 3,000 gross square feet of covered use within a structure, in the case of a building or site permit issued on or before January 31, 2013, or more than 800 gross square feet of covered use within a structure, in the case of a building or site permit issued on or after February 1, 2013, the TIDF shall be imposed on every square foot of such covered use (including any portion that was part of prior new development below the applicable square foot threshold).

(2) When calculating the TIDF for a development project in which there is a change of use such that the rate charged for the new economic activity category is higher than the rate charged for the existing economic activity category, the TIDF per square foot rate for the change of use shall be the difference between the rate charged for the new use and the existing use.

(3) Where a new development is subject to a redevelopment plan, development agreement, interagency cooperation agreement, or other agreement entered into by the City, and under the terms of that plan or agreement, calculation of the TIDF for the development would be different from the calculation under subparagraph (2) above, the TIDF shall be calculated in accordance with the requirements of the applicable plan or agreement.

(d) **Credits.** When determining the number of gross square feet of use to which the TIDF applies, the Department shall provide the following credits:

(1) **Prior Use Credits.** There shall be a credit for prior uses eliminated on the site. The credit shall be calculated according to the following formula:

(A) There shall be a credit for the number of gross square feet of use being eliminated by the new development, multiplied by an adjustment factor to reflect the difference in the fee rate of the use being added and the use being eliminated. The adjustment factor shall be determined by the Department as follows:

(i) The adjustment factor shall be a fraction, the numerator of which shall be the fee rate which the Department shall determine, in consultation with the MTA, if necessary, applies to the economic activity category in the most recent calculation of the TIDF Schedule approved by the Board or Supervisors for the prior use being eliminated by the project.

(ii) The denominator of the fraction shall be the fee rate for the use being added, as set forth in the most recent calculation of the TIDF Schedule approved by the Board of Supervisors.

(B) A credit for a prior use may be given only if the prior use was active on the site within five years before the date of the application for a building or site permit for the proposed use.

(C) As of September 4, 2004, no sponsor shall be entitled to a refund of the TIDF on a building for which the fee was paid under the former Chapter 38 of the San Francisco Administrative Code.

(D) Notwithstanding the foregoing, the adjustment factor shall not exceed one.

(2) **Policy Credits.** Development projects that meet the criteria outlined in Subsection 411.3(d)(2)(B) may receive Policy Credits, subject to the following limitations:

(A) **Limit on Available Policy Credits.** When making a determination under this Article for the amount of TIDF owed, the Department shall allocate available Policy Credits, described in Section 411.3(d)(2)(B), as follows:

(i) No development project shall receive a Policy Credit under Section 411.3(d)(2)(B) if the total amount of credits received by development projects under that section would exceed 3% of the total anticipated TIDF revenue for the current Fiscal Year. To the extent Policy Credits allowed in any Fiscal Year are not allocated, the unallocated amount shall be carried over to the next Fiscal Year. The amount to be carried over to the next Fiscal Year shall be calculated based upon 3% of the sum of the actual TIDF revenues collected during the current Fiscal Year and the total amount of policy credits granted during the current Fiscal Year.

(ii) In no event shall the Policy Credits for a single development exceed 100% of the total TIDF that would otherwise be due.

(B) The Planning Department shall maintain and shall make available on the Planning Department's website, a list showing:

(i) All development projects receiving Policy Credits under Section 411.3(d)(2)(C) of this Article, and, if applicable, the date(s) of approval and the issuance of any building or site permit;

(ii) The total amount of Policy Credits received with respect to each listed development project;

(iii) Any Policy Credits allocated to a development project the site permit for which is modified, cancelled, revoked, or has expired;

(iv) Such other information as the Department may determine is appropriate.

(C) **Available Policy Credits.** The following development projects may receive Policy Credits, subject to the limitations set forth in Section 411.3(d)(2)(A):

(i) **Small Businesses.** Businesses that either occupy or expand any preexisting non-residential space, provided that: (a) the gross square footage of such non-residential space is not greater than 5,000 square feet, and (b) the business is not formula retail, as defined in this Code. Only the gross square footage dedicated to such business shall be eligible for the Policy Credit.

(ii) **Reduced Parking Developments.** In zoning districts that set a parking maximum, development projects that provide a lower number, or ratio, of off-street parking than permitted on an as-of-right basis without conditional use authorization in Table 151.1 of this Code. The credit shall be determined by the Department as follows:

Max. Allowed in Planning Code Table 151.1	*50% of Max. or less*	*More than 50% but less than 60% of Max.*	*60% or more but less than 75% of Max.*	*75% or more but less than 90% of Max.*	*90% of Max. or more*
TIDF Credit	90%	80%	50%	20%	0%

(D) **Process for Allocation of Policy Credits.** The Policy Credits described in this Section shall be allocated to qualifying development projects by the Zoning Administrator at the moment their first entitlement is approved by the Planning Commission or the Planning Department. In addition, the following considerations shall apply:

(i) If a development project is modified for any reason after it is first approved, and such modification would result in a potential increase in the amount of Policy Credits allocated to it, the development project shall maintain the credits allocated on the list described in Section 411.3(d)(2)(B). Any additional credit may only be allocated at the time such modification is approved, subject to the limits of Section 411.3(d)(2)(A)(i).

(ii) If a development project is modified for any reason after it is first approved, and such modification would result in a potential decrease in the amount of Policy Credits allocated to it, the remainder Policy Credits shall become available for other qualifying development projects during the approval period on account of such a modification.

(iii) The maximum amount of Policy Credits available for the approval period shall be increased by the amount of Policy Credits allocated to a development project for which an issued site or building permit has been finally cancelled or revoked, or has expired, with the irrevocable effect of preventing construction of the development.

(3) **Limitation.** In no event shall the combined Policy Credits and Prior Use Credits for a single development exceed 100% of the total TIDF that would otherwise be due.

(e) **TIDF Schedule.** The TIDF Schedule shall be as follows:

Economic Activity Category or Subcategory	*TIDF Per Gross Square Foot of Development*
Economic Activity Category or Subcategory	*TIDF Per Gross Square Foot of Development*
Cultural/Institution/Education	
Day Care/Community Center	$13.30
Post-Secondary School	$13.30
Museum	$11.05
Other Institutional	$13.30
Management, Information and Professional Services	$12.64
Medical and Health Services	$13.30
Production/Distribution/Repair	$6.80
Retail/Entertainment	$13.30
Visitor Services	$12.64

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 196-11, File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. 247-12, File No. 120523, App. 12/18/2012, Eff. 1/17/2013; Ord. 18-14, File No. 130938, App. 3/5/2014, Eff. 4/4/2014; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 50-15, File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 188-15, File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 166-16, File No. 160477, App. 8/11/2016, Eff. 9/10/2016)

AMENDMENT HISTORY

Division (a)(2)(F)(vi) amended; Ord. 196-11, Eff. 11/3/2011. Divisions (a)(1), (a)(2)(A), (a)(2)(E), (a)(2)(F), (a)(2)(F)(i), and (a)(2)(F)(iv)-(vi) amended; division (a)(3) added; former division (c) redesignated as division (c)(1) and amended; division (c)(2) added; division (d) amended; new division (d)(1) added; former division (d)(1) redesignated as division (d)(1)(A) and all subdivisions thereof redesignated accordingly; divisions (d)(1)(A)(i) and (ii) amended; divisions (d)(2) and (d)(3) added; division (e) amended; Ord. 247-12, Eff. 1/17/2013. Divisions (a)(2)(A), (a)(2)(B), (a)(3), and (c)(1) amended; division (c)(3) added; Ord. 18-14, Eff. 4/4/2014. Divisions (a)(2)(F)(i)-(vi), (a)(3), (b), and (d)(2)(D)(i) amended; Ord. 22-15, Eff. 3/22/2015. Division (b) amended; Ord. 50-15, Eff. 5/24/2015. Division (a)(2)(B) amended; other nonsubstantive changes; Ord. 188-15, Eff. 12/4/2015. Division (a)(2)(F)(vi) amended; Ord. 166-16, Eff. 9/10/2016.

SEC. 411.4. IMPOSITION OF TIDF.

(a) **Determination of Requirements.**

(1) Except for projects where the building or site permit was issued prior to July 1, 2010, the Department shall determine the applicability of Section 411.1 *et seq.* to any development project requiring a first construction document and, if Section 411.1 is applicable, shall impose any TIDF owed as a condition of approval for issuance of the first construction document for the development project. The project sponsor shall supply any information necessary to assist the Department in this determination. The Zoning Administrator may seek the advice and consent of the MTA regarding any interpretations that may affect implementation of this section.

(2) For projects where the building or site permit was issued prior to July 1, 2010, the applicability of Section 411.1 *et seq.* shall be determined by MTA in accordance with Section 411.9.

(b) **Department Notice to Development Fee Collection Unit at DBI of Requirements.** After the Department has made its final determination regarding the application of the TIDF to a development project under Section 411.1 *et seq.*, it shall immediately notify the Development Fee Collection Unit at DBI of any TIDF owed in addition to the other information required by Section 402(b) of this Article.

(c) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Section 411.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 247-12, File No. 120523, App. 12/18/2012, Eff. 1/17/2013)

AMENDMENT HISTORY

Former division (a) redesignated as division (a)(1) and amended; division (a)(2) added; division (b) amended; Ord. 247-12, Eff. 1/17/2013.

SEC. 411.5. PRINCIPLES IN CALCULATING FEE.

The following principles have been and shall in the future be observed in calculating the TIDF:

(a) Actual cost information provided to the National Transit Database shall be used in calculating the fee rates. Where estimates must be made, those estimates shall be based on such information as the Director of Transportation or his or her delegate considers reasonable for the purpose.

(b) The rates shall be set at an actuarially sound level to ensure that the proceeds, including such earnings as may be derived from investment of the proceeds and amortization thereof, do not exceed the capital and operating costs incurred to maintain the applicable base service standard in light of the demands created by new development subject to the fee over the estimated useful life of such new development. For purposes of Section 411.1 *et seq.* of this Code, and any Comprehensive Five Year Evaluation of the TIDF under Section 410, the estimated useful life of a new development is 45 years.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 247-12, File No. 120523, App. 12/18/2012, Eff. 1/17/2013)

AMENDMENT HISTORY

Section header amended; former division (a) deleted; designation of former division (b) deleted and division retained as undesignated introductory paragraph; former divisions (b)(1) and (b)(2) redesignated as divisions (a) and (b) and amended; Ord. 247-12, Eff. 1/17/2013.

SEC. 411.6. TIDF FUND.

Money received from collection of the TIDF, including earnings from investments of the TIDF, shall be held in trust by the Treasurer of the City and County of San Francisco under Section 66006 of the Mitigation Fee Act (Cal. Gov. Code § 60000 *et seq.*) and shall be distributed according to the fiscal and budgetary provisions of the San Francisco Charter and the Mitigation Fee Act, subject to the following conditions and limitations. TIDF funds may be used to increase revenue service hours reasonably necessary to mitigate the impacts of new non-residential development on public transit and maintain the applicable base service standard, including, but not limited to: capital costs associated with establishing new transit routes, expanding transit routes, and increasing service on existing transit routes, including, but not limited to, procurement of related items such as rolling stock, and design and construction of bus shelters, stations, tracks, and overhead wires; operation and maintenance of rolling stock associated with new or expanded transit routes or increases in service on existing routes; capital or operating costs required to add revenue service hours to existing routes; and related overhead costs. Proceeds from the TIDF may also be used for all costs required to administer, enforce, or defend Section 411.1 *et seq.*

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 411.7. RULES AND REGULATIONS.

The MTA is empowered to adopt such rules, regulations, and administrative procedures as it deems necessary to implement Section 411.9. In the event of a conflict between any MTA rule, regulation or procedure and Sections 411.1 through 411.9 of this Code, the code section in conflict shall prevail.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010 ; amended by Ord. 247-12 , File No. 120523, App. 12/18/2012, Eff. 1/17/2013)

AMENDMENT HISTORY

Section amended; Ord. 247-12 , Eff. 1/17/2013.

SEC. 411.8. CHARITABLE EXEMPTIONS.

(a) When the property or a portion thereof will be exempt from real property taxation or possessory interest taxation under California Constitution, Article XIII, Section 4, as implemented by California Revenue and Taxation Code Section 214, then the sponsor shall not be required to pay the TIDF attributed to the new development in the exempt property or portion thereof, so long as the property or portion thereof continues to enjoy the aforementioned exemption from real property taxation. This exemption from the TIDF shall not apply to the extent that the non-profit organization is engaging in activities falling under the Retail/Entertainment or Visitor Services economic activity categories in the new development that would otherwise be subject to the TIDF.

(b) The TIDF shall be calculated for exempt structures in the same manner and at the same time as for all other structures. Prior to issuance of the first construction document for the development project, the sponsor may apply to the Department for an exemption under the standards set forth in subsection (a) above. If the Department determines that the sponsor is entitled to an exemption under this Section, it shall cause to be recorded a notice advising that the TIDF has been calculated and imposed upon the structure and that the structure or a portion thereof has been exempted from payment of the fee but that if the property or portion thereof loses its exempt status during the 10-year period commencing with the date of the imposition of the TIDF, then the building owner shall be subject to the requirement to pay the fee.

(c) If within 10 years from the date of the issuance of the Certificate of Final Completion and Occupancy, the exempt property or portion thereof loses its exempt status, then the sponsor shall, within 90 days thereafter, be obligated to pay the TIDF, reduced by an amount reflecting the duration of the charitable exempt status in relation to the useful life estimate used in determining the TIDF for that structure. The amount remaining to be paid shall be determined by recalculating the fee using a useful life equal to the useful life used in the initial calculation minus the number of years during which the exempt status has been in effect. After the TIDF has been paid, the Department shall record a release of the notice recorded under subsection (b) above.

(d) If a property owner fails to pay a fee within the 90-day period, a notice for request of payment shall be served by the Development Fee Collection Unit at DBI under Section 107A.13 of the San Francisco Building Code. Thereafter, upon nonpayment, a lien proceeding shall be instituted under Section 408 of this Article and Section 107A.13.15 of the San Francisco Building Code.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010 ; amended by Ord. 247-12 , File No. 120523, App. 12/18/2012, Eff. 1/17/2013; Ord. 18-14 , File No. 130938, App. 3/5/2014, Eff. 4/4/2014)

AMENDMENT HISTORY

Divisions (b) and (c) amended; Ord. 247-12 , Eff. 1/17/2013. Division (b) amended; Ord. 18-14 , Eff. 4/4/2014.

SEC. 411.9. IMPOSITION AND COLLECTION OF TIDF DUE UNDER FORMER LAW.

(a) Ordinance No. 224-81 originally enacted the TIDF in 1981, codified in Chapter 38 of the Administrative Code. Chapter 38 was amended several times between 1981 and 2004. In 2004, Ordinance No. 199-04 repealed and replaced the existing Chapter 38, which was subsequently amended, and then repealed in 2010 by Ordinance 108-10, which relocated the TIDF from the Administrative Code to this Code. In determining the applicable TIDF due for a project under this Section 411.9, MTA shall calculate the TIDF based upon the law in effect on the date of issuance of the first building or site permit for the project. Subsequent references to "former Administrative Code Chapter 38" in this section 411.9 shall be intended to refer to that Chapter as it read on the date of issuance of the first building or site permit for the project in question.

(b) MTA shall be responsible for determining the TIDF to the City for new development for which the City issued a building or site permit prior to July 1, 2010. In such cases, MTA shall determine the TIDF as follows:

(1) Where MTA has determined that such new development may be subject to the TIDF, the Director of Transportation or his or her designee may cause the County Recorder to record a notice that the new development is potentially subject to the TIDF under this Article. Such notice shall identify the development project and state that MTA is evaluating whether the project is subject to the TIDF as well as the amount of any potential liability. The notice shall also state that if MTA subsequently determines that a TIDF is due on the project and the amount due is not paid, MTA may impose a lien on the property in accordance with this Article. Where the Director of Transportation or his or her designee has caused this notice to be recorded and subsequently concludes that the project is not subject to the TIDF, the Director of Transportation or his or her designee shall promptly record a notice identifying the project and stating that the agency has determined that the project is not subject to the TIDF.

(2) MTA shall send a Preliminary TIDF Notice to the project sponsor informing the project sponsor of MTA's proposed determination that TIDF is due for the project and requesting that the sponsor file with MTA, on such form as MTA may develop, a report indicating the number of gross square feet of use of the new development and any other information that MTA may require to determine the project sponsor's obligation to pay the TIDF.

(3) The Preliminary TIDF Notice shall:

(A) identify the development project;

(B) state the legal authority for imposing the TIDF;

(C) specify the preliminary amount of the fee that MTA calculates the sponsor owes based on the information available to the agency, which amount MTA shall calculate on the basis of the number of gross square feet of new development, multiplied by the square foot rate in effect at the time of building or site permit issuance for each of the applicable economic categories within the new development under former Administrative Code Chapter 38, and taking into account any exceptions or credits provided therein; and

(D) list the name and contact information for the staff person at MTA responsible for calculating the TIDF.

(4) When calculating the TIDF for a development project in which there is a change of use such that the rate charged for the new economic activity category is higher than the rate charged for the existing economic activity category, the TIDF per square foot rate for the change of use shall be the difference between the rate charged for the new use and the existing use.

(5) The project sponsor shall submit the report of gross square feet of use to MTA not later than 15 calendar days from the date of mailing of the Preliminary TIDF Notice.

(6) After receiving the report of gross square feet of use, or if no response is received from the project sponsor within 15 calendar days from the date of mailing of the Preliminary TIDF Notice, MTA shall prepare a Final TIDF Determination for the project by determining the fee under Subsection 411.9(b)(3)(C), taking into account any additional information received from the project sponsor since the Preliminary TIDF Notice. The Final TIDF Determination shall also contain the information required by Subsection 411.9(b)(3)(A), (B) and (D) and inform the project sponsor of the sponsor's right to seek review of the determination in accordance with either Section 411.9(c) or (d).

(7) MTA shall cause the Final TIDF Determination to be addressed to the project sponsor and deposited in the U.S. Mail on the date of issuance of that Report. In addition, MTA shall transmit the Final TIDF Determination to DBI in the case of projects subject to Section 411.9(c).

(c) Where the City issued a building or site permit prior to July 1, 2010 and the City has not issued the First Certificate of Occupancy for that development, DBI shall be responsible for collection of the fee due consistent with the otherwise applicable requirements set forth in this Article and the San Francisco Building Code. For purposes of this paragraph, the Final TIDF Determination shall be treated as a Project Development Fee Report.

(d) Notwithstanding any provisions to the contrary in the San Francisco Building Code, where the TIDF may be owed to the City for new development for which the City issued a building or site permit prior to July 1, 2010, and the City issued the First Certificate of Occupancy for the new development on or before the effective date of this Section 411.9, MTA shall be responsible for the collection of the fee due in accordance with the procedures set forth in this Subsection 411.9(d).

(1) **Recording of Fee.** Once MTA has prepared the Final TIDF Determination, the Director of Transportation or his or her designee may cause the County Recorder to record a notice that the development is subject to the TIDF. The County Recorder shall serve or mail a copy of such notice to the project sponsor and the owners of the real property described in the notice. The notice shall include (i) a description of the real property subject to the fee; (ii) a statement that the development is subject to the fee; and (iii) a statement that the MTA has determined the amount of the fee to which the project is subject under this Section and related provisions of this Article. Where the Director of Transportation or his or her designee has caused this notice to be recorded and the Final TIDF Determination is either paid or subsequently revised or reversed following review under paragraphs 411.9 (d)(2) or (3) of this Section, the Director of Transportation or his or her designee shall promptly cause the County Recorder to record a notice stating that either (i) the agency has revised the amount of TIDF due; (ii) the agency has determined that the project is not subject to the TIDF; or (iii) that the fee has been paid. The County Recorder shall also serve or mail a copy of such notice to the project sponsor and the owners of the real property described in the notice.

(2) **Dispute Resolution.** If the project sponsor disputes the accuracy of the Final TIDF Determination, including the mathematical calculation of the number of gross square feet subject to the fee, the project sponsor may request a review of the Final TIDF Determination by the Director of Transportation. The project sponsor shall submit any request for review not later than 15 calendar days after the date of issuance of the Final TIDF Determination. The Director of Transportation shall attempt to resolve the dispute in consultation with the project sponsor, and may request additional information from either MTA staff or the project sponsor. The Director of Transportation shall issue his or her decision in writing to the project sponsor not later than 30 calendar days from receipt of the review request, unless the project sponsor and the Director of Transportation mutually agree to extend this period. The Director of Transportation shall cause the decision to be placed in the U.S. Mail on the date of issuance.

(3) **Appeal to MTA Board of Directors.**

(A) The project sponsor may appeal the decision of the Director of Transportation on the Final TIDF Determination to the MTA Board of Directors by submitting a written notice of appeal, accompanied by payment of the full amount of the contested fee, to the Secretary of the MTA Board not later than 15 calendar days after the date of issuance of the Director of Transportation's decision. Any portion of the fee that is not upheld upon appeal to the MTA Board of Directors shall be refunded as set forth in subparagraph (D) below.

(B) In order to appeal to the MTA Board of Directors under this Section, a project sponsor appellant must first have attempted to resolve the dispute or question by following the procedure in Section 411.9 (d)(2). The MTA Board Secretary may not accept an appeal for filing under this subsection unless the appellant submits written evidence of this prior attempt.

(C) In hearing any appeal of the Final TIDF Determination, the MTA Board's jurisdiction is strictly limited to determining whether the mathematical calculation of the TIDF is accurate and resolving any technical disputes over the use, occupancy, floor area, unit count and mix, or other objective criteria upon which the applicable provisions of law dictated the calculation.

(D) The MTA Board shall schedule the appeal for hearing within 90 calendar days of the date of submission of the appeal, and

shall issue a decision within 60 days of hearing the appeal. Within five business days of the MTA Board's decision, the MTA Board Secretary shall cause the decision of the MTA Board to be placed in the U.S. Mail addressed to the appellant. The decision shall be accompanied by any refund of the TIDF paid due to appellant following the MTA Board's decision. Any amount refunded shall bear interest at the rate of 2/3 of 1 percent per month or fraction thereof, or the average rate of interest computed over the preceding 6-month period obtained by the San Francisco Treasurer on deposits of public funds at the time the refund is made, whichever rate is lower, and shall be computed from the date of payment of the fee to the date of refund plus interest.

(4) **Payment and Collection.**

(A) **Payment of TIDF.** The TIDF shall be due and payable to the MTA not later than 30 days after the date of mailing of the Final TIDF Determination unless the project sponsor has timely requested review by the Director of Transportation under Section 411.9 (d)(2) or initiated an appeal to the MTA Board of Directors under Section 411.9 (d)(3), in which case any TIDF shall be due and payable to MTA on the earlier of 30 days after the date of the Director of Transportation's decision under Section 411.9 (d)(2) or at the time of submission of the written notice of appeal to the MTA Board of Directors under Section 411.9 (d)(3)(A) above.

(B) Payment of the TIDF imposed under this section is delinquent if (i) in the case of a fee not payable in installments, the fee is not paid by the dates set forth in the preceding paragraph; or (ii) in the case of a fee for Integrated PDR subject to Section 428A of this Code, any installment of the fee is not paid within 30 days of the date fixed for payment. In such case, MTA shall mail an additional request for payment to the project sponsor stating that:

(i) If the amount due is not paid within 30 days of the date of mailing of the additional request and notice, interest at the rate of one and one-half percent per month or portion thereof shall be assessed upon the fee due and shall be computed from the date of delinquency until the date of payment; and

(ii) If the account is not current within 30 days of the date of mailing of the additional request and notice, MTA shall institute lien proceedings in accordance with Section 408(b).

(Added by Ord. 247-12 , File No. 120523, App. 12/18/2012, Eff. 1/17/2013)

[TRANSPORTATION SUSTAINABILITY FEE]

SEC. 411A. TRANSPORTATION SUSTAINABILITY FEE.

Sections 411A.1 through 411A.8 (hereafter referred to collectively as "Section 411A") set forth the requirements and procedures for the Transportation Sustainability Fee ("TSF").

(Added by Ord. 200-15, File No. 150790, App. 11/25/2015, Eff. 12/25/2015 and Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016)

SEC. 411A.1. FINDINGS.

(a) In 1981, San Francisco ("the City") enacted Ordinance No. 224-81, imposing a Transit Impact Development Fee ("TIDF") on new office development in the downtown area. The TIDF was based on studies showing that the development of new office uses places a burden on the City's transit system, especially in the downtown area of San Francisco during commute hours, known as "peak periods."

(b) The City later amended the TIDF, and made it applicable to non-residential Development Projects citywide, recognizing that development has transportation impacts across the City's transportation network.

(c) Starting in 2009, the City and the San Francisco County Transportation Authority worked to develop the concept of a comprehensive citywide transportation fee and supporting nexus study (the "TSF Nexus Study"). The fee would offset impacts of Development Projects, both residential and non-residential, on the City's transportation network, including impacts on transportation infrastructure that support pedestrian and bicycle travel. The Nexus Study is on file with the Clerk of the Board of Supervisors in File No. 150790, and is incorporated herein by reference.

(d) The TSF Nexus Study concluded that all new land uses in San Francisco will generate an increased demand for transportation infrastructure and services, and recommended that the TSF apply to both residential and non-residential Development Projects in the City. While the Nexus Study found that all new land uses in San Francisco will generate this increased demand for transportation, the Board finds that it is in the public interest to exempt some uses from payment of the fee, in order to promote other important City policies and priorities, such as affordable housing, small businesses and charitable organizations. The Board finds that Hospital and Health Service projects, however, are generally of such scope and size that they create a substantial demand for transportation infrastructure and services, and therefore, they should contribute to the TSF to meet this demand.

(e) In accordance with the TSF Nexus Study, Section 411A imposes a citywide transportation fee, the TSF, which will allow the San Francisco Municipal Transportation Agency ("SFMTA") and other regional transportation agencies serving San Francisco to meet the demand generated by new development and thus maintain their existing level of service. Section 411A will require sponsors of Development Projects in the City to pay a fee that is reasonably related to the financial burden such projects impose on the City. This financial burden is measured by the cost that will be incurred by SFMTA and other transportation agencies serving San Francisco to meet the demand for transit capital maintenance, transit capital facilities and fleet, and pedestrian and bicycle infrastructure (also referred to as "complete streets" infrastructure) created by new development throughout the City.

(f) The TSF Nexus Study justifies charging fee rates higher than those Section 411A imposes. The rates imposed herein take into consideration the recommendations of a TSF Economic Feasibility Study that the City prepared in conjunction with TSF. The TSF

Economic Feasibility Study took into account the impact of the TSF on the feasibility of development, throughout the City. The TSF Economic Feasibility Study is on file with the Clerk of the Board of Supervisors in File No. 150790,[1] and is incorporated herein by reference.

(g) The fee rates charged herein are no higher than necessary to cover the reasonable costs of providing transportation infrastructure and service to the population associated with the new Development Projects, such as residents, visitors, employees and customers. The TSF will provide revenue that is significantly below the costs that SFMTA and other transit providers will incur to mitigate the transportation infrastructure and service needs resulting from the Development Projects.

(h) The TSF is an efficient and equitable method of providing funds to mitigate the transportation demands imposed on the City by new Development Projects.

(i) More recently, the City adopted the San Francisco Citywide Nexus Analysis ("Nexus Analysis") and the San Francisco Infrastructure Level of Service Analysis, both on file with the Clerk of the Board in File No. 230764. The Nexus Analysis evaluated the TSF, in addition to other transportation impact fees. In Section 401A, the Board adopted the findings and conclusions of those studies and the general and specific findings in that Section, specifically including the Transit Infrastructure Findings, and incorporates those by reference herein to support the imposition of the fees under this Section.

(Added by Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015 and Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016; amended by Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Former divisions (i)-(i)(5) deleted; new division (i) added; Ord. 193-23, Eff. 10/16/2023.

CODIFICATION NOTE

1. The file number is blank in Ord. 222-15, but is set forth here as shown in Ord. 200-15.

SEC. 411A.2. DEFINITIONS.

See Section 401 of this Article 4 for definitions of terms applicable to this Section 411A. In addition, the following abbreviations are used throughout Section 411A: TIDF (Transit Impact Development Fee); TSF (Transportation Sustainability Fee).

(Added by Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015 and Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016)

SEC. 411A.3. APPLICATION OF TSF.

(a) Except as provided in Subsection (b), the TSF shall apply to any Development Project in the City that results in:

(1) More than twenty new dwelling units;

(2) New group housing facilities, or additions of 800 gross square feet or more to an existing group housing facility;

(3) New construction of a Non-Residential use in excess of 800 gross square feet, or additions of 800 gross square feet or more to an existing Non-Residential use; or

(4) New construction of a PDR use in excess of 1,500 gross square feet, or additions of 1,500 gross square feet or more to an existing PDR use; or

(5) Change or Replacement of Use, such that the rate charged for the new use is higher than the rate charged for the existing use, regardless of whether the existing use previously paid the TSF or TIDF.

(6) Change or Replacement of Use from a Hospital or a Health Service to any other use.

(b) **Exemptions.** Notwithstanding Subsection (a), the TSF shall not apply to the following:

(1) **City Projects.** Development Projects on property owned by the City, except for that portion of a Development Project that may be developed by a private sponsor and not intended to be occupied by the City or other agency or entity exempted under Section 411A, in which case the TSF shall apply only to such non-exempted portion. Development Projects on property owned by a private person or entity and leased to the City shall be subject to the fee, unless such Development Project is otherwise exempted under Section 411A.

(2) **Redevelopment Projects and Projects with Development Agreements.** Development Projects in a Redevelopment Plan Area or in an area covered by a Development Agreement in existence at the time a building or site permit is issued for the Development Project, to the extent payment of the TSF would be inconsistent with such Redevelopment Plan or Development Agreement.

(3) **Projects of the United States.** Development Projects located on property owned by the United States or any of its agencies to be used exclusively for governmental purposes.

(4) **Projects of the State of California.** Development Projects located on property owned by the State of California or any of its agencies to be used exclusively for governmental purposes.

(5) **Affordable Housing Projects.** Affordable housing, pursuant to the provisions of Planning Code Section 406(b), other than that required by Planning Code Sections 415 or 419 *et seq.*, or any units that trigger a Density Bonus under California Government Code Sections 65915-65918.

(6) **Small Businesses.** Each Change of Use from PDR to Non-Residential, or expansion of an existing PDR or Non-Residential use through an addition that adds new gross floor area to an existing building, shall be exempt from the TSF, provided that: (A) the gross square footage of the resulting individual unit of PDR or Non-Residential use is not greater than 5,000 gross square feet, and (B) the resulting use is not a Formula Retail use, as defined in Section 303.1 of this Code. This exemption shall not apply to new construction or

Replacement of Use.

(7) **Charitable Exemptions.**

(A) The TSF shall not apply to any portion of a project located on a property or portion of a property that will be exempt from real property taxation or possessory interest taxation under California Constitution, Article XIII, Section 4, as implemented by California Revenue and Taxation Code Section 214. However, any Hospital or Health Service that requires an Institutional Master Plan under Section 304.5 of the Planning Code shall not be eligible for this charitable exemption, and shall as of the effective date of this Ordinance* be subject to the TSF, as set forth in Section 411A.4 and 411A.5, below.

(B) Any project receiving a Charitable Exemption shall maintain its tax exempt status, as applicable, for at least 10 years after the issuance of its Certificate of Final Completion. If the property or portion thereof loses its tax exempt status within the 10-year period, then the property owner shall be required to pay the TSF that was previously exempted. Such payment shall be required within 90 days of the property losing its tax exempt status.

(C) If a property owner fails to pay the TSF within the 90-day period, a notice for request of payment shall be served by the Development Fee Collection Unit at DBI under Section 107A.13 of the San Francisco Building Code. Thereafter, upon nonpayment, a lien proceeding shall be instituted under Section 408 of this Article and Section 107A.13.15 of the San Francisco Building Code.

(D) The Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property prior to the issuance of a building or site permit. This Notice shall state the amount of the TSF exempted per this subsection (b)(7). It shall also state the requirements and provisions of subsections (b)(7)(B) and (b)(7)(C) above.

(c) **Timing of Payment.** The TSF shall be paid at the time of and in no event later than when the City issues a first construction document, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section 107A.13.3 of the San Francisco Building Code.

(d) **Application of the TSF to Projects in the Approval Process at the Effective Date of Section411A.** The TSF shall apply to Development Projects that are in the approval process at the effective date of Section 411A, except as modified below:

(1) Projects that have a Development Application approved before the effective date of this Section shall not be subject to the TSF, but shall be subject to the TIDF at the rate applicable pursuant to Planning Code Sections 411.3(e) and 409, as well as any other applicable fees.

(2) Projects that have filed a Development Application or environmental review application on or before July 21, 2015, and have not received approval of any such application, shall be subject to the TSF as follows, except as described in subsection (3) below:

(A) Residential Uses subject to the TSF shall pay 50% of the applicable residential TSF rate, as well as any other applicable fees.

(B) The Non-residential or PDR portion of any project shall be subject to the TSF but pay the applicable TIDF rate pursuant to Planning Code Sections 411.3(e) and 409, as well as any other applicable fees.

(3) Projects that have not filed a Development Application or environmental review application before July 22, 2015, and file the first such application on or after July 22, 2015, and have not received approval of any such application, as well as projects within the Central SoMa Special Use District that have a Central SoMa Fee Tier of A, B, or C, as defined in Section 423.2, regardless of the date filed of any Development Application, shall be subject to the TSF as follows:

(A) Residential Uses subject to the TSF shall pay 100% of the applicable residential TSF rate, as well as any other applicable fees.

(B) The Non-residential or PDR portion of any project shall pay 100% of the applicable Non-residential or PDR TSF rate, as well as any other applicable fees.

(e) **Effect of TSF on TIDF and Development Subject to TIDF.**

(1) The provisions of this Section 411A are intended to supersede the provisions of Section 411 *et seq*. as to new development in the City as of the effective date of Section 411A, except as stated below. The provisions of Section 411 *et seq*. are hereby suspended, with the following exceptions:

(A) Section 411 *et seq*. shall remain operative and effective with respect to any Redevelopment Plan, Development Agreement, Interagency Cooperation Agreement, or any other agreement entered into by the City, the former Redevelopment Agency or the Successor Agency to the Redevelopment Agency, that is valid and effective on the effective date of Section 411A, and that by its terms would preclude the application of Section 411A, and instead allow for the application of Section 411 *et seq*.

(B) Section 411 *et seq*. shall remain operative and effective with respect to Development Projects that are in the approval process as of the effective date of Section 411A, and for which the TIDF is imposed as set forth in Section 411A.3(d).

(C) Section 411 *et seq*. shall remain operative and effective with respect to imposition and collection of the TIDF for any new development for which a Development Application was approved prior to the effective date of Section 411A, and for which TIDF has not been paid.

(2) Notwithstanding subsection (e)(1) above, if the City Attorney certifies in writing to the Clerk of the Board of Supervisors that a court has determined that the provisions of Section 411A are invalid or unenforceable in whole or substantial part, the provisions of Section 411 shall no longer be suspended and shall become operative as of the effective date of the court ruling. In that event, the City Attorney shall cause to be printed appropriate notations in the Planning Code indicating that the provisions of Section 411A are suspended, and the provisions of Section 411 are no longer suspended.

(3) The City Attorney's certification referenced in subsection (e)(2) above shall be superseded if the City Attorney thereafter certifies in writing to the Clerk of the Board of Supervisors that the provisions of Section 411A are valid and enforceable in whole or in substantial part because the court decision referenced in subsection (e)(2) has been reversed, overturned, invalidated, or otherwise rendered inoperative with respect to Section 411A. In that event, the provisions of Section 411A shall no longer be suspended and shall become operative as of the date the court decision no longer governs, and the provisions of Section 411 shall be suspended except as specified in Section 411A. Further, the City Attorney shall cause to be printed appropriate notations in the Planning Code indicating the same.

(Added by Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015 and Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016; amended by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

AMENDMENT HISTORY

Divisions (d)(1), (d)(2), (d)(2)(B), and (d)(3) amended; Ord. 296-18, Eff. 1/12/2019.

*** Editor's Note:**

The phrase "as of the effective date of this Ordinance" was added to this section by Ord.*222-15* , eff. 1/17/2016.

SEC. 411A.4. CALCULATION OF TSF.

(See Interpretations related to this Section.)

(a) **Calculation.** The TSF shall be calculated on the basis of the amount of new gross square feet created by the Development Project, multiplied by the TSF rate in effect at the issuance of the First Construction Document for each of the applicable land use categories within the Development Project, as provided in the Fee Schedule set forth in Section 411A.5, except as provided in subsections (b)-(e), below. An accessory use shall be charged at the same rate as the underlying use to which it is accessory. In reviewing whether a Development Project is subject to the TSF, the project shall be considered in its entirety. A project sponsor shall not seek multiple applications for building permits to evade paying the TSF for a single Development Project.

(b) **Change or Replacement of Use.** When calculating the TSF for a development project in which there is a Change or Replacement of Use such that the rate charged for the new land use category is higher than the rate charged for the category of the existing legal land use, the TSF per square foot rate shall be the difference between the rate charged for the new and the existing use.

(c) **Calculation Method for Residential Uses.** Areas of Residential use within a project that creates no more than 99 dwelling units shall pay the fee listed in Table 411A.5. When a project creates more than 99 dwelling units, the fees for areas of Residential use shall be calculated as follows: The number of dwelling units greater than 99 shall be divided by the total number of dwelling units created to determine the proportion of the project represented by those dwelling units. The resulting quotient shall be multiplied by the total gross floor area of Residential use in the project. The resulting product represents the number of gross square feet of Residential use in the project that is subject to the higher fee rate in Table 411A.5 for dwelling units above 99. The remainder of gross square feet of Residential use in the project is subject to the lower fee rate in Table 411A.5 for dwelling units at or below 99.

(d) **Calculation Method for Hospitals.** For any project creating a new Hospital use, or expanding an existing Hospital use, as defined in Section 102 of this Code, the number of Gross Square Feet that shall be used to calculate the TSF shall be calculated by the following formula:

$$\text{GSF of New Hospital Use} \times \left(\frac{\text{Net increase of licensed inpatient beds in the City and County of San Francisco created by the proposed Hospital use for the associated licensed hospital operator}}{\text{Total number of existing licensed inpatient beds in the City and County of San Francisco for the associated licensed hospital operator}} \right)$$

This formula calculates the number of gross square feet of the new Hospital use, multiplied by the ratio of the net increase of licensed inpatient beds in the City and County of San Francisco resulting from the proposed Hospital use for the associated licensed hospital operator to the total number of existing licensed inpatient beds in the City and County of San Francisco, including licensed beds at one or more locations, for the associated licensed hospital operator. The gross square feet resulting from this formula shall be subject to the TSF rate set forth in Table 411A.5.

(e) **Calculation Method for Changes or Replacements of Use, from a Hospital to Any Other Use.** If a Hospital use that was previously subject to the TSF undergoes a Change or Replacement of Use to any other use, the rate applicable to the new use shall be applied to any gross square feet of previous Hospital use that was excluded from the fee calculation per the formula established in Section 411A.4(d).

(Added by Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015 and Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016)

SEC. 411A.5. TSF SCHEDULE.

(a) Development Projects subject to the TSF shall pay the following fees, as adjusted annually in accordance with Planning Code Section 409(b).

Table 411A.5. TSF Schedule

Land Use Categories	TSF

Residential, 21-99 units	$7.74 for all gsf of Residential use in the first 99 dwelling units (see Section 411A.4(c) above).
Residential, all units above 99 units	$8.74 for all gsf of Residential use in all dwelling units at and above the 100th unit (see Section 411A.4(c) above).
Non-Residential, except Hospitals and Health Services, 800-99,999 gsf	$18.04 for all gsf of Non-Residential uses less than 100,000 gsf.
Non-Residential, except Hospitals and Health Services, all gsf above 99,999 gsf, in all areas of the City except the Central South of Market Area Plan	$24.04 for all gsf of Non-Residential use greater than 99,999 gsf.
Non-Residential, except Hospitals and Health Services, all gsf above 99,999 gsf, in the Central South of Market Area Plan	$21.04 for all gsf of Non-Residential use greater than 99,999 gsf.
Hospitals	$18.74 per calculation method set forth in Section 411A.4(d).
Health Services, all gsf above 12,000 gsf	$11.00 for all gsf above 12,000 gsf
Production, Distribution and Repair	$7.61

(b) Development Projects in the Market & Van Ness Residential Special Use District may propose to pay their TSF in kind, as set forth in Section 249.33.

(Added by Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015 and Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016; amended by Ord. 138-18, File No. 180117, App. 6/20/2018, Eff. 7/21/2018, Oper. 7/21/2018 and 1/12/2019; Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020)

AMENDMENT HISTORY

Table 411A.5 amended; Ord. 138-18, Oper. 7/21/2018 and 1/12/2019. Division (a) designated; division (b) added; Ord. 126-20, Eff. 8/31/2020.

SEC. 411A.6. TSF EXPENDITURE PROGRAM.

As set forth in the Nexus Analysis, on file with the Clerk of the Board of Supervisors File No. 230764, TSF funds may only be used to reduce the burden imposed by Development Projects on the City's transportation system. Expenditures shall be allocated as follows, giving priority to specific projects identified in the different Area Plans:

Table 411A.6A. TSF Expenditure Program

Transit Capital Maintenance Subtotal	61%
Transit Service Expansion & Reliability Improvements - San Francisco Subtotal	32%
Transit Service Expansion & Reliability Improvements - Regional Transit Providers Subtotal	2%
Complete Streets (Bicycle and Pedestrian) Improvements Subtotal	3%
Program Administration	2%
Total	100.0%

Within the Rincon Hill Community Improvements Program Area, per Planning Code Section 418 and the Visitacion Valley Fee Area, per Planning Code Section 420, expenditures shall be allocated as follows:

Table 411A.6B. TSF Expenditure Program in Rincon Hill and Visitacion Valley

Transit Capital Maintenance Subtotal	61%
Transit Service Expansion & Reliability Improvements - San Francisco Subtotal	35%
Transit Service Expansion & Reliability Improvements - Regional Transit Providers Subtotal	2%
Complete Streets (Bicycle and Pedestrian) Improvements Subtotal	0%
Program Administration	2%
Total	100.0%

(Added by Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015 and Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016; amended by Ord. 193-23, File

No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Undesignated introductory paragraph amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 411A.7. TSF FUND.

Money received from collection of the TSF, including earnings from investments of the TSF, shall be held in trust by the Treasurer of the City and County of San Francisco under California Government Code Section 66006 of the Mitigation Fee Act. It shall be distributed according to the fiscal and budgetary provisions of the San Francisco Charter and the Mitigation Fee Act, subject to the following conditions and limitations. As reasonably necessary to mitigate the impacts of new development on the City's public transportation system, TSF funds may be used to fund transit capital maintenance projects, transit capital facilities and fleet, and complete streets (pedestrian and bicycle) infrastructure. These expenditures may include, but are not limited to: capital costs associated with establishing new transit routes, expanding transit routes, and increasing service on existing transit routes, including, but not limited to, procurement of related items such as rolling stock, and design and construction of bus shelters, stations, tracks, and overhead wires; capital or maintenance costs required to add revenue service hours or enhanced capacity to existing routes; capital costs of pedestrian and bicycle facilities, including, but not limited to, sidewalk paving and widening, pedestrian and bicycle signalization of crosswalks or intersection, bicycle lanes within street right-of-way, physical protection of bicycle facilities from motorized traffic, bike sharing, bicycle parking, and traffic calming. Proceeds from the TSF may also be used to administer, enforce, or defend Section 411A.

(Added by Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015 and Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016)

SEC. 411A.8. THREE YEAR REVIEW OF ECONOMIC FEASIBILITY STUDY.

Every three years, or sooner if requested by the Mayor, the Planning Commission, or the Board of Supervisors, the SFMTA shall update the TSF Economic Feasibility Study. This update shall analyze the impact of the TSF on the feasibility of development, throughout the City. This update shall be in addition to the five-year evaluation of all development fees mandated by Section 410 of this Code.

(Added by Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015 and Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016)

SEC. 411A.9. FURTHER STUDY OF ECONOMIC FEASIBILITY.

The Controller and the Planning Department shall study the feasibility of creating a variable impact fee structure based on economic feasibility of projects in different areas of the City, and report back to the Board of Supervisors within six months of the effective date of this Ordinance No. 200-15 .[1]

(Added by Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015)

CODIFICATION NOTE

1. Blank in Ord. 200-15 ; ordinance number inserted by the codifier.

[DOWNTOWN PARK FEE]

SEC. 412. DOWNTOWN PARK FEE.

Sections 412.1 through 412.6, hereafter referred to as Section 412.1 *et seq.*, set forth the requirements and procedures for the Downtown Park Fee. The effective date of these requirements shall be either September 17, 1985, which is the date that the requirements originally became effective, of the date a subsequent modification, if any, became effective.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 412.1. PURPOSE AND FINDINGS SUPPORTING DOWNTOWN PARK FEE.

(a) **Purpose.** Existing public park facilities located in the downtown office districts are at or approaching capacity utilization by the daytime population in those districts. The need for additional public park and recreation facilities in the downtown districts will increase as the daytime population increases as a result of continued office development in those areas. While the open space requirements imposed on individual office and retail developments address the need for plazas and other local outdoor sitting areas to serve employees and visitors in the districts, such open space cannot provide the same recreational opportunities as a public park. In order to provide the City and County of San Francisco with the financial resources to acquire and develop public park and recreation facilities which will be necessary to serve the burgeoning daytime population in these districts, a Downtown Park Fund shall be established as set forth herein.

(b) **Findings.** The Board of Supervisors has reviewed the San Francisco Citywide Nexus Analysis ("Nexus Analysis"), and the San Francisco Infrastructure Level of Service Analysis, both on file with the Clerk of the Board in File No. 230764 and, under Section 401A, adopts the findings and conclusions of those studies and the general and specific findings in that Section, specifically including the Recreation and Open Space Findings, and incorporates those by reference herein to support the imposition of the fees under this Section.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010 ; amended by Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Section amended; Ord. 182-12 , Eff. 9/7/2012. Section header amended; former section designated as division (a) and amended; division (b) added; Ord. 50-15 , Eff. 5/24/2015. Division (b) amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 412.2. DEFINITIONS.

See Section 401 of this Article.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 412.3. APPLICATION.

Section 412.1 *et seq.* shall apply to a proposed office development project within the C-3-O, C-3-O (SD), C-3-R, C-3-G or C-3-S Use Districts that results in a net addition of gross floor area of office use. These requirements are in addition to any applicable requirements set forth in Section 138 of this Code.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 412.4. IMPOSITION OF DOWNTOWN PARK FEE REQUIREMENT.

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 412.1 *et seq.* to any development project requiring a first construction document and, if Section 412.1 *et seq.* is applicable, the number of gross square feet of office use subject to its requirements, and shall impose this requirement as a condition of approval for issuance of the first construction document for the development project to address the need for additional public park and recreation facilities in the downtown districts. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Amount of Fee.** The amount of the fee shall be $2 per square foot of the Net Addition of Gross Floor Area of Office Use to be constructed as set forth in the final approved building or site permit.

(c) **Department Notice to Development Fee Collection Unit at DBI.** After the Department has made its final determination of the net addition of gross floor area of office use subject to Section 412.1 *et seq.* and the dollar amount of the Downtown Park Fee required, the Department shall immediately notify the Development Fee Collection Unit at DBI of its determination, in addition to the other information required by Section 402(b) of this Article.

(d) **Process for Revisions of Determination of Requirement.** In the event that the Department or the Commission takes action affecting any development project subject to Section 412.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Division (b) amended; Ord. 188-15 , Eff. 12/4/2015. Division (b) amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 412.5. DOWNTOWN PARK FUND.

There is hereby established a separate fund set aside for a special purpose entitled the Downtown Park Fund ("Fund"). All monies collected by DBI pursuant to this Section 412.1 *et seq.* shall be deposited in the Fund. All monies deposited in the Fund shall be used solely to acquire and develop public recreation and park facilities for use by the daytime population of the C-3 Use Districts, except that $100,000 of the monies from the fund shall be used to fund a nexus study, under the direction of the General Manager of the Recreation and Park Department, to examine whether the Downtown Park Fee should be imposed on uses other than office and on geographic areas of the City other than C-3 use districts. No Downtown Park Fee monies shall be expended on improvements for Ferry Park (generally Assessor's Block 202, Lots 6, 14 and 15, and Assessor's Block 203, Lot 14) until such time as this nexus study is completed unless use of such Downtown Park Fee monies is approved by a financial committee of the Board of Supervisors.

The Fund shall be administered jointly by the Recreation and Park Commission and the Planning Commission. The two Commissions shall conduct business related to their duties under this Section at joint public hearings, which hearings may be initiated by either the Recreation and Park Commission or the Planning Commission. A joint public hearing shall be held by the Commissions to elicit public comment on proposals for the acquisition of property using monies in the Fund. Notice of any joint public hearings shall be published in an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the time, place, and purpose of the hearing. The hearing may be continued to a later date by a majority vote of the members of both Commissions present at the hearing. At a joint public hearing, a quorum of the membership of both Commissions may vote to allocate the monies in the Fund for acquisition of property for park use and/or for development of property for park use. The Recreation and Park Commission shall alone administer the development of the recreational and park facilities on any acquired property designated for park use by the Board of Supervisors, using such monies as have been allocated for that purpose at a joint hearing of both Commissions.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 412.6. COLLECTION OF FEE.

The Downtown Park Fee shall be paid to DBI for deposit into the Downtown Park Fund at the time required by Section 402(d).

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Section amended; Ord. 50-15 , Eff. 5/24/2015. Section amended; Ord. 63-20, Eff. 5/25/2020.

[JOBS-HOUSING LINKAGE PROGRAM]

SEC. 413. JOBS-HOUSING LINKAGE PROGRAM; HOUSING REQUIREMENTS FOR LARGE-SCALE DEVELOPMENT PROJECTS.

Sections 413.1 through 413.11, hereafter referred to as Section 413.1 *et seq.*, set forth the requirements and procedures for the Jobs-Housing Linkage Program. The effective date of these requirements shall be either March 28, 1996, which is the date that the requirements originally became effective, or the date a subsequent modification, if any, became effective.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 413.1. FINDINGS.

The Board hereby finds and declares as follows:

(a) Large-scale entertainment, hotel, office, laboratory, and retail developments in the City have attracted and continue to attract additional employees to the City, and there is a causal connection between such developments and the need for additional housing in the City, particularly housing affordable to households of lower and moderate income. Such commercial uses in the City benefit from the availability of housing close by for their employees. However, the supply of housing units in the City has not kept pace with the demand for housing created by these new employees. Due to this shortage of housing, employers will have difficulty in securing a labor force, and employees, unable to find decent and affordable housing, will be forced to commute long distances, having a negative impact on quality of life, limited energy resources, air quality, social equity, and already overcrowded highways and public transport.

(b) There is a low vacancy rate for housing affordable to persons of lower and moderate income. This low vacancy rate is due in part to large-scale commercial developments, which have attracted and will continue to attract additional employees and residents to the City. Consequently, some of the employees attracted to these developments are competing with present residents for scarce, vacant affordable housing units in the City. Competition for housing generates the greatest pressure on the supply of housing affordable to households of lower and moderate income. In San Francisco, office or retail uses of land generally yield higher income to the owner than housing. Because of these market forces, the supply of these affordable housing units will not be expanded. Furthermore, Federal and State housing finance and subsidy programs are not sufficient by themselves to satisfy the lower and moderate income housing requirements of the City.

(c) The City has consistently set housing production goals to address the regional and citywide forecasts for population, households, and employment. Although San Francisco has seen increased housing production each successive decade since the 1970s, the City has not been able to close the gap between its housing production goals and actual production.

(d) There is a continuing shortage of low- and moderate-income housing in San Francisco. It is desirable to impose the cost of the increased burden of providing housing necessitated by large-scale commercial development projects directly upon the sponsors of the development projects by requiring that the project sponsors contribute land or pay a fee to the City to subsidize housing development as a condition of the privilege of development and to assist the community in solving those of its housing problems generated by the development.

(e) The Bay Area has seen dramatic increases in land acquisition costs for housing, the cost of new housing development and the affordability gap for low to moderate income workers seeking housing. Commute patterns for the region have also changed, with more workers who work outside of San Francisco seeking to live in the City, thus increasing demand for housing and decreasing housing availability.

(f) As the regional job center, San Francisco has historically had the highest ratio of jobs-to-housing units in the Bay Area.

(g) The required housing exaction shall be based upon formulas derived in a periodic jobs housing nexus analysis. Consistent with the requirements of the California Mitigation Fee Act, the jobs housing nexus analysis shall demonstrate the validity of the nexus between new, large scale entertainment, hotel, office, laboratory, and retail development and the increased demand for housing in the City, and the numerical relationship between such development projects and the formulas for the provision of housing set forth in Section 413.1 *et seq.*

(h) The Board of Supervisors has reviewed the Jobs Housing Nexus Analysis ("Jobs Housing Nexus Analysis"), which is on file with the Clerk of the Board in Board File No. 190548, and adopts the findings and conclusions of that study, and incorporates the findings by reference herein to support the imposition of the fees under Section 413.1 *et seq.*

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Former divisions A.–C. and K. amended and redesignated as divisions (a)-(c) and (e); former divisions D. and F. amended and combined as division (d); former divisions E., G.–J., L., and M. deleted; new divisions (f)-(h) added; Ord. 251-19, Eff. 12/16/2019. Division (h) amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 413.2. DEFINITIONS.

See Section 401 of this Article.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 413.3. APPLICATION.

(a) With the exception of uses listed below in subsection (b), Sections 413.1 *et seq.* shall apply to any development project:

(1) that increases by 25,000 or more gross square feet the total amount of any combination of the following uses; entertainment, hotel, Integrated PDR, office, research and development, retail, and/or Small Enterprise Workspace, and

(2) whose environmental evaluation application for the development project was filed on or after January 1, 1999.

(b) Sections 413.1 *et seq.* shall not apply to:

(1) Any development project other than a development project described in Subsection (a) of this Section, including those portions of a development project consisting of the net addition of square feet of any type of space not described in Subsection (a) of this Section;

(2) Those portions of a development project described in Subsection (a) of this Section located on property owned by the United States or any of its agencies or leased by the United States or any of its agencies for a period in excess of 50 years, with the exception of such property not used exclusively for a governmental purpose;

(3) Those portions of a development project described in Subsection (a) of this Section located on property owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental or educational purpose;

(4) Those portions of a development project described in Subsection (a) of this Section located on property under the jurisdiction of the San Francisco Redevelopment Agency or the Port of San Francisco where the application of Section 413.1 *et seq*. is prohibited by California or local law;

(5) Any office development project approved by the Commission prior to August 18, 1985 that was not subject to the Interim Guidelines; or

(6) Any office development project approved by the Commission prior to August 18, 1985 that was subject to the Interim Guidelines. If the action of the Commission affecting such office development project is thereafter modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by court action in a manner affecting the amount of housing required under the Interim Guidelines, the permit application on remand to the Commission shall remain subject to the Interim Guidelines.

(7) Any major phase or development project in Mission Bay North or South to the extent application of Section 413.1 *et seq.* would be inconsistent with the Mission Bay North Redevelopment Plan and Interagency Cooperation Agreement or the Mission Bay South Redevelopment Plan and Interagency Cooperation Agreement, as applicable.

(8) Any of the following free-standing uses. For purposes of this subsection (b)(8), the term "free-standing" shall mean an independent building or structure used exclusively by a single use and any Accessory Uses, and that is not part of a larger development project on the same environmental evaluation application.

(A) any free-standing Pharmacy use which does not exceed more than 50,000 square feet of retail or other space; or

(B) any free-standing General Grocery use which does not exceed more than 75,000 square feet of retail or other space; or

(C) any mixed-use space consisting of Residential space and Pharmacy retail space not exceeding 50,000 square feet, or General Grocery retail space not exceeding 75,000 square feet.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 270-10, File No. 100917, App. 11/5/2010; amended by Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018)

AMENDMENT HISTORY

Divisions (a)-(a)(2), (b), and (b)(8)-(b)(8)(C) amended; Ord. 202-18, Eff. 9/10/2018.

SEC. 413.4. IMPOSITION OF HOUSING REQUIREMENT.

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 413.1 *et seq*. to any development project requiring a first construction document, and if Section 413.1 *et seq.* is applicable, the number of gross square feet of each type of space subject to its requirements, and shall impose these requirements as a condition of approval for issuance of the first construction document for the development project to mitigate the impact on the availability of housing which will be caused by the employment facilitated by the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit at DBI.** After the Department has made its final determination of the net addition of gross square feet of each type of space subject to Section 413.1 *et seq.*, it shall immediately notify the Development Fee Collection Unit at DBI of its determination in addition to the other information required by Section 402(b) of this Article.

(c) **Sponsor's Choice to Fulfill Requirements.** Prior to issuance of a building or site permit for a development project subject to the requirements of Section 413.1 *et seq.*, the sponsor shall elect one of the options listed below to fulfill any requirements imposed as a condition of approval and notify the Department of their choice of the following:

(1) Contribute land of value at least equivalent to the in-lieu fee, according to the formulas set forth in Section 413.1 *et seq.*, to MOHCD pursuant to Section 413.6; or

(2) Pay an in-lieu fee to the Development Fee Collection Unit at DBI according to the formula set forth in Section 413.5; or

(3) Combine the above options pursuant to Section 413.7.

(e) **Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Section 413.1 *et seq.* that has elected to fulfill all or part of the

requirements with an option other than payment of an in-lieu fee. If the Department notifies the Unit at such time that the sponsor has not satisfied the requirements, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance with the requirements of Section 413.1 *et seq*.

(f) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Section 413.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) shall be followed.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 55-11, File No. 101523, App. 3/23/2011; amended by Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019)

AMENDMENT HISTORY

Divisions (c)-(c)(3) amended; Ord. 251-19, Eff. 12/16/2019.

SEC. 413.5. COMPLIANCE BY PAYMENT OF IN-LIEU FEE.

(a) The amount of the fee which may be paid by the sponsor of a development project shall be determined by the following formulas for each type of space proposed as part of the development project and subject to this Article 4.

(1) For applicable projects (as defined in Section 413.3), any net addition shall pay per the Fee Schedule in Table 413.5A, and

(2) For applicable projects (as defined in Section 413.3), any replacement or change of use shall pay per the Fee Schedule in Table 413.5B.

TABLE 413.5A

FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET

Use	*Fee per Gross Square Foot*
Use	*Fee per Gross Square Foot*
Entertainment	$18.62
Hotel	$14.95
Institutional	$0
Office (50,000 gsf and above)	See subsection (c) below.
Office (up to 49,999 gsf)	See subsection (d) below.
PDR	$0
Laboratory	See subsection (e) below.
Residential	$0
Retail	$18.62
Small Enterprise Workspace	$15.69

TABLE 413.5B

FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE

Previous Use	*New Use*	*Fee per Gross Square Foot*
Entertainment, Hotel, Office, Laboratory, Retail, or Small Enterprise Workspace	Entertainment, Hotel, Office, Retail, or Small Enterprise Workspace	$0
PDR which received its First Certificate of Occupancy on or before April 1, 2010	Entertainment, Hotel, Office, Laboratory, Retail, or Small Enterprise Workspace	Use Fee from Table 413.5A minus $14.09
Institutional which received its First Certificate of Occupancy on or before April 1, 2010	Entertainment, Hotel, Office, Laboratory, Retail, or Small Enterprise Workspace	$0
Institutional or PDR which received its First Certificate of Occupancy on or before April 1, 2010	Institutional, PDR, Laboratory, Residential	$0
Institutional or PDR which received its First Certificate of Occupancy after April 1, 2010	Any	Use Fee from Table 413.5
Residential	Entertainment, Hotel, Office, PDR, Laboratory, Retail, or Small Enterprise Workspace	Use Fee from Table 413.5

(b) Any in-lieu fee required under this Section 413.5 is due and payable to the Development Fee Collection Unit at DBI at the time of and in no event later than issuance of the first construction document, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be deposited into the Citywide Affordable Housing Fund in accordance with Section 107A.13.3 of the San Francisco Building Code.

(c) **Office Fees for Large Capital Projects.** Notwithstanding any other provision of this Code, fees for the net addition of 50,000 gross square feet and above of Office Use shall be paid as follows:

(1) For any project that (1) received an approval from the Planning Commission or Planning Department on or before September 10, 2019, stating that the project shall be subject to any new, changed, or increased Jobs Housing Linkage Fee adopted prior to that project's procurement of a Certificate of Occupancy or Final Completion, and (2) has not procured a Certificate of Occupancy or Final Completion as of the effective date of the ordinance in Board File No. 190548, amending this Section 413.5, such project shall pay the difference between the amount of the fees assessed at the time of site permit issuance and any additional amounts due under the new, changed, or increased fee up to $52.20 before the City may issue a Certificate of Occupancy or Final Completion.

(2) For any project that has submitted a complete Preliminary Project Assessment on or before September 10, 2019, and has not had its building or site permit issued as of the effective date of this ordinance in Board File No. 190548, such project, regardless of when it submitted its complete Development Application, shall pay $52.20 per gross square foot. Any fees shall be assessed and paid consistent with this Article 4.

(3) For any project that has submitted a complete Development Application between the dates of September 11, 2019, and January 1, 2021, and has not had its building or site permit issued as of the effective date of this ordinance in Board File No. 190548, such project shall pay $60.90 per gross square foot. Any fees shall be assessed and paid consistent with this Article 4.

(4) For any project that has submitted a complete Development Application after January 1, 2021, shall pay $69.60 per gross square foot.[1] Any fees shall be assessed and paid consistent with this Article 4 .

(d) **Office Fees for Small Capital Projects.** Notwithstanding any other provision of this Code, fees for the net addition up to 49,999 gross square feet of Office Use shall be paid as follows:

(1) For any project that has submitted a complete Preliminary Project Assessment on or before September 10, 2019, and has not had its building or site permit issued as of the effective date of this ordinance in Board File No. 190548, such project, regardless of when it submitted its complete Development Application, shall pay $46.98 per gross square foot. Any fees shall be assessed and paid consistent with this Article 4.

(2) For any project that has submitted a complete Development Application between the dates of September 11, 2019, and January 1, 2021, and has not had its building or site permit issued as of the effective date of this ordinance in Board File No. 190548, such project shall pay $54.81 per gross square foot. Any fees shall be assessed and paid consistent with this Article 4.

(3) Any project that has submitted a complete Development Application after January 1, 2021, shall pay $62.64 per gross square foot. Any fees shall be assessed and paid consistent with this Article 4.

(e) **Laboratory Fees.** Notwithstanding any other provision of this Code, fees for the net addition of Laboratory Use shall be paid as follows:

(1) For any project that has submitted a complete Preliminary Project Assessment on or before September 10, 2019, and has not had its building or site permit issued as of the effective date of this ordinance in Board File No. 190548, such project, regardless of when it submitted its complete Development Application, shall pay $31.43 per gross square foot. Any fees shall be assessed and paid consistent with this Article 4.

(2) For any project that has submitted a Development Application between the dates of September 11, 2019, and January 1, 2021, and has not had its building or site permit issued as of the effective date of this ordinance in Board File No. 190548, such project shall pay $34.90 per gross square foot. Any fees shall be assessed and paid consistent with this Article 4.

(3) For any project that has submitted a Development Application after January 1, 2021, shall pay $38.37 per gross square foot.[1] Any fees shall be assessed and paid consistent with this Article 4 .

(Added as Sec. 413.6 by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010; Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 263-13, File No. 130549, App. 11/27/2013, Eff. 12/27/2013; Ord. 50-15, File No. 150149, App. 4/24/2015, Eff. 5/24/2015; redesignated and amended by Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019; Ord. 136-21, File No. 210674, App. 8/4/2021, Eff. 9/4/2021)

(Former Sec. 413.5 added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 270-10, File No. 100917, App. 11/5/2010; repealed by Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019)

AMENDMENT HISTORY

Undesignated paragraph preceding division (c) amended; Ord. 263-13, Eff. 12/27/2013. Division (c) amended; Ord. 55-11, Eff. 5/24/2015. Section redesignated; section header amended; undesignated paragraph deleted; divisions (a)- (a)(2) and Tables 413.5A and 413.5B amended; former division (c) redesignated as (b); new divisions (c)-(e)(3) added; Ord. 251-19, Eff. 12/16/2019. Division (d)(3) amended; Ord. 136-21, Eff. 9/4/2021.

CODIFICATION NOTE

1. So in Ord. 251-19.

SEC. 413.6. COMPLIANCE BY LAND DEDICATION.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 63-20 , approved 4/24/2020, effective 5/25/2020). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

(a) **Controls.** Projects may satisfy all or a portion of the requirements of Section 413.1 *et seq.* via dedication of land to the City for the purpose of constructing units Affordable to Qualifying Households. Projects may receive a credit against such requirements up to the

value of the land donated, calculated pursuant to subsection (b) below.

(b) **Requirements.**

(1) The value of the dedicated land shall be determined by the Director of Property pursuant to Chapter 23 of the Administrative Code, but shall not exceed the actual cost of acquisition by the project sponsor of the dedicated land in an arm's length transaction. Prior to issuance by DBI of the first site or building permit for a development project subject to Section 413.1 *et seq.* the sponsor shall submit to the Department, with a copy to MOHCD and the Director of Property, documentation sufficient to substantiate the actual cost of acquisition by the sponsor in an arm's length transaction of any land to be dedicated by the sponsor to the City, and any additional information that would impact the value of the land.

(2) Projects are subject to the requirements of Section 419.5(a)(2)(A) and (C)-(J).

(Added as Sec. 413.7 by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; redesignated and amended by Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019; amended by Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

(Former Sec. 413.6 added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010; Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 263-13, File No. 130549, App. 11/27/2013, Eff. 12/27/2013; Ord. 50-15, File No. 150149, App. 4/24/2015, Eff. 5/24/2015; redesignated as Sec. 413.5 and amended by Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019)

AMENDMENT HISTORY

Section redesignated; section header and section amended; Ord. 251-19, Eff. 12/16/2019. Division (a) amended; Ord. 210-21, Eff. 12/20/2021.

SEC. 413.7. COMPLIANCE BY COMBINATION OF PAYMENT OF IN-LIEU FEE AND LAND DEDICATION.

With the written approval of the Director of MOHCD, the sponsor of a development project subject to Section 413.1 *et seq*. may elect to satisfy its housing requirement by a combination of contributing land to the City under Section 413.6 and paying a partial amount of the in-lieu fee to the Development Fee Collection Unit at DBI under Section 413.5. In the case of such election, the sponsor must pay a sum such that each gross square foot of net addition of each type of space subject to Section 413.1 *et seq*. is accounted for in either the contribution of land to the City under Section 413.6 or the payment of a fee to the Development Fee Collection Unit. All of the requirements of Section 413.1 *et seq.* shall apply, including the requirements with respect to the timing of issuance of site and building permits, first construction documents, and certificates of occupancy for the development project and payment of the in-lieu fee.

(Added as Sec. 413.8 by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 270-10, File No. 100917, App. 11/5/2010; Ord. 55-11, File No. 101523, App. 3/23/2011; redesignated and amended by Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019)

(Former Sec. 413.7 added by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; redesignated as Sec. 413.6 and amended by Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019)

(Former Sec. 413.7 added by Ord. 108-10, File No. 091275, App. 5/25/2010; repealed by Ord. 71-14, File No. 131205, App. 5/23/2014, Eff. 6/22/2014)

AMENDMENT HISTORY

Section redesignated; section header and section amended; Ord. 251-19, Eff. 12/16/2019.

SEC. 413.8. LIEN PROCEEDINGS.

A project sponsor's failure to comply with the requirements of Sections 413.5 and 413.6 shall be cause for the Development Fee Collection Unit at DBI to institute lien proceedings to make the in-lieu fee, as adjusted under Section 413.5, plus interest and any deferral surcharge, a lien against all parcels used for the development project, in accordance with Section 408 of this Article 4 and Section 107A.13.15 of the San Francisco Building Code.

(Added as Sec. 413.9 by Ord. 108-10, File No. 091275, App. 5/25/2010; redesignated and amended by Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019)

(Former Sec. 413.8 added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 270-10, File No. 100917, App. 11/5/2010; Ord. 55-11, File No. 101523, App. 3/23/2011; redesignated as Sec. 413.7 and amended by Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019)

SEC. 413.9. CITYWIDE AFFORDABLE HOUSING FUND.

(a) **Use of Fees.** All monies contributed pursuant to the Jobs Housing Linkage Fee Program in Section 413.1 *et seq.* shall be deposited in the Citywide Affordable Housing Fund ("Fund"), established in Administrative Code Section 10.100-49. The receipts in the Fund collected under Section 413.1 *et seq.* shall be used solely to increase the supply of housing Affordable to Qualifying Households subject to the conditions of this Section 413.9. The fees collected under this Section may not be used, by way of loan or otherwise, to pay any administrative, general overhead, or similar expense of any entity. MOHCD shall develop procedures such that, for all projects funded by the Citywide Affordable Housing Fund, MOHCD requires the project sponsor or its successor in interest to give preference in occupying units as provided for in Administrative Code Chapter 47.

(1) **Preservation and Acquisition Funds.**

(A) **Designation of Funds.** MOHCD shall designate and separately account for 10% of all fees that it receives under Section 413.1 *et seq.* that are deposited into the Fund to support the acquisition and rehabilitation of rent restricted affordable rental housing.

(B) **Use of Preservation and Acquisition Funds.** The funds shall be used exclusively to acquire and preserve existing housing with the goal of making such housing permanently affordable, including but not limited to acquisition of housing through the City's Small Sites Program. Units supported by monies from the Fund shall be designated as housing affordable to qualified households for the life of the project. Properties supported by the Preservation and Acquisition Funds must be:

(i) rental properties that will be maintained as rental properties;

(ii) vacant properties that were formerly rental properties as long as those properties have been vacant for a minimum of two

years prior to the effective date of the ordinance in Board File No. 190548, amending this Section 413.9;

(iii) properties that have been the subject of foreclosure; or

(iv) a Limited Equity Housing Cooperative as defined in Subdivision Code Sections 1399.1 *et seq.* or a property owned or leased by a non-profit entity modeled as a Community Land Trust.

(C) **Annual Report.** At the end of each fiscal year, MOHCD shall issue a report to the Board of Supervisors regarding the total amount of Preservation and Acquisition Funds received, and how those funds were used.

(D) **Intent.** In establishing guidelines for Preservation and Acquisition Funds, the Board of Supervisors does not intend to preclude MOHCD from expending other eligible sources of funding on Preservation and Acquisition as described in this Section 413.9 [1]

(2) **Permanent Supportive Housing.** MOHCD shall designate and separately account for 30% of all fees that it receives under Section 413.1 *et seq.* that are deposited into the Fund to support the development of permanent supportive housing that meets the requirements of Section 413.1 *et seq.*

(b) **Accounting of Funds in Central SoMa Special Use District.** Pursuant to Section 249.78(e)(1), all monies contributed pursuant to the Jobs-Housing Linkage Program and collected within the Central SoMa Special Use District shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for. Consistent with the allocations in subsection (a), such funds shall be expended within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

(Added as Sec. 413.10 by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 277-13, File No. 130968, App. 12/18/2013, Eff. 1/17/2014; Ord. 143-15, File No. 150568, App. 8/6/2015, Eff. 9/5/2015; Ord. 204-15, File No. 150622, App. 12/3/2015, Eff. 1/2/2016; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; redesignated and amended by Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019; amended by Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Section amended; Ord. 277-13, Eff. 1/17/2014. Section amended; Ord. 143-15, Eff. 9/5/2015. Section amended; Ord. 204-15, Eff. 1/2/2016. Second undesignated paragraph added; Ord. 296-18, Eff. 1/12/2019. Section redesignated; undesignated paragraphs amended and designated as divisions (a) and (b); new divisions (a)(1)-(a)(2) added; Ord. 251-19, Eff. 12/16/2019. Division (a) amended; Ord. 210-21, Eff. 12/20/2021.

CODIFICATION NOTE

1. So in Ord. 251-19.

SEC. 413.10. [REDESIGNATED.]

SEC. 413.11. EVALUATION OF FEE.

(a) If, in the discretion of the Director of Planning, there has been a substantial change in the San Francisco and/or regional economies since the effective date of the requirements of Section 413.1 *et seq.*, the Director may recommend to the Commission, the Board of Supervisors, and the Mayor that Section 413.1 *et seq.* be amended or rescinded to alleviate any undue burden on commercial development in the City that Section 413.1 *et seq.* may impose.

(b) At the next comprehensive evaluation of all development fees and development impact requirements, pursuant to Section 410, the Controller, in consultation with the Department, and MOHCD and any necessary consultants, consistent with the civil service provisions of the Charter, and every five years thereafter, shall commission an update to the Jobs-Housing Nexus Analysis. The comprehensive evaluation of the Jobs-Housing Linkage Fee, pursuant to Section 410, shall include an evaluation of office projects in a range of sizes and an assessment of the availability of office allocation.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019)

AMENDMENT HISTORY

Section header amended; undesignated paragraph designated as division (a) and amended; division (b) added; Ord. 251-19, Eff. 12/16/2019.

[CHILD CARE REQUIREMENTS FOR OFFICE AND HOTEL DEVELOPMENT PROJECTS]

SEC. 414. CHILD-CARE REQUIREMENTS FOR OFFICE AND HOTEL DEVELOPMENT PROJECTS.

Sections 414.1 through 414.15 (hereafter referred to as Section 414.1 *et seq*.) set forth the Child Care requirements for Office and Hotel Development Projects. The effective date of these requirements shall be either September 6, 1985, which is the date that the requirements originally became effective, or the date a subsequent modification, if any, became effective.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 414.1. PURPOSE AND FINDINGS SUPPORTING CHILDCARE REQUIREMENTS FOR OFFICE AND HOTEL DEVELOPMENT PROJECTS.

(a) **Purpose.** Office, hotel, and other new commercial developments in the City are benefitted by the availability of childcare for persons employed in such developments close to their place of employment. However, the supply of childcare in the City has not kept

pace with the demand for childcare created by new employees. Due to this shortage of childcare, employers will have difficulty in securing a labor force, and employees unable to find accessible and affordable quality childcare will be forced either to work where such services are available outside of San Francisco or leave the work force entirely, in some cases seeking public assistance to support their children. In either case, there will be a detrimental effect on San Francisco's economy and its quality of life.

The San Francisco General Plan encourages "continued growth of prime downtown office activities so long as undesirable consequences of such growth can be avoided" and requires that there be the provision of "adequate amenities for those who live, work and use downtown." In light of these provisions, the City should impose requirements on developers of certain commercial projects designed to mitigate the adverse effects of the expanded employment facilitated by such projects. To that end, the Commission is authorized to promote affirmatively the policies of the General Plan through the imposition of special childcare development or assessment requirements. It is desirable to impose the costs of the increased burden of providing childcare necessitated by such commercial development projects directly upon the sponsors of new development generating the need. This is to be done through a requirement that the sponsor construct childcare facilities or pay a fee into a fund used to foster the expansion of and to ease access to affordable childcare as a condition of the privilege of development.

(b) **Findings.** The Board of Supervisors has reviewed the San Francisco Citywide Nexus Analysis ("Nexus Analysis"), and the San Francisco Infrastructure Level of Service Analysis, both on file with the Clerk of the Board in File No. 230764 and, under Section 401A, adopts the findings and conclusions of those studies and the general and specific findings in that Section, specifically including the Childcare Findings, and incorporates those by reference herein to support the imposition of the fees under this Section.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015 ; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Section header amended; section amended in its entirety; Ord. 50-15 , Eff. 5/24/2015. Division (b) amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 414.2. DEFINITIONS.

See Section 401 of this Article.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 414.3. APPLICATION.

(a) Section 414.1 *et seq.* shall apply to office and hotel development projects proposing the net addition of 25,000 or more gross square feet of office or hotel space.

(b) Section 414.1 *et seq.* shall not apply to:

(1) Any development project other than an office or hotel development project, including that portion of an office or hotel development project consisting of a retail use;

(2) That portion of an office or hotel development project located on property owned by the United States or any of its agencies;

(3) That portion of an office or hotel development project located on property owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental purpose;

(4) That portion of an office or hotel development project located on property under the jurisdiction of the Port of San Francisco or the San Francisco Redevelopment Agency where the application of this Section is prohibited by State or local law; and

(5) Any office or hotel development project approved by the Commission prior to the effective date of Section 414.1 *et seq.*

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010 ; amended by Ord. 2-16 , File No. 150793, App. 1/19/2016, Eff. 2/18/2016)

AMENDMENT HISTORY

Division (a) amended; Ord. 2-16 , Eff. 2/18/2016.

SEC. 414.4. IMPOSITION OF CHILD CARE REQUIREMENT.

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 414.1 *et seq.* to any development project requiring a first construction document and, if Section 414.1 is applicable, the number of gross square feet of each type of space subject to its requirements, and shall impose these requirements as a condition of approval for issuance of the first construction document for the development project to mitigate the impact on the availability of child-care facilities which will be caused by the employees attracted to the proposed development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit at DBI.** After the Department has made its final determination of the net addition of gross square feet of each type of space subject to Section 414.1 *et seq.*, it shall immediately notify the Development Fee Collection Unit at DBI of its determination in addition to the other information required by Section 402(b) of this Article.

(c) **Sponsor's Choice to Fulfill Requirements.**

(1) Except as otherwise specified in this subsection, prior to issuance of a building or site permit for a development project subject to the requirements of Section 414.1 *et seq.*, the sponsor shall elect one of the six options listed below to fulfill any requirements imposed as a condition of approval and notify the Department of its choice of the following:

(A) Provide a child-care facility on the premises of the development project for the life of the project pursuant to Section 414.5; or

(B) In conjunction with the sponsors or one or more other development projects subject to Section 414.1 *et seq.* located within ½ mile of one another, provide a single child-care facility on the premises of one of their development projects for the life of the project as set forth in Section 414.6; or

(C) Either singly or in conjunction with the sponsors or one or more other development projects subject to Section 414.1 *et seq.* located within ½ mile of one another, provide a single child-care facility to be located within one mile of the development project(s) pursuant to Section 414.7; or

(D) Pay an in-lieu fee to the Development Fee Collection Unit at DBI pursuant to Section 414.8; or

(E) Combine payment of an in-lieu fee to the Child Care Capital Fund with construction of a child-care facility on the premises or providing child-care facilities near the premises, either singly or in conjunction with other sponsors pursuant to Section 414.9; or

(F) Enter into an arrangement pursuant to which a nonprofit organization shall provide a child-care facility at a site within the City pursuant to Section 414.10.

(2) In the Central SoMa SUD, an Office or Hotel project that is a Key Site, as defined in Section 329, shall satisfy this Section 414.4 by the means specified in Section 249.78.

(d) **Department Notice to Development Fee Collection Unit of Sponsor's Choice.** After the project sponsor has notified the Department of their choice to fulfill the requirements of Section 414.1 *et seq.*, the Department shall immediately notify the Development Fee Collection Unit at DBI of the sponsor's choice.

(e) **Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Section 414.1 *et seq.* that has elected to fulfill all or part of its requirement with an option other than payment of an in-lieu fee. If the Department notifies the Unit at such time that the sponsor has not satisfied the requirements, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance with the requirements of Section 414.1 *et seq*.

(f) **Process for Revisions of Determination of Requirements.** In the event that the Department or Commission takes action affecting any development project subject to Section 414.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 55-11, File No. 101523, App. 3/23/2011; amended by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

AMENDMENT HISTORY

Divisions (c)-(c)(6) redesignated as (c)-(c)(1)(F); current division (c)(1) amended; new division (c)(2) added; Ord. 296-18, Eff. 1/12/2019.

SEC. 414.5. COMPLIANCE BY PROVIDING AN ON-SITE CHILD-CARE FACILITY.

The sponsor of a development subject to Section 414.1 *et seq.* may elect to provide a child-care facility on the premises of the development project for the life of the project to meet the requirements of Section 414.1 *et seq.* The sponsor shall, prior to the issuance of the first certificate of occupancy by DBI for the development project, provide proof to the Department that:

(A) A space on the premises of the development project has been provided to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease and an operating agreement between the sponsor and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

Net add. gross sq. ft. off. or hotel space	× .01 =	sq. ft. of child-care facility

In the event that the net addition of gross square feet of office or hotel of the development project is less than 300,000 square feet, the child-care facility may have a minimum gross floor area of 2,000 square feet or the area determined according to the above formula, whichever is greater; and

(D) A notice of special restriction has been recorded stating that the development project is subject to Section 414.1 *et seq.* and is in compliance herewith by providing a child-care facility on the premises.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

AMENDMENT HISTORY

Undesignated introductory paragraph amended; Ord. 296-18, Eff. 1/12/2019.

SEC. 414.6. COMPLIANCE IN CONJUNCTION WITH THE SPONSORS OF OTHER DEVELOPMENT PROJECTS TO PROVIDE AN ON-SITE CHILD-CARE FACILITY AT ONE OF THE PROJECTS.

The sponsor of a development project subject to Section 414.1 *et seq.* in conjunction with the sponsors of one or more other development projects subject to Section 414.1 *et seq.* located within one-half mile of one another may elect to provide a single child-care

facility on the premises of one of their development projects for the life of the project to meet the requirements of Section 414.1 *et seq.* The sponsors shall, no later than six months after the issuance of the first certificate of occupancy by DBI for any one of the development projects complying with this part, provide proof to the Department that:

(A) A space on the premises of one of their development projects has been provided to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease and an operating agreement between the sponsor in whose project the facility will be located and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

Combined net add. gross sq. ft. office or hotel space of all participating dev. projects	× .01 =	sq. ft. of child-care facility

In the event that the net addition of gross square feet of office or hotel space of all participating projects is less than 300,000 square feet, the child-care facility may have a minimum gross floor area of 2,000 square feet or the area determined according to the above formula, whichever is greater; and

(D) A written agreement binding each of the participating project sponsors guaranteeing that the child-care facility will be provided for the life of the development project in which it is located, or for as long as there is a demonstrated demand, as determined under Section 414.12, has been executed and recorded in the chain of title of each participating building. The property owner must submit a copy of the agreement to the Planning Department upon finalization to demonstrate compliance with this Section [1]

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 136-21, File No. 210674, App. 8/4/2021, Eff. 9/4/2021)

AMENDMENT HISTORY

Introductory paragraph and division (D) amended; Ord. 136-21, Eff. 9/4/2021.

CODIFICATION NOTE

1. So in Ord. 136-21.

SEC. 414.7. COMPLIANCE IN CONJUNCTION WITH THE SPONSORS OF OTHER DEVELOPMENT PROJECTS TO PROVIDE A CHILD-CARE FACILITY WITHIN ONE MILE OF THE DEVELOPMENT PROJECTS.

Except as specified in Section 249.78, the sponsor of a development project subject to Section 414.1 *et seq.*, either singly or in conjunction with the sponsors of one or more other development projects subject to Section 414.1 *et seq.* located within ½ mile of one another, may elect to provide a single child-care facility to be located within one mile of the development project(s) to meet the requirements of Section 414.1 *et seq*. Subject to the discretion of the Department, the child-care facility shall be located so that it is reasonably accessible to public transportation or transportation provided by the sponsor(s). The sponsor(s) shall, prior to the issuance of the first certificate of occupancy by DBI for any development project complying with this part, provide proof to the Department that:

(A) A space has been provided to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease or sublease and an operating agreement between the sponsor(s) and the provider with minimum terms of three years;

(B) The child-care facility is a licensed child-care facility;

(C) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

Combined net add. gross sq. ft. office or hotel space of all participating dev. projects	× .01 =	sq. ft. of child-care facility

In the event that the net addition of gross square feet of office or hotel space of all participating projects is less than 300,000 square feet, the child-care facility may have a minimum gross floor area of 2,000 square feet or the area determined according to the above formula, whichever is greater; and

(D) A written agreement binding each of the participating project sponsors, with a term of 20 years from the date of issuance of the first certificate of occupancy for any development project complying with this part, guaranteeing that a child-care facility will be leased or subleased to one or more nonprofit child-care providers for as long as there is a demonstrated demand under Section 414.12 has been executed and recorded in the chain of title of each participating building.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

AMENDMENT HISTORY

Undesignated introductory paragraph amended; Ord. 296-18, Eff. 1/12/2019.

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

(a) Except as specified in Section 249.78 the sponsor of a development project subject to Section 414.1 *et seq.* may elect to pay a fee in lieu of providing a child-care facility. The fee shall be computed as follows:

Net add. gross sq. ft. office or hotel space × $1.57 = Total Fee

(b) The in-lieu fee shall be paid to DBI for deposit into the Child Care Capital Fund at the time required by Section 402(d).

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 2-16 , File No. 150793, App. 1/19/2016, Eff. 2/18/2016; amended by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Division (b) amended; Ord. 50-15 , Eff. 5/24/2015. Division (a) amended; Ord. 2-16 , Eff. 2/18/2016. Division (a) amended; Ord. 296-18, Eff. 1/12/2019. Division (b) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 414.9. COMPLIANCE BY COMBINING PAYMENT OF AN IN-LIEU FEE WITH CONSTRUCTION OF A CHILD-CARE FACILITY.

The sponsor of a development project subject to Section 414.1 *et seq*. may elect to satisfy its child-care requirement by combining payment of an in-lieu fee to the Child Care Capital Fund with construction of a child-care facility on the premises or providing child-care facilities near the premises, either singly or in conjunction with other sponsors. The child-care facility to be constructed on-site or provided near-site under this election shall be subject to all of the requirements of whichever of Sections 414.5, 414.6 and 414.7 is applicable, and shall have a minimum floor area of 3,000 gross square feet. If the net addition of gross square feet of office or hotel space of all participating projects is less than 300,000 square feet, the minimum gross floor area of the facility shall be 2,000 square feet. The in-lieu fee to be paid under this election shall be subject to all of the requirements of Section 414.8 and shall be determined by the Commission according to the following formula:

$$\left[\text{Net. add. Gross sq. ft. space subject project} - \frac{\text{Net. add. Gross sq. ft. space subject project}}{\text{Net. add Gross sq. ft. space all participating projects}} \times \text{Sq. ft. child care facility} \times 100\right] \times \$1.00 = \text{Total Fee for Subject Project}$$

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 414.10. COMPLIANCE BY ENTERING INTO AN ARRANGEMENT WITH A NON-PROFIT ORGANIZATION.

The sponsor of a development project subject to this Section may elect to satisfy its child-care requirement by entering into an arrangement pursuant to which a nonprofit organization will provide a child-care facility at a site within the City. The sponsor shall, prior to the issuance of the first certificate of occupancy by the Director of DBI for the development project, provide proof to the Director of Planning that:

(a) A space for a child-care facility has been provided by the nonprofit organization, either for its own use if the organization will provide child-care services, or to a nonprofit child-care provider without charge for rent, utilities, property taxes, building services, repairs, or any other charges of any nature, as evidenced by a lease or sublease and an operating agreement between the nonprofit organization and the provider with minimum terms of three years;

(b) The child-care facility is a licensed child-care facility;

(c) The child-care facility has a minimum gross floor area of 3,000 square feet or an area determined according to the following formula, whichever is greater:

Net add. gross sq. ft. office or hotel space × .01 = sq. ft. of child-care facility

In the event that the net addition of gross square feet of office or hotel space is less than 300,000 square feet, the child-care facility may have a minimum gross floor of 2,000 square feet or the area determined according to the above formula, whichever is greater;

(d) The nonprofit organization has executed and recorded a binding written agreement, with a term of 20 years from the date of issuance of the first certificate of occupancy for the development project, pursuant to which the nonprofit organization guarantees that it will operate a child-care facility or it will lease or sublease a child-care facility to one or more nonprofit child-care providers for as long as there is a demonstrated need under Section 414.12, and that it will comply with all of the requirements imposed on the nonprofit organization under Section 414.10 and imposed on a sponsor under Sections 414.4.

(e) To support the provision of a child-care facility in accordance with the foregoing requirements, the sponsor has paid to the nonprofit organization a sum which equals or exceeds the amount of the in-lieu fee which would have been applicable to the project under Section 414.8.

(f) The Office of Early Care and Education, or any successor entity has determined that the proposed child-care facility will help meet

the needs identified in the San Francisco Child Care Needs Assessment and will be consistent with the San Francisco Citywide Plan for Early Care and Education and Out of School Time; provided, however, that this Paragraph (f) shall not apply to any office or hotel development project approved by the Planning Commission prior to December 31, 1999.

Upon compliance with the requirements of this Section, the nonprofit organization shall enjoy all of the rights and be subject to all of the obligations of the sponsor, and the sponsor shall have no further rights or obligations under Section 414.1 *et seq.*

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 5-14,[1] File No. 130864, App. 2/7/2014, Eff. 3/9/2014)

AMENDMENT HISTORY

Division (f) amended; Ord. 5-14,[1] Eff. 3/9/2014.

CODIFICATION NOTE

1. The reference in Ord. 5-14 to Sec. "410.10" appears to be a scrivener's error. Accordingly, the codifier has given effect to that ordinance by applying its amendments to this section.

SEC. 414.11. SPONSOR REPORTS TO THE DEPARTMENT.

In the event that a sponsor elects to satisfy its child-care requirement under Section 414.5, 414.6, 414.7, or 414.9 by providing an on-site or near-site child-care facility, the sponsor shall submit a report to the Department in January of each year for the life of the child-care facility. The report shall have attached thereto a copy of the license issued by the California Department of Social Services permitting operation of the child-care facility, and shall state:

(1) The address of the child-care facility;

(2) The name and address of the child-care provider operating the facility;

(3) The size of the center in terms of floor area;

(4) The capacity of the child-care facility in terms of the maximum number of children for which the facility is authorized to care under the license;

(5) The number and ages of children cared for at the facility during the previous year; and

(6) The fees charged parents for use of the facility during the previous year.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 414.12. APPLICATION TO ELIMINATE THE CHILD-CARE FACILITY OR REDUCE THE FLOOR AREA.

In the event that a sponsor elects to satisfy its child-care requirement under Sections 414.5, 414.6, 414.7 or 414.9 by providing an on-site or near-site child-care facility, or under Section 414.10 by agreement with a non-profit organization, the sponsor, or in the case of a facility created pursuant to Section 414.10 the non-profit organization, may apply to the Department to eliminate the facility or to reduce the floor area of the facility in any amount, providing, however, that the gross floor area of a reduced facility is at least 2,000 square feet. The Department shall schedule a public hearing on any such application before the Commission and provide notice pursuant to Section 306.3(a) of this Code at least two months prior to the hearing. The application may be granted only where the sponsor has demonstrated that there is insufficient demand for the amount of floor area then devoted to the on-site or near-site child-care facility. The actual reduction in floor area or elimination of the child-care facility shall not be permitted in any case until six months after the application is granted. Such application may be made only five years or more after the issuance of the first certificate of occupancy for the project. Prior to the reduction in floor area or elimination of the child care facility, the sponsor shall pay an in-lieu fee to the Development Fee Collection Unit at DBI to be computed as follows:

$$\frac{\text{(20 - No. of years since issuance of first construction document or first certificate of occupancy, whichever applies)}}{20} \times \text{Net reduction gross sq. ft. child-care facility} \times \$100 = \text{Total Fee}$$

Upon payment of the fee in full to the Development Fee Collection Unit and upon request of the sponsor, Development Fee Collection Unit shall issue a certification that the fee has been paid. The sponsor shall present such certification to the Director prior to the reduction in the floor area or elimination of the child care facility.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 414.13. AFFORDABILITY REQUIREMENT.

The child care provider operating any child care facility pursuant to Sections 414.5, 414.6, 414.7 or 414.9 shall reserve at least 10 percent of the maximum capacity of the child care facility as determined by the license for the facility issued by the California Department of Social Services to be affordable to children of households of low income. The Department shall adopt rules and regulations to determine the rates to be charged to such households at the same time and following the procedures for the adoption of rules and regulations under Section 414.14.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 414.14. CHILD CARE CAPITAL FUND.

There is hereby established a separate fund set aside for a special purpose called the Child Care Capital Fund ("Fund"). All monies contributed pursuant to the provisions of Section 414.1 *et seq.*, and all other monies from the City's General Fund or from contributions from third parties designated for the fund shall be deposited in the Fund. All monies in the fund shall be used solely to increase and/or improve the supply of child care facilities affordable to households of low and moderate income; except that monies from the fund shall be used by the Director to fund in a timely manner any nexus study required to demonstrate the relationship between commercial development projects and child care demand as described in Section 414.1. The Fund shall be administered by the Director, who shall adopt rules and regulations governing the disposition of the Fund which are consistent with Section 414.1 *et seq.* Such rules and regulations shall be subject to approval by resolution of the Board of Supervisors.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 55-11, File No. 101523, App. 3/23/2011)

SEC. 414.15. DECREASE IN CHILD CARE FORMULAE AFTER STUDY.

If the Commission determines after review of an empirical study that the formulae set forth in Sections 414.5 through 414.9 impose a greater requirement for child care facilities than is necessary to provide child care for the number of employees attracted to office and hotel development projects subject to Section 414.1 *et seq*., the Commission shall, within three years of making such determination, refund that portion of any fee paid or permit a reduction of the space dedicated for child care by a sponsor consistent with the conclusions of such study. The Commission shall adjust any sponsor's requirement and the formulae set forth in Sections 414.5 through 414.9 so that the amount of the exaction is set at the level necessary to provide child care for the employees attracted to office and hotel development projects subject to Section 414.1 *et seq.*

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 55-11, File No. 101523, App. 3/23/2011)

[CHILD CARE REQUIREMENTS FOR RESIDENTIAL PROJECTS]

SEC. 414A. CHILD CARE REQUIREMENTS FOR RESIDENTIAL PROJECTS.

SEC. 414A.1. PURPOSE AND FINDINGS.

(a) **Purpose.** Residential developments in the City are benefitted by the availability of childcare for persons residing in such developments. However, the supply of childcare in the City has not kept pace with the demand for childcare created by new residents. Due to this shortage of childcare, residents unable to find accessible and affordable quality childcare will be forced either to live where such services are available outside of San Francisco or leave the work force, in some cases seeking public assistance to support their children. In either case, there will be a detrimental effect on San Francisco's economy and its quality of life.

The San Francisco General Plan requires that the City "balance housing growth with adequate infrastructure that serves the city's growing population." In light of this provision, the City should impose requirements on developers of certain residential projects designed to mitigate the adverse effects of the increase in population facilitated by such projects.

(b) **Findings.** The Board of Supervisors reviewed the San Francisco Citywide Nexus Analysis ("Nexus Analysis"), and the San Francisco Infrastructure Level of Service Analysis, both on file with the Clerk of the Board of Supervisors in File No. 230764. The Board of Supervisors reaffirms the findings and conclusions of those studies as they relate to the impact of residential development on childcare and hereby readopts the General Findings in Section 401A(a) of the Planning Code and the Specific Findings in Section 401A(b) of the Planning Code relating to childcare.

(Added by Ord. 2-16 , File No. 150793, App. 1/19/2016, Eff. 2/18/2016 ; amended by Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Division (b) amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 414A.2. DEFINITIONS.

See Section 401 of this Article for definitions applicable to Section 414A *et seq*.

(Added by Ord. 2-16 , File No. 150793, App. 1/19/2016, Eff. 2/18/2016)

SEC. 414A.3. APPLICATION OF RESIDENTIAL CHILD CARE IMPACT FEE.

(a) **Application.**

(1) Sections 414A.1 *et seq.* shall apply to any residential development project that results in:

(A) At least one net new dwelling unit;

(B) Additional space in an existing dwelling unit of more than 800 gross square feet;

(C) At least one net new group housing facility or residential care facility; or

(D) Additional space in an existing group housing or residential care facility of more than 800 gross square feet.

(2) Sections 414A.1 *et seq.* shall not apply to

(A) That portion of a residential development project consisting of a retail use;

(B) That portion of a residential development project located on property owned by the United States or any of its agencies;

(C) That portion of a residential development project located on property owned by the State of California or any of its agencies, with the exception of such property not used for a governmental purpose;

(D) That portion of a residential development project located on property under the jurisdiction of the Port of San Francisco or the San Francisco Office of Community Investment and Infrastructure where the application of Sections 414A.1 *et seq.* is prohibited by State or local law; and

(E) Any residential development project that has obtained its First Construction Document prior to the effective date of Sections 414A.1 *et seq.*

(Added by Ord. 2-16 , File No. 150793, App. 1/19/2016, Eff. 2/18/2016; amended by Ord. 7-19, File No. 180917, App. 1/25/2019, Eff. 2/25/2019)

AMENDMENT HISTORY

Divisions (a)(1)-(a)(1)(B), (a)(2), and (a)(2)(D)-(E) amended; Ord. 7-19, Eff. 2/25/2019.

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

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 414A to any development project requiring a First Construction Document and, if Section 414A is applicable, the number of gross square feet of space subject to its requirements, and shall impose these requirements as a condition of approval for issuance of the First Construction Document for the development project to mitigate the impact on the availability of child-care facilities that will be caused by the residents attracted to the proposed development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit at DBI.** After the Department has made its final determination of the net addition of gross square feet of the space subject to Section 414A.1 *et seq.*, it shall immediately notify the Development Fee Collection Unit at the Department of Building Inspection (DBI) of its determination in addition to the other information required by Section 402(b) of this Article.

(c) **Timing of Fee Payments.** The Residential Child Care Impact Fee shall be paid to DBI for deposit into the Child Care Capital Fund at the time required by Section 402(d).

(d) **Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the First Certificate of Occupancy for any development project subject to this Section 414A whether the project sponsor has paid the required Residential Child Care Impact Fee. If the Department notifies the Unit at such time that the sponsor has not paid this fee in full, the Director of DBI shall deny any and all Certificates of Occupancy until the subject project is brought into compliance with the requirements of this Section 414A.

(e) **Process for Revisions of Determination of Requirements.** In the event that the Department or Commission takes action affecting any development project subject to Section 414A, and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by a court, the procedures of Section 402(c) of this Article 4 shall be followed.

(f) **Waiver or Reduction.** Development projects may be eligible for a waiver or reduction of impact fees, per Section 406 of this Article 4, including Section 406(d), in the event a project located in an Area Plan may be assessed a child care fee.

(Added by Ord. 2-16 , File No. 150793, App. 1/19/2016, Eff. 2/18/2016; amended by Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Division (c) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 414A.5. CALCULATION OF THE RESIDENTIAL CHILD CARE IMPACT FEE.

(a) For development projects for which the Residential Child Care Impact Fee is applicable:

(1) Any net addition of gross square feet shall pay per the Fee Schedule in Table 414A.5A; and

(2) Any replacement of gross square feet or change of use shall pay per the Fee Schedule in Table 414A.5B.

TABLE 414A.5A

FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET

Residential projects of 10 or more units	Residential Projects of up to 9 units
$1.83/gsf	$0.91/gsf

TABLE 414A.5B FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE			
	Residential Use to Residential Use	Non-Residential to Residential	PDR to Residential
Residential projects of 10 or more units	$0/gsf	$0.26/gsf	$0.26/gsf
Residential Projects of up to 9 units	$0/gsf	$0.13/gsf	$0.13/gsf

(b) **Credit for On-Site Childcare Facilities.** A project may be eligible for a credit for on-site Childcare Facilities: The project sponsor must apply to the Planning Department to receive a credit for on-site child care facilities. To qualify for a credit, the facility shall be open and available to the general public on the same terms and conditions as to residents of the residential development project in which the facilities are located. Subject to the review and approval of the Planning Commission, the project sponsor may apply for a credit up to 100% of the required fee. The City shall enter into an In-Kind Agreement with the Project Sponsor under the conditions described for In-Kind Agreements in Section 421.3(d), subsections (2) through (5).

(Added by Ord. 2-16 , File No. 150793, App. 1/19/2016, Eff. 2/18/2016)

SEC. 414A.6. OPTION TO PROVIDE SMALL FAMILY CHILD CARE HOME IN LIEU OF FEE.

(a) **Election to Provide Designated Child Care Units in Lieu of Residential Child Care Impact Fee.** Consistent with the timing to elect the option to provide On- or Off-site Units under Section 415.5(g), the sponsor of a development project subject to the requirements of Sections 414A.1 *et seq.*, may elect to fulfill all or a portion of the Residential Child Care Impact Fee requirement by creating one or more Designated Child Care Units in the project, as follows:

(1) The number of Designated Child Care Units in a project subject to this Section 414A shall be as follows:

TABLE 414A.6A

NUMBER OF DESIGNATED CHILD CARE UNITS

Residential Project Size	*Maximum allowable Designated Child Care Units*
25-100 Dwelling Units	1 Unit
101-200 Dwelling Units	2 Units
201 or more Dwelling Units	3 Units

(2) A Designated Child Care Unit shall have two or more bedrooms and shall be 1,000 square feet or more;

(3) A Designated Child Care Unit shall be offered only for rent and only to a tenant who agrees to operate a State-licensed Small Family Child Care Home in the Unit;

(4) A Designated Child Care Unit shall be reserved for a period of at least ten years from the date the Designated Unit is first leased to a tenant for use as a State-licensed Small Family Child Care Home; and

(5) A Designated Child Care Unit may not be an On-site or Off-site Unit, as defined in Planning Code Sections 415 et seq. establishing the Inclusionary Affordable Housing Program.

(b) Calculation of Value of Designated Child Care Unit in Lieu of Residential Child Care Impact Fee. For purposes of determining the value of a Designated Child Care Unit to calculate a waiver of the Child Care Fee, the City shall use the following formula:

Total number of gross square feet of the unit or units designated as Child Care Units * Residential Child Care Impact Fee * 20.

This value shall be deducted from the amount of the Residential Child Care Impact Fee owed.

(c) **Development of Procedures.** Within nine months of the Effective Date of the ordinance in Board File No. 180917 amending this subsection (c), the Office of Early Care and Education, in consultation with the Mayor's Office of Housing and Community Development, will provide program regulations for Designated Child Care Units. The program regulations shall include the eligibility and occupancy requirements, the application process and assignment of the units, and the roles and responsibilities of the agencies in enforcing the program regulations.

(1) The Office of Early Care and Education shall:

(A) develop a set of written procedures, standards, and eligibility requirements for selecting State-licensed Small Family Child Care Home operators for these Designated Child Care Units;

(B) provide outreach and information to the early care and education community about the availability of Designated Child Care Units; and

(C) monitor Designated Child Care Units for program compliance listed in subsection (d) as Responsibilities of Operators of

Small Family Child Care Homes and refer any instances of noncompliance as a child care provider to the Planning Department for enforcement.

(2) MOHCD shall:

(A) publish program regulations on its website and update from time to time; and

(B) screen applicants for income and household eligibility and perform annual income certification consistent with the Inclusionary Affordable Housing Monitoring and Procedures Guidelines as updated from time to time.

(d) **Responsibilities of Operators of Small Family Child Care Homes in Designated Child Care Units.** A tenant of any Designated Child Care Unit shall agree to operate a State-licensed Small Family Child Care Home in the unit for a minimum of ten years as follows:

(1) If, in the determination of the Office of Early Care and Education, the tenant does not begin to operate a State-licensed Small Family Child Care Home in the unit within nine months of occupying the unit, or if the tenant ceases to operate a State-licensed Small Family Child Care Home at any point in time within ten years from the date the Designated Child Care Unit is first leased to a tenant to operate a State-licensed Small Family Child Care Home, all tenants in the Unit shall be required to vacate the unit within 180 days, provided that if a Small Family Child Care Home has operated in the unit for ten years or more, a tenant who operated a Small Family Child Care Home in the unit will not be required to vacate the unit after such 10-year period;

(2) At least one-third of the children served by the Small Family Child Care Home shall be from Households of Low- or Moderate-income, as defined in Section 401; and

(3) The Small Family Child Care Home established in any Designated Child Care Unit shall serve at least four children of whom the operator of the Small Family Child Care Home is not a parent or guardian, based on an average over the previous 12 months.

(e) **Option to Provide Designated Child Care Units in the Ground Floor on Commercial Street Frontages.** On street frontages where ground floor commercial uses are required pursuant to Section 145.4 of this Code, a Designated Child Care Unit may be considered an Active Commercial Use if the unit meets all of the following requirements:

(1) The Dwelling Unit is a Rental Unit, as defined in Planning Code Section 401;

(2) The Designated Child Care Unit shall have two or more bedrooms and shall be 1,000 square feet or more;

(3) If a Designated Child Care Unit is being added to an existing building in the ground floor commercial space, and it is not physically possible to provide two code-complying bedrooms, such Designated Child Care Unit shall have one bedroom and shall be 1,000 square feet or more;

(4) No more than one Designated Child Care Unit shall be permitted in each building;

(5) The Dwelling Unit is eligible to be designated a below market rate unit affordable to moderate-income households, which shall have an affordable rent set at 80% of Area Median Income or less, with households earning from 65% to 90% of Area Median Income eligible to apply for such dwelling unit, but the Dwelling Unit may not be an On-site or Off-site Affordable Housing Unit, as required by Planning Code Sections 415 *et seq.* establishing the Inclusionary Affordable Housing Program;

(6) A State-licensed Small Family Child Care Home is provided in such Dwelling Unit and complies with the applicable requirements set forth in Planning Code Section 414A.6(d) for a Designated Child Care Unit;

(7) If a Designated Child Care Unit no longer provides a State-licensed Small Family Child Care Home in the unit, the owner of the project in which the unit is located shall provide notice to the Mayor's Office of Housing and Community Development (MOHCD) and the Office of Early Care and Education within 30 days. All tenants in the Unit shall be required to vacate the unit within 180 days. The owner of the project in which the Designated Child Care Unit is located shall allow MOHCD, as assisted by the Office of Early Care and Education, to attempt to fill that unit with a Tenant eligible under the Inclusionary Affordable Housing Program who is also an eligible operator of a Small Family Child Care Home. If, in the determination of the Office of Early Care and Education, the tenant fraudulently did not intend to operate a State-licensed Small Family Child Care Home in the unit within nine months of occupying the unit, all tenants in such unit shall be required to vacate the unit within 60 days. MOHCD shall use its best efforts to fill such vacated unit with a Tenant registered with the Office of Early Care and Education and licensed to provide Small Family Child Care Home who also meets the Income restrictions for a Designated Unit; and

(8) The Designated Child Care Unit shall provide a State-licensed Small Family Child Care Home in the Designated Child Care Unit for a minimum of 15 years. In the event one or more tenants has provided such child care in the Designated Child Care Unit for 15 years, the existing tenant who has provided a State-licensed Small Family Child Care Home in the Designated Child Care Unit shall not thereafter be obligated to vacate the unit if such tenant ceases to provide a State-licensed Small Family Child Care Home in the Designated Child Care Unit, and shall be permitted to remain in the Unit until such tenant elects to vacate or fails to comply with the laws applicable to occupancy of the Unit. Upon such vacation, the Unit shall not be designated a below market rate unit, and the owner may rent the Unit at market rate.

(Added by Ord. 2-16 , File No. 150793, App. 1/19/2016, Eff. 2/18/2016, Oper. 7/19/2016 ; amended by Ord. 7-19, File No. 180917, App. 1/25/2019, Eff. 2/25/2019)

AMENDMENT HISTORY

Divisions (a), (a)(3)-(5), and (b) amended; table amended and designated as Table 414A.6A; division (c) amended and redesignated as divisions (c), (c)(1)(C), and (d); new divisions (c)(1)- (c)(1)(B) and (c)(2)(A)-(B) added; former divisions (c)(1)-(3) amended and redesignated as (d)(1)- (d)(3); divisions (e)-(e)(8) added; Ord. 7-19, Eff. 2/25/2019.

SEC. 414A.7. USE OF FEES.

All monies contributed pursuant to the provisions of Section 414A shall be deposited in the Child Care Capital Fund established by Section 414.14 of this Code.

(Added by Ord. 2-16 , File No. 150793, App. 1/19/2016, Eff. 2/18/2016)

SEC. 414A.8. NOTICE OF AVAILABLE DESIGNATED UNITS.

Whenever a Designated Unit becomes available for rent, within 5 business days, the owner of the Unit shall notify governmental and nonprofit entities that can assist in publicizing the availability of the Unit, including, at a minimum, the following entities: the Office of Early Care and Education, the Family Child Care Association of San Francisco, the Children's Council, and Wu Yee Children's Services.

(Added by Ord. 2-16 , File No. 150793, App. 1/19/2016, Eff. 2/18/2016)

[INCLUSIONARY AFFORDABLE HOUSING PROGRAM]

SEC. 415. HOUSING REQUIREMENTS FOR RESIDENTIAL AND LIVE/WORK DEVELOPMENT PROJECTS.

(See Interpretations related to this Section.)

Sections 415.1 through 415.11, hereafter Section 415.1 *et seq*., set forth the requirements and procedures for the Inclusionary Affordable Housing Program ("Program" or "Inclusionary Housing Program").

The Planning Department and MOHCD shall periodically publish a Procedures Manual containing procedures for monitoring and enforcement of the policies and procedures for implementation of this Program. The Procedures Manual must be made available on the Department's web site. The Procedures Manual shall not be amended, except for an annual update of the affordability housing guidelines, which reflect updated income limits, prices, and rents, without approval of the Commission or as otherwise specified herein.

The Procedures Manual in effect at the time of initial purchase or initial rental of an Affordable Unit shall govern the regulation of that unit until it is sold or re-rented unless an owner or current tenant chooses to be governed by all of the more up-to-date provisions of the then-current Procedures Manual. In that case, the owner or tenant must agree to be governed by the totality of the new regulations – an owner or tenant may not pick some provisions from the Procedures Manual in effect at the time of initial purchase or initial rental and some in effect in the then-current Procedures Manual. If the owner or tenant chooses to be governed by the then-current Procedures Manual he or she shall sign an agreement with the City to that effect, and the Department and MOHCD shall apply all of the rules and regulations in the then-current Procedures Manual to the unit.

(Added as Sec. 315 by Ord. 37-02, File No. 001262, App. 4/5/2002; amended by Ord. 101-07, File No. 060529, App. 5/4/2007; Ord. 198-07, File No. 070444, App. 8/10/2007; redesignated and amended by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Second and third undesignated paragraphs amended; Ord. 210-21, Eff. 12/20/2021.

SEC. 415.1. FINDINGS.

Affordable Housing: The findings in former Planning Code Section 315.2 of the Inclusionary Affordable Housing Ordinance are hereby readopted and updated as follows:

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

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

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

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

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

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

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

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

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

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

(c) The California Legislature requires each local government agency to develop a comprehensive long-term general plan establishing policies for future development. As specified in the Government Code (at Sections 65300, 65302(c), and 65583(c)), the plan must (1) "encourage the development of a variety of types of housing for all income levels, including multifamily rental housing"; (2) "[a]ssist in the development of adequate housing to meet the needs of low- and moderate-income households"; and (3) "conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action."

(d) The Board of Supervisors adopted San Francisco's General Plan Housing Element in March 2015, and the California Housing and Community Development Department certified it on May 29, 2015. The Housing Element states that San Francisco's share of the regional housing need for years 2015 through 2022 includes 10,873 housing units for very-low and low-income households and 5,460 units for moderate/middle-income households, and a total production of 28,870 net new units, with almost 60% to be affordable for very-low, low- and moderate/middle-income San Franciscans.

(Added as Sec. 315.2 by Ord. 37-02, File No. 001262, App. 4/5/2002; amended by Ord. 213-06, File No. 051668, App. 8/2/2006; Ord. 219-06, File No. 051685, App. 8/10/2006; Ord. 101-07, File No. 060529, App. 5/4/2007; Ord. 198-07, File No. 070444, App. 8/10/2007; redesignated and amended by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 76-16 , File No. 160255, App. 5/13/2016, Eff. 6/12/2016)

AMENDMENT HISTORY

Former division A.1. redesignated as divisions (a)-(c); new division (d) added; former divisions A.2.-A.14. deleted; Ord. 76-16 , Eff. 6/12/2016.

SEC. 415.2. DEFINITIONS.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 50-22 , approved 3/31/2022, effective 5/1/2022). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

See Section 401 of this Article.

“Ownership Housing Project” shall mean a housing project consisting solely of units that are condominiums, stock cooperatives, community apartments, or detached single-family homes. Ownership Housing Projects include all of the units in a housing development including Affordable Units and Market Rate Housing.

“Rental Housing Project” shall mean a housing project consisting solely of units owned by a single entity and rented to individual tenants. Rental Housing Projects include all of the units in a housing development including Affordable and Market Rate Housing.

(Added as Sec. 315.1 by Ord. 37-02, File No. 001262, App. 4/5/2002; amended by Ord. 219-06, File No. 051685, App. 8/10/2006; Ord. 101-07, File No. 060529, App. 5/4/2007; Ord. 198-07, File No. 070444, App. 8/10/2007; Ord. 298-08, File No. 081153, App. 12/19/2008; redesignated and amended by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 76-16 , File No. 160255, App. 5/13/2016, Eff. 6/12/2016; Ord. 7-17, File No. 161157, App. 1/20/2017, Eff. 2/19/2017; Ord. 158-17, File No. 161351, App. 7/27/2017, Eff. 8/26/2017; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Existing definitions deleted; new definitions added; Ord. 158-17, Eff. 8/26/2017. Existing definitions deleted; new definitions added; Ord. 210-21, Eff. 12/20/2021.

SEC. 415.3. APPLICATION.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 187-23 , approved 9/14/2023, effective 10/15/2023, oper. 11/21/2026). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 201-23 , approved 10/12/2023, effective 11/12/2023, oper. 11/21/2026). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

(a) Notwithstanding any other provision to the contrary in this Code, Section 415.1 *et seq.* shall apply to any housing project that consists of 10 or more units where an individual project or a phased project is to be undertaken and where the total undertaking comprises a project with 10 or more units, even if the development is on separate but adjacent lots. This provision also applies to housing projects that requires Commission approval of replacement housing destroyed by earthquake, fire or natural disaster only where the destroyed housing included units restricted under the Inclusionary Affordable Housing Program or the City's predecessor inclusionary housing policy, condominium conversion requirements, or other affordable housing program.

(b) Except as provided in subsection (3) below, any development project that has submitted a complete Environmental Evaluation

application prior to January 12, 2016 shall comply with the Affordable Housing Fee requirements, the on-site affordable housing requirements or the off-site affordable housing requirements, and all other provisions of Section 415.1 *et seq.*, as applicable, in effect on January 12, 2016. For development projects that have submitted a complete Environmental Evaluation application on or after January 1, 2013, the requirements set forth in Planning Code Sections 415.5, 415.6, and 415.7 shall apply to certain development projects consisting of 25 dwelling units or more during a limited period of time as follows.

(1) If a development project is eligible and elects to provide on-site affordable housing, the development project shall provide the following amounts of on-site affordable housing.

(A) Any development project that has submitted a complete Environmental Evaluation application prior to January 1, 2014 shall provide affordable units in the amount of 13% of the number of units constructed on-site.

(B) Any development project that has submitted a complete Environmental Evaluation application prior to January 1, 2015 shall provide affordable units in the amount of 13.5% of the number of units constructed on-site.

(C) Any development project that has submitted a complete Environmental Evaluation application on or prior to January 12, 2016 shall provide affordable units in the amount of 14.5% of the number of units constructed on-site.

(D) Any development project that submits an Environmental Evaluation application after January 12, 2016, shall comply with the requirements set forth in Planning Code Sections 415.5, 415.6 and 415.7, as applicable.

(E) Notwithstanding the provisions set forth in subsections (b)(1)(A), (B) and (C) of this Section 415.3, if a development project is located in a UMU Zoning District or in the South of Market Youth and Family Zoning District, and is eligible and elects to provide on-site units pursuant to Section 415.5(g), such development project shall comply with the on-site requirements applicable within such Zoning Districts, as they existed on January 12, 2016, plus the following additional amounts of on-site affordable units: (i) if the development project has submitted a complete Environmental Evaluation application prior to January 1, 2014, the Project Sponsor shall provide additional affordable units in the amount of 1% of the number of units constructed on-site; (ii) if the development project has submitted a complete Environmental Evaluation application prior to January 1, 2015, the Project Sponsor shall provide additional affordable units in the amount of 1.5% of the number of units constructed on-site; or (iii) if the development project has submitted a complete Environmental Evaluation application on or prior to January 12, 2016, the Project Sponsor shall provide additional affordable units in the amount of 2% of the number of units constructed on-site.

(F) Any development project that has submitted a complete Environmental Evaluation application on or before January 12, 2016 and seeks to utilize a density bonus under State Law shall use its best efforts to provide on-site affordable units in the amount of 25% of the number of units constructed on-site and shall consult with the Planning Department about how to achieve this amount of inclusionary affordable housing. An applicant seeking a density bonus under the provisions of State Law shall provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, and waivers or reductions of development standards.

(2) If a development project pays the Affordable Housing Fee or elects to provide off-site affordable housing, the development project shall provide the following fee amount or amounts of off-site affordable housing during the limited periods of time set forth below.

(A) Any development project that has submitted a complete Environmental Evaluation application prior to January 1, 2014, shall pay a fee or provide off-site housing in an amount equivalent to 25% of the number of units constructed on-site.

(B) Any development project that has submitted a complete Environmental Evaluation application prior to January 1, 2015, shall pay a fee or provide off-site housing in an amount equivalent to 27.5% of the number of units constructed on-site.

(C) Any development project that has submitted a complete Environmental Evaluation application on or prior to January 12, 2016 shall pay a fee or provide off-site housing in an amount equivalent to 30% of the number of units constructed on-site.

(D) Any development project that submits an Environmental Evaluation application after January 12, 2016 shall comply with the requirements set forth in Sections 415.5, 415.6, and 415.7, as applicable.

(E) Notwithstanding the provisions set forth in subsections (b)(2)(A), (B) and (C) of this Section 415.3, for development projects proposing buildings over 120 feet in height, as measured under the requirements set forth in the Planning Code, except for buildings up to 130 feet in height located both within a special use district and within a height and bulk district that allows a maximum building height of 130 feet, such development projects shall pay a fee or provide off-site housing in an amount equivalent to 30% of the number of units constructed on-site. Any buildings up to 130 feet in height located both within a special use district and within a height and bulk district that allows a maximum building height of 130 feet shall comply with the provisions of subsections (b)(2)(A), (B) and (C) of this Section 415.3 during the limited periods of time set forth therein.

(F) Notwithstanding the provisions set forth in subsections (b)(2)(A), (B) and (C) of this Section 415.3, if a development project is located in a UMU Zoning District or in the South of Market Youth and Family Zoning District, and pays the Affordable Housing Fee or elects to provide off-site affordable housing pursuant to Section 415.5(g), or elects to comply with a Land Dedication Alternative, such development project shall comply with the fee, off-site or land dedication requirements applicable within such Zoning Districts, as they existed on January 12, 2016, plus the following additional amounts for the Affordable Housing Fee or for land dedication or off-site affordable units: (i) if the development project has submitted a complete Environmental Evaluation application prior to January 1, 2014, the Project Sponsor shall pay an additional fee, or provide additional land dedication or off-site affordable units, in an amount equivalent to 5% of the number of units constructed on-site; (ii) if the development project has submitted a complete Environmental Evaluation application prior to January 1, 2015, the Project Sponsor shall pay an additional fee, or provide additional land dedication or off-site affordable units, in an amount equivalent to 7.5% of the number of units constructed on-site; or (iii) if the development project has submitted a complete Environmental Evaluation application on or prior to January 12, 2016, the Project Sponsor shall pay an additional fee, or provide additional land dedication or off-site affordable units, in an amount equivalent to 10% of the number of units constructed

on-site. Notwithstanding the foregoing, a development project shall not pay a fee or provide off-site units in a total amount greater than the equivalent of 30% of the number of units constructed on-site.

(G) Any development project consisting of 25 dwelling units or more that has submitted a complete Environmental Evaluation application on or prior to January 12, 2016, and elects to provide off-site affordable housing, may provide off-site affordable housing by acquiring an existing building to fulfill all or part of the requirements set forth in this Section 415.3 and in Section 415.7 with an equivalent amount of units as specified in this Section 415.3(b)(2), as reviewed and approved by the Mayor's Office of Housing and Community Development and consistent with the parameters of its Small Sites Acquisition and Rehabilitation Program, in conformance with the income limits for the Small Sites Program.

(3) During the limited period of time in which the provisions of Section 415.3(b) apply, the following provisions shall apply:

(A) For any housing development that is located in an area with a specific affordable housing requirement set forth in an Area Plan or a Special Use District, or in any other section of the Code such as Section 419, with the exception of the UMU Zoning District or in the South of Market Youth and Family Zoning District, the higher of the affordable housing requirement set forth in such Area Plan or Special Use District or in Section 415.3(b) shall apply;

(B) Development projects that are within the Central SoMa Special Use District; that are designated as Central SoMa Development Tier A, B, or C, as defined in Section 423.2; and that submitted a complete Environmental Evaluation application prior to January 12, 2016 shall be subject to the affordable housing requirements set forth in Sections 415.5, 415.6, and 415.7 that apply to projects that submitted a complete Environmental Evaluation Application on or after January 13, 2016 and before December 31, 2017; and

(C) Any affordable housing impact fee paid pursuant to an Area Plan or Special Use District shall be counted as part of the calculation of the inclusionary housing requirements contained in Planning Code Sections 415.1 *et seq*. In the Divisadero Street NCT, the provisions of Section 415.3(b) shall not apply to certain sites, as set forth in the Divisadero Street NCT Affordable Housing Fee And Requirements, Planning Code Sections 428.1 *et seq.*

(4) Any development project that constructs on-site or off-site affordable housing units as set forth in subsection (b) of this Section 415.3 shall diligently pursue completion of such units.

(A) In the event the project has not been approved, which shall mean approval following any administrative appeal to the relevant City board, on or before December 7, 2018, the development project shall comply with the inclusionary affordable housing requirements set forth in Sections 415.5, 415.6, and 415.7, as applicable. Such deadline shall be extended in the event of any litigation seeking to invalidate the City's approval of such project, for the duration of the litigation.

(B) In the event the project has been approved on or before December 7, 2018, but the project sponsor does not procure a building permit or site permit for construction of the affordable housing units within 18 months of the project's approval, or by December 7, 2018, whichever is later, the development project shall comply with the inclusionary affordable housing requirements set forth in Section 415.5, 415.6, and 415.7 as applicable. Such deadline shall be extended in the event of any litigation seeking to invalidate the City's approval of such project, for the duration of the litigation. For purposes of this subsection (B), the date of approval shall be the date of any administrative appeal to the relevant City board.

(c) The new inclusionary affordable housing requirements contained in Sections 415.5, 415.6, and 415.7, as well as the provisions contained in Section 415.3(b), shall not apply to (1) any mixed use project that is located in a special use district for which a height limit increase has been approved by the voters prior to January 12, 2016 to satisfy the requirements of Administrative Code Section 61.5.1, or (2) any mixed use project that has entered into a development agreement or other similar binding agreement with the City on or before January 12, 2016, or (3) any housing development project that has procured a final first discretionary development entitlement approval, which shall mean approval following any administrative appeal to the relevant City board, on or before January 12, 2016. The inclusionary housing requirements for these projects shall be those requirements contained in the projects' existing approvals.

(d) Notwithstanding the provisions set forth in Section 415.3(b), or the inclusionary affordable housing requirements contained in Sections 415.5, 415.6, and 415.7, such requirements shall not apply to any project, consisting of 25 dwelling units or more, that has not submitted a complete Environmental Evaluation Application on or before January 12, 2016, if the project is located within the Eastern Neighborhoods Mission Planning Area, the North of Market Residential Special Use District Subarea 1 or Subarea 2, or the SOMA Neighborhood Commercial Transit District, because inclusionary affordable housing levels for those areas will be addressed in forthcoming area plan processes or an equivalent community planning process. Until such planning processes are complete and new inclusionary housing requirements for projects in those areas are adopted, projects consisting of 25 units or more shall (1) pay a fee or provide off-site housing in an amount equivalent to 30% if the Principal Project is a Rental Housing Project, or 33% if the Proposed Project is an Ownership Housing Project, or (2) provide Affordable Units in the amount of 25% of the number of units constructed on-site in a Rental Housing Project, or 27% of the number of units constructed on-site in an Ownership Housing Project. For Rental Housing Projects, 15% of the on-site Affordable Units shall be affordable to low-income households, 5% shall be affordable to moderate-income households and 5% shall be affordable to middle-income households. For Ownership Housing Projects, 15% of the on-site Affordable Units shall be affordable to low-income households, 6% shall be affordable to moderate-income households and 6% shall be affordable to middle-income households.

(e) The City may continue to enter into development agreements or other similar binding agreements for projects that provide inclusionary affordable housing at levels that may be different from the levels set forth in Sections 415.1 *et seq*.

(f)[3] Section 415.1 *et seq.*, the Inclusionary Housing Program, shall not apply to:

(1) That portion of a housing project located on property owned by the United States or any of its agencies or leased by the United States or any of its agencies, for a period in excess of 50 years, with the exception of such property not used exclusively for a

governmental purpose;

(2) That portion of a housing project located on property owned by the State of California or any of its agencies, with the exception of such property not used exclusively for a governmental or educational purpose; or

(3) That portion of a housing project located on property under the jurisdiction of the San Francisco Office of Community Investment and Infrastructure or the Port of San Francisco where the application of Section 415.1 *et seq.* is prohibited by California or local law.

(4) A 100% affordable housing project in which rents are controlled or regulated by any government unit, agency or authority, excepting those unsubsidized and/or unassisted units which are insured by the United States Department of Housing and Urban Development. The Mayor's Office of Housing and Community Development must represent to the Planning Commission or Planning Department that the project meets this requirement.

(A) **Restrictions.** If a project sponsor takes advantage of this Subsection, all of the rules and regulations of the programs or recorded documents guaranteeing the affordability of the units shall govern the units and the requirements of this Program shall not apply.

(B) **Conditions.** In order to qualify for this provision, the project sponsor must record an NSR against the property that provides that, in the event of foreclosure or for any other reason, the project no longer qualifies as a project meeting the requirements of Subsection (4) the project will either:

(i) pay the Affordable Housing Fee plus interest from the date the project received its first construction document for the project if no affordable units were ever provided or, if affordable units were provided and occupied, then the Affordable Housing Fee with no interest is due on the date the units were no longer occupied by qualifying households; or

(ii) provide the required number of on-site affordable units required at time of original project approval and that those units shall be subject to all of the requirements of this Program.

(C) In the event that there is a foreclosure or other event triggering the requirements of Subsection (B) above, the project sponsor shall record a new NSR specifying the manner in which it complies with this Program, including but not limited to any specific units restricted as affordable under (B)(ii). The new NSR shall provide that the units must comply with all of the requirements of this Program.

(5) A Student Housing project that meets all of the following criteria:

(A) The building or space conversion does not result in loss or conversion of existing housing, including but not limited to rental housing and dwelling units;

(B) An institutional master plan (IMP) pursuant to Section 304.5 is on file with the Planning Department prior to the issuance of any building permit or alteration permit in connection with the creation of the Student Housing project, and, in addition to the requirements of Section 304.5, such IMP shall describe:

(i) to the extent such information is available, the type and location of housing used by its students;

(ii) any plans for the provision of Student Housing;

(iii) the Educational Institution's need for student housing to support its program; and

(iv) the percentage of its students, on an average annual basis, that receive some form of need-based assistance.

(C) MOHCD is authorized to monitor the Student Housing program described in this subsection (f)(5)[3] and shall develop a monitoring form. An annual monitoring fee of $792 per building exempted from the Inclusionary Housing Program pursuant to this Section 415.3(f)(5)[3] shall be paid to MOHCD by the owner of the real property or the Post-Secondary Educational Institution or Religious Institutions, as defined in Section 102 of this Code. Beginning with the setting of fees for fiscal year 2018-2019, the Controller shall annually adjust the base monitoring fee amount referenced in this subsection (f)(5)(C)[3] without further action by the Board of Supervisors, to reflect changes in the two-year average Consumer Price Index (CPI) change for the San Francisco/San Jose Primary Metropolitan Area (PMSA). This process shall occur as follows:

(i) No later than April 15 of each year, MOHCD shall submit the current monitoring fee to the Controller, who shall apply the CPI adjustment to produce a new monitoring fee for the fiscal year beginning July 1. No later than May 15 of each year, the Controller shall file a report with the Board of Supervisors reporting the new monitoring fee and certifying that the fees to be collected will produce sufficient revenue to support the costs of providing the services for which the fee is charged and will not produce revenue that exceeds the costs of providing the services for which the fee is paid.

(ii) No later than July 1 of each year, MOHCD will publish on its website the current monitoring fee amount inclusive of the annual adjustment, and also make the fee amount available upon request at MOHCD’s main office.

(D) The owner of the real property and each Post-Secondary Educational Institution or Institutions shall agree to submit annual documentation to MOHCD and the Planning Department, along with the annual monitoring fee, on or before December 31 of each year, which addresses the following:

(i) Evidence that the Post- Secondary Educational Institution continues to own or otherwise control the Student Housing project under a master lease or other contractual agreement with at least a two-year term, including a certificate from the owner of the real property and the Post-Secondary Educational Institution attaching a true and complete copy of the master lease or other contractual agreement (financial information may be redacted to the extent permitted by law) and certifying that the lease or contract has not

otherwise been amended or terminated; and

(ii) Evidence, on an average annualized basis, of the percentage of students in good standing enrolled at least half-time or more in the Post-Secondary Educational Institution or Institutions who are occupying the beds or accessory living space in the Student Housing project; and

(iii) The owner of the real property records a Notice of Special Restrictions (NSR) against fee title to the real property on which the Student Housing is located that states the following:

a. The Post-Secondary Educational Institution, or the owner of the real property on its behalf, must file a statement with the Department if it intends to terminate the Student Housing project at least 60 days before it terminates such use ("statement of termination");

b. The Student Housing project becomes subject to the Inclusionary Housing Ordinance requirements applicable to Housing Projects other than Qualified Housing Projects if (1) a Post-Secondary Educational Institution files a statement of termination with the Department and another Post-Secondary Educational Institution or Institutions have not been substituted or obligated to meet the requirements of this subsection (f)(5)[3] ; or (2) the owner of the real property or the Post-Secondary Educational Institution fails to file a statement of termination and fails to meet the requirements for a Student Housing project, then within not more than one year of a Notice Of Violation issued by the Planning Department;

c. If units in a Student Housing project become subject to the Inclusionary Housing Ordinance then the owner of those units shall (1) pay the Affordable Housing Fee plus interest from the date the project received its first construction document for the project if there is no evidence the project ever qualified as Student Housing or, if Student Housing was provided and occupied, then the Affordable Housing Fee with no interest is due on the date the units were no longer occupied by qualifying households and interest would accrue from that date if the fee is not paid; or (2) provide the required number of on-site affordable units required at time of original project approval and that those units shall be subject to all of the requirements of this Program. In this event, the owner of the real property shall record a new NSR providing that the designated units must comply with all of the requirements of this Program.

d. The Post-Secondary Educational Institution is required to report annually as required in subsection (f)(5)(D)[3] above;

e. The City may commence legal action against the owner and/or Post- Secondary Educational Institution to enforce the NSR and the terms of Article 4 of the Planning Code and Planning Code Section 415 *et seq.* if it determines that the project no longer meets the requirements for a Student Housing project; and

f. The Student Housing project may be inspected by any duly authorized City employee to determine its status as a Student Housing project and its com-pliance with the requirements of this Code at any time upon at least 24 hours' prior notice to the owner of the real property or to the master lessee.

(Added as Sec. 315.3 by Ord. 37-02, File No. 001262, App. 4/5/2002; amended by Ord. 76-03, File No. 020592, App. 5/2/2003; Ord. 213-06, File No. 051668, App. 8/2/2006; Ord. 219-06, File No. 051685, App. 8/10/2006; Ord. 101-07, File No. 060529, App. 5/4/2007; Ord. 198-07, File No. 070444, App. 8/10/2007; Ord. 298-08, File No. 081153, App. 12/19/2008; redesignated and amended by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 321-10, File No. 101095, App. 12/21/2010; Ord. 188-12 , File No. 111374, App. 9/11/2012, Eff. 10/11/2012; Ord. 219-12 , File No. 120464, App. 10/23/2012, Eff. 11/22/2012, Oper. 1/15/2013; Ord. 62-13 , File No. 121162, App. 4/10/2013, Eff. 5/10/2013; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 76-16 , File No. 160255, App. 5/13/2016, Eff. 6/12/2016; Ord. 245-16, File No. 160510, App. 12/16/2016, Eff. 1/15/2017; Ord. 158-17, File No. 161351, App. 7/27/2017, Eff. 8/26/2017; Ord. 167-17, File No. 170093, App. 7/27/2017, Eff. 8/26/2017; Ord. 208-17, File No. 170834, App. 11/3/2017, Eff. 12/3/2017; Ord. 26-18, File No. 171193, App. 2/23/2018, Eff. 3/26/2018; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 290-18, File No. 180911, App. 12/7/2018, Eff. 1/7/2019; Ord. 295-18, File No. 151258, App. 12/7/2018, Eff. 1/7/2019; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

[Former] division (c)(5) amended; Ord. 188-12 , Eff. 10/11/2012. Division (a) and [former] Table 415.3 amended; Ord. 219-12 , Oper. 1/15/2013. Division (a) and [former] Table 415.3 amended; former divisions (c)(4) through (c)(4)(A)(i) deleted; former divisions (c)(4)(A)(ii) and (c)(4)(B) through (c)(4)(D) redesignated as [now former] (c)(4) and (c)(4)(A) through (c)(4)(C); [former] division (e) added; Ord. 62-13 , Eff. 5/10/2013. Divisions (a)(3) and [former] (c)(5)(C) amended; Ord. 22-15, Eff. 3/22/2015. Division (a) amended; Ord. 188-15 , Eff. 12/4/2015. Division (b) amended in its entirety and former Table 415.3 deleted; new divisions (c) and (d) added; former division (c) redesignated as (f)[1] ; current divisions (f)(3) and (f)(4) amended; former divisions (d) and (e) deleted; Ord. 76-16 , Eff. 6/12/2016. Division (f)(5)(B)(iv) amended; division (f)(5)(C) amended in full; unlettered paragraphs designated as (f)(5)(C)(iii)a. through f.; Ord. 245-16, Eff. 1/15/2017.[2] Divisions (b), (b)(1)(E), (b)(1)(F), (b)(2)(E), and (b)(2)(F) amended; new division (d) added; former division (d) redesignated as (e); divisions (f)(5)(C) and (f)(5)(C)(iii)d. amended; Ord. 158-17 , Eff. 8/26/2017. Divisions (f)[3] and (f)(5)(B)(ii) amended; former divisions (f)(5)(C)-(f)(5)(C)(iii)f. redesignated[3] as (f)(5)(C) and (f)(5)(D)- (f)(5)(D)(iii)f. and amended; new divisions (f)(5)(C)(i) and (ii) added[3] ; Ord. 167-17 , Eff. 8/26/2017. Divisions (b)(1), (b)(2), (b)(2)(F), and (d) amended; Ord. 208-17 , Eff. 12/3/2017. Divisions (b)(2), (b)(2)(F), and (b)(2)(G) amended; Ord. 26-18 , Eff. 3/26/2018. Division (f)(5)(D)(iii)f. amended; Ord. 202-18 , Eff. 9/10/2018. Division (b)(4) redesignated as (b)(4) and (b)(4)(A) and amended; division (b)(4)(B) added; Ord. 290-18 , Eff. 1/7/2019. Division (b)(3) amended; Ord. 295-18 , Eff. 1/7/2019. Division (b)(3) amended; Ord. 295-18, Eff. 1/7/2019. Division (b) amended; division (b)(3) amended and redesignated as divisions (b)(3), (b)(3)(A), and (b)(3)(C); division (b)(3)(B) added; Ord. 296-18 , Eff. 1/12/2019. Divisions (b)(2)(F), (d), and (f)(5)(C) amended; Ord. 210-21 , Eff. 12/20/2021.

CODIFICATION NOTES

1. So in Ord. 76-16. After the amendments of that ordinance, this section did not include a division designated (e).

2. Ord. 245-16, in amending portions of division (f), erroneously refers to it as division (c). The amendments have been made to division (f) as intended.

3. Division (f) was redesignated as division (e) by Ord. 167-17, but Ord. 158-17 had already established a different division (e). Thus, this division has been editorially designated as division (f).

SEC. 415.4. IMPOSITION OF REQUIREMENTS.

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 415.1 *et seq.* to any development project requiring a first construction document and, if Section 415.1 is applicable, shall impose any such requirements as a condition of approval for issuance of the first construction document. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Notice to Development Fee Collection Unit of Requirements.** After the Department has made its final determination regarding the application of the affordable housing requirements to a development project pursuant to Section 415.1 *et seq.*, it shall immediately notify the Development Fee Collection Unit at DBI in addition to the other information required by Section 402(b) of this Article.

(c) **Payment of Affordable Housing Fee or Project Sponsor's Selection of Alternative.** Prior to issuance of first construction document for a development project subject to the requirements of Section 415.1 *et seq.*, the sponsor of the development project shall pay the Affordable Housing Fee set forth in Section 415.5 or shall select one of the options listed in Section 415.5(f).

(d) **Department Notice to Development Fee Collection Unit of Sponsor's Choice.** After the sponsor has filled out a Declaration of Intent and, if necessary, an Affidavit of Eligibility for an Alternative to the Affordable Housing Fee indicating how it will fulfill the affordable housing requirements of Section 415.1 *et seq.*, the Department shall immediately notify the Development Fee Collection Unit at DBI of the sponsor's choice.

(e) **Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first Certificate of Occupancy for any development project subject to Section 415.1 *et seq.* that has elected to fulfill all or part of its requirement with an option other than payment of the Affordable Housing Fee. If the Department notifies the Unit at such time that the sponsor has not satisfied the requirements, the Director of DBI shall deny and all Certificates of Occupancy until the subject project is brought into compliance with the requirements of Section 415.1 *et seq*.

(f) **Process for Revisions of Determination of Program Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Section 415.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) shall be followed.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 26-18, File No. 171193, App. 2/23/2018, Eff. 3/26/2018)

AMENDMENT HISTORY

Division (c) amended; Ord. 26-18, Eff. 3/26/2018.

SEC. 415.5. AFFORDABLE HOUSING FEE.

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 187-23 , approved 9/14/2023, effective 10/15/2023, oper. 11/21/2026). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 201-23 , approved 10/12/2023, effective 11/12/2023, oper. 11/21/2026). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

The fees set forth in this Section 415.5 will be reviewed when the City completes an Economic Feasibility Study. Except as provided in Section 415.5(g), all development projects subject to this Program shall be required to pay an Affordable Housing Fee subject to the following requirements:

(a) **Timing of Fee Payments.** The fee shall be paid to DBI for deposit into the Citywide Affordable Housing Fund at the time required by Section 402(d).

(b) **Amount of Fee.** The amount of the fee that may be paid by the project sponsor subject to this Program shall be determined by MOHCD utilizing the following factors:

(1) The number of units equivalent to the applicable off-site percentage of the number of units in the Principal Project.

(A) For housing development projects consisting of 10 units or more, but less than 25 units, the applicable percentage shall be 20%.

(B) For development projects consisting of 25 units or more, the applicable percentage shall be 33% if such units are Owned Units.

(C) For development projects consisting of 25 units or more, the applicable percentage shall be 30% if the development project is a Rental Housing Project. In the event a Rental Housing Project becomes an Ownership Housing Project, the Project Sponsor shall either (A) reimburse the City the proportional amount of the Inclusionary Affordable Housing Fee, which would be equivalent to the current Inclusionary Affordable Housing Fee requirement for Ownership Housing Projects, or (B) provide additional on-site or off-site Affordable Units equivalent to the current inclusionary requirements for Ownership Housing Units, apportioned among the required number of units at various income levels in compliance with the requirements in effect at the time of conversion. Any additional Affordable Units provided on-site or off-site shall comply with Section 415 and the Procedures Manual.

(2) The affordability gap, using data on MOHCD's cost of construction of affordable residential housing. No later than January 31, 2018, the Controller, with the support of consultants as necessary, and in consultation with the Inclusionary Housing Technical Advisory Committee (TAC) established in Planning Code Section 415.10, shall conduct a study to develop an appropriate methodology for calculating, indexing, and applying the appropriate amount of the Inclusionary Affordable Housing Fee. To support the Controller's study, and annually thereafter, MOHCD shall provide the following documentation: (1) schedules of sources and uses of funds and independent auditor's reports ("Cost Certifications") for all MOHCD-funded developments completed within three years of the date of reporting to the Controller; and, (2) for any MOHCD-funded development that commenced construction within three years of the reporting date to the Controller but for which no Cost Certification is yet complete, the sources and uses of funds approved by MOHCD and the construction lender as of the date of the development's construction loan closing. Cost Certifications completed in years prior to the year of reporting to the Controller may be increased or decreased by the applicable annual Construction Cost Index percentage(s) for residential construction for San Francisco reported in the Engineering News Record. MOHCD, together with the Controller and TAC, shall evaluate the cost-to-construct data, including actual and appraised land costs, state and/or federal public subsidies available to MOHCD-funded projects, and determine MOHCD's average costs. Following completion of this study, the Board of Supervisors, in its sole and absolute discretion, and within the legal allowances of the Residential Nexus Analysis, will review the analyses, methodology, fee application, and the proposed fee schedule; and may consider adopting legislation to revise the Inclusionary Affordable Housing fees. The method of calculating, indexing, and applying the fee shall be published in the Procedures Manual. The Department and MOHCD shall update the fee methodology and technical report every three years, with analysis from the Technical Advisory Committee, in order to ensure that the affordability gap remains current, consistent with the requirements set forth below in Section 415.5(b)(3) and Section 415.10.

(3) **Annual Fee Update.** For all housing developments, no later than January 1 of each year, MOHCD shall adjust the fee based on the cost of constructing affordable housing, including development and land acquisition costs. MOHCD shall provide the Planning Department, DBI, and the Controller with current information on the adjustment to the fee so that it can be included in the Planning Department's and DBI's website notice of the fee adjustments and the Controller's Citywide Development Fee and Development Impact Requirements Report described in Section 409(a). The method of indexing shall be published in the Procedures Manual.

(4) **Specific Geographic Areas.** For any housing development that is located in an area with a specific affordable housing requirement set forth in a Special Use District, or in any other section of the Code such as Section 419, the higher affordable housing requirement shall apply.

(5) The applicable amount of the inclusionary housing fee shall be determined based upon the date that the project sponsor has submitted a complete Environmental Evaluation application. In the event the project sponsor does not procure a building permit or site permit for construction of the principal project within 30 months of the project's approval, the development project shall comply with the inclusionary affordable housing requirements applicable thereafter at the time when the project sponsor does proceed with pursuing a building permit. Such time period shall be extended in the event of any litigation seeking to invalidate the City's approval of such project, for the duration of the litigation.

(6) The fee shall be imposed on any additional units or square footage authorized and developed under California Government Code Sections 65915 *et seq.*

(7) If the principal project has resulted in demolition, conversion, or removal of affordable housing units that are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low- or very low-income, or housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power and determined to be affordable housing, the Commission or the Department shall require that the project sponsor pay the Inclusionary Affordable Housing Fee equivalent for the number of affordable units removed, in addition to compliance with the inclusionary requirements set forth in this Section.

(c) **Notice to Development Fee Collection Unit of Amount Owed.** Prior to issuance of the first construction document for a development project subject to Section 415.5, the Planning Department shall notify the Development Fee Collection Unit at DBI electronically or in writing of its calculation of the amount of the fee owed.

(d) **Lien Proceedings.** If, for any reason, the Affordable Housing Fee imposed pursuant to Section 415.5 remains unpaid following issuance of the first Certificate of Occupancy, the Development Fee Collection Unit at DBI shall institute lien proceedings to make the entire unpaid balance of the fee, plus interest and any deferral surcharge, a lien against all parcels used for the development project in accordance with Section 408 of this Article and Section 107A.13.15 of the San Francisco Building Code.

(e) If a housing project is located in an Area Plan with an additional or specific affordable housing requirements such as those set forth in a special use district or Sections 416, 417, and 419 or elsewhere in this code, the higher housing requirement shall apply.

(f) **Use of Fees.** All monies contributed pursuant to the Inclusionary Affordable Housing Program shall be deposited in the Citywide Affordable Housing Fund ("Fund"), established in Administrative Code Section 10.100-49, except as specified below. MOHCD shall use the funds collected under this Section 415.5 in the following manner:

(1) Except as provided in subsection (2) below, the funds collected under this Section shall be used to:

(A) increase the supply of housing Affordable to Qualifying Households subject to the conditions of this Section; and

(B) provide assistance to low- and moderate-income homebuyers; and

(C) pay the expenses of MOHCD in connection with monitoring and administering compliance with the requirements of the Program. MOHCD is authorized to use funds in an amount not to exceed $200,000 every 5 years to conduct follow-up studies under Section 415.9(e) and to update the affordable housing fee amounts as described above in Section 415.5(b). All other monitoring and administrative expenses shall be appropriated through the annual budget process or supplemental appropriation for MOHCD.

(D) Funds from this fee collected from projects within the Central SoMa Special Use District shall be accounted for separately and expended only within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

(2) **"Small Sites Funds."**

(A) **Designation of Funds.** MOHCD shall designate and separately account for 10% of all fees that it receives under Section 415.1 *et seq.* that are deposited into the Fund, excluding fees that are geographically targeted such as those referred to in Sections 249.78(e)(1), 415.5(b)(1), and 827(b)(1), to support acquisition and rehabilitation of Small Sites ("Small Sites Funds"). When the total amount of fees paid to the City under Section 415.1 *et seq.* totals is[1] less than $10 million over the preceding 12-month period, MOHCD is authorized to temporarily divert funds from the Small Sites Funds for other purposes. MOHCD shall keep track of the diverted funds, however, such that when the amount of fees paid to the City under Section 415.1 *et seq.* meets or exceeds $10 million over the preceding 12-month period, MOHCD shall commit all of the previously diverted funds and 10% of any new funds to the Small Sites Funds.

(B) **Use of Small Sites Funds.** The funds shall be used exclusively to acquire or rehabilitate "Small Sites" defined as properties consisting of 2-25 units. Units supported by monies from the fund shall be designated as housing affordable to qualified households for the life of the project. Properties supported by the Small Sites Funds must be:

(i) rental properties that will be maintained as rental properties;

(ii) vacant properties that were formerly rental properties as long as those properties have been vacant for a minimum of two years prior to the effective date of this legislation;

(iii) properties that have been the subject of foreclosure; or

(iv) a Limited Equity Housing Cooperative as defined in Subdivision Code Sections 1399.1 *et seq.* or a property owned or leased by a non-profit entity modeled as a Community Land Trust.

(C) **Initial Funds.** If, within 18 months from April 23, 2009, MOHCD dedicates an initial one-time contribution of other eligible funds to be used initially as Small Sites Funds, MOHCD may use the equivalent amount of Small Sites Funds received from fees for other purposes permitted by the Citywide Affordable Housing Fund until the amount of the initial one-time contribution is reached.

(D) **Annual Report.** At the end of each fiscal year, MOHCD shall issue a report to the Board of Supervisors regarding the amount of Small Sites Funds received from fees under this legislation, and a report of how those funds were used.

(E) **Intent.** In establishing guidelines for Small Sites Funds, the Board of Supervisors does not intend to preclude MOHCD from expending other eligible sources of funding on Small Sites as described in this Section 415.5.

(3) For all projects funded by the Citywide Affordable Housing Fund, MOHCD requires the project sponsor or its successor in interest to give preference as provided in Administrative Code Chapter 47.

(4) Pursuant to Section 249.78(e)(1), all monies contributed pursuant to the Inclusionary Affordable Housing Program and collected within the Central SoMa Special Use District shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for. Such funds shall be expended within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

(g) **Alternatives to Payment of Affordable Housing Fee.**

(1) **Eligibility:** A project sponsor must pay the Affordable Housing Fee unless it chooses to meet the requirements of the Program though an Alternative provided in this subsection (g). The project sponsor may choose one of the following Alternatives:

(A) **Alternative #1: On-Site Units.** Project sponsors may elect to construct units Affordable to Qualifying Households on-site of the Principal Project pursuant to the requirements of Section 415.6.

(B) **Alternative #2: Off-Site Units.** Project sponsors may elect to construct units Affordable to Qualifying Households at an alternative site within the City and County of San Francisco pursuant to the requirements of Section 415.7.

(C) **Alternative #3: Small Sites.** Qualifying project sponsors may elect to fund buildings as set forth in Section 415.7-1.

(D) **Alternative #4: Combination.** Project sponsors may elect any combination of payment of the Affordable Housing Fee as provided in Section 415.5, construction of on-site units as provided in Section 415.6, or construction of off-site units as provided in Section 415.7, provided that the project applicant constructs or pays the fee at the appropriate percentage or fee level required for that option. Development Projects that are providing on-site units under Section 415.6 and that qualify for and receive additional density under California Government Code Sections 65915 *et seq.* shall use Alternative #4 to pay the Affordable Housing Fee on any additional units or square footage authorized under Section 65915.

(2) A project sponsor who elects to satisfy Section 415.1 *et seq* [2] through one of the alternatives described in Section 415.5(g)(1), must provide written notice of their election 30 days prior to project approval by the Planning Commission or Department, as applicable. The Planning Commission or the Department may not require a project sponsor to select a specific Alternative. The Alternative will be a condition of project approval and recorded against the property in a Notice of Special Restrictions.

(3) **Modification of Elected Alternative.** Except as specified below, after project approval, any proposed change in the alternative elected by a project sponsor under Section 415.5(g)(1), or any proposed change from an Ownership Project to a Rental Project, or from a Rental Project to an Ownership Project, shall require public notice for a hearing and approval from the Planning Commission to amend the conditions of approval. Public notice shall be as required by the original entitlement.

(4) Notwithstanding subsection (g)(3), if such modification is requested prior to issuance of a first construction document, the Zoning Administrator or the Zoning Administrator's designee may modify conditions of approval to allow a project that had elected to pay the Affordable Housing Fee to change from an Ownership Project to a Rental Project or a Rental Project to an Ownership Project, or to allow a project that had elected to pay the Affordable Housing Fee to provide on-site units under Section 415.6.

(5) If a project sponsor requests a modification to its conditions of approval for the sole purpose of complying with this Section 415.5(g)(3), the Planning Commission shall be limited to considering issues related to Section 415 *et seq.* in considering the request for modification. The Planning Commission shall approve such modification if it finds all of the following:

(A) The project sponsor complied with the applicable requirements for modification set forth in the Procedures Manual including protections for current occupants, if any, of Rental Units or Owned Units;

(B) The modification will not result in a delay in marketing any On-Site Units at the same time as the market-rate housing in the project;

(C) If a Rental Housing Project was granted a density bonus pursuant to Section 206, the change from a Rental Housing Project to an Ownership Housing Project provides On-Site Units in an amount such that the Ownership Housing Project qualifies for the same density bonus, waivers, and/or incentives and concessions that were granted to the Rental Housing Project;

(D) If a Rental Housing Project is converting to an Ownership Housing Project, the amount of Affordable Housing Fee or number of On-Site Units complies with Section 415.6(a)(7);

(E) For projects that chose to provide On-site or Off-site units and seek a modification of the conditions of approval to pay the Affordable Housing Fee prior to the issuance of the first construction permit, the project sponsor shall pay the Affordable Housing Fee equivalent to the loss of On-site or Off-site Affordable Housing units that were approved in the original conditions of approval; and

(F) For projects that chose to provide On-site or Off-site units and seek a modification of the conditions of approval to pay the Affordable Housing Fee after the issuance of the first construction document, the project sponsor or its successor shall pay the Affordable Housing Fee equivalent to the loss of On-site or Off-site Affordable Housing units that were approved in the original conditions of approval, plus interest and any applicable penalties provided for under this Code.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 62-13, File No. 121162, App. 4/10/2013, Eff. 5/10/2013; Ord. 263-13, File No. 130549, App. 11/27/2013, Eff. 12/27/2013; Ord. 277-13, File No. 130968, App. 12/18/2013, Eff. 1/17/2014; Ord. 50-15, File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 143-15, File No. 150568, App. 8/6/2015, Eff. 9/5/2015; Ord. 204-15, File No. 150622, App. 12/3/2015, Eff. 1/2/2016; Ord. 76-16, File No. 160255, App. 5/13/2016, Eff. 6/12/2016; Ord. 7-17, File No. 161157, App. 1/20/2017, Eff. 2/19/2017; Ord. 158-17, File No. 161351, App. 7/27/2017, Eff. 8/26/2017; Ord. 26-18, File No. 171193, App. 2/23/2018, Eff. 3/26/2018; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 70-19, File No. 181154, App. 4/19/2019, Eff. 5/20/2019; Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 47-21, File No. 201175, App. 4/16/2021, Eff. 5/17/2021; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Division (b)(1) amended; Ord. 56-13, Eff. 4/27/2013. Divisions (b)(1), (b)(2), (b)(3), (e), (g)(2)(i), and (g)(2)(ii) amended; former division (g)(2)(iii) deleted; division (g)(3) amended; Ord. 62-13, Eff. 5/10/2013. Division (b)(3) amended; Ord. 263-13, Eff. 12/27/2013. Division (f) amended and references to "MOHCD" corrected throughout; former divisions (f)(1)(a)-(c) redesignated as (f)(1)(A)-(C); division (f)(3) added; Ord. 277-13, Eff. 1/17/2014. Division (a) amended; Ord. 50-15, Eff. 5/24/2015. Divisions (f), (f)(1), and (f)(2)(A) amended; Ord. 143-15, Eff. 9/5/2015. Divisions (f)(2)(C) and (f)(3) amended; Ord. 204-15, Eff. 1/2/2016. Undesignated introductory paragraph and divisions (a) and (b)(1)-(3) amended; new division (b)(4) added; divisions (f)(2)(B) and (f)(2)(E) amended; Ord. 76-16, Eff. 6/12/2016. Divisions (f), (f)(2)(A), (f)(2)(E), and (g)(1) amended; new division (g)(1)(C) added; former division (g)(1)(C) redesignated as (g)(1)(D); Ord. 7-17, Eff. 2/19/2017. Divisions (b)-(b)(4) amended; divisions (b)(1)(A)-(C) designated; divisions (b)(5)- (7) added; divisions (c), (e), (f)(1)(B), (f)(2)(A), (f)(2)(B), (g)(1)(D), (g)(2), (g)(2)(ii), (g)(3), and (g)(4) amended; Ord. 158-17, Eff. 8/26/2017. Division (g)(1) amended; former division (g)(2) deleted; former divisions (g)(3)-(4) redesignated as (g)(2)- (3) and amended; Ord. 26-18, Eff. 3/26/2018. Divisions (f) and (f)(2)(A) amended; division (f)(4) added; Ord. 296-18, Eff. 1/12/2019. Divisions (b)(6) and (g)(1)(D) amended; Ord. 70-19, Eff. 5/20/2019. Divisions (f), (f)(2)(A), and (f)(2)(E) amended; Ord. 251-19, Eff. 12/16/2019. Division (a) amended; Ord. 63-20, Eff. 5/25/2020. Division (f)(1)(D) added; Ord. 47-21, Eff. 5/17/2021. Divisions (b)(1)-(b)(1)(C), (f)(1)(A), (g)(1)(A)-(B), (g)(2) amended; former division (g)(3) deleted; divisions (g)(3)- (g)(5)(F) added; Ord. 210-21, Eff. 12/20/2021.

CODIFICATION NOTES

1. So in Ord. 251-19.
2. So in Ord. 210-21.

SEC. 415.6. ON-SITE AFFORDABLE HOUSING ALTERNATIVE.

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 187-23, approved 9/14/2023, effective 10/15/2023, oper. 11/21/2026). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 201-23, approved 10/12/2023, effective 11/12/2023, oper. 11/21/2026). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

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

requirements:

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

(1) For housing development projects consisting of 10 dwelling units or more, but less than 25 dwelling units, the number of affordable units constructed on-site shall generally be 12% of all units constructed on the project site. The affordable units shall all be affordable to low-income households. Owned Units shall be affordable to households earning up to 100% of Area Median Income, with an affordable sales price set at 80% of Area Median Income or less. Rental Units shall be affordable to households earning up to 65% of Area Median Income, with an affordable rent set at 55% of Area Median Income or less.

(2) For any Ownership Housing Project consisting of 25 or more units, the number of Affordable Units constructed on-site shall generally be 20% of all units constructed on the project site. A minimum of 10% of the units shall be affordable to low-income households, 5% of the units shall be affordable to moderate-income households, and 5% of the units shall be affordable to middle-income households. In no case shall the total number of Affordable Units required exceed the number required as determined by the application of the applicable on-site requirement rate to the total project units. Owned Units for low-income households shall have an affordable purchase price set at 80% of Area Median Income or less, with households earning up to 100% of Area Median Income eligible to apply for low-income units. Owned Units for moderate-income households shall have an affordable purchase price set at 105% of Area Median Income or less, with households earning from 95% to 120% of Area Median Income eligible to apply for moderate-income units. Owned Units for middle-income households shall have an affordable purchase price set at 130% of Area Median Income or less, with households earning from 120% to 150% of Area Median Income eligible to apply for middle-income units. For any Affordable Units with purchase prices set at 130% of Area Median Income, the units shall have a minimum occupancy of two persons. This unit requirement shall be outlined within the Mayor's Office of Housing Preferences and Lottery Procedures Manual no later than February 26, 2018. MOHCD may reduce Area Median Income pricing and the minimum income required for eligibility in each ownership category.

(3) For any Rental Housing Project consisting of 25 or more units, the number of Affordable Units constructed on-site shall generally be 18% of all units constructed on the project site, with a minimum of 10% of the units affordable to low-income households, 4% of the units affordable to moderate-income households, and 4% of the units affordable to middle-income households. In no case shall the total number of Affordable Units required exceed the number required as determined by the application of the applicable on-site requirement rate to the total project units. Rental Units for low-income households shall have an affordable rent set at 55% of Area Median Income or less, with households earning up to 65% of Area Median Income eligible to apply for low-income units. Rental Units for moderate-income households shall have an affordable rent set at 80% of Area Median Income or less, with households earning from 65% to 90% of Area Median Income eligible to apply for moderate-income units. Rental Units for middle-income households shall have an affordable rent set at 110% of Area Median Income or less, with households earning from 90% to 130% of Area Median Income eligible to apply for middle-income units. For any Affordable Units with rental rates set at 110% of Area Median Income, the units shall have a minimum occupancy of two persons. This unit requirement shall be outlined within the Mayor's Office of Housing Preferences and Lottery Procedures Manual no later than February 26, 2018. MOHCD may reduce Area Median Income pricing and the minimum income required for eligibility in each rental category.

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

(5) Starting on January 1, 2018, and no later than January 1 of each year thereafter, MOHCD shall increase the percentage of units required on-site for projects consisting of 10 - 24 units, as set forth in Section 415.6(a)(1), by increments of 0.5% each year, until such requirement is 15%. For all development projects with 25 or more units, the required on-site affordable ownership housing to satisfy this Section 415.6 shall increase by 1% annually for two consecutive years starting January 1, 2018. The increase shall be apportioned to units affordable to low-income households, as defined above in subsection 415.6(a)(3). Starting January 1, 2020, the increase to on-site housing developments with 25 or more units shall increase by 0.5% annually, with such increases allocated equally to moderate and middle income households, as defined above in subsection 415.6(a)(3). The total on-site inclusionary affordable housing requirement shall not exceed 26% for Ownership Housing Projects or 24% for Rental Housing Projects, and the increases shall cease at such time as these limits are reached. MOHCD shall provide the Planning Department, DBI, and the Controller with information on the adjustment to the on-site percentage so that it can be included in the Planning Department's and DBI's website notice of the fee adjustments and the Controller's Citywide Development Fee and Development Impact Requirements Report described in Section 409(a).

(6) The Department shall require as a condition of Department approval of a project's building permit, or as a condition of approval of a Conditional Use Authorization or Planned Unit Development or as a condition of Department approval of a live/work project, that 12%, 18%, or 20%, as applicable, or such percentage that has been adjusted annually by MOHCD, of all units constructed on the project site shall be Affordable to Qualifying Households so that a project sponsor must construct .12, .18, or .20 times, or such current number as adjusted annually by MOHCD, as applicable, the total number of units produced in the Principal Project. If the total number of units is not a whole number, the project sponsor shall round up to the nearest whole number for any portion of .5 or above. In no case shall the total number of Affordable Units required exceed the number required as determined by the application of the applicable on-site requirement rate to the total project units.

(7) A project seeking to convert from a Rental Housing Project to an Ownership Housing Project, or from an Ownership Housing Project to a Rental Housing Project, shall require public notice for a hearing and approval from the Planning Commission to amend the conditions of approval for the Principal Project.

(8) In the event that a Rental Housing Project converts to an Ownership Housing Project, the project sponsor shall either (A)

reimburse the City the proportional amount of the inclusionary affordable housing fee, which would be equivalent to the then-current inclusionary affordable fee requirement for Ownership Housing Projects, or (B) provide additional on-site or off-site Affordable Units equivalent to the then-current inclusionary requirements for Ownership Housing Projects, apportioned among the required number of units at various income levels in compliance with the requirements in effect at the time of conversion.

(9) Notwithstanding subsection 415.6(a)(10) below, Affordable Units in Rental Housing Projects shall be Rental Units, and Affordable Units in Ownership Housing Projects shall be Owned Units. In the event an Ownership Housing Project converts to a Rental Housing Project, or more than 50% of the total units in the Principal Project operate as a Rental Housing Project, on-site Affordable Units shall be offered as Rental Units. Affordable Units may only be sold as Owned Units if more than 50% of the units in the building shall be sold to unaffiliated third-party homebuyers and are operated as an Ownership Housing Project.

(10) A development project consisting of multiple buildings may include both a Rental Housing Project and an Ownership Housing Project with written notice to the Department and MOHCD, at least 30 days prior to approval of the project by the Planning Commission or the Planning Department.

(11) **Specific Geographic Areas.** For any housing development that is located in an area with a specific affordable housing requirement set forth in a Special Use District or in any other section of the Code such as Section 419, the higher housing requirement shall apply. The Planning Department, in consultation with the Controller, shall undertake a study of areas greater than five acres in size, where an Area Plan, Special Use District, or other re-zoning is being considered for adoption or has been adopted after January 1, 2015, to determine whether a higher on-site inclusionary affordable housing requirement is feasible on sites that have received a 20% or greater increase in developable residential gross floor area or a 35% or greater increase in residential density over prior zoning, and shall submit such information to the Planning Commission and Board of Supervisors.

(12) If the Principal Project has resulted in demolition, conversion, or removal of affordable housing units that are subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low- or very-low-income, or housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power and determined to be affordable housing, the Commission or the Department shall require that the project sponsor replace the number of Affordable Units removed with units of a comparable number of bedrooms and sales prices or rents, in addition to compliance with the requirements set forth in this Section.

(13) The applicable amount of the percentage required for the on-site housing units shall be determined based upon the date that the project sponsor has submitted a complete Environmental Evaluation application. Any development project that constructs on-site affordable housing units as set forth in this Section 415.6 shall diligently pursue completion of such units. In the event the project sponsor does not procure a building permit or site permit for construction of the Principal Project within 30 months of the project's approval, the development project shall comply with the inclusionary affordable housing requirements applicable thereafter at the time when the project sponsor procures a building permit. Such deadline shall be extended in the event of any litigation seeking to invalidate the City's approval of such project, for the duration of the litigation.

(b) Any On-site units provided through this Section 415.6 may be used to qualify for a density bonus under California Government Code Section 65915, any ordinance implementing Government Code Section 65915, or one of the Affordable Housing Bonus Programs contained in Planning Code Section 206 *et seq*. An applicant seeking a density bonus under State Law shall provide reasonable documentation to establish eligibility for a requested density bonus, incentive or concession, and waiver or reduction of development standards, as provided for under State Law and as consistent with the process and procedures detailed in a locally adopted ordinance implementing the State Law.

(c) Beginning in January 2018, the Planning Department shall prepare an annual report to the Planning Commission about the number of density bonus projects under California Government Code Section 65915, the number of density bonus units, and the types of concessions and incentives and waivers provided to each density bonus project.

(d) In the event the project sponsor is eligible for and elects to receive additional density under California Government Code Section 65915, the Sponsor shall pay the Affordable Housing Fee on any additional units or square footage authorized under that section in accordance with the provisions in Section 415.5(g)(1)(D).

(e) **Timing of Construction.** On-site affordable housing required by this Section 415.6 shall be constructed, completed, ready for occupancy, and marketed no later than the market rate units in the Principal Project. A project shall not receive its first certificate of occupancy until MOHCD has approved the marketing plan.

(f) **Type of Housing.**

(1) **Equivalency of Units.** In general, Affordable Units constructed under this Section 415.6 shall be comparable in number of bedrooms, exterior appearance, and overall quality of construction to market rate units in the Principal Project. A Notice of Special Restrictions shall be recorded prior to issuance of the architectural addendum to the Site Permit for the project or building permit for the project, whichever is earlier and shall specify the number, location, and sizes for all Affordable Units required under this subsection (f). The Affordable Units shall be evenly distributed throughout the building. For buildings over 120 feet in height, as measured under the requirements set forth in the Planning Code, the Affordable Units may be distributed throughout the lower 2/3 of the building, as measured by the number of residential floors. The interior features in Affordable Units should be generally the same as those of the market rate units in the Principal Project, but need not be the same make, model or type of such item as long as they are of good and new quality and are consistent with then-current standards for new housing. Where applicable, parking shall be offered to the Affordable Units subject to the terms and conditions of the Department's policy on unbundled parking for affordable housing units as specified in the Procedures Manual and amended from time to time.

(2) **Minimum Size of Affordable Units.** The Affordable Units are not required to be the same size as the market rate units. For buildings over 120 feet in height, as measured under the requirements set forth in the Planning Code, the average size of the unit type

may be calculated for the lower 2/3 of the building, as measured by the number of residential floors. All units shall be no smaller than the minimum unit sizes set forth by the California Tax Credit Allocation Committee as of May 16, 2017 as indicated in the table below, and no smaller than 300 square feet for studios.

Unit Type	Minimum Unit Size (in gross square feet)
One-bedroom	450
Two-bedroom	700
Three-bedroom	900
Four-bedroom	1,000

The total residential floor area devoted to the affordable units shall not be less than the applicable percentage applied to the total residential floor area of the Principal Project, provided that a 10% variation in floor area is permitted.

(g) **Marketing the Units.** MOHCD shall be responsible for overseeing and monitoring the marketing of Affordable Units by the Project Sponsor under this Section 415.6. In general, the marketing requirements and procedures shall be contained in the Procedures Manual as amended from time to time and shall apply to the Affordable Units in the project. MOHCD may develop occupancy standards for units of different bedroom sizes in the Procedures Manual in order to promote an efficient allocation of Affordable Units. MOHCD may require in the Procedures Manual that prospective purchasers complete homebuyer education training or fulfill other requirements. MOHCD shall develop a list of minimum qualifications for marketing firms that market Affordable Units under Section 415.6 *et seq.*, referred to in the Procedures Manual as Below Market Rate (BMR units). Developers marketing Affordable Unit under Section 415.6 shall market the Affordable Units through a marketing firm meeting all of the minimum qualifications. The Notice of Special Restrictions or conditions of approval shall specify that the marketing requirements and procedures contained in the Procedures Manual as amended from time to time, shall apply to the Affordable Units in the project.

(1) The Notice of Special Restrictions ("NSR") required pursuant to Section 415.6 shall be completed and recorded by the project sponsor no later than the issuance of the architectural addendum for the site permit and at least 12 months prior to the first certificate of occupancy.

(2) The project sponsor shall submit a request for a pricing determination from MOHCD at least 8 months prior to issuance of a first certificate of occupancy.

(3) After the project has been approved by the Planning Commission or Department, the project sponsor must submit an update to the Department and MOHCD which includes an estimated timeline for the construction of the project. The estimated construction timeline must assume the requirements of subsections (1) and (2) above. Failure to finalize the NSR or initiate marketing within the time frames set forth in this Section 415.6(g), or to submit an estimated construction timeline will be deemed a violation of the Planning Code subject to enforcement and penalties.

(2)[1] **Lottery.** At the initial offering of Affordable Units in a housing project and when Affordable Units become available for re-sale or re-rent in any housing project subject to this Program after the initial offering, MOHCD must require the use of a public lottery approved by MOHCD to select purchasers or tenants.

(3)[1] **Preferences.** MOHCD shall create a lottery system that gives preference according to the provisions of Administrative Code Chapter 47. MOHCD shall propose policies and procedures for implementing these preferences to the Planning Commission for inclusion as an addendum to the Procedures Manual. Otherwise, it is the policy of the City to treat all households equally in allocating affordable units under this Program.

(h) Individual affordable units constructed under Section 415.6 as part of an on-site project shall not have received development subsidies from any Federal, State or local program established for the purpose of providing affordable housing, and shall not be counted to satisfy any affordable housing requirement. Other units in the same on-site project may have received such subsidies. In addition, subsidies may be used, only with the express written permission by MOHCD, to deepen the affordability of an affordable unit beyond the level of affordability required by this Program.

(i) Notwithstanding the provisions of Section 415.6 (h) above, a project may use California Debt Limit Allocation Committee (CDLAC) tax-exempt bond financing and 4% tax credits under the Tax Credit Allocation Committee (TCAC) to help fund its obligations under Section 415.1 *et seq.* as long as the project provides 20% of the units as affordable to households at 50% of Area Median Income for on-site housing or 10% of the units as affordable to households at 50% of Area Median Income, and 30% of the units as affordable to households at 60% of Area Median Income for on-site housing. The income table to be used for such projects when the units are priced at 50% or 60% of Area Median Income is the income table used by MOHCD for the Inclusionary Affordable Housing Program, not that used by TCAC or CDLAC. Except as provided in this subsection (i), all units provided under this Section must meet all of the requirements of Section 415.1 *et seq.* and the Procedures Manual for on-site housing.

(j) **Benefits.** If the project sponsor elects to satisfy the affordable housing requirements through the production of on-site affordable housing in this Section 415.6 , the project sponsor shall be eligible to receive a refund for only that portion of the housing project which is affordable for the following fees: a Conditional Use authorization or other fee required by Section 352 of this Code, if applicable; an environmental review fee required by Administrative Code Section 31.22, if applicable; a building permit fee required by Section 355 of this Code for the portion of the housing project that is affordable. The project sponsor shall pay the building fee for the portion of the project that is market-rate. An application for a refund must be made within six months from the issuance of the first certificate of occupancy.

The Controller shall refund fees from any appropriated funds to the project sponsor on application by the project sponsor. The application must include a copy of the Certificate of Occupancy for all units affordable to a qualifying household required by the Inclusionary Housing Program. It is the policy of the Board of Supervisors to appropriate money for this purpose from the General Fund.

(Added as Sec. 315.6 by Ord. 37-02, File No. 001262, App. 4/5/2002; amended by Ord. 76-03, File No. 020592, App. 5/2/2003; Ord. 213-06, File No. 051668, App. 8/2/2006; Ord. 219-06, File No. 051685, App. 8/10/2006; Ord. 101-07, File No. 060529, App. 5/4/2007; Ord. 198-07, File No. 070444, App. 8/10/2007; Ord. 232-08, File No. 080521, App. 10/30/2008; Ord. 63-09, File No. 081249, App. 4/23/2009; redesignated and amended by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 62-13 , File No. 121162, App. 4/10/2013, Eff. 5/10/2013; Ord. 277-13, File No. 130968, App. 12/18/2013, Eff. 1/17/2014; Ord. 164-15 , File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 204-15 , File No. 150622, App. 12/3/2015, Eff. 1/2/2016; Ord. 76-16 , File No. 160255, App. 5/13/2016, Eff. 6/12/2016; Ord. 158-17, File No. 161351, App. 7/27/2017, Eff. 8/26/2017; Ord. 208-17, File No. 170834, App. 11/3/2017, Eff. 12/3/2017; Ord. 26-18, File No. 171193, App. 2/23/2018, Eff. 3/26/2018; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 70-19, File No. 181154, App. 4/19/2019, Eff. 5/20/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Division (a)(1) amended; former division (a)(1)(A) redesignated as new division (a)(2) and amended; former divisions (a)(1)(B) and (C) deleted; former division (a)(2) redesignated as (a)(3) and amended; [former] division (a)(4) added; divisions (c) and (e) amended; new division (f) added and former division (f) redesignated as (g); Ord. 62-13 , Eff. 5/10/2013. Divisions (d) and (d)(2) amended and references to "MOHCD" corrected throughout; Ord. 277-13, Eff. 1/17/2014. Division (c) amended; Ord. 164-15 , Eff. 10/23/2015. Division (g) amended; Ord. 188-15 , Eff. 12/4/2015. Division (d)(2) amended; Ord. 204-15 , Eff. 1/2/2016. Undesignated introductory paragraph and divisions (a)(1)-(3) amended; former division (a)(4) deleted; divisions (b) and (c) amended; Ord. 76-16 , Eff. 6/12/2016. Undesignated introductory paragraph amended; division (a)(1) redesignated as (a)(1) and (a)(6) and amended; former divisions (a)(2), (a)(3), and (b) redesignated as (a)(8), (a)(9), and (e) and amended; new divisions (a)(2)-(a)(5), (a)(7), (a)(10), and (b)-(d) added; former division (c) redesignated as (f) and (f)(1) and amended; new division (f)(2) added; former divisions (d)-(g) redesignated as (g)-(j) and amended; Ord. 158-17, Eff. 8/26/2017. Division (a)(8) amended; Ord. 208-17, Eff. 12/3/2017. Undesignated introductory paragraph and divisions (b), (f)(1), and (j) amended; Ord. 26-18, Eff. 3/26/2018. Division (a)(4) amended; Ord. 202-18, Eff. 9/10/2018. Division (d) amended; Ord. 70-19, Eff. 5/20/2019. Division (a)(4) amended; Ord. 63-20, Eff. 5/25/2020. Divisions (a)(2)-(3) and (a)(5)-(6) amended; new divisions (a)(7) and (a)(9)-(10) added; former divisions (a)(7)-(10) redesignated as (a)(8) and (a)(11)-(13) and amended; dvisions (e), (f)-(f)(2), and (g) amended; new divisions (g)(1)-(3) added; former divisions (g)(1)-(2) redesignated as second (g)(2)-(3);[1] Ord. 210-21 , Eff. 12/20/2021.

CODIFICATION NOTE

1. So in Ord. 210-21.

Editor's Note:

Ordinance 155-15 (File No. 150348, App. 8/6/2015, Eff. 9/5/2015) purported to amend this section. At the direction of the Office of the City Attorney, Ord. 155-15 was never codified (and accordingly is not referenced in the history notes above). Its provisions effectively were superseded by Ord. 164-15 (File No. 150348, App. 9/23/2015, Eff. 10/23/2015, Retro. 5/20/2015).

SEC. 415.7. OFF-SITE AFFORDABLE HOUSING ALTERNATIVE.

American Legal Publishing **New Ordinance Notice**

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 187-23 , approved 9/14/2023, effective 10/15/2023, oper. 11/21/2026). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

American Legal Publishing **New Ordinance Notice**

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 201-23 , approved 10/12/2023, effective 11/12/2023, oper. 11/21/2026). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

If the project sponsor elects pursuant to Section 415.5(g) to provide off-site units to satisfy the requirements of Sections 415.1 *et seq.*, the project sponsor shall notify the Planning Department and MOHCD of its intent prior to approval of the project by the Planning Commission or Department. The Planning Department and MOHCD shall provide an evaluation of the project's compliance with this Section 415.7 prior to approval by the Planning Commission or Planning Department. The development project shall meet the following requirements:

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

(1) For any housing development that is located in an area or Special Use District with a specific affordable housing requirement, or in any other Planning Code provision, such as Section 419, the higher off-site housing requirement shall apply.

(2) For housing development projects consisting of 10 units or more but less than 25 units, the number of Affordable Units constructed off-site shall be 20%, so that a project applicant shall construct .20 times the total number of units produced in the Principal Project. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above. In no case shall the total number of Affordable Units required exceed the number required as determined by the application of the applicable off-site requirement rate to the total project units. Owned Units shall be affordable to households earning up to 100% of Area Median Income, with an affordable sales price set at 80% of Area Median Income or less. Rental Units shall be affordable to households earning up to 65% of Area Median Income, with an affordable rent set at 55% of Area Median Income or less.

(3) For any Ownership Housing Project consisting of 25 or more units, the number of Affordable Units constructed off-site shall be 33% of all units constructed on the project site, with a minimum of 18% of the units affordable to low-income households, 8% of the units affordable to moderate-income households, and 7% of the units affordable to middle income households. In no case shall the total

number of Affordable Units required exceed the number required as determined by the application of the applicable off-site requirement rate to the total project units. Owned Units for low-income households shall have an affordable purchase price set at 80% of Area Median Income or less, with households earning up to 100% of Area Median Income eligible to apply for low-income units. Owned Units for moderate-income households shall have an affordable purchase price set at 105% of Area Median Income or less, with households earning from 95% to 120% of Area Median Income eligible to apply for moderate-income units. Owned Units for middle-income households shall have an affordable purchase price set at 130% of Area Median Income or less, with households earning from 120% to 150% of Area Median Income eligible to apply for middle-income units. For any Affordable Units with purchase prices set at 100% of Area Median Income or above, the units shall have a minimum occupancy of two persons. This unit requirement shall be outlined within the Mayor's Office of Housing Preferences and Lottery Procedures Manual no later than February 26, 2018. MOHCD may reduce Area Median Income pricing and the minimum income required for eligibility in each rental category.

(4) For any Rental Housing Project consisting of 25 or more Rental Units, the number of affordable units constructed off-site shall generally be 30% of all units constructed on the project site, with a minimum of 18% of the units affordable to low-income households, 6% of the units affordable to moderate-income households, and 6% of the units affordable to middle-income households. In no case shall the total number of affordable units required exceed the number required as determined by the application of the applicable off-site requirement rate to the total project units. Rental Units for low-income households shall have an affordable rent set at 55% of Area Median Income or less, with households earning up to 65% of Area Median Income eligible to apply for low-income units. Rental Units for moderate-income households shall have an affordable rent set at 80% of Area Median Income or less, with households earning from 65% to 90% of Area Median Income eligible to apply for moderate-income units. Rental Units for middle-income households shall have an affordable rent set at 110% of Area Median Income or less, with households earning from 90% to 130% of Area Median Income eligible to apply for middle-income units. For any affordable units with rental rates set at 100% of Area Median Income or above, the units shall have a minimum occupancy of two persons. This unit requirement shall be outlined within the Mayor's Office of Housing Preferences and Lottery Procedures Manual no later than 6 months following the effective date of the Ordinance contained in Board of Supervisors File No. 161351. MOHCD may reduce Area Median Income pricing and the minimum income required for eligibility in each rental category. MOHCD shall set forth in the Procedures Manual the administration of rental units within this range.

(5) In the event that a Rental Housing project converts to an Ownership Housing project, the Project Sponsor shall either (A) reimburse the City the proportional amount of the Inclusionary Affordable Housing Fee, which would be equivalent to the then-current Inclusionary Affordable Housing Fee requirement for Ownership Housing Projects, or (B) provide additional on-site or off-site Affordable Units equivalent to the then-current inclusionary requirements for Ownership Housing Projects, apportioned among the required number of units at various income levels in compliance with the requirements in effect at the time of conversion.

(6) The applicable amount of the percentage required for the off-site housing units shall be determined based upon the date that the project sponsor has submitted a complete Environmental Evaluation application. Any development project that constructs off-site affordable housing units as set forth in this Section 415.6 shall diligently pursue completion of such units. In the event the project sponsor does not procure a building permit or site permit for construction of the principal project or the off-site affordable housing project within 30 months of the project's approval, the development project shall comply with the inclusionary affordable housing requirements applicable thereafter at the time when the project sponsor procures a building permit. Such deadline shall be extended in the event of any litigation seeking to invalidate the City's approval of the principal project or off-site affordable housing project for the duration of the litigation.

(7) If the principal project or the off-site project has resulted in demolition, conversion, or removal of affordable housing units that are sub- ject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate-, low- or very low-income, or housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power and determined to be affordable housing, the Commission or the Department shall require that the project sponsor replace the num- ber of affordable units removed with units of a comparable number of bedrooms and sales prices or rents, in addition to compliance with the inclusionary requirements set forth in this Section.

(b) **Timing of Construction:** The project sponsor shall ensure that the off-site units are constructed, completed, ready for occupancy, and marketed no later than the market rate units in the principal project. In no case shall the Principal Project receive its first certificate of occupancy until the off-site project has received its first certificate of occupancy.

(c) **Location of off-site housing:**

(1) Except as specified in subsection (ii) below, the off-site units shall be located within one mile of the principal project;

(2) Projects within the Central SoMa SUD must be located within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

(d) **Type of Housing:** Nothing in this Section shall limit a project sponsor from meeting the requirements of this Section through the construction of units in a limited equity or land trust form of ownership if such units otherwise meet all of the requirements for off-site housing. In general, affordable units constructed or otherwise provided under this Section shall be comparable in number of bedrooms, exterior appearance and overall quality of construction to market rate units in the principal project. The total square footage of the off-site affordable units constructed or otherwise provided under this Section shall be no less than the calculation of the total square footage of the on-site market-rate units in the principal project multiplied by the relevant on-site percentage requirement for the project specified in this Section. The Notice of Special Restrictions or conditions of approval shall include a specific number of units at specified unit sizes – including number of bedrooms and minimum square footage – for affordable units. The interior features in affordable units should generally be the same as those of the market rate units in the principal project but need not be the same make, model, or type of such item as long as they are of new and good quality and are consistent with then-current standards for new housing and so long as they are consistent with the "Quality Standards for Off-Site Affordable Housing Units" found in the Procedures Manual. Where applicable, parking shall be offered to the affordable units subject to the terms and conditions of the Department's policy on unbundled parking for affordable housing units as specified in the Procedures Manual and amended from time to time. If the residential units in the principal

project are live/work units which do not contain bedrooms or are other types of units which do not contain bedrooms separated from the living space, the off-site units shall be comparable in size according to the following equivalency calculation between live/work and units with bedrooms:

Number of Bedrooms (or, for live/work units square foot equivalency)	Number of Persons in Household
0 (Less than 600 square feet)	1
1 (601 to 850 square feet)	2
2 (851 to 1,100 square feet)	3
3 (1,101 to 1,300 square feet)	4
4 (More than 1,300 square feet)	5

(e) **Marketing the Units:** The Project Sponsor shall submit a proposed marketing plan to MOHCD to begin marketing the Affordable Units at least six months prior to the beginning of marketing for any unit in the Principal Project. MOHCD shall approve the marketing plan for the Affordable Units prior to the Project Sponsor marketing any unit in the Principal Project. Failure to comply shall be deemed a violation of the Planning Code subject to enforcement and penalties as set forth in Section 415.9. MOHCD shall be responsible for overseeing and monitoring the marketing of Affordable Units under this Section 415.7. In general, the marketing requirements and procedures shall be contained in the Procedures Manual as amended from time to time and shall apply to the Affordable Units in the project. MOHCD may develop occupancy standards for units of different bedroom sizes in the Procedures Manual in order to promote an efficient allocation of Affordable Units. MOHCD may require in the Procedures Manual that prospective purchasers complete homebuyer education training or fulfill other requirements. MOHCD shall develop a list of minimum qualifications for marketing firms that market Affordable Units under Section 415.1 *et seq.*, referred to in the Procedures Manual as Below Market Rate (BMR units). No project sponsor marketing units under the Program shall be able to market BMR units except through a firm meeting all of the minimum qualifications. The Notice of Special Restrictions or conditions of approval shall specify that the marketing requirements and procedures contained in the Procedures Manual as amended from time to time, shall apply to the Affordable Units in the project.

(1) **Lottery:** At the initial offering of affordable units in a housing project and when Affordable Units become available for resale or re-lease in any housing project subject to this Program after the initial offering, MOHCD must require the use of a public lottery approved by MOHCD to select purchasers or tenants.

(2) **Preferences:** MOHCD shall create a lottery system that gives preference according to the provisions of Administrative Code Chapter 47. MOHCD shall propose policies and procedures for implementing these preferences to the Planning Commission for inclusion in the Procedures Manual. Otherwise, it is the policy of the City to treat all households equally in allocating affordable units under this Program.

(f) Individual affordable units constructed as part of a larger off-site project under this Section 415.7 shall not receive development subsidies from any Federal, State or local program established for the purpose of providing affordable housing, and shall not be counted to satisfy any affordable housing requirement for the off-site development. Other units in the same off-site project may receive such subsidies. In addition, subsidies may be used, only with the express written permission by MOHCD, to deepen the affordability of an affordable unit beyond the level of affordability required by this Program.

(g) Notwithstanding the provisions of Section 415.7(f) above, a project may use California Debt Limit Allocation Committee (CDLAC) tax-exempt bond financing and 4% credits under the Tax Credit Allocation Committee (TCAC) to help fund its obligations under this ordinance as long as the project provides at least 60% of the off-site affordable units as affordable at 55% of area median income and the balance of the off-site affordable units using these funds at affordability rates that comply with the requirements of TCAC, CDLAC, and this Section 415. The income table to be used for such projects when the units are priced at 55% of area median income is the income table used by MOHCD for the Inclusionary Housing Program, not that used by TCAC or CDLAC. Except as provided in this subsection (g), all units provided under this Section 415.7 must meet all of the requirements of the Inclusionary Affordable Housing Program and the Procedures Manual for off-site housing.

(Added as Sec. 315.6 by Ord. 37-02, File No. 001262, App. 4/5/2002; amended by Ord. 76-03, File No. 020592, App. 5/2/2003; Ord. 213-06, File No. 051668, App. 8/2/2006; Ord. 219-06, File No. 051685, App. 8/10/2006; Ord. 101-07, File No. 060529, App. 5/4/2007; Ord. 198-07, File No. 070444, App. 8/10/2007; Ord. 232-08, File No. 080521, App. 10/30/2008; Ord. 63-09, File No. 081249, App. 4/23/2009; redesignated and amended by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 62-13 , File No. 121162, App. 4/10/2013, Eff. 5/10/2013; Ord. 277-13, File No. 130968, App. 12/18/2013, Eff. 1/17/2014; Ord. 204-15 , File No. 150622, App. 12/3/2015, Eff. 1/2/2016; Ord. 76-16 , File No. 160255, App. 5/13/2016, Eff. 6/12/2016; Ord. 158-17, File No. 161351, App. 7/27/2017, Eff. 8/26/2017; Ord. 26-18, File No. 171193, App. 2/23/2018, Eff. 3/26/2018; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Undesignated introductory paragraph and divisions (a)(1), (b), (d), and (f) amended; division (g) added; Ord. 62-13 , Eff. 5/10/2013. Undesignated introductory paragraph and division (e)(2) amended; references to "MOHCD" corrected throughout; Ord. 277-13, Eff. 1/17/2014. Division (e)(2) amended; Ord. 204-15 , Eff. 1/2/2016. Undesignated introductory paragraph amended; former division (a)(1)(A) redesignated as (a)(1) and amended; former divisions (a)(1)(B) and (C) deleted; new divisions (a)(2)-(4) added; divisions (b), (c), and (d) amended; Ord. 76-16 , Eff. 6/12/2016. Undesignated introductory paragraph and divisions (a)(1)-(3) amended; former division (a)(4) deleted; new divisions (a)(4)-(7) added; divisions (e), (f), and (g) amended; Ord. 158-17, Eff. 8/26/2017. Undesignated introductory paragraph and division (d) amended; Ord. 26-18, Eff. 3/26/2018. Undesignated introductory paragraph and division (g)[1] amended; Ord. 202-18 , Eff. 9/10/2018. Division (c) redesignated as divisions (c) and (c)(1); division (c)(1) amended; division (c)(2) added; Ord. 296-18 , Eff. 1/12/2019. Undesignated introductory paragraph and divisions (a)(2), (a)(3), (a)(5), and (e)-(e)(1) amended; Ord. 210-21 , Eff. 12/20/2021.

CODIFICATION NOTE

1. This subsection (g) was amended by Ord. 208-17; however, because of formatting issues in Ord. 208-17, that text was not transposed into the Code. Amendments made by Ord. 202-18 have since superseded those made to subsection (g) by Ord. 208-17.

SEC. 415.7-1. SMALL SITES AFFORDABLE HOUSING ALTERNATIVE.

A project sponsor of a principal project comprised of 24 or fewer residential units may elect under Section 415.5(g) to meet its Inclusionary Affordable Housing requirement by designating its payment of the Affordable Housing Fee due under Section 415.5 for a Small Sites program that MOHCD shall establish for this purpose. Affordable Housing Fees designated for this program shall not be considered part of the designated funds specified by Section 415.5(f). MOHCD shall expend the program funds from a principal project on a Small Sites Project that meets the requirements set forth in Section 415.5(f)(2)(B) and that is within the same neighborhood as the principal project. The neighborhood of the principal project shall be determined by the Planning Department's Neighborhood Groups Map. If MOHCD is unable to identify and apply the fee to a qualifying Small Sites Project within the same neighborhood as the principal project within two years of the payment of the fee, such fee shall be released into the Affordable Housing Fund to fund other qualifying Small Sites Projects in San Francisco.

(Added by Ord. 7-17, File No. 161157, App. 1/20/2017, Eff. 2/19/2017)

SEC. 415.8. DURATION AND MONITORING OF AFFORDABILITY.

(a) For any units permitted under the Program:

(1) All units constructed pursuant to Sections 415.6 (On-site Alternative) and 415.7 (Off-site Alternative) must be owner-occupied, as defined in the Procedures Manual, in the case of Owned Units or occupied by qualified households in the case of Rental Units.

(2) Units shall not remain vacant for a period exceeding 60 days without the written consent of MOHCD.

(3) All units constructed pursuant to Sections 415.6 and 415.7 must remain Affordable to Qualifying Households for the life of the project.

(4) The income levels specified in the Notice of Special Restrictions and/or conditions of approval for the project shall be the required income percentages for the life of the project. Notwithstanding the foregoing, if approved by MOHCD and as provided in the Procedures Manual, an exception to the required income percentage may be made in the following cases:

(A) a rental unit that converts to an Owned Unit, up to a maximum of 120% of AMI;

(B) where there is an existing tenant, the household income may increase by up to 200% of the levels specified in the Notice of Special Restrictions or conditions of approval;

(C) new Owned Units where the project sponsor has used good faith efforts to secure a contract with a qualified buyer but is unable to secure such a contract in a timely manner from the initiation of marketing;

(D) resale Owned Units where the owner has used good faith efforts to secure a contract with a qualified buyer but is unable to secure a buyer contract at a maximum resale price specified by MOH in a timely manner; or

(E) the qualifying income level for new Owned Units may be set at 10% above the income level stated in the Notice of Special Restrictions or conditions of approval.

(5) The Commission or the Department shall require all housing projects subject to Section 415.1 *et seq.* to record a Notice of Special Restrictions with the Recorder of the City and County of San Francisco. The Notice of Special Restrictions must incorporate the affordability restrictions. All projects described in Section 415.3(a)(1) and 415.3(a)(3) must incorporate all of the requirements of this Section 415.8 into the Notice for Special Restrictions, including any provisions required to be in the conditions of approval for housing projects described in Section 415.3(a)(2). These Section 415.3(a)(2) projects which are housing projects which go through the conditional use or planned unit development process shall have conditions of approval. The conditions of approval shall specify that project applicants shall adhere to the marketing, monitoring, and enforcement procedures outlined in the Procedures Manual, as amended from time to time, in effect at the time of project approval. The Commission shall file the Procedures Manual in the case file for each project requiring inclusionary housing pursuant to this Program. The Procedures Manual will be referenced in the Notice of Special Restrictions for each project.

(b) For any units permitted to be Owned Units under the Program, the MOHCD shall:

(1) Establish and implement a process for reselling an affordable unit in the Procedures Manual;

(2) Provide that owners may not change title on the unit without review and approval by MOHCD and according to guidelines published in the Procedures Manual.

(3) Provide that owners must comply with refinancing procedures and limitations as published in the Procedures Manual.

(4) Provide that, in order to retain all units restricted as affordable under this Program within the City's affordable housing stock, the specific procedures for passing an affordable unit through inheritance are contained in the Procedures Manual. All transfers through inheritance must be reviewed and approved by MOHCD and, in all cases, the heir must acknowledge and agree to the provisions of the Program. The following households may inherit the ability to occupy a unit restricted under this Program: (1) a spouse or registered domestic partner, regardless of income; or (2) a child of the owner if the child is a qualifying household for the unit. If the heir qualifies under one of these categories, the heir must occupy the unit or the heir must market and sell the unit at the restricted price through a public lottery process and retain the proceeds from the sale. If the heir does not qualify to occupy the unit, the heir must market and sell the unit at the restricted price to a qualified buyer through a public lottery process. The heir would retain the proceeds of such sale.

(5) Require that affordable Rental Units permitted by the Commission to be converted to Owned Units must satisfy the requirements of the Procedures Manual, as amended from time to time, including that the units shall be sold at restricted sales prices to households meeting the income qualifications specified in the Notice of Special Restrictions or conditions of approval, with a right of

first refusal for the occupant(s) of such units at the time of conversion. If the current tenant qualifies for and purchases the unit, the unit shall be sold at a sales price corresponding to the affordability level required for rental units or to the affordability level for the specific tenant household, whichever is higher, with a maximum allowable qualifying income level up to 120% of AMI. If the unit is sold to anyone else, the sales price shall correspond to the affordability level required for Owned Units. Upon conversion to ownership, the units are subject to the resale and other restrictions of this Program for the life of the project, as defined in the Notice of Special Restrictions or conditions of approval for the Project.

(6) For Owned Units approved pursuant to Sections 415.6 or 415.7, the Notice of Special Restrictions or conditions of approval will include provisions restricting resale prices and purchaser income levels according to the formula specified in the Procedures Manual, as amended from time to time. In the case that subordination of the Affordability Conditions contained in a recorded Notice of Special Restrictions may be necessary to ensure the Project Applicant's receipt of adequate construction and/or permanent financing for the project, or to enable first time home buyers to qualify for mortgages, the project applicant may follow the procedures for subordination of affordability restrictions as described in the Principal Project's conditions of approval or in the Procedures Manual. A release following foreclosure or other transfer in lieu of foreclosure may be authorized if required as a condition to financing pursuant to the procedures set forth in the Procedures Manual.

(7) Purchasers of Affordable Units shall secure the obligations contained in the Notice of Special Restrictions or conditions of approval by executing and delivering to the City a promissory note secured by a deed of trust encumbering the applicable affordable unit as described in the Procedures Manual or by an alternative means if so provided for in the Procedures Manual, as amended from time to time.

(8) **Procedures For Units Unable To Resell.** The Board of Supervisors finds that certain requirements of this Program and the Procedures Manual may create hardship for owners of Affordable Units restricted under this Program. However, the Board also recognizes that the requirements of this Program are important to preserve the long-term affordability of units restricted under the Program. In order to allow some relief for owners of Affordable Units during a time of economic downturn, but to provide the maximum protection for the long-term affordability of the units, the Board directs MOHCD to analyze the following issues and, if it deems appropriate, to propose amendments to the Procedures Manual to address the issues:

(A)[1] **Waiver of Re-Sale Requirements and Maximum Qualifying Income Level for New Buyers of Resale BMR Units.** The Board recognizes that the risk to low and moderate income homeowners during times of economic downturn can increase the risk of default and foreclosure of units restricted under this Program. The Board directs MOHCD to study ways to reduce such risks in the below market rate unit context and, if it deems appropriate, to make recommendations to the Planning Commission to amend the Procedures Manual to allow MOHCD discretion, in certain limited circumstances, to waive requirements for owners of Affordable Units who have used good faith efforts to secure a contract with a qualified buyer but are unable to resell their unit in a timely manner. Such amendments to the Procedures Manual may include, but are not limited to, authorizing MOHCD to make one or more allowances for owners of Affordable Units unable to resell such as: (1) a one-time waiver of the first-time homebuyer rule for the purchasing household; (2) a one-time waiver of qualifying household size requirements for the purchasing household; (3) and a one-time waiver of owner occupancy rules to allow a temporary rental; (4) a one-time modification of the asset test for the new buyer household and (5) allowing MOHCD discretion to increase the qualifying income level for the unit by up to 20% above the maximum income limit currently allowed by the Use Restrictions for the Unit but at no time higher than 120% of AMI. MOHCD and the Commission shall set forth criteria for granting such allowances such as establishing a minimum time that the units must have been advertised by MOHCD without selling; establishing criteria related to unusual economic or personal circumstances of the owner; providing a maximum percentage for the increase above the maximum income limit currently allowed; providing that the increase may only be granted on a one-time basis; and requiring the owner to clearly establish that the BMR unit is being resold at the original purchase price plus the current repricing mechanism under the Program which calculates the percentage change in AMI from the time of purchase to resale plus the commission and any eligible capital improvements or special assessments.

(B) **Waiver of Maximum Qualifying Income Level For New Buyers of Initial Sale BMR Units.** The Board of Supervisors recognizes that the current Program provides that the income of a new buyer of a below market rate household cannot exceed the maximum income stated in the Planning Approval or Notice of Special Restrictions for the BMR Unit. Due to less desirable developments or geographic areas, a Project Sponsor is sometimes unable to find a buyer for a BMR Unit within the maximum income stated in the Planning Approval or Notice of Special Restrictions for the Unit. This situation makes it difficult, if not impossible, for certain current owners of below market rate units to sell their units. In order to minimize this situation, the Board of Supervisors directs MOHCD to study ways to address this issue and, if it deems appropriate, to make recommendations to the Planning Commission to amend the Procedures Manual to allow MOHCD to assist Project Sponsors who have used good faith efforts to secure a contract with a qualified buyer but who are unable to secure such a contract in a timely manner from the initiation of marketing. Such amendments may include allowing MOHCD discretion to increase the qualifying income level for the unit by up to 20% above the maximum income limit currently allowed by the Use Restrictions for the Unit but at no time higher than 120% of AMI. MOHCD and the Planning Commission shall establish limits to this or a similar proposal such as: providing a maximum percentage for the increase above the maximum income limit currently allowed; requiring that a certain period without securing a buyer would pass before such an allowance would be made; providing that the increase may only be granted on a one-time basis.

(c) For any units permitted to be Rental Units under the Program, MOHCD shall establish:

(1) restrictions on lease changes and propose such restrictions to the Commission for inclusion in the Procedures Manual.

(2) additional eligibility criteria for subleasing and propose such restrictions to the Commission for inclusion in the Procedures Manual.

(3) criteria for continued eligibility for occupied rental units and propose such restrictions to the Commission for inclusion in the Procedures Manual.

(4) criteria for homeownership status and propose such restrictions to the Commission for inclusion in the Procedures Manual.

(5) criteria for granting affordable rental households the right of first refusal in purchasing an Affordable Unit that is converted from a Rental Unit to an Owned Unit and propose such restrictions to the Commission for inclusion in the Procedures Manual.

(6) that at no time shall an annual increase exceed the actual allowable increase for that year. In cases where the rent has decreased, the tenant's rent must be decreased. In cases where the annual adjustments have not been applied year to year, the Project Owner may not take advantage of any increases that were not applied until the Unit is vacant and re-rented.

(Added as Sec. 315.7 by Ord. 37-02, File No. 001262, App. 4/5/2002; amended by Ord. 101-07, File No. 060529, App. 5/4/2007; Ord. 198-07, File No. 070444, App. 8/10/2007; redesignated and amended by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 62-13 , File No. 121162, App. 4/10/2013, Eff. 5/10/2013; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Division (a)(4) amended and divisions (a)(4)(A) through (E) added; division (b)(5) amended; division (b)(8) amended and divided into divisions (b)(8) and (b)(8)(A)[1] ; divisions (b)(8)(B) and (c)(6) added; Ord. 62-13 , Eff. 5/10/2013. Divisions (a)(1)- (a)(4)(A), (a)(4)(C)-(E), (b)-(b)(8)(B), (c), and (c)(5) amended; Ord. 210-21 , Eff. 12/20/2021.

CODIFICATION NOTE

1. The subdivisions of division (b)(8) have been redesignated by the codifier for clarity and consistency.

SEC. 415.9. ENFORCEMENT PROVISIONS AND MONITORING OF PROGRAM.

(a) A first construction document or first Certificate of Occupancy, whichever applies, shall not be issued by the Director of DBI to any unit in the Principal Project until all of the affordable housing requirements of Sections 415.1 *et seq.* are satisfied.

(b) If, after issuance of the first Certificate of Occupancy, the Commission or Department determines that a project sponsor has failed to comply with any requirement in Section 415.1 *et seq.* or any reporting requirements detailed in the Procedures Manual, or has violated the Notice of Special Restrictions, the Commission, Department, or DBI may, until the violation is cured, (1) revoke the Certificate of Occupancy for the Principal Project or required Affordable Units, (2) impose a penalty on the project pursuant to Section 176(c) of this Code, and/or (3) the Zoning Administrator or MOHCD may enforce the provisions of Section 415.1 *et seq.* through any means provided for in Section 176 of this Code.

(c) The Department shall notify MOHCD of any housing project subject to the requirements of Section 415.1 *et seq.*, including the name of the project sponsor and the number and location of the Affordable Units, within 30 days of the Department's approval of a building or site permit for the project. MOHCD shall provide all project sponsors with information concerning the City's first time homebuyer assistance programs and any other related programs MOHCD shall deem relevant to the Inclusionary Affordable Housing Program.

(d) The Department shall, as part of the annual Housing Inventory, report to the Board of Supervisors on the results of Section 415.1 *et seq.* including, but not limited to, a report on the following items:

(1) The number of, location of, and project applicant for, housing projects which came before the Commission for a Conditional Use Authorization or Planned Unit Development, and the number of, location of, and project applicant for, housing projects which were subject to the requirements of Section 415.1 *et seq.*;

(2) The number of, location of, and project sponsor for, housing projects which applied for a waiver, adjustment, or reduction from the requirements of Section 415.1 *et seq.* pursuant to Section 406 of this Article, and the number of, location of, and project sponsor for, housing projects which were granted such a waiver, adjustment, or reduction and, if a reduction, to what percentage; and

(3) The number of, location of, and project sponsor for, every housing project to which Section 415.1 *et seq.* applied and the number of market rate units and the number of affordable on- and off-site units provided, including the location of all of the affordable units.

(e) A study is authorized to be undertaken under the direction of MOHCD approximately every five years to update the requirements of Section 415.1 *et seq*. MOHCD shall make recommendations to the Board of Supervisors and the Commission regarding any legislative changes. MOHCD shall specifically evaluate the different inclusionary housing requirements for developments of over 120 feet approximately five years from the enactment of the requirement or as deemed appropriate by MOHCD. MOHCD shall coordinate this report with the five-year evaluation by the Director of Planning required by Section 410 of this Article.

(f) **Annual or Bi-annual Monitoring.**

(1) MOHCD shall monitor and require occupancy certification for Owned Units and Rental Units on an annual or bi-annual basis, as outlined in the Procedures Manual.

(2) MOHCD may require the owner of a Rental Unit, the owner's designated representative, or the tenant in an affordable unit to verify the income levels of the tenant on an annual or bi-annual basis, as outlined in the Procedures Manual.

(Added as Sec. 315.8 by Ord. 37-02, File No. 001262, App. 4/5/2002; amended by Ord. 219-06, File No. 051685, App. 8/10/2006; Ord. 101-07, File No. 060529, App. 5/4/2007; Ord. 198-07, File No. 070444, App. 8/10/2007; redesignated and amended by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 62-13 , File No. 121162, App. 4/10/2013, Eff. 5/10/2013; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021; Ord. 155-22, File No. 220262, App. 7/21/2022, Eff. 8/21/2022)

AMENDMENT HISTORY

Former division (f) deleted, former division (g) redesignated as (f); Ord. 62-13 , Eff. 5/10/2013. Divisions (a)-(c), (d)(2)-(3), (e), and (f)-(f)(2) amended; Ord. 210-21, Eff. 12/20/2021. Divisions (a)-(d)(3) amended; Ord. 155-22, Eff. 8/21/2022.

SEC. 415.10. REPORTING TO BOARD OF SUPERVISORS.

American Legal Publishing

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 201-23 , approved 10/12/2023, effective 11/12/2023, oper. 11/1/2023). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

(a) **Findings.**

San Francisco continues to experience a housing crisis that requires a broad spectrum of land use and financing tools to address. The Housing Element of the City's General Plan calls for 38% of all new housing production to be affordable for lower income households below 80% of area median income and 19% of new housing affordable to be built for moderate/middle income households up to 120% of area median income. San Francisco's inclusionary housing program, which requires housing developers to provide affordable units as part of their projects, is a critical component of the City's programs to expand affordable housing options. The Inclusionary Housing program is one of the City's tools for increasing affordable housing dedicated to lower income San Franciscans without using public subsidies, and in particular it is a useful tool for creating any affordable housing to meet the growing need of moderate/middle income households.

The City adopted an Inclusionary Housing ordinance in 2002 that set requirements on market rate development to include affordable units at 12% of the total for the first time. The inclusionary program has successfully resulted in more than 2,000 units of below-market, permanently affordable housing since its adoption. The City prepared a Nexus Study in 2007 in support of the program. The report demonstrated the necessary affordable housing in order to mitigate the impacts of market rate housing, and the inclusionary requirements were increased to 15% of total units. The City's inclusionary housing requirements are codified in Section 415 of the Planning Code. The City is now in the process of updating that nexus analysis.

In 2011, Governor Jerry Brown dissolved the State Redevelopment Agency, which was the City's primary permanent funding stream for affordable housing. In 2012, in response to this loss, the voters amended the San Francisco Charter to create the Affordable Housing Trust Fund, which included a provision to lower the on-site inclusionary requirement to 12%. In November 2014, in response to an escalating affordable housing crisis, the voters passed Proposition K, which set forth a policy directive to the City to ensure that additional affordable housing is a minimum of 33% of its overall housing production to low- and moderate/middle-income households up to 120% of the Area Median Income and at least another 17% affordable to households from 120% to 150% of the Area Median Income.

The Board of Supervisors has proposed to the voters a Charter amendment that will appear on the June 7, 2016 ballot. The Charter amendment would authorize the City to enact by ordinance subsequent changes to the inclusionary housing requirements, including changes to the minimum or maximum inclusionary or affordable housing obligations applicable to market rate housing projects.

On March 1, 2016, the Board of Supervisors unanimously adopted Resolution No. 79-16 declaring that (1) it shall be City policy to maximize the economically feasible percentage of affordable inclusionary housing in market rate housing development to create housing for lower and moderate/middle income households; (2) if the voters adopt the proposed Charter amendment on June 7, the Board intends to adopt a future ordinance requiring the Controller and other City departments to conduct a periodic economic study to maximize affordability in the City's inclusionary housing requirements; and (3) the future ordinance would create an advisory committee to ensure that the economic study is the result of a transparent and inclusive public process.

The purpose of this Section 415.10 is to study how to set inclusionary housing obligations in San Francisco at the maximum economically feasible amount in market rate housing development to create housing for low and moderate/middle income households, at the income levels set forth in Section 415.10(d), and with guidance from the City's Nexus Study, which should be periodically updated.

(b) **Triennial Economic Feasibility Analysis.** With the support of independent consultants as deemed appropriate by the Controller and with advice on setting qualifications and criteria for consultant selection from the Inclusionary Housing Technical Advisory Committee established in Administrative Code Chapter 5, Article XXIX, the Controller, in consultation with relevant City Departments and the Inclusionary Housing Technical Advisory Committee, shall conduct a feasibility study of the City’s inclusionary affordable housing obligations set forth in Planning Code Section 415 *et seq.*, including but not limited to the affordable housing fee and On-site and Off-site Alternatives, and shall submit a report to the Board of Supervisors by July 31, 2016 and by October 31 for subsequent years. Thereafter, the Controller, in consultation with the Department and the Inclusionary Housing Technical Advisory Committee, shall repeat this process at least every 36 months, or more frequently as deemed necessary by the Controller in response to a significant shift in economic or market conditions.

(c) **Elements of the Economic Feasibility Analysis.** The economic feasibility analysis required by subsection (b) of this Section 415.10 shall include sensitivity analyses of key economic parameters that can vary significantly over time, such as, but not limited to: interest rates; capitalization rates; equity return rates; land prices; construction costs; project scale, available state and federal housing

finance programs including Low Income Housing Tax Credits readily available for market rate housing; tax-exempt bond financing; Federal Housing Administration and U.S. Department of Housing and Urban Development mortgage insurance; available City or local housing finance programs, such as Enhanced Infrastructure District (EIFD) and tax increments; zoning changes that increase or decrease development potential; variable City exactions, including community benefit fees, capacity charges, community facilities districts; the value of state density bonus, concessions and incentives under California Government Code Section 65915 and any other state law that confers value to development and which project sponsors may attempt to avail themselves of and public-private partnership development agreements where applicable and other factors as deemed reasonably relevant.

(d) **Report to Board of Supervisors.** The Board of Supervisors may review the feasibility analyses, as well as the periodic updates to the City's Nexus Study evaluating the necessary affordable housing in order to mitigate the impacts of market rate housing. The Board of Supervisors will review the feasibility analyses within three months of completion and may consider legislative amendments to the City's Inclusionary Housing in-lieu fees, On-site or Off-site Alternatives, and in so doing will seek consultation from the Planning Commission, adjusting levels of inclusionary or affordable housing obligations and income levels up to maximums as defined in Section 415.2, based on the feasibility analyses, with the objective of maximizing affordable Inclusionary Housing in market rate housing production, and with guidance from the City's Nexus Study. Any adjustment in income levels shall be adjusted commensurate with the percentage of units required so that the obligation for inclusionary housing is not reduced by any change in income levels. The Board of Supervisors may also utilize the Nexus Study in considering legislative amendments to the Inclusionary Housing requirements. Updates to the City's Inclusionary Housing requirements shall address affordable housing fees, On-site affordable housing and Off-site affordable housing, as well as the provision of affordable housing available to low-income households at or below 55% of Area Median Income for Rental Units and up to 80% of Area Median Income for Owned Units, and moderate/middle-income households from 80% to 120% of Area Median Income.

(Added by Ord. 76-16 , File No. 160255, App. 5/13/2016, Eff. 6/12/2016; amended by Ord. 158-17, File No. 161351, App. 7/27/2017, Eff. 8/26/2017; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Section header and division (d) amended; Ord. 158-17, Eff. 8/26/2017. Divisions (b) and (d) amended; Ord. 210-21, Eff. 12/20/2021.

SEC. 415.11. SEVERABILITY.

If any subsection, sentence, clause, phrase, or word of Sections 415.1 *et seq.*, or any application thereof to any person or circumstance, is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or applications of the Section. The Board of Supervisors hereby declares that it would have passed Sections 415.1 *et seq.* and each and every subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without regard to whether any other portion of Sections 415.1 *et seq.* or application thereof would be subsequently declared invalid or unconstitutional.

(Added by Ord. 158-17, File No. 161351, App. 7/27/2017, Eff. 8/26/2017)

SEC. 415A. TEMPORARY REDUCTION OF INCLUSIONARY REQUIREMENTS FOR RESIDENTIAL AND LIVE/WORK DEVELOPMENT PROJECTS APPROVED PRIOR TO NOVEMBER 1, 2023.

New Ordinance Notice

Publisher's Note: This section has been **ADDED** by new legislation (Ord. 187-23 , approved 9/14/2023, effective 10/15/2023, oper. 11/1/2023). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

New Ordinance Notice

Publisher's Note: This section has been **ADDED** by new legislation (Ord. 201-23 , approved 10/12/2023, effective 11/12/2023, oper. 11/1/2023). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

SEC. 415B. TEMPORARY REDUCTION OF INCLUSIONARY REQUIREMENTS FOR RESIDENTIAL AND LIVE/WORK DEVELOPMENT PROJECTS.

New Ordinance Notice

Publisher's Note: This section has been **ADDED** by new legislation (Ord. 187-23 , approved 9/14/2023, effective 10/15/2023, oper. 11/1/2023). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

New Ordinance Notice

Publisher's Note: This section has been **ADDED** by new legislation (Ord. 201-23 , approved 10/12/2023, effective 11/12/2023, oper. 11/1/2023). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

[AFFORDABLE HOUSING: MARKET AND OCTAVIA AREA PLAN; UPPER MARKET NEIGHBORHOOD COMMERCIAL DISTRICT]

SEC. 416. MARKET AND OCTAVIA AREA PLAN AND UPPER MARKET NEIGHBORHOOD COMMERCIAL DISTRICT AFFORDABLE HOUSING FEE.

Sections 416.1 through 416.5, hereafter referred to as Section 416.1 *et seq.*, set forth the requirements and procedures for the Market and Octavia Area Plan and Upper Market Neighborhood Commercial District Affordable Housing Fee. The effective date of these requirements shall be either May 30, 2008, which is the date that the requirements originally became effective, or the date a subsequent modification, if any, became effective.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 25-11, File No. 101464, App. 2/24/2011; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

SEC. 416.1. FINDINGS.

The Board of Supervisors hereby finds that:

A. The additional affordable housing requirements of this Section are supported by the Nexus Study performed by Keyser Marston and Associates referenced in Section 415.1(11) and found in Board File No. 081152. The Board of Supervisors has reviewed the study and staff analysis and report of the study and, on that basis, finds that the study supports the current inclusionary affordable housing requirements combined with the additional affordable housing fee. Specifically, the Board finds that the study: (1) identifies the purpose of the additional fee to mitigate impacts on the demand for affordable housing in the City; (2) identifies the use to which the additional fee is to be put as being to increase the City's affordable housing supply; and (3) establishes a reasonable relationship between the use of the additional fee for affordable housing and the need for affordable housing and the construction of new market rate housing. Moreover, the Board finds that the current inclusionary affordable requirements combined with the additional fee are less than the cost of mitigation and do not include the costs of remedying any existing deficiencies. The Board also finds that the study establishes that the current inclusionary affordable requirements and additional fee do not duplicate other City requirements or fees.

B. Furthermore, the Board finds that generally an account has been established, funds appropriated, and a construction schedule adopted for affordable housing projects funded through the Inclusionary Affordable Housing program. The Affordable Housing Fee will reimburse the City for expenditures on affordable housing that have already been made.

C. A major Market and Octavia Area Plan objective is to direct new market rate housing development to the area. That new market rate development will greatly outnumber both the number of units and potential new sites within the plan area for permanently affordable housing opportunities. The City and County of San Francisco has adopted a policy in its General Plan to meet the affordable housing needs of its general population and to require new housing development to produce sufficient affordable housing opportunities for all income groups, both of which will not be met by the projected housing development in the plan area. In addition, the "Draft Residential Nexus Analysis City and County of San Francisco" of December 2006 indicates that market rate housing itself generates additional lower income affordable housing needs for the workforce needed to serve the residents of the new market rate housing proposed for the plan area. In order to meet the demand created for affordable housing by the specific policies of the Plan and to be consistent with the policy of the City and County of San Francisco it is found that an additional affordable housing fee need be included on all market rate housing development in the Plan Area with priority for its use being given to the Plan area.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 312-10, File No. 100046, App. 12/23/2010)

SEC. 416.2. DEFINITIONS.

See Section 401 of this Article.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 312-10, File No. 100046, App. 12/23/2010)

SEC. 416.3. APPLICATION OF AFFORDABLE HOUSING FEE REQUIREMENT.

The requirements of Sections 415.1 through 415.9 shall apply in the Market and Octavia Plan Area and the entirety of the Upper Market NCT District in addition to the following additional affordable housing requirement:

(a) **Amount of Fee.** All development projects that have not received Department or Commission approval as of the effective date of May 30, 2008 and that are subject to the Residential Inclusionary Affordable Housing Program shall pay an additional affordable housing fee per the fee schedule in Table 416.3A.

TABLE 416.3A

AFFORDABLE HOUSING FEE SCHEDULE IN THE MARKET AND OCTAVIA PROGRAM AREA

	Van Ness and Market Special Use District	NCT	RTO
Net addition of residential use or change of use to residential use	$7.20/gross square foot	$3.60/gross square foot	$0.00/gross square foot
Replacement of, or change of use from, non-residential to residential use	$3.80/gross square foot	$0.20/gross square foot	$0.00/gross square foot
Replacement of, or change of use from, PDR to residential use	$5.50/gross square foot	$1.90/gross square foot	$0.00/gross square foot

(b) **Other Fee Provisions.** This additional affordable housing fee shall be subject to the inflation adjustment provisions of Section 409 and the waiver and reduction provisions of Section 406. This additional affordable housing fee may not be met through the in-kind provision of community improvements or Community Facilities (Mello Roos) financing options of Sections 421.3(d) and (e). Pursuant to Section 249.33, in the Van Ness & Market Residential Special Use District this fee may be paid in any of the Alternatives set forth in Section 415.5(g).

(c) **Exemption for Affordable Housing.** A project applicant shall not pay a supplemental affordable housing fee for any square foot of space designated as a below market rate unit under Section 415.1 *et seq.*, the Citywide Inclusionary Affordable Housing Program, or any other residential unit that is designated as an affordable housing unit under a Federal, State, or local restriction in a manner that maintains affordability for a term no less than 50 years.

(d) **Timing of Fee Payments.** The Market and Octavia Plan Area and Upper Market NCD Affordable Housing Fee shall be paid to DBI for deposit into the Citywide Affordable Housing Fund at the time required by Section 402(d).

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010; Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 25-11, File No. 101464, App. 2/24/2011; Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 50-15, File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 83-17, File No. 170003, App. 3/24/2017, Eff. 4/23/2017; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Table 416.3A amended; Ord. 56-13, Eff. 4/27/2013. Division (d) amended; Ord. 50-15, Eff. 5/24/2015. Introductory paragraph amended; Ord. 83-17, Eff. 4/23/2017. Division (d) amended; Ord. 63-20, Eff. 5/25/2020. Division (b) amended; Ord. 126-20, Eff. 8/31/2020. Division (b) amended; Ord. 210-21, Eff. 12/20/2021.

SEC. 416.4. IMPOSITION OF AFFORDABLE HOUSING FEE REQUIREMENT.

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 416.1 *et seq.* to any development project requiring a first construction document and, if Section 416.1 *et seq.* is applicable, shall impose any such requirements as a condition of approval for issuance of the first construction document. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit of Fee Requirements.** After the Department has made its final determination regarding the application of the affordable housing requirements to a development project pursuant to Section 416.1 *et seq.*, it shall immediately notify the Development Fee Collection Unit at DBI of the applicable affordable housing fee amount in addition to the other information required by Section 402(b) of this Article.

(c) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Section 416.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 312-10, File No. 100046, App. 12/23/2010)

SEC. 416.5. USE OF FUNDS.

The additional affordable housing requirement specified in this Section 416.5 for the Market and Octavia Plan Area and the Upper Market NCT District shall be paid into the Citywide Affordable Housing Fund, established in Administrative Code Section 10.100-49, but the funds shall be separately accounted for. MOHCD shall expend the funds according to the following priorities: First, to increase the supply of housing Affordable to Qualifying Households in the Market and Octavia Plan Area and the Upper Market NCT District; second, to increase the supply of housing Affordable to Qualifying Households within one mile of the boundaries of the Plan Area and the Upper Market NCT District; third, to increase the supply of housing affordable to qualifying households in the City and County of

San Francisco. The funds may also be used for monitoring and administrative expenses subject to the process described in Section 415.5(f)

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 25-11, File No. 101464, App. 2/24/2011; Ord. 143-15 , File No. 150568, App. 8/6/2015, Eff. 9/5/2015; Ord. 83-17, File No. 170003, App. 3/24/2017, Eff. 4/23/2017; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Section amended; Ord. 143-15 , Eff. 9/5/2015. Section amended; Ord. 83-17, Eff. 4/23/2017. Section amended; Ord. 210-21, Eff. 12/20/2021.

[AFFORDABLE HOUSING: EASTERN NEIGHBORHOODS AREA PLAN]

SEC. 417. EASTERN NEIGHBORHOODS AREA PLAN AFFORDABLE HOUSING REQUIREMENT.

(Formerly Section 315.4(a)(1)(ii)).

Sections 417.1 through 417.5, hereafter referred to as Section 417.1 *et seq.*, set forth the requirements and procedures for the Eastern Neighborhoods Area Plan Alternate Affordable Housing Fee. The effective date of these requirements shall be either January 19, 2009, which is the date that the requirements originally became effective, or the date a subsequent modification, if any, became effective.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

SEC. 417.1. FINDINGS.

The Board of Supervisors hereby finds that:

A. The fee provisions of this Section are equivalent to or less than the fees for developments of over 20 units previously adopted by the Board in Ordinance No. 051685 and 060529 and are also supported by the Nexus Study performed by Keyser Marston and Associates referenced in Section 415.1(11) and found in Board File No. 081152. The Board of Supervisors has reviewed the study and staff analysis prepared by the MOH dated July 24, 2008 in Board File No. 081152 and, on that basis, finds that the study supports the current proposed changes to the inclusionary housing requirements for projects of 20 units or less in the Eastern Neighborhood Area Plan. Specifically, the Board finds that the study and staff memo: (1) identifies the purpose of the additional fee to mitigate impacts on the demand for affordable housing in the City; (2) identifies the use to which the additional fee is to be put as being to increase the City's affordable housing supply; and (3) establishes a reasonable relationship between the use of the additional fee for affordable housing and the need for affordable housing and the construction of new market rate housing. Moreover, the Board finds that the new inclusionary affordable housing requirements are less than the cost of mitigation and do not include the costs of remedying any existing deficiencies. The Board also finds that the study establishes that the inclusionary requirements do not duplicate other City requirements or fees.

B. Furthermore, the Board finds that generally an account has been established, funds appropriated, and a construction schedule adopted for affordable housing projects funded through the Inclusionary Affordable Housing program and the in lieu fees will reimburse the City for expenditures on affordable housing that have already been made.

C. The Board finds that small scale development faces a number of challenges in the current development climate, including limited access to credit and often, a higher land cost per unit for the small sites on which they develop. Because of these and other variations from larger-scale development, they operate under a somewhat unique development model which cannot be fully encapsulated within the constraints of the Eastern Neighborhoods Financial Analysis, prepared to assess the financial feasibility of increasing housing requirements and impact fees in the Plan Areas. To address these challenges, the Board finds that a number of slight modifications to the affordable housing requirements of the Eastern Neighborhoods, to apply to small projects (defined as 20 units or fewer, or less than 25,000 gross square feet) are appropriate.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 312-10, File No. 100046, App. 12/23/2010)

SEC. 417.2. DEFINITIONS.

See Section 401 of this Article.

"Gross Square Footage" shall have the meaning set forth in Section 102.

"Eastern Neighborhood Controls" shall have the meaning set forth in Section 175.6(c)(1).

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

AMENDMENT HISTORY

Section amended; Ord. 22-15, Eff. 3/22/2015.

SEC. 417.3. APPLICATION OF AFFORDABLE HOUSING FEE REQUIREMENT.

(a) **Application.** The alternate Affordable Housing Fee described in this Section shall only apply to development projects that are subject to the Eastern Neighborhood Controls, consist of 20 units or less or less than 25,000 gross square feet, and are subject to the requirements of Sections 415 through 415.9 and 419, and any stated exceptions elsewhere in this Code, including the specific provisions in Section 419.

(b) **Amount of Fee.** Any sponsor of a development projects subject to this Section may choose to pay an alternate fee equal to $40.00 per gross square foot of net new residential development instead of the standard Affordable Housing Fee requirements set forth in Section 415.5 as follows.

(c) **Calculation of Gross Square Feet of Residential Area.** The calculation of gross square feet shall not include nonresidential uses, including any retail, commercial, or PDR uses, and all other space used only for storage and services necessary to the operation or maintenance of the building itself.

(d) **Timing of Fee Payments.** The Eastern Neighborhoods Alternate Affordable Housing Fee shall be paid to DBI for deposit into the Citywide Affordable Housing Fund at the time required by Section 402(d).

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Division (d) amended; Ord. 50-15 , Eff. 5/24/2015. Division (d) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 417.4. IMPOSITION OF AFFORDABLE HOUSING FEE REQUIREMENT.

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 417.1 *et seq.* to any development project requiring a first construction document and, if Section 417.1 *et seq.* is applicable, shall impose any such requirements as a condition of approval for issuance of the first construction document for the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit at DBI.** After the Department has made its final determination regarding the application of the affordable housing requirements to a development project pursuant to Section 417.1 *et seq.*, it shall immediately notify the Development Fee Collection Unit at DBI of the applicable affordable housing fee amount in addition to the other information required by Section 402(b) of this Article.

(c) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Section 417.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) shall be followed.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 312-10, File No. 100046, App. 12/23/2010; Ord. 55-11, File No. 101523, App. 3/23/2011)

SEC. 417.5. USE OF FUNDS.

The Eastern Neighborhoods Area Plan Alternate Affordable Housing Fee shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for. MOH shall expend the funds according to the following priorities: First, to increase the supply of housing Affordable to Qualifying Households in the Eastern Neighborhoods Project Areas; second, to increase the supply of housing Affordable to Qualifying Households within one mile of the boundaries of the Eastern Neighborhoods Project Areas; third, to increase the supply of housing Affordable to Qualifying Households in the City and County of San Francisco. The funds may also be used for monitoring and administrative expenses subject to the process described in Section 415.5(e). All monies contributed pursuant to the Eastern Neighborhoods Area Plan Alternate Affordable Housing Fee and collected within the Central SoMa Special Use District shall be paid into the Citywide Affordable Housing Fund, but the funds shall be separately accounted for. Such funds shall be expended within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 312-10, File No. 100046, App. 12/23/2010; amended by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Section amended; Ord. 296-18, Eff. 1/12/2019. Section amended; Ord. 210-21, Eff. 12/20/2021.

[RINCON HILL COMMUNITY IMPROVEMENTS FUND AND SOMA COMMUNITY STABILIZATION FUND]

SEC. 418. RINCON HILL COMMUNITY IMPROVEMENTS FUND AND SOMA COMMUNITY STABILIZATION FUND.

Sections 418.1 through 418.7, hereafter referred to as Section 418.1 *et seq.*, set forth the requirements and procedures for the Rincon Hill Community Improvements Fund and the SOMA Community Stabilization Fund. The effective date of these requirements is either August 19, 2005, which is the date that the requirements originally became effective, or the date a subsequent modification, if any, became effective.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 270-10, File No. 100917, App. 11/5/2010)

SEC. 418.1. PURPOSE AND FINDINGS SUPPORTING RINCON HILL COMMUNITY IMPROVEMENTS FUND AND SOMA COMMUNITY STABILIZATION FUND.

(a) **Purpose.** The Board takes legislative notice of the purpose of the Rincon Hill Area Plan as articulated in the Rincon Hill Area Plan of the San Francisco General Plan. In general, the Rincon Hill Area Plan aims to transform Rincon Hill into a mixed-use downtown neighborhood with a significant housing presence, while providing the full range of services and amenities that support urban living. In

addition, the Board notes the findings made in the Rincon Hill Area Plan that support the establishment of the Rincon Hill Community Improvements Fund specifically that Rincon Hill is lacking in open space facilities, pedestrian and streetscape amenities and bicycle infrastructure.

(b) **Findings.** The Board of Supervisors has reviewed the San Francisco Citywide Nexus Analysis ("Nexus Analysis"), and the San Francisco Infrastructure Level of Service Analysis, both on file with the Clerk of the Board in File No. 230764 and, under Section 401A, adopts the findings and conclusions of those studies and the general and specific findings in that Section, specifically including the Recreation and Open Space Findings and Complete Streets findings, and incorporates those by reference herein to support the imposition of the fees under this Section.

The Board takes legislative notice of the findings supporting the fees in former Planning Code Section 418.1 (formerly Section 318.1) and the materials associated with Ordinance No. 217-05 in Board File No. 050865. To the extent that the Board previously adopted fees in this Area Plan that are not covered in the analysis of the four infrastructure areas analyzed in the Nexus Analysis, including but not limited to fees related to transit, the Board continues to rely on its prior analysis and the findings it made in support of those fees.

(c) **SoMa Community Stabilization Fund.** The development of the Rincon Hill Area Plan will also have economic impacts on the immediately surrounding area of SoMa. Specifically, the development will have impacts on affordable housing, economic and community development, and community cohesion in SoMa.

(1) **Housing.** The Board has adopted extensive findings documenting generally the need for housing and particularly affordable housing and the impact of market rate housing development on the need for affordable housing in Section 415.1 and incorporates those findings herein. The proposed new development in the Rincon Hill area will also lead to increased home prices and increased rental rates in the immediate Rincon Hill area and the surrounding South of Market area. This new development and corresponding increase in prices in the Rincon Hill area will cause displacement of existing residents.

New development in the Rincon Hill area will be marketed to higher income groups than other new development in San Francisco. Higher income groups have a higher demand for services than other income groups, so a higher number of workers will need to be housed in the area. Workers in the service industry generally make less than median income. The development in Rincon Hill represents the development of a disproportionate share of the available land for remaining housing development in the City.

The new development creates the need for additional affordable housing in the South of Market neighborhood and the need to provide subsidies for existing residents so that they will not be displaced and can continue living in their current neighborhood. In order to avoid displacement from the new development, residents will also need financial support to avoid eviction.

In addition, through the amendments to the Rincon Hill Area Plan and related zoning maps, the overall development capacity of the Rincon Hill area will be increased by (1) increasing permitted height and bulk, (2) eliminating residential density limits by lot area, and (3) establishing a minimum residential to commercial use ratio. Existing permitted heights range from 80 feet up to a maximum of 250 feet. The new Rincon Hill zoning would increase heights up to 400 - 550 feet in selected locations. The permitted bulk for residential towers will be increased from a maximum floor plate of 7,500 sf to a range from 7,500 - 10,000 sf. The area's existing RC-4 zoning has a maximum permitted residential density of 1 unit per 200 of lot area; this limit will be eliminated and the height and bulk envelope will control the maximum development permitted. Thus project sponsors in the area are receiving a substantial increase in density over what is currently permitted.

(2) **Economic and Community Development.** The new development in Rincon Hill will also change the economic landscape of the Rincon Hill area and the South of Market area. The new development in Rincon Hill will displace small businesses directly by focusing development in the neighborhood on residential development and indirectly due to higher rents and higher prices for real estate. Thus existing small businesses need financial assistance to avoid being displaced.

The new development in the Rincon Hill area will also affect the type of jobs available in the Rincon Hill and South of Market area. Current residents of SoMa are employed in the Rincon Hill and SoMa area. New development in the Rincon Hill area will concentrate on residential development, thus pushing out other uses including light industrial uses and small business. Local workers will need to be retrained to avoid job displacement from the development in the Rincon Hill area. Financial assistance will support employment development, job placement, job development, and other forms of economic capacity building for SoMa residents to ameliorate the effects of the economic displacement. The City benefits from having workers live near to their work places in reduced commute times for residents, and reduced traffic congestion and associated pollution.

(3) **Community Cohesion.** New development in the Rincon Hill area in such a vast quantity and of such a different character as currently exists will change the social fabric of the neighborhood. Programs to promote leadership development, community cohesion, and civic participation will also ameliorate the negative economic and social consequences of the new development in Rincon Hill on the residents and small businesses in Rincon Hill and the broader South of Market community.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015 ; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Section header amended; divisions (a) and (b) added; former divisions A. through F. deleted; former divisions G. through J. redesignated as (c) through (c)(3) and amended; Ord. 50-15 , Eff. 5/24/2015. Division (b) amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 418.2. DEFINITIONS.

See Section 401 of this Article.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

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

(a) **Application.** Section 418.1 *et seq.* shall apply to any development project located in the Rincon Hill Community Improvements Program Area

(b) **Projects subject to the Rincon Hill Community Infrastructure Impact Fee.** The Rincon Hill Community Infrastructure Impact Fee is applicable to any development project in the Rincon Hill Program Area which results in:

(1) At least one net new residential unit,

(2) Additional space in an existing residential unit of more than 800 gross square feet,

(3) At least one net new group housing facility or residential care facility,

(4) Additional space in an existing group housing or residential care facility of more than 800 gross square feet,

(c) **Fee Calculation for the Rincon Hill Community Infrastructure Impact Fee.** For development projects for which the Rincon Hill Community Infrastructure Impact Fee is applicable:

(1) Any net addition of gross square feet shall pay per the Fee Schedule in Table 418.3A, and

(2) Any replacement of gross square feet or change of use shall pay per the Fee Schedule in Table 418.3B.

TABLE 418.3A

RINCON HILL COMMUNITY INFRASTRUCTURE IMPACT FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET IN THE RINCON HILL PROGRAM AREA:

Residential	$8.60/gsf

TABLE 418.3B

RINCON HILL COMMUNITY INFRASTRUCTURE IMPACT FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE IN THE RINCON HILL PROGRAM AREA

Residential to Residential or Non-residential; Non-residential to Non-residential; or PDR to Non-Residential	*Non-Residential to Residential*	*PDR to Residential*
$0	$5.00/gsf	$6.80/gsf

(d) **Projects Subject to and Fee Calculation for the SOMA Community Stabilization Fee.** The SOMA Community Stabilization Fee shall be $10.95 per net addition of gross square feet of residential use in any development project with a residential use within the Program Area.

(e) **Option for In-Kind Provision of Community Infrastructure and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Rincon Hill Community Infrastructure Impact Fee from the Planning Commission, subject to the following rules and requirements:

(1) **Approval criteria.** The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need and where they substitute for improvements that could be provided by the Rincon Hill Community Improvements Fund (as described in Section 418.5). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Rincon Hill Area Plan, by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), or other prioritization processes related to Rincon Hill community improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

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

(3) **Content of the In-Kind Improvements Agreement.** The In-Kind Improvements Agreement shall include at least the following items:

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

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

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

(4) **Approval Process.** The Planning Commission must approve the material terms of an In-Kind Agreement. Prior to the parties executing the Agreement, the City Attorney must approve the agreement as to form and to substance. The Director of Planning is authorized to execute the Agreement on behalf of the City. If the Planning Commission approves the In-Kind Agreement, it shall waive the amount of the Rincon Hill Community Infrastructure Impact Fee by the value of the proposed In-Kind Improvements Agreement as determined by the Director of Planning. No credit shall be made for land value unless ownership of the land is transferred to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion of the City. The maximum value of the In-Kind Improvements Agreement shall not exceed the required Rincon Hill Community Infrastructure Impact Fee.

(5) **Administrative Costs.** Project sponsors that pursue an In-Kind Improvements Agreement will be billed time and materials for any administrative costs that the Planning Department or any other City entity incurs in negotiating, drafting, and monitoring compliance with the In-Kind Improvements Agreement.

(f) **Option for Financing of In-Kind Community Improvements or payment of the Rincon Hill Community Infrastructure Impact Fee via a Mello-Roos Community Facilities District ("CFD").** Applicants may finance In-Kind Community Improvements (subject to subsection (f) above) or payment of the Rincon Hill Community Infrastructure Impact Fee (subject to subsection (c) above) through the formation of a CFD.

(g) **Timing of Fee Payments.** The Rincon Hill Community Infrastructure Impact Fee and SOMA Stabilization Fee shall be paid to DBI for deposit into the Rincon Hill Community Improvements Fund at the time required by Section 402(d).

(h) **Waiver or Reduction.** Development projects may be eligible for a waiver or reduction of impact fees, per Section 406 of this Article. In the event that the Board of Supervisors grants a waiver or reduction under Section 406 of this Article, it shall be the policy of the Board of Supervisors that it shall adjust the percentage of inclusionary housing in lieu fees in Section 827(b)(5)(C) of this Code such that a greater percentage of the in lieu fees will be spent in SOMA with the result that the waiver or reduction under this Section shall not reduce the overall funding to the SOMA community.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Section header and division (g) amended; Ord. 50-15 , Eff. 5/24/2015. Division (g) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 418.4. IMPOSITION OF COMMUNITY INFRASTRUCTURE IMPACT FEE AND SOMA STABILIZATION FEE.

(a) **Determination of Requirements.** The Department or Commission shall determine the applicability of Section 418.1 *et seq.* to any development project requiring a first construction document and, if Section 418.1 *et seq.* is applicable, the amount of Community Infrastructure Impact and SOMA Stabilization Fees required and shall impose these requirements as a condition of approval for issuance of the first construction document for the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department's Notice to Development Fee Collection Unit at DBI.** Prior to issuance of a building or site permit for a development project subject to the requirements of Section 418.1 *et seq.*, the Department shall notify the Development Fee Collection Unit at DBI of its final determination of the amount of Community Infrastructure and SOMA Stabilization Fees required, including any fee credits for in-kind improvements, in addition to the other information required by Section 402(b) of this Article.

(c) **Development Fee Collection Unit's Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing and electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Section 418.1 *et seq.* that has elected to fulfill all or part of the requirement with an In-Kind Improvement Agreement. If the Department notifies the Unit at such time that the sponsor has not satisfied the requirements, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance with the requirements of Section 418.1 *et seq.*

(d) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Section 418.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) shall be followed.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 55-11, File No. 101523, App. 3/23/2011)

SEC. 418.5. RINCON HILL COMMUNITY IMPROVEMENTS FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Rincon Hill Community Improvements Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 418.3 shall be deposited in the Fund maintained by the Controller. The receipts in the Fund shall be appropriated in accordance with law through the normal budgetary process to fund public infrastructure and other allowable improvements subject to the conditions of this Section.

(b) **Use of Funds.**

(1) **Rincon Hill Infrastructure.** All monies deposited in the Fund shall be used solely to design, engineer, acquire, improve, and develop neighborhood recreation and open spaces, pedestrian and streetscape improvements, and bicycle infrastructure that result in new

publicly-accessible facilities or other allowable improvements within the Rincon Hill Downtown Residential (DTR) District or within 250 feet of the District. These expenditures shall be consistent with the Rincon Hill Public Open Space System as described in Map 5 of the Rincon Hill Area Plan of the General Plan and the Rincon Hill Streetscape Plan. The Fund shall be allocated in accordance with Table 418.5.

Table 418.5

Breakdown of Use of Rincon Hill Community Improvements Fee by Infrastructure Type

Improvement Type	*Dollars Received from Residential Development*	*Dollars Received from Commercial Development*
Complete Streets: Pedestrian and Streetscape Improvements	79%	Not applicable
Recreation and Open Space	16%	Not applicable
Program Administration	5%	Not applicable

(2) **SoMa Stabilization Fund.** Notwithstanding Subsection (b)(1) above, $6 million of the Fund shall be transferred to the SoMa Stabilization Fund described in Section 418.7 to be used exclusively for the following expenditures: SoMa Open Space Facilities Development and Improvement; Community Facilities Development and Improvement; SoMa Pedestrian Safety Planning, Traffic Calming, and Streetscape Improvement; and Development of new affordable housing in SoMa. The Board of Supervisors finds that it is in the best interest of the City that the Rincon Hill Community Improvements be built.

(3) **Program Administration.** No portion of the Fund may be used, by way of loan or otherwise, to pay any administrative, general overhead, or similar expense of any public entity, except for the purposes of administering this fund in an amount not to exceed 5% of the total annual revenue. Administration of this fund includes maintenance of the Fund, time and materials associated with processing and approving fee payments and expenditures from the Fund (including necessary hearings), reporting or informational requests related to the Fund, and coordination between public agencies regarding determining and evaluating appropriate expenditures of the Fund. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee under Section 418.3 above, to complete a nexus study to demonstrate or update the relationship between residential development and the need for public facilities, or to commission landscape, architectural or other planning, design and engineering services in support of the proposed public improvements. All interest earned on this account shall be credited to the Rincon Hill Community Improvements Fund.

(c) **Acquisition of New Open Space.** A public hearing shall be held by both the Planning and Recreation and Parks Commissions to elicit public comment on proposals for the acquisition of property using monies in the Fund or through agreements for financing In-Kind Community Improvements via a Mello-Roos Community Facilities District that will ultimately be maintained by the Department of Recreation and Parks. Notice of public hearings shall be published in an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the time, place, and purpose of the hearing. The hearing may be continued to a later date by a majority vote of the members of both Commissions present at the hearing. The Recreation and Parks Commission may vote to recommend to the Board of Supervisors that it appropriate money from the Fund for acquisition of property for park use and/or for development of property for park use.

(d) The Planning Commission shall work to develop a proposed expenditure plan with other City agencies and commissions, specifically the Department of Recreation and Parks, DPW, and the San Francisco Municipal Transportation Agency, to develop a proposed expenditure plan, and to develop agreements related to the administration of the development of new public facilities within public rights-of-way or on any acquired property. The proposed expenditure plan shall be subject to approval by the Board of Supervisors

(e) The Director shall have the authority to prescribe rules and regulations governing the Fund, which are consistent with Section 418.1 *et seq*. The Director of Planning, as the head of the Interagency Plan Implementation Committee (IPIC), shall make recommendations to the Board regarding allocation of funds.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010; Ord. 263-13, File No. 130549, App. 11/27/2013, Eff. 12/27/2013; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015)

AMENDMENT HISTORY

[Former] division (c) amended; Ord. 263-13, Eff. 12/27/2013. Divisions (a)-(b)(3) amended; former division (c) deleted; former divisions (d)-(f) redesignated as (c)-(e) and amended; Ord. 50-15 , Eff. 5/24/2015.

SEC. 418.6. DIRECTOR OF PLANNING'S EVALUATION.

Within 18 months following the effective date of Section 418.1 *et seq.*, the Director of Planning and the Director of MOH shall report to the Planning Commission, the Board of Supervisors, and the Mayor on the status of compliance with Section 418.1 *et seq.*, the efficacy of Section 418.1 *et seq.* in funding infrastructure and stabilization programs in the Rincon Hill Program Area and in SoMa, and the impact of the Program on property values in the vicinity of the Program Area.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010)

SEC. 418.7. SOMA COMMUNITY STABILIZATION FUND.

(a) **Purpose.** There is hereby established a separate fund set aside for a special purpose entitled the SOMA Community Stabilization Fund ("Fund"), and within the Fund an account related to the Community Facilities District defined in Section 434 called the SoMa

Community Facilities District Account ("Community Facilities District Account"). The Fund and the Community Facilities District Account shall be held and maintained by the Controller. All monies collected by DBI pursuant to Section 418.3 shall be deposited in the Fund, to be maintained by the Controller. The Controller may direct certain proceeds of the Community Facilities District special tax, as defined in Section 434, collected pursuant to Section 434, to be deposited into the Community Facilities District Account. Proceeds of bonds issued for the Community Facilities District shall not be deposited into the Community Facilities District Account. The receipts in the Fund and the Community Facilities District Account are hereby appropriated in accordance with law to be used solely to address the effects of destabilization on residents and businesses in SOMA subject to the conditions of this Section 418.7.

(b) **Use of Funds.**

(1) All monies deposited in the Fund shall be used to address the impacts of destabilization on residents and businesses in SOMA including assistance for: affordable housing and community asset building, small business rental assistance, development of new affordable homes for rental units for low income households, rental subsidies for low income households, down payment assistance for home ownership for low income households, eviction prevention, employment development and capacity building for SOMA residents, job growth and job placement, small business assistance, leadership development, community cohesion, civic participation, cultural preservation, and community based programs and economic development. Monies in the Community Facilities District Account may be used for the purposes specified in this subsection (b) that are authorized uses of Community Facilities District revenues under the proceedings for the Community Facilities District and that are described in the Central SoMa Implementation Program Document.

(2) Monies from the Fund may be appropriated by the Mayor's Office of Housing and Community Development ("MOHCD") without additional approval by the Board of Supervisors to the Planning Commission or other City department or office to commission economic analyses for the purpose of revising the fee, to complete a nexus study to demonstrate the relationship between residential development and the need for stabilization assistance if this is deemed necessary, provided these expenses do not exceed a total of $100,000. The receipts in the Fund may be used to pay the expenses of MOHCD in connection with administering the Fund and monitoring the use of the Funds. Before expending funds on administration, MOHCD must obtain the approval of the Board of Supervisors by Resolution. Monies in the Community Facilities District Account may not be used for the purposes described in this subsection (b)(2).

(c) **Reporting.** The Controller's Office shall file a report with the Board of Supervisors in even-numbered years, which report shall set forth the amount of money collected in the Fund. The Fund shall be administered and expended by MOHCD, but all expenditures shall first be approved by the Board of Supervisors through the legislative process. In approving expenditures from the Fund, MOHCD and the Board of Supervisors shall consider any comments from the SOMA Community Stabilization Fund Community Advisory Committee in Article XXVII of Chapter 5 of the Administrative Code, the public, and any relevant City departments or offices. With respect to the Community Facilities District Account, the Controller's Office also shall comply with the reporting requirements set forth in the Special Tax Financing Law and Government Code Section 50075 *et seq.*

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 263-13, File No. 130549, App. 11/27/2013, Eff. 12/27/2013; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 242-19, File No. 181215, App. 11/1/2019, Eff. 12/2/2019)

AMENDMENT HISTORY

Division (c) amended; Ord. 263-13, Eff. 12/27/2013. Divisions (a), (b)-(b)(2), (c), (d), and (d)(2) amended; divisions (b)(3) and (e) deleted; Ord. 296-18, Eff. 1/12/2019. Divisions (a), (b)(2), and (c) amended; divisions (d)-(d)(3) deleted; Ord. 242-19, Eff. 12/2/2019.

SEC. 418.8. STUDIES.

(a) No later than July 1, 2010, and every five years thereafter, the Director of Planning shall complete a study to determine the demand for infrastructure to serve residential development projects in the Rincon Hill Downtown Residential District and, based on the study, recommend to the Board of Supervisors changes in the requirements for the Rincon Hill Community Infrastructure Impact Fee imposed on residential development in Section 418.1 *et seq.* if necessary to help meet that demand.

(b) No later than July 1, 2010, and every five years thereafter, the Director of MOH or his or her designee shall complete a study to determine the demand for stabilization programs in the SOMA area and, based on the study, recommend to the Board of Supervisors changes in the requirements for the SOMA Community Stabilization Fee imposed on residential development in Section 418.1 *et seq.* if necessary to help meet that demand.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 270-10, File No. 100917, App. 11/5/2010)

[HOUSING REQUIREMENTS, UMU ZONING DISTRICTS OF THE EASTERN NEIGHBORHOODS;

LAND DEDICATION ALTERNATIVE IN THE MISSION NCT DISTRICT]

SEC. 419. HOUSING REQUIREMENTS FOR RESIDENTIAL DEVELOPMENT PROJECTS IN THE UMU ZONING DISTRICTS OF THE EASTERN NEIGHBORHOODS AND THE LAND DEDICATION ALTERNATIVE IN THE UMU DISTRICT, MISSION NCT DISTRICT, AND CENTRAL SOMA SPECIAL USE DISTRICT.

Sections 419.1 through 419.6, hereafter referred to as Section 419.1 *et seq.*, set forth the housing requirements for residential

development projects in the UMU Zoning Districts of the Eastern Neighborhoods and the Land Dedication Alternative in the UMU District, Mission NCT District, and Central SoMa Special Use District. The effective date of these requirements shall be either December 19, 2008, which is the date that the requirements originally became effective, or the date a subsequent modification, if any, became effective.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Section header and section amended; Ord. 296-18, Eff. 1/12/2019. Section affirmed; Ord. 210-21, Eff. 12/20/2021.

SEC. 419.1. FINDINGS.

(a) **Need for New Housing and Other Land Uses.** San Francisco is experiencing a severe shortage of housing available to people at all income levels. In addition, San Francisco has an ongoing affordable housing crisis. Many future San Francisco workers will be earning below 80% of the area's median income, and even those earning moderate or middle incomes, above the City's median, are likely to need assistance to continue to live in San Francisco. In 2007, the median income for a family of four in the City was about $86,000. Yet median home prices suggest that nearly twice that income is needed to be able to afford a dwelling suitable for a family that size. Only an estimated 10% of households in the City can afford a median-priced home.

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

(b) **Target Area For New Housing.** San Francisco's Housing Element establishes the Eastern Neighborhoods as a target area for development of new housing to meet San Francisco's identified housing targets. The release of some of the area's formerly industrial lands, no longer needed to meet current industrial or PDR needs, offers an opportunity to achieve higher affordability, and meet a greater range of need. The Mission, Showplace Square - Potrero Hill, East SoMa and Central Waterfront Area Plans of the General Plan (Eastern Neighborhoods Plans) thereby call for creation of new zoning intended specifically to meet San Francisco's housing needs, through higher affordability requirements and through greater flexibility in the way those requirements can be met.

New affordable units are currently funded through a variety of sources, including inclusionary housing and in lieu fees leveraged by new market rate residential development pursuant to Sections 413 and 415; as well as City, State, and federal funding. Using these existing sources, the Planning Department projects that approximately 1,000 to 1,500 new units of affordable housing will be developed in the Eastern Neighborhoods.

Recognizing that this number of affordable units is not sufficient, the Plans call for further measures beyond the existing inclusionary requirements and Citywide funding, including new funding sources for affordable housing programs such as an impact fee; and new zoning districts in formerly industrial areas which require deeper affordability.

(c) **Requirements for New Development To Contribute Towards Housing Objectives.** A key policy goal of the Eastern Neighborhoods Plans is to provide a significant amount of new housing affordable to low, moderate, and middle income families and individuals, along with “complete neighborhoods” that provide appropriate amenities for these new residents. The Plans obligate all new development within the Eastern Neighborhoods to contribute towards these goals, by providing a contribution towards affordable housing needs and by paying for a reasonable share of their impact on the neighborhood’s infrastructure. They further require new development in transitioning formerly industrial areas to contribute a higher share towards the City’s exponentially high affordability needs.

To address the full range of housing needs of all income categories, including low, moderate, and middle income families and individuals, the Plans provide programs which address all of these income levels, as follows:

(1) **Low:** Current housing programs funded by federal and State funds, private equity raised through Low-Income Housing Tax Credits, and local funds such as inclusionary in-lieu and Jobs-Housing Linkage fees and run by MOHCD and the San Francisco Redevelopment Agency fund affordable housing primarily at very low and low income levels, to households making below 80% of the area median income; but due to the low supply and high costs of land in the City, are at a disadvantage for sites upon which to provide such housing. An alternative to the city’s Inclusionary Housing Program will allow developers to dedicate sites for very low and low income level units.

(2) **Moderate:** The City's Inclusionary Housing Program funds affordable housing primarily at the moderate income levels through on-site provision of below-market rate units, to households making between 80% and 120% of the San Francisco median income. Continuation and expansion of the Inclusionary Housing Program will allow provision of these moderate income units to increase.

(3) **Middle:** The City has no current programs to fund affordable housing to those at "middle" income levels, below the 200% area median income level estimated to be required to purchase market rate housing yet above the 120% threshold required for the City's Inclusionary Housing Program. An alternative to the city's Inclusionary Housing Program will allow developers to provide "middle" income level units.

The Eastern Neighborhoods Plans structure requirements and fees by tiers to ensure feasibility. This feasibility amount remains below the nexus established in the Residential Nexus Analysis, April 2007, on file with the Planning Department. Within these districts, new development of market-rate housing will be required to meet affordable housing requirements above the City's ordinary affordable housing requirements for Residential and Live/Work Development Projects (Section 415), as described in Sections 419.2-419.4. These housing requirements may be met through increased inclusionary requirements under the City's traditional Inclusionary Program, or

through alternative methods contained herein.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 188-15, File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Former divisions A. through C. redesignated as (a) through (c); division (c) amended; Ord. 56-13, Eff. 4/27/2013. Division (a) amended; Ord. 188-15, Eff. 12/4/2015. Divisions (c)-(c)(1) amended; Ord. 210-21, Eff. 12/20/2021.

SEC. 419.2. DEFINITIONS.

(a) In addition to the definitions set forth in Section 401 of this Article:

(1) "Tier A."

(i) All development on sites within the UMU District which received a height increase of eight feet or less, or received a reduction in height, as part of the Eastern Neighborhoods Plan (on file with the Clerk of the Board of Supervisors in File No. 081154), and all sites within the Mission NCT District utilizing the land dedication alternative specified in Section 419.5(a)(2).

(ii) All changes of use within existing structures.

(2) "Tier B." All development on sites within the UMU District which received a height increase of nine to 28 feet as part of the Eastern Neighborhoods Plan (on file with the Clerk of the Board of Supervisors in File No. 081154).

(3) "Tier C." All development on sites within the UMU District which received a height increase of 29 feet or more as part of the Eastern Neighborhoods Plan (on file with the Clerk of the Board of Supervisors in file No. 081154).

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 196-11, File No. 110786, App. 10/4/2011, Eff. 11/3/2011; amended by Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Divisions (a)(2), (a)(3), and (a)(4) amended; Ord. 196-11, Eff. 11/3/2011. Former divisions (a)(1)-(a)(1)(B) deleted; former divisions (a)(2)-(4) redesignated as (a)(1)-(3); Ord. 210-21, Eff. 12/20/2021.

SEC. 419.3. APPLICATION OF UMU AFFORDABLE HOUSING REQUIREMENTS.

(a) Section 419.1 *et seq.* shall apply to any housing project located in the UMU Zoning District of the Eastern Neighborhoods, that is subject to the requirements of Sections 415 *et seq.*

(b) **Additional UMU Affordable Housing Requirements to the Section 415 Inclusionary Affordable Housing Program Requirements.** The requirements of Section 415 through 415.9 shall apply subject to the following exceptions:

(1) For all projects sites designated as Tier A, a minimum of 14.4 percent of the total units constructed shall be affordable to and occupied by qualifying persons and families as defined elsewhere in this Code, so that a project sponsor must construct .144 times the total number of units produced in the principal project beginning with the construction of the tenth unit. If the total number of units is not a whole number, the sponsor shall round up to the nearest whole number for any portion of .5 or above.

(A) If the project sponsor is eligible for and elects pursuant to Section 415.5(g) to build off-site units to satisfy the requirements of this program, the sponsor shall construct 23 percent so that a sponsor must construct .23 times the total number of units produced in the principal project beginning with the construction of the tenth unit. If the total number of units is not a whole number, the sponsor shall round up to the nearest whole number for any portion of .5 or above.

(B) If the project sponsor elects pursuant to Section 415.5 to pay the fee to satisfy the requirements of this program, the sponsor shall meet the requirements of Section 415 according to the number of units required above if the project applicant were to elect to meet the requirements of this Section by off-site housing development. For the purposes of this Section, the City shall calculate the fee using the direct fractional result of the total number of units multiplied by the percentage of off-site housing required, rather than rounding up the resulting figure.

(2) For all project sites designated Tier B, a minimum of 16 percent of the total units constructed shall be affordable to and occupied

by qualifying persons and families as defined elsewhere in this Code, so that a project sponsor must construct .16 times the total number of units produced in the principal project beginning with the construction of the tenth unit. If the total number of units is not a whole number, the sponsor shall round up to the nearest whole number for any portion of .5 or above.

(A) If the project sponsor is eligible for and elects pursuant to Section 415.5(g) to build off-site units to satisfy the requirements of this program, the sponsor shall construct 25 percent so that a sponsor must construct .25 times the total number of units produced in the principal project beginning with the construction of the tenth unit. If the total number of units is not a whole number, the sponsor shall round up to the nearest whole number for any portion of .5 or above.

(B) If the project sponsor elects pursuant to Section 415.5(g) to pay the fee to satisfy the requirements of this program, the sponsor shall meet the requirements of Section 415 according to the number of units required above if the sponsor were to elect to meet the requirements of this Section by off-site housing development. For the purposes of this Section, the City shall calculate the fee using the direct fractional result of the total number of units multiplied by the percentage of off-site housing required, rather than rounding up the resulting figure.

(3) For all project sites designated Tier C, a minimum of 17.6 percent of the total units constructed shall be affordable to and occupied by qualifying persons and families as defined elsewhere in this Code, so that a project sponsor must construct .176 times the total number of units produced in the principal project beginning with the construction of the tenth unit. If the total number of units is not a whole number, the sponsor shall round up to the nearest whole number for any portion of .5 or above.

(A) If the project sponsor is eligible for and elects pursuant to Section 415.5(g) to build off-site units to satisfy the requirements of this program, the sponsor shall construct 27 percent so that a sponsor must construct .27 times the total number of units produced in the principal project beginning with the construction of the tenth unit. If the total number of units is not a whole number, the sponsor shall round up to the nearest whole number for any portion of .5 or above.

(B) If the project sponsor elects pursuant to Section 415.5 to pay the fee to satisfy the requirements of this program, the sponsor shall meet the requirements of Section 415 according to the number of units required above if the sponsor were to elect to meet the requirements of this Section by off-site housing development. For the purposes of this Section, the City shall calculate the fee using the direct fractional result of the total number of units multiplied by the percentage of off-site housing required, rather than rounding up the resulting figure.

(c) **Timing of Fee Payments.** Any fee required by Section 419.1 *et seq.* shall be paid to DBI for deposit into the Citywide Affordable Housing Fund at the time required by Section 402(d).

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 219-12, File No. 120464, App. 10/23/2012, Eff. 11/22/2012, Oper. 1/15/2013; Ord. 62-13 , File No. 121162, App. 4/10/2013, Eff. 5/10/2013 ; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015 ; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Divisions (b)(1), (b)(1)(A), (b)(2), (b)(2)(A), (b)(3), and (b)(3)(A) amended; Ord. 219-12, Oper. 1/15/2013. Divisions (b)(1), (b)(2), and (b)(3) amended; Ord. 62-13 , Eff. 5/10/2013. Division (c) amended; Ord. 50-15 , Eff. 5/24/2015. Division (c) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 419.4. IMPOSITION OF UMU AFFORDABLE HOUSING REQUIREMENTS.

(a) The Department shall determine the applicability of Section 419.1 *et seq.* to any development project requiring a first construction document and, if Section 419.1 *et seq.* is applicable, the additional affordable housing required pursuant to Section 419.1 *et seq.* and shall impose these requirements as condition on the approval for issuance of the first construction document for the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Notice to Development Fee Collection Unit at DBI.** After the Department has made its final determination of the additional affordable housing required pursuant to Section 419.1 *et seq.*, it shall immediately notify the Development Fee Collection Unit at DBI of its determination in addition to the other information required by Section 402(b) of this Article.

(c) **Sponsor's Choice to Fulfill Requirements.** Prior to issuance of a building or site permit for a development project subject to the requirements of Section 419.1 *et seq.*, the sponsor of the development project shall select one of the options described in Section 419.3 above or the Alternatives described in Section 419.5 below to fulfill the affordable housing requirements and notify the Department of their choice.

(d) **Department Notice to Development Fee Collection Unit of Sponsor Choice.** After the sponsor has notified the Department of their choice to fulfill the additional affordable housing requirements of Section 419.1 *et seq.*, the Department shall immediately notify the Development Fee Collection Unit at DBI of the sponsor's choice.

(e) **The Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Section 419.1 *et seq.* that has elected to fulfill its requirement with an option other than payment of an in-lieu fee. If the Department notifies the Unit at such time that the sponsor has not satisfied the requirements, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance with the requirements of Section 419.1 *et seq.*

(f) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Section 419.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 55-11, File No. 101523, App. 3/23/2011; amended by Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Division (c) amended; Ord. 210-21, Eff. 12/20/2021.

SEC. 419.5. ALTERNATIVES TO THE INCLUSIONARY HOUSING COMPONENT.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 187-23 , approved 9/14/2023, effective 10/15/2023, oper. 11/21/2026). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 201-23 , approved 10/12/2023, effective 11/12/2023, oper. 11/21/2026). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

(See Interpretations related to this Section.)

(a) **Alternatives to the Inclusionary Housing Component.** In addition to the Alternatives specified in Section 415.5(g) the project sponsor may elect to satisfy the requirements of Section 415.5 by one of the Alternatives specified in this Section. The project sponsor has the choice between the Alternatives and the Planning Commission may not require a specific Alternative. The project sponsor must elect an Alternative before it receives project approvals from the Planning Commission or Planning Department and that Alternative will be a condition of project approval. The Alternatives are as follows:

(1) **Middle Income Alternative.** On sites with less than 50,000 square feet of total developable area, applicants may provide units as affordable to qualifying "middle income" households as follows:

(A) A minimum percent of the total units constructed shall be affordable to and occupied affordable to qualifying "middle income" households upon initial sale, according the schedule in Table 419.5. If the total number of units is not a whole number, the project applicant shall round up to the nearest whole number for any portion of .5 or above. Units shall be affordable to households between 120% and 150% of the San Francisco Area Median Income, with an average affordability level of 135% for all units provided through this Alternative.

(B) Where market rate sales prices exceed restricted sales prices, the difference between the market rate sales prices and the restricted sales prices shall be held by the MOHCD as a silent second mortgage according to the Procedures Manual. The City shall hold a deed of trust and promissory note for the second mortgage. MOHCD shall hold this mortgage and shall release it when the original note and proportional share of the appreciation are paid in full to the City.

(C) Units shall initially be sold at or below prices to be determined by MOHCD in the Conditions of Approval or Notice of Special Restrictions according to the formula specified in the Procedures Manual to make them affordable to middle income households. Upon resale, the seller shall be permitted to sell the units at their market price. The City will waive its right of first refusal to the seller when the promissory note and deed of trust are paid, along with the City's share of the appreciation of the unit. The promissory note shall accrue no interest and shall require no monthly payments.

(D) Upon first resale, the seller shall have a right to keep a percentage of the total appreciation of the unit proportional to every year the original seller owns the unit as an owner occupant. The remainder of the proceeds of the sale, after the first mortgage, the second mortgage, and any other subordinate financing is paid off, shall be repaid to MOHCD. Detailed resale procedures shall be specified in the Middle Income Housing Procedures Manual published by MOHCD and approved by the Planning Commission. The Director of MOHCD shall amend the Procedures Manual as needed with the Commission's approval.

(E) The City shall monitor units provided under this option during the 2- and 5-year Monitoring Report specified in Section 342 of this Code and in separate resolution. Should this monitoring report indicate that units constructed under this program do not meet the programs[1] program's stated goals of providing affordable housing to Middle Income Households, the Planning Department and MOHCD shall consider changes to this program, including, but not limited to, legislative changes.

(F) If the project sponsor elects to satisfy the requirements of Section 415.5 and of this Section by the Alternative specified above, the dwelling unit mix required by Section 207.6 may be waived provided the minimum percent of total units affordable to qualifying "middle income" households as required by Table 419.5 is increased by 10%.

(2) **Land Dedication Alternative.** Applicants may dedicate a portion of the total developable area of the principal site to the City and County of San Francisco for the purpose of constructing units Affordable to Qualifying Households. A minimum percentage of developable area, representing an equivalent percent of total potential units to be constructed, shall be dedicated to the City according the schedule in Table 419.5 . To meet the requirements of this Alternative, the developer must convey title to land in fee simple absolute to MOHCD according to the Procedures Manual, provided the dedicated site is deemed of equivalent or greater value to the principal site per those procedures and is in line with the following requirements:

(A) The dedicated site will result in a total amount of inclusionary units not less than 40 units. MOHCD may conditionally approve and accept dedicated sites which result in no less than 25 units at its discretion.

(B) The dedicated site will result in a total amount of inclusionary units that is equivalent or greater than the minimum percentage of the units that will be provided on the principal site, as required by Table 419.5. MOHCD may also accept dedicated sites that represent the equivalent of or greater than the required percentage of units for all units that could be provided on a collective of sites within a one-mile radius, provided the total amount of inclusionary units provided on the dedicated site is equivalent to or greater than the total requirements for all principal sites participating in the collective, according to the requirements of Table 419.5.

(C) The dedicated site is suitable from the perspective of size, configuration, physical characteristics, physical and environmental constraints, access, location, adjacent use, and other relevant planning criteria. The site must allow development of affordable housing that is sound, safe, and acceptable.

(D) The dedicated site includes infrastructure necessary to serve the inclusionary units, including sewer, utilities, water, light, street access, and sidewalks.

(E) The developer must submit full environmental clearance for the dedicated site before the land can be considered for conveyance, and before a first site or building permit may be conferred upon the Principal Project.

(F) The City may accept dedicated sites that vary from the minimum threshold, provided such a dedication is deemed generally equivalent to the original requirement by the MOHCD.

(G) The City may accept dedicated sites that meet the above requirements in accordance with the Procedures Manual, in combination with fees or on-site units, provided such a combination is deemed generally equivalent by MOHCD to the original requirement.

(H) The project applicant has a letter from MOHCD verifying acceptance of site before it receives project approvals from the Planning Commission or Planning Department, which shall be used to verify dedication as a condition of approval.

(I) If the project sponsor elects to satisfy the requirements of Section 415.5 and of this Section by the Alternative specified above, the dwelling unit mix required by Section 207.6 may be waived.

(J) The Land Dedication Alternative may be satisfied through the dedication to the City of air space above or adjacent to the project, upon the approval of MOHCD, or a successor entity, and provided the other requirements of subsection (a)(2)(A)-(I) are otherwise satisfied.

TABLE 419.5

HOUSING REQUIREMENTS FOR THE UMU DISTRICT

Tier	*On-Site Housing Requirement*	*Off-Site/In-Lieu Requirement*	*Middle Income Alternative**	*Land Dedication Alternative for sites that have less than 30,000 square feet of developable area*	*Land Dedication Alternative for sites that have at least 30,000 square feet of developable area*
A	14.4%	23%	30%	35%	30%
B	16%	25%	35%	40%	35%
C	17.6%	27%	40%	45%	40%

*Requirement increases by 5% if dwelling unit mix required by Section 207.6 is waived.

(b) **Adjustments to Requirements for the Inclusionary Housing Component.** This Section is intended to incorporate, rather than supersede, any changes made to Planning Code Section 415. In the instance that the base requirements of Section 415 are amended, the above-noted requirements shall be reviewed, and if appropriate, amended and/or increased accordingly.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 196-11, File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 62-13, File No. 121162, App. 4/10/2013, Eff. 5/10/2013; Ord. 182-15, File No. 150496, App. 10/16/2015, Eff. 11/15/2015; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Divisions (a)(1)(F), (a)(2)(B), (a)(2)(I) amended; former Table 419A.4 redesignated as Table 419.5 and internal references adjusted accordingly; Table 419.5 note amended; Ord. 196-11, Eff. 11/3/2011. [Former] division (b) amended; Ord. 56-13, Eff. 4/27/2013. Table 419.5 amended; Ord. 62-13, Eff. 5/10/2013. Former division (b) deleted; former division (c) redesignated as (b); Ord. 182-15, Eff. 11/15/2015. Divisions (a), (a)(1)(A)-(F), and (a)(2)-(a)(2)(J) amended; Ord. 210-21, Eff. 12/20/2021.

CODIFICATION NOTE

1. So in Ord. 210-21.

SEC. 419.6. LAND DEDICATION ALTERNATIVE IN THE MISSION NCT DISTRICT AND CENTRAL SOMA SPECIAL USE DISTRICT.

(a) **Mission NCT District.** The Land Dedication Alternative is available for any project within the Mission NCT District under the same terms and conditions as provided for in Section 419.5(a)(2)(A)-(J).

(b) **Central SoMa Special Use District.** The Land Dedication Alternative is available for projects within the Central SoMa Special Use District under the same terms and conditions as provided for in Section 419.5(a)(2), except that in lieu of the Land Dedication Alternative requirements of Table 419.5, projects may satisfy the requirements of Section 415.5 by dedicating land for affordable

housing if the dedicated site will result in a total amount of dedicated Gross Floor Area that is equal to or greater than 45% of the potential Gross Floor Area that could be provided on the principal site, as determined by the Planning Department. Any dedicated land shall be within the area bounded by Market Street, the Embarcadero, King Street, Division Street, and South Van Ness Avenue.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Section amended; Ord. 188-15 , Eff. 12/4/2015. Section header amended; section designated as division (a); division (b) added; Ord. 296-18, Eff. 1/12/2019. Divisions (a) and (b) amended; Ord. 210-21, Eff. 12/20/2021.

[VISITACION VALLEY COMMUNITY FACILITIES AND INFRASTRUCTURE FEE AND FUND]

SEC. 420. VISITACION VALLEY COMMUNITY FACILITIES AND INFRASTRUCTURE FEE AND FUND.

Sections 420.1 through 420.6, hereafter referred to as Section 420.1 *et seq.*, set forth the requirements and procedures for the Visitation Valley Community Facilities and Infrastructure Fee and Fund. The effective date of these requirements shall be either November 18, 2005, which is the date that the requirements originally became effective, or the date a subsequent modification, if any, became effective.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 3-11, File No. 101247, App. 1/7/2011; Ord. 55-11, File No. 101523, App. 3/23/2011)

SEC. 420.1. PURPOSE AND FINDINGS SUPPORTING VISITACION VALLEY COMMUNITY IMPROVEMENTS FEE AND FUND.

(a) **Purpose.** The Visitacion Valley Fee Area (Fee Area) is located along the southeastern border of San Francisco and includes the area bounded by McLaren Park to the west, the San Mateo County line to the south, Mansell Street to the north, and Highway 101 and Bayview Park to the east. The Board takes legislative notice of the purpose of the following planning areas: Executive Park Subarea Plan of the Bayview Hunters Point Area Plan, and the Visitacion Valley Redevelopment Area, including the Schlage Lock site. The Board also takes notice of the HOPE SF program, specifically the HOPE SF development at Sunnydale. Jointly these plans and program aim to strengthen neighborhood character, the neighborhood commercial district, and transit by increasing the housing and retail capacity in the area. This project goal will also help to meet ABAG's projected demand to provide housing in the Bay Area by encouraging the construction of higher density housing. The Plan builds on existing neighborhood character and establishes new standards for amenities necessary for a transit-oriented neighborhood. In addition, the Board notes the findings made in the above-referenced Plans that support the establishment of the Visitacion Valley Community Improvements Fee and Fund, specifically that new development in Visitacion Valley creates the need for improvements in pedestrian and streetscape amenities, bicycle infrastructure, recreation and open space facilities, and childcare.

(b) **Findings.** The Board of Supervisors has reviewed the San Francisco Citywide Nexus Analysis ("Nexus Analysis"), and the San Francisco Infrastructure Level of Service Analysis, both on file with the Clerk of the Board in File No. 230764 and, under Section 401A, adopts the findings and conclusions of those studies and the general and specific findings in that Section, specifically including the Recreation and Open Space Findings, Complete Streets Findings, and Childcare Findings, and incorporates those by reference herein to support the imposition of the fees under this Section.

The Board takes legislative notice of the findings supporting these fees in former Planning Code Section 420.1 (formerly Section 318.10 *et seq.*) and the materials associated with Ordinance No. 3-11 in Board File No. 101247. To the extent that the Board previously adopted fees in this Area Plan that are not covered in the analysis of the four infrastructure areas analyzed in the Nexus Analysis, including but not limited to tees related to transit, the Board continues to rely on its prior analysis and the findings it made in support of those fees.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 3-11, File No. 101247, App. 1/7/2011; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Section header and divisions (a) and (b) amended; former divisions (c)-(e) deleted; Ord. 50-15 , Eff. 5/24/2015. Division (b) amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 420.2. DEFINITIONS.

See Section 401 of this Article.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 3-11, File No. 101247, App. 1/7/2011)

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

(a) **Projects subject to the Visitacion Valley Community Facilities and Infrastructure Fee.** The Visitacion Valley Community Facilities Fee and Infrastructure Fee is applicable to any development project in the Visitacion Valley Fee Area which:

(1) has 20 or more residential units, and

(A) creates at least one new residential unit, or

(B) creates additional space in an existing residential unit of more than 800 gross square feet.

(2) have both not filed an application or a building permit, site permit, conditional use, planned unit development, environmental evaluation, Zoning Map amendment or General Plan amendment prior to September 1, 2003, and have filed an application for a building permit, site permit, conditional use, planned unit development, environmental evaluation, Zoning Map amendment or General Plan amendment on or after September 1, 2003.

(b) **Amount of Fee.** The Visitacion Valley Community Facilities and Infrastructure Fee ("Fee") shall be $4.58 for each net addition of occupiable square feet of residential use within a development project subject to this Section. Any replacement of gross square feet or change of use shall pay per the Fee Schedule in Table 420.3A below.

Residential to Residential or Non-residential; Non-residential to Non-residential; or PDR to Non-Residential	***Non-Residential to Residential***	***PDR to Residential***
$0	$3.60/gsf	$2.32/gsf

(c) **Option for In-Kind Provision of Community Infrastructure and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Visitacion Valley Community Facilities and Infrastructure Fee from the Planning Commission, subject to the following rules and requirements:

(1) **Approval Criteria.** The City shall not enter into an In-Kind Agreement unless the proposed In-Kind Improvements meet an identified community need and where they substitute for improvements that could be provided by the Visitacion Valley Community Facilities and Infrastructure Fund. The City may reject in-kind improvements if they are not consistent with the priorities identified in the Visitacion Valley Community Facilities and Infrastructure Fee Program, by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), or other prioritization processes related to Visitacion Valley community improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

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

(3) **Content of the In-Kind Improvements Agreement.** The In-Kind Improvements Agreement shall include at least the following items:

(i) A description of the type and timeline of the proposed In-Kind Improvements.

(ii) The appropriate value of the proposed In-Kind Improvement, as determined in subsection (2) above.

(iii) The legal remedies in the case of failure by the project sponsor to provide the In-Kind Improvements according to the specified timeline and terms in the agreement. Such remedies shall include the method by which the City will calculate accrued interest.

(4) **Approval Process.** The Planning Commission must approve the material terms of an In-Kind Agreement. Prior to the parties executing the Agreement, the City Attorney must approve the agreement as to form and to substance. The Director of Planning is authorized to execute the Agreement on behalf of the City. If the Planning Commission approves the In-Kind Agreement, it shall waive the amount of the Visitacion Valley Community Facilities and Infrastructure Fee by the value of the proposed In-Kind Improvements Agreement as determined by the Director of Planning. No credit shall be made for land value unless ownership of the land is transferred to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion of the City. The maximum value of the In-Kind Improvements Agreement shall not exceed 100% of the required fee.

(5) **Administrative Costs.** Project sponsors that pursue an In-Kind Improvements Agreement will be billed time and materials for any administrative costs that the Planning Department or any other City entity incurs in negotiating, drafting, and monitoring compliance with the In-Kind Improvements Agreement.

(6) **Credit for On-Site Community Facilities and Childcare Facilities.** Notwithstanding the foregoing provisions of subsection (c), a project that filed its first environmental application on or before November 18, 2010 only, is eligible for a credit for on-site community facilities or Childcare Facilities as follows: The project sponsor shall receive a credit not to exceed $1.12 multiplied by the net addition of occupiable square feet of residential use in the residential development project. To qualify for a credit for community facilities or Childcare Facility, the facility shall be open and available to the general public on the same terms and conditions as to residents of the residential development project in which the facilities are located. Subject to the review and approval of the Planning Commission, the project sponsor may apply for a credit up to 100% of the required fee, as stated in subsection (c) above.

(d) **Timing of Fee Payments.** Any fee required by Section 420.1 *et seq.* shall be paid to DBI for deposit into the Visitacion Valley Community Facilities and Infrastructure Fund at the time required by Section 402(d).

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 3-11, File No. 101247, App. 1/7/2011; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Section header and division (d) amended; Ord. 50-15 , Eff. 5/24/2015. Division (d) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 420.4. IMPOSITION OF REQUIREMENTS.

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 420.1 *et seq.* to any development project requiring a first construction document and, if Section 420.1 *et seq.* is applicable, the net addition of gross square feet of residential use subject to its requirements, and shall impose the fee requirements as a condition of approval for issuance of the first construction document for the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit at DBI.** Prior to issuance of the building or site permit for a development project subject to Section 420 *et seq.*, the Department shall notify the Development Fee Collection Unit at DBI of its final determination of any fee requirements, including any fee credits for in-kind improvements, in addition to the other information required by Section 402(b) of this Article.

(c) **Development Fee Collection Unit Notice to Department.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Section 420.1 *et seq.* that has elected to satisfy its fee requirement with credits-in-kind improvements. If the Department notifies the Unit at such time that the sponsor has not satisfied the in-kind improvements requirements of Section 420.3, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance.

(d) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Section 420.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 3-11, File No. 101247, App. 1/7/2011; Ord. 55-11, File No. 101523, App. 3/23/2011)

SEC. 420.5. LIEN PROCEEDINGS.

If, for any reason, the fee imposed under Section 420.3 remains unpaid following issuance of the certificate of occupancy, the Development Fee Collection Unit at DBI shall institute lien proceedings to make the entire unpaid balance of the fee, plus interest and any deferral surcharge, a lien against all parcels used for the development project in accordance with Section 408 of this Article and Section 107A.13.215 of the San Francisco Building Code.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 3-11, File No. 101247, App. 1/7/2011; Ord. 55-11, File No. 101523, App. 3/23/2011)

SEC. 420.6. VISITACION VALLEY COMMUNITY IMPROVEMENTS FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Visitation Valley Community Facilities and Infrastructure Fund ("Fund"). All monies collected by DBI pursuant to Section 420.3(b) shall be deposited in the Fund which shall be maintained by the Controller. The receipts in the Fund shall be appropriated in accordance with law through the normal budgetary process to fund public infrastructure and other allowable improvements subject to the conditions of this Section.

(b) All monies deposited in the Fund shall be used solely to design, engineer, acquire, develop, and improve neighborhood recreation and open spaces, pedestrian and streetscape improvements, childcare facilities, bicycle infrastructure and other improvements that result in new publicly accessible facilities and related resources within the Visitacion Valley or within 250 feet of the Visitacion Valley Fee Area. The Fund shall be allocated in accordance with Table 420.6A.

Table 420.6A

Breakdown of Use of Visitacion Valley Community Improvements Fund by Infrastructure Type

Improvement Type	*Dollars Received From Residential Development*	*Dollars Received From Non-Residential Development*
Complete Streets: Pedestrian and Streetscape Improvements, Bicycle Infrastructure	45%	45%
Recreation and Open Space	30%	30%
Childcare	20%	20%
Program Administration	5%	5%

(c) **Program Administration.** No portion of the Fund may be used, by way of loan or otherwise, to pay any administrative, general overhead, or similar expense of any public entity, except for the administration of this fund in an amount not to exceed 5% of the total annual revenue. Administration of this fund includes maintenance of the Fund, time and materials associated with processing and approving fee payments and expenditures from the Fund (including necessary hearings), reporting or informational requests related to the Fund, and coordination between public agencies regarding determining and evaluating appropriate expenditures of the Fund. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee under Section 418.3 above, to complete a nexus study to demonstrate or update the relationship between residential development and the need

for public facilities, or to commission landscape, architectural or other planning, design and engineering services in support of the proposed public improvements. All interest earned on this account shall be credited to the Visitacion Valley Improvements Fund.

(d) **Acquisition of New Open Space.** A public hearing shall be held by the Recreation and Park Commission to elicit public comment on proposals for the acquisition of property using monies in the Fund or through agreements for financing In-Kind Community Improvements via a Mello-Roos Community Facilities District that will ultimately be maintained by the Department of Recreation and Parks. Notice of public hearings shall be published in an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the time, place, and purpose of the hearing. The Parks Commissions may vote to recommend to the Board of Supervisors that it appropriate money from the Fund for acquisition of property for park use and for development of property acquired for park use.

(e) The Planning Commission shall work with other City agencies and commissions, specifically the Department of Recreation and Parks, DPW, and the San Francisco Municipal Transportation Agency, to develop agreements related to the administration of the improvements to existing and development of new public facilities within public rights-of-way or on any acquired property designed for park use. The proposed expenditure plan shall be subject to approval by the Board of Supervisors.

(f) The Director of Planning shall have the authority to prescribe rules and regulations governing the Fund, which are consistent with this Section 420.1 *et seq*. The Director of Planning, as the head of the Interagency Plan Implementation Committee (IPIC), shall make recommendations to the Board regarding allocation of funds.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 3-11, File No. 101247, App. 1/7/2011; Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 263-13, File No. 130549, App. 11/27/2013, Eff. 12/27/2013; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015)

AMENDMENT HISTORY

[Former] division (g) amended; Ord. 263-13, Eff. 12/27/2013. Section header and divisions (a)-(f) amended; former division (g) deleted; Ord. 50-15 , Eff. 5/24/2015.

[MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND]

SEC. 421. MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND.

Sections 421.1 through 421.7, hereafter referred to as Section 421.1 *et seq.*, set forth the requirements and procedures for the Market and Octavia Community Improvements Fund. The effective date of these requirements shall be either April 3, 2008, the date that the requirements originally became effective, or the date a subsequent modification, if any, became effective.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 421.1. PURPOSE AND FINDINGS SUPPORTING THE MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND.

(a) **Purpose.** The Board takes legislative notice of the purpose of the Market and Octavia Area Plan ("Area Plan") as articulated in the Market and Octavia Area Plan of the San Francisco General Plan. In general, the Market and Octavia Area Plan embodies the community's vision of a better neighborhood, which achieves multiple objectives including creating a healthy, vibrant transit-oriented neighborhood.

The Market and Octavia Plan Area encompasses a variety of districts, most of which are primarily residential or neighborhood commercial. The Area Plan calls for a maintenance of the well-established neighborhood character in these districts with a shift to a more transit-oriented type of districts. A transit-oriented district, be it neighborhood commercial or residential in character, generates a unique type of infrastructure needs.

The overall objective of the Market and Octavia planning effort is to encourage balanced growth in a centrally located section of the City that is ideal for transit oriented development. The Area Plan calls for an increase in housing and retail capacity simultaneous to infrastructure improvements in an effort to maintain and strengthen neighborhood character. In addition, the Board notes the findings made in the Market and Octavia Area Plan that support the establishment of the Market and Octavia Community Improvements Fund. For example, new construction should not diminish the City's open space, jeopardize the City's Transit First Policy, or place undue burden on the City's service systems. The new residential and non-residential construction should preserve the existing neighborhood services and character, as well as increase the level of service for all modes necessary to support transit-oriented development. New development in the area will create additional impact on the local infrastructure, thus generating a substantial need for community improvements as the district's population and workforce grows.

The purpose of the proposed Market and Octavia Community Infrastructure Impact Fees is to provide specific public improvements, including community open spaces, pedestrian and streetscape improvements and other facilities and services. These improvements are described in the Market and Octavia Area Plan and Neighborhood Plan and the accompanying ordinances, and are necessary to meet established City standards for the provision of such facilities. The Market and Octavia Community Improvements Fund and Community Infrastructure Impact Fee will create the necessary financial mechanism to fund these improvements in proportion to the need generated by new development.

(b) **Findings.** The Board of Supervisors has reviewed the San Francisco Citywide Nexus Analysis (“Nexus Analysis”), and the San Francisco Infrastructure Level of Service Analysis, both on file with the Clerk of the Board in File No. 230764 and, under Section 401A, adopts the findings and conclusions of those studies and the general and specific findings in that Section, specifically including the Recreation and Open Space Findings, Complete Streets Findings, Childcare Findings, and Transit Infrastructure Findings, and incorporates those by reference herein to support the imposition of the fees under this Section.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010; Ord. 25-11, File No. 101464, App. 2/24/2011; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015; Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Section header amended; former divisions A. and B. redesignated as division (a) and amended; new division (b) added; former divisions C.-E. deleted; Ord. 50-15 , Eff. 5/24/2015. Division (b) amended; Ord. 200-15 , Eff. 12/25/2015 and Ord. 222-15 , Eff. 1/17/2016. Division (b) amended; Ord. 193-23, Eff. 1016/2023.

SEC. 421.2. DEFINITIONS.

See Section 401 of this Article.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 421.3. APPLICATION OF COMMUNITY IMPROVEMENTS IMPACT FEE.

(a) **Application.** Section 421.1 *et seq.* shall apply to any development project located in the Market and Octavia Program Area as defined in Section 401.

(b) **Projects subject to the Market and Octavia Community Improvement Impact Fee.** The Market and Octavia Community Improvements Impact Fee is applicable to any development project in the Market and Octavia Program Area which results in:

(1) At least one net new residential unit,

(2) Additional space in an existing residential unit of more than 800 gross square feet,

(3) At least one net new group housing facility or residential care facility,

(4) Additional space in an existing group housing or residential care facility of more than 800 gross square feet,

(5) New construction of a non-residential use, or

(6) Additional non-residential space in excess of 800 gross square feet in an existing structure.

(c) **Fee Calculation for the Market and Octavia Community Improvement Impact Fee.** For development projects for which the Market and Octavia Community Improvements Impact Fee is applicable:

(1) Any net addition of gross square feet shall pay per the Fee Schedule in Table 421.3A, and

(2) Any replacement of gross square feet or change of use shall pay per the Fee Schedule in Table 421.3B.

TABLE 421.3A

FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET IN THE MARKET AND OCTAVIA PROGRAM AREA

Residential	Non-residential
$9.00/gsf	$3.40/gsf

TABLE 421.3B

FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE IN THE MARKET AND OCTAVIA PROGRAM AREA

Residential to Residential or Non-residential; or Non-residential to Non-residential	***Non-Residential to Residential***	***PDR to Residential***	***PDR to Non-Residential***
$0	$5.60/gsf	$7.30/gsf	$1.70/gsf

(d) **Option for In-Kind Provision of Community Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Market and Octavia Community Improvements Impact Fee from the Planning Commission, subject to the following rules and requirements:

(1) **Approval criteria.** The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need and where they substitute for improvements that could be provided by the Market and Octavia Community Improvements Fund (as described in Section 421.5). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Market and Octavia Area Plan, by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), the Market and Octavia Citizens Advisory Committee, or other prioritization processes related to Market and Octavia community improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

(2) **Valuation.** The Director of Planning shall determine the appropriate value of the proposed in-kind improvements. For the

purposes of calculating the total value, the project sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind improvement(s) from two independent sources or, if relevant, real estate appraisers. If the City has completed a detailed site-specific cost estimate for a planned improvement this may serve as one of the cost estimates provided it is indexed to current cost of construction.

(3) **Content of the In-Kind Improvements Agreement.** The In-Kind Improvements Agreement shall include at least the following items:

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

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

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

(4) **Approval Process.** The Planning Commission must approve the material terms of an In-Kind Agreement. Prior to the parties executing the Agreement, the City Attorney must approve the agreement as to form and to substance. The Director of Planning is authorized to execute the Agreement on behalf of the City. If the Planning Commission approves the In-Kind Agreement, it shall waive the amount of the Market and Octavia Community Improvements Impact Fee by the value of the proposed In-Kind Improvements Agreement as determined by the Director of Planning. No credit shall be made for land value unless ownership of the land is transferred to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion of the City. The maximum value of the In-Kind Improvements Agreement shall not exceed the required Market and Octavia Community Improvements Impact Fee.

(5) **Administrative Costs.** Project sponsors that pursue an In-Kind Improvements Agreement will be billed time and materials for any administrative costs that the Planning Department or any other City entity incurs in negotiating, drafting, and monitoring compliance with the In-Kind Improvements Agreement.

(e) **Option for Financing of Community Improvements or Payment of the Market and Octavia Community Improvements Impact Fee via a Mello Roos Community Facilities District ("CFD").** Applicants may finance In-Kind Community Improvements (subject to subsection (e) above) or payment of the Market and Octavia Community Improvements Impact Fee (subject to subsection (c) above) through the formation of a CFD.

(f) **Timing of Fee Payments.** The Market and Octavia Community Improvements Impact Fee shall be paid to DBI for deposit into the Market and Octavia Community Improvements Fund at the time required by Section 402(d).

(g) **Waiver or Reduction.** Development projects may be eligible for a waiver or reduction of impact fees, per Section 406 of this Article. Additionally, applicants that are subject to the downtown parks fee, Section 139, can reduce their contribution to the Market and Octavia Community Improvements Fund by one dollar for every dollar that they contribute to the downtown parks fund, the total fee waiver or reduction granted through this clause shall not exceed 8.2 percent of calculated contribution for residential development or 13.8 percent for commercial development.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010; Ord. 25-11, File No. 101464, App. 2/24/2011; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 83-17, File No. 170003, App. 3/24/2017, Eff. 4/23/2017; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Division (f) amended; Ord. 50-15 , Eff. 5/24/2015. Division (a) amended; Ord. 83-17, Eff. 4/23/2017. Division (f) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 421.4. IMPOSITION OF COMMUNITY INFRASTRUCTURE IMPACT FEE.

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 421.1 *et seq.* to any development project requiring a first construction document and, if Section 421.1 is applicable, the number of gross square feet of each type of space subject to its requirements, and shall impose these requirements as a condition of approval for issuance of the first construction document for the development project to mitigate the development impacts. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit at DBI.** After the Department has made its final determination of the net addition of gross square feet of each type of space subject to Section 421.1 *et seq.*, it shall immediately notify the Development Fee Collection Unit at DBI of its determination in addition to the other information required by Section 402(b) of this Article.

(c) **Sponsor's Choice to Fulfill Requirements.** Prior to issuance of a building or site permit for a development project subject to the requirements of Section 421.1 *et seq.*, the sponsor shall elect an option under Section 421.3 to fulfill the requirements of Section 421.1 *et seq.* and notify the Department of their choice.

(d) **Department's Notice to Development Fee Collection Unit of Sponsor's Choice.** After the project sponsor has notified the Department of the choice to fulfill the requirements of Section 421.1 *et seq.*, the Department shall immediately notify the Development Fee Collection Unit at DBI of the project sponsor's choice.

(e) **Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Section 421.1 *et seq.* that has elected to fulfill all or part of the requirement with an option other than payment of a fee. If the Department notifies the Unit at such time that the sponsor has not satisfied the requirements, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance with the requirements of Section 421.1 *et seq.*

(f) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action

affecting any development project subject to Section 421.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) shall be followed.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015)

SEC. 421.5. MARKET AND OCTAVIA COMMUNITY IMPROVEMENTS FUND.

(a) **Purpose.** There is hereby established a separate fund set aside for a special purpose entitled the Market and Octavia Community Improvements Fund ("Fund"). All monies collected by DBI pursuant to Section 421.3(b) shall be deposited in the Fund maintained by the Controller. The receipts in the Fund shall be appropriated in accordance with law through the normal budgetary process to fund public infrastructure and other allowable improvements subject to the conditions of this Section.

(b) **Use of Funds.** The Fund shall be administered by the Board of Supervisors.

(1) **Infrastructure.** All monies deposited in the Fund shall be used to design, engineer, acquire, improve, and develop neighborhood open spaces, pedestrian and streetscape improvements, bicycle infrastructure, childcare facilities, and other improvements that result in new publicly-accessible facilities and related resources within the Market and Octavia Plan Area or within 1,250 feet of the Plan Area. Funds may be used for childcare facilities that are not publicly owned or publicly-accessible. The improvements, where applicable, shall be consistent with the Market and Octavia Civic Streets and Open Space System as described in Map 5 of the Market and Octavia Area Plan of the General Plan, and Market and Octavia Community Improvements Program. The funds shall be allocated in accordance with Table 421.5A.

Table 421.5A. Breakdown of Use of Market and Octavia Community Improvements Fee by Infrastructure Type.

Improvement Type	*Dollars Received From Residential Development*	*Dollars Received From Non-Residential Development*
Complete Streets: Pedestrian and Streetscape Improvements, Bicycle Facilities	44%	61%
Transit	22%	20%
Recreation and Open Space	21%	14%
Childcare	8%	Not applicable
Program Administration	5%	5%

(2) **Program Administration.** No portion of the Fund may be used, by way of loan or otherwise, to pay any administrative, general overhead, or similar expense of any public entity, except for the purposes of administering this fund in an amount not to exceed 5 % of the total annual revenue. Administration of this fund includes time and materials associated with processing and approving fee payments and expenditures from the Fund (including necessary hearings), reporting or informational requests related to the Fund, and coordination between public agencies regarding determining and evaluating appropriate expenditures of the Fund. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee or to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities if this is deemed necessary. All interest earned on this account shall be credited to the Market and Octavia Community Improvements Fund.

(c) **Acquisition of New Open Space.** A public hearing shall be held by the Recreation and Parks Commission to elicit public comment on proposals for the acquisition of property using monies in the Fund in the Fund or through agreements for financing In-Kind Community Improvements via a Mello-Roos Community Facilities District that will ultimately be maintained by the Department of Recreation and Parks. Notice of public hearings shall be published in an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the time, place, and purpose of the hearing. The Parks Commission may vote to recommend to the Board of Supervisors that it appropriate money from the Fund for acquisition of property for park use and for development of property acquired for park use.

(d) The Planning Commission shall work with other City agencies and commissions, specifically the Department of Recreation and Parks, DPW, and the San Francisco Municipal Transportation Agency, to develop a proposed expenditure plan, and to develop agreements related to the administration of the improvements to existing and development of new public facilities within public rights-of-way or on any acquired property designed for park use. The proposed expenditure plan shall be approved by the Board of Supervisors.

(e) The Director of Planning shall have the authority to prescribe rules and regulations governing the Fund, which are consistent with this Section 421.1 *et seq*. The Director of Planning, as the head of the Interagency Plan Implementation Committee (IPIC), shall make recommendations to the Board regarding allocation of funds.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010; Ord. 25-11, File No. 101464, App. 2/24/2011; Ord. 263-13, File No. 130549, App. 11/27/2013, Eff. 12/27/2013; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 83-17, File No. 170003, App. 3/24/2017, Eff. 4/23/2017; Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020)

AMENDMENT HISTORY

[Former] division (c) amended; Ord. 263-13, Eff. 12/27/2013. Divisions (a)-(b)(2) amended; former division (c) deleted; former divisions (d)-(f) redesignated as (c)-(e) and amended; Ord. 50-15 , Eff. 5/24/2015. Division (b)(1) amended; Ord. 188-15 , Eff. 12/4/2015. Division (b)(1) amended; Ord. 83-17, Eff. 4/23/2017. Division (b)(1) amended; Ord. 126-20, Eff. 8/31/2020.

SEC. 421.6. DIRECTOR OF PLANNING'S EVALUATION AND STUDY.

The Planning Department shall fulfill all relevant evaluation, reporting and study requirements to insure that the fee program remains up to date. These requirements include those outlined in Section 421.6(c), 341.2, and 341.3 of this Code, and Section 36.4 of the Administrative Code. Fulfillment of these reporting requirements shall be coordinated to minimize staff time. Funds to fulfill these requirements should be considered monitoring and program administration.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 421.7. [REPEALED.]

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010; repealed by Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015)

[BALBOA PARK COMMUNITY IMPROVEMENTS FUND]

SEC. 422. BALBOA PARK COMMUNITY IMPROVEMENTS FUND.

Sections 422.1 through 422.5, hereafter referred to as Section 422.1 *et seq.*, set forth the requirements and procedures for the Balboa Park Community Improvements Fund. The effective date of these requirements shall be either April 17, 2009, which is the date that the requirements originally became effective, or the date a subsequent modification, if any, became effective.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 422.1. PURPOSE AND FINDINGS IN SUPPORT OF BALBOA PARK COMMUNITY IMPROVEMENTS FUND.

(a) **Purpose.** The Board takes legislative notice of the purpose of the Balboa Park Station Area Plan as articulated in the Balboa Park Station Area Plan of the San Francisco General Plan. The Balboa Park Station Area Plan is a part of the Better Neighborhoods Program that recognizes population growth is beneficial in neighborhoods well-served by transit. As such, the Balboa Park Area Plan aims to strengthen neighborhood character, the neighborhood commercial district, and transit by increasing the housing and retail capacity in the area. This project goal will also help to meet ABAG's projected demand to provide housing in the Bay Area by encouraging the construction of higher density housing. The Balboa Park Plan Area can better accommodate this growth because of its easy access to public transit, proximity to downtown, convenience of neighborhood shops to meet daily needs, and the availability of development opportunity sites. San Francisco's land constraints limit new housing construction to areas of the City not previously designated as residential areas, infill sites, or areas that can absorb increased density. The Balboa Park Plan Area presents an opportunity to both absorb increased density and provide infill development within easy walking distance to transit while maintaining neighborhood character. The Plan builds on existing neighborhood character and establishes new standards for amenities necessary for a transit-oriented neighborhood.

In addition, the Board takes legislative notice of the findings made in the Balboa Park Station Area Plan that support the establishment of the Balboa Park Community Improvements Fund.

(b) **Findings.** The Board of Supervisors has reviewed the San Francisco Citywide Nexus Analysis ("Nexus Analysis"), and the San Francisco Infrastructure Level of Service Analysis, both on file with the Clerk of the Board in File No. 230764 and, under Section 401A, adopts the findings and conclusions of those studies and the general and specific findings in that Section, specifically including the Recreation and Open Space Findings, Complete Streets Findings, Childcare Findings, and Transit Infrastructure Findings, and incorporates those by reference herein to support the imposition of the fees under this Section.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015; Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Section header amended; former division A. redesignated as (a) and amended; former divisions B.-E. deleted; new division (b) added; Ord. 50-15 , Eff. 5/24/2015. Division (b) amended; Ord. 200-15 , Eff. 12/25/2015 and Ord. 222-15 , Eff. 1/17/2016. Division (b) amended; Ord. 193-23 Eff. 10/16/2023.

SEC. 422.2. DEFINITIONS.

See Section 401 of this Article.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 422.3. APPLICATION OF COMMUNITY IMPROVEMENT IMPACT FEE.

(a) **Application.** Section 422.1 *et seq.* shall apply to any development project located in the Balboa Park Community Improvements Program Area.

(b) **Projects subject to the Balboa Park Impact Fee.** The Balboa Park Impact Fee is applicable to any development project in the Balboa Park Program Area which results in:

(1) At least one net new residential unit,

(2) Additional space in an existing residential unit of more than 800 gross square feet,

(3) At least one net new group housing facility or residential care facility,

(4) Additional space in an existing group housing or residential care facility of more than 800 gross square feet,

(5) New construction of a non-residential use, or

(6) Additional non-residential space in excess of 800 gross square feet in an existing structure.

(c) **Fee Calculation for the Balboa Park Impact Fee.** For development projects for which the Balboa Park Impact Fee is applicable:

(1) Any net addition of gross square feet shall pay per the Fee Schedule in Table 422.3A, and

(2) Any replacement of gross square feet or change of use shall pay per the Fee Schedule in Table 422.3B.

TABLE 422.3A

FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET IN THE BALBOA PARK PROGRAM AREA

Residential	Non-residential
$8.00/gsf	$1.50/gsf

TABLE 422.3B

FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE IN THE BALBOA PARK PROGRAM AREA

Residential to Residential or Non-residential; or Non-residential to Non-residential	Non-Residential to Residential	PDR to Residential	PDR to Non-Residential
$0	$6.50/gsf	$7.25/gsf	$0.75/gsf

(d) **Option for In-Kind Provision of Community Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Balboa Park Impact Fee from the Planning Commission, subject to the following rules and requirements:

(1) **Approval criteria.** The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need as analyzed in the Balboa Park Community Improvements Program and where they substitute for improvements that could be provided by the Balboa Park Community Improvements Fund (as described in Section 422.5). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Balboa Park Area Plan, by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), or other prioritization processes related to Balboa Park community improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

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

(3) **Content of the In-Kind Improvements Agreement.** The In-Kind Improvements Agreement shall include at least the following items:

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

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

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

(4) **Approval Process.** The Planning Commission must approve the material terms of an In-Kind Agreement. Prior to the parties executing the Agreement, the City Attorney must approve the agreement as to form and to substance. The Director of Planning is authorized to execute the Agreement on behalf of the City. If the Planning Commission approves the In-Kind Agreement, it shall waive the amount of the Balboa Park Impact Fee by the value of the proposed In-Kind Improvements Agreement as determined by the Director of Planning. No credit shall be made for land value unless ownership of the land is transferred to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion of the City. The maximum value of the In-Kind Improvements Agreement shall not exceed the required Balboa Park Impact Fee.

(5) **Administrative Costs.** Project sponsors that pursue an In-Kind Improvements Agreement will be billed time and materials for

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

(e) **Timing of Fee Payments.** The Balboa Park Impact Fee shall be paid to DBI for deposit into the Balboa Park Community Improvements Fund at the time required by Section 402(d).

(f) **Waiver or Reduction.** Development projects may be eligible for a waiver or reduction of impact fees, per Section 406 of this Article.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Division (e) amended; Ord. 50-15 , Eff. 5/24/2015. Division (e) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 422.4. IMPOSITION OF COMMUNITY IMPROVEMENTS IMPACT FEE.

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 422.1 *et seq.* to any development project requiring a building or site permit and, if Section 422.1 *et seq.* is applicable, the amount of Community Improvements Impact Fees required and shall impose these requirements as a condition of approval of the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit at DBI.** Prior to the issuance of a building or site permit for a development project subject to the requirements of Section 422.1 *et seq.*, the Department shall notify the Development Fee Collection Unit at DBI of its final determination of the amount of Community Improvements Impact Fees required, including any reductions calculated for an In-Kind Improvements Agreement, in addition to the other information required by Section 402(b) of this Article.

(c) **Development Fee Collection Unit Notice to Department Prior to issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Section 422.1 *et seq.* that has elected to fulfill all or part of its Community Improvements Impact Fee requirement with an In-Kind Improvements Agreement. If the Department notifies the Unit at such time that the sponsor has not satisfied any of the terms of the In-Kind Improvements Agreement, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance with the requirements of Section 422.1 *et seq.*, either through conformance with the In-Kind Improvements Agreement or payment of the remainder of the Community Improvements Impact Fees that would otherwise have been required, plus a deferral surcharge as set forth in Section 107A.13.3.1 of the San Francisco Building Code.

(d) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Section 422.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 55-11, File No. 101523, App. 3/23/2011)

SEC. 422.5. BALBOA PARK COMMUNITY IMPROVEMENTS FUND.

(a) **Purpose.** There is hereby established a separate fund set aside for a special purpose entitled the Balboa Park Community Improvements Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 422.3 shall be deposited in the Fund maintained by the Controller. The receipts in the Fund shall be appropriated in accordance with law through the normal budgetary process to fund public infrastructure and other allowable improvements subject to the conditions of this Section.

(b) **Use of Funds.**

(1) **Community Improvements.** All monies deposited in the Fund shall be used to design, engineer, acquire, improve, and develop pedestrian and streetscape improvements, bicycle infrastructure, transit, parks, plazas and open space, as defined in the Balboa Park Community Improvements Program with the Plan Area. Funds may be used for childcare facilities that are not publicly owned or "publicly-accessible." The Fund shall be allocated in accordance with Table 422.5.

Table 422.5.

BREAKDOWN OF USE OF BALBOA PARK COMMUNITY IMPROVEMENTS FEE/FUND BY IMPROVEMENT TYPE

Improvement Type	*Dollars Received From Residential Development*	*Dollars Received From Commercial Development*
Complete Streets: Pedestrian and Streetscape Improvements, Bicycle Facilities	38%	38%
Transit	12%	12%
Recreation and Open Space	30%	30%
Childcare	15%	15%

Program Administration	5%	5%

(2) **Program Administration.** No portion of the Fund may be used, by way of loan or otherwise, to pay any administrative, general overhead, or similar expense of any public entity, except for the purposes of administering this Fund in an amount not to exceed 5% of the total annual revenue. Administration of this Fund includes maintenance of the Fund, time and materials associated with processing and approving fee payments and expenditures from the Fund (including necessary hearings), reporting or informational requests related to the Fund, and coordination between public agencies regarding determining and evaluating appropriate expenditures of the Fund Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee, or to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities if this is deemed necessary. All interest earned on this account shall be credited to the Balboa Park Community Improvements Fund.

(c) **Acquisition of New Open Space.** A public hearing shall be held by the Recreation and Parks Commission to elicit public comment on proposals for the acquisition of property using monies in the Fund that will ultimately be maintained by the Department of Recreation and Parks. Notice of public hearings shall be published in an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the time, place, and purpose of the hearing. The Parks Commission may vote to recommend to the Board of Supervisors that it appropriate money from the Fund for acquisition and development of property acquired for park use.

(d) The Planning Department shall work with other City agencies and commissions, specifically the Department of Recreation and Parks, DPW and MTA, to develop a proposed expenditure plan and to develop agreements related to the administration of the improvements to existing public facilities and development of new public facilities within public rights-of-way or on any acquired public property. The proposed expenditure plan shall be approved by the Board of Supervisors.

(e) The Director of Planning shall have the authority to prescribe rules and regulations governing the Fund, which are consistent with this Section 422 *et seq*. The Director of Planning, as the head of the Inter-Agency Plan Implementation Committee (IPIC), shall make recommendations to the Board regarding allocation of funds.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 263-13, File No. 130549, App. 11/27/2013, Eff. 12/27/2013; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

[Former] division (d) amended; Ord. 263-13, Eff. 12/27/2013. Divisions (a)-(b)(2) amended; former divisions (c) and (d) deleted; former divisions (e)-(g) redesignated as [now former] divisions (d)-(f) and amended; Ord. 50-15 , Eff. 5/24/2015. Divisions (b)(1) and (b)(2) amended; former divisions (d)-(f) redesignated as (c)-(e); Ord. 188-15 , Eff. 12/4/2015.

[EASTERN NEIGHBORHOODS IMPACT FEES AND PUBLIC BENEFITS FUND]

SEC. 423. EASTERN NEIGHBORHOODS IMPACT FEES AND PUBLIC BENEFITS FUND.

Sections 423.1 through 423.5 set forth the requirements and procedures for the Eastern Neighborhoods Impact Fee and Public Benefits Fund. The effective date of these requirements shall be either December 19, 2008, which is the date that these requirements originally became effective, or the date a subsequent modification, if any, became effective.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 423.1. PURPOSE AND FINDINGS SUPPORTING EASTERN NEIGHBORHOODS IMPACT FEES AND COMMUNITY IMPROVEMENTS FUND.

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

This new development will have an extraordinary impact on the Plan Area's already deficient neighborhood infrastructure. New development will generate needs for a significant amount of public open space and recreational facilities; transit and transportation, including streetscape and public realm improvements; community facilities and services, including child care; and other amenities, as described in the Eastern Neighborhoods Community Improvements Program, on file with the Clerk of the Board in File No. 081155.

A key policy goal of the Eastern Neighborhoods Plans is to provide a significant amount of new housing affordable to low, moderate and middle income families and individuals, along with "complete neighborhoods" that provide appropriate amenities for these new residents. The Plans obligate all new development within the Eastern Neighborhoods to contribute towards these goals, by providing a contribution towards affordable housing needs and by paying an Eastern Neighborhoods Impact Fee.

(b) **Findings.** The Board of Supervisors has reviewed the San Francisco Citywide Nexus Analysis ("Nexus Analysis"), and the San Francisco Infrastructure Level of Service Analysis, both on file with the Clerk of the Board in File No. 230764 and, under Section 401A, adopts the findings and conclusions of those studies and the general and specific findings in that Section, specifically including the Recreation and Open Space Findings, Complete Streets Findings, Childcare Findings, and Transit Infrastructure Findings, and incorporates those by reference herein to support the imposition of the fees under this Section.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 42-13, File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 50-15, File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 200-15, File No. 150790, App. 11/25/2015, Eff. 12/25/2015; Ord. 222-15, File No. 155521, App. 12/18/2015, Eff. 1/17/2016; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

[Former] divisions (a)(3), (d), and (e)(2) amended; Ord. 42-13, Eff. 4/27/2013. Section header amended; former divisions (a)(1), (a)(2), and (b)(2) deleted; former divisions (a)(3), (b)(1), and (c)(1) redesignated as current division (a) and amended; new division (b) added; former divisions (c)(2)-(e)(3) deleted; Ord. 50-15, Eff. 5/24/2015. Division (b) amended; Ord. 200-15, Eff. 12/25/2015 and Ord. 222-15, Eff. 1/17/2016. Division (a) amended; Ord. 296-18, Eff. 1/12/2019. Division (b) amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 423.2. DEFINITIONS.

In addition to the definitions set forth in Section 401 of this Article, the following definitions shall govern interpretation of Section 423.1 *et seq.*

(a) **Eastern Neighborhoods Base Height.** The Height limit immediately prior to the adoption of the following:

(1) The Eastern Neighborhoods Plan (Ordinance No. 298-08, on file with the Clerk of the Board of Supervisors in File No. 081153), regardless of subsequent changes in the Height limit, for parcels within the East SoMa Plan Area at the time of plan adoption;

(2) The Western SoMa Area Plan (Ordinance No. 41-13, on file with the Clerk of the Board of Supervisors in File No. 130001), regardless of subsequent changes in the Height limit, for parcels within the Western SoMa Area Plan at the time of plan adoption; or

(3) Ordinance No. 13-14 (on file with the Clerk of the Board of Supervisors in File No. 131161), regardless of subsequent changes in the Height limit, for parcels added to the East SoMa Plan Area by Ordinance No. 13-14.

(b) **Central SoMa Base Height.**

(1) For all parcels except those described in subsection (2) below, the Height limit established by the Central SoMa Plan (Ordinance No. 296-18, on file with the Clerk of the Board of Supervisors in File No. 180184), regardless of subsequent changes in the Height limit.

(2) **Exception for Narrow Sites.** Projects on parcels in the CS Bulk District, as defined in Section 270, with a Height limit greater than 85 feet and with no street or alley frontage greater than 100 feet shall be considered for the purposes of Section 423 *et seq.* to have a Height limit of 85 feet regardless of the parcel's actual Height limit.

(c) **Eastern Neighborhoods Fee Tiers.**

(1) **Tier 1.**

(A) All development on sites that received a height increase of eight feet or less, received no height increase, or received a reduction in height, as measured from the Eastern Neighborhoods Base Height;

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

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

(D) All changes of use within existing structures.

(2) **Tier 2.** All additions to existing structures or new construction on other sites not listed in subsection (1) above that received a height increase of nine to 28 feet, as measured from the Eastern Neighborhoods Base Height;

(3) **Tier 3.** All additions to existing structures or new construction on other sites not listed in subsection (1) above that received a height increase of 29 feet or more, as measured from the Eastern Neighborhoods Base Height.

(d) **Central SoMa Fee Tiers.** For all applicable projects, the following Fee Tiers apply:

(1) **Tier A.**

(A) All development on sites rezoned from SALI or SLI to either CMUO, MUG, MUR, or WMUO with a Height limit at or below 45 feet, pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. 180184).

(B) All development on all other sites that received a Height increase of 15 feet to 45 feet pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. 180184).

(2) **Tier B.**

(A) All development on sites rezoned from SAL1 or SLI to either CMUO, MUG, MUR, or WMUO with a Height limit of between 46 and 85 feet, pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. 180184).

(B) All development on all other sites that received a Height increase of 46 feet to 85 feet pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. 180184).

(3) **Tier C.**

(A) For All development on sites rezoned from SALI or SLI to either CMUO, MUG, MUR, or WMUO with a Height limit above 85 feet, pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. 180184).

(B) All development on all other sites that received a Height increase of more than 85 feet pursuant to the adoption of the Central SoMa Area Plan (on file with the Clerk of the Board of Supervisors in File No. 180184).

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010 ; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015 ; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

AMENDMENT HISTORY

Divisions (a)(1)(A), (a)(2), and (a)(3) amended; Ord. 42-13 , Eff. 4/27/2013. Divisions (a)(1)(A) and (a)(2) amended; Ord. 188-15 , Eff. 12/4/2015. Division (a) designation removed; former divisions (a)(1)- (a)(3) redesignated as divisions (c)(1)-(c)(3) and amended; new divisions (a)-(a)(3), (b)-(b)(2), (c), and (d)- (d)(3)(B) added; Ord. 296-18, Eff. 1/12/2019.

SEC. 423.3. APPLICATION OF EASTERN NEIGHBORHOODS INFRASTRUCTURE IMPACT FEE.

(a) **Application.** Section 423.1 *et seq.* shall apply to any development project located in the Eastern Neighborhoods Program Area.

(b) **Projects subject to the Eastern Neighborhoods Infrastructure Impact Fee.** The Eastern Neighborhoods Infrastructure Impact Fee is applicable to any development project in the Eastern Neighborhoods Program Area which results in:

(1) At least one net new residential unit,

(2) Additional space in an existing residential unit of more than 800 gross square feet,

(3) At least one net new group housing facility or residential care facility,

(4) Additional space in an existing group housing or residential care facility of more than 800 gross square feet,

(5) New construction of a non-residential use, or

(6) Additional non-residential space in excess of 800 gross square feet in an existing structure.

(c) **Fee Calculation for the Eastern Neighborhoods Infrastructure Impact Fee.** For development projects for which the Eastern Neighborhoods Infrastructure Impact Fee is applicable:

(1) Any net addition of gross square feet shall pay per the Fee Schedule in Table 423.3A, and

(2) Any replacement of gross square feet or change of use shall pay per the Fee Schedule in Table 423.3B.

TABLE 423.3A

FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET IN THE EASTERN NEIGHBORHOODS PROGRAM PLAN AREAS

Tier (per Sec. 423.2(a))	*Residential*	*Non-residential*	*Net TIDF*
1	$8/gsf	$6/gsf	$10/gsf
2	$12/gsf	$10/gsf	$10/gsf
3	$16/gsf	$14/gsf	$10/gsf

TABLE 423.3B

FEE SCHEDULE FOR REPLACEMENT OF USE OR CHANGE OF USE IN THE EASTERN NEIGHBORHOODS PROGRAM AREA

Tier (per Sec. 423.3(a))	*Residential to Residential or Non-residential; or Non-residential to Non-residential*	*Non-Residential to Residential*	*PDR to Residential*	*PDR to Non-residential*
1	$0	$2/gsf	$5/gsf	$3/gsf
2	$0	$2/gsf	$9/gsf	$7/gsf
3	$0	$2/gsf	$13/gsf	$11/gsf

(d) **Option for In-Kind Provision of Community Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Eastern Neighborhoods Infrastructure Impact Fee from the Planning Commission, subject to the following rules and requirements:

(1) **Approval Criteria.** The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need as analyzed in the Eastern Neighborhoods Community Improvements Program and where they substitute for

improvements that could be provided by the Eastern Neighborhoods Community Improvements Fund (as described in Section 423.5). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Eastern Neighborhoods Area Plans (Central Waterfront, East SoMa, Western SoMa, Mission, and Showplace Square/Potrero Hill), by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), the Eastern Neighborhoods Citizens Advisory Committee, or other prioritization processes related to Eastern Neighborhoods Citizens community improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

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

(3) **Content of the In-Kind Improvements Agreement.** The In-Kind Improvements Agreement shall include at least the following items:

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

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

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

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

(5) **Administrative Costs.** Project sponsors that pursue an In-Kind Improvements Agreement will be billed time and materials for any administrative costs that the Planning Department or any other City entity incurs in negotiating, drafting, and monitoring compliance with the In-Kind Improvements Agreement.

(e) **Timing of Fee Payments.** The Eastern Neighborhoods Infrastructure Impact Fee shall be paid to DBI for deposit into the Eastern Neighborhoods Community Improvements Fund at the time required by Section 402(d).

(f) **Waiver or Reduction of Fees.** Development projects may be eligible for a waiver or reduction of impact fees, pursuant to Section 406 of this Article. Additionally, office projects under 50,000 square feet, other non-residential projects, and residential projects in the Central SoMa Special Use District may reduce their required contribution to the Eastern Neighborhoods Community Improvements Fund as follows: for every gross square foot of PDR space required by Planning Code Section 202.8, the project may waive payment for four gross square feet of the Eastern Neighborhoods Infrastructure Impact Fee.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010 ; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013 ; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015 ; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Division (d)(1) amended; Ord. 42-13 , Eff. 4/27/2013. Tables 423.3A and 423.3B and division (d)(1) amended; former divisions (d)(3)(i) through (iii) redesignated as (d)(3)(A) through (C); Ord. 56-13 , Eff. 4/27/2013. Division (e) amended; Ord. 50-15 , Eff. 5/24/2015. Divisions (d)(1) and (f) amended; divisions (f)(1) and (f)(2) deleted; Ord. 296-18, Eff. 1/12/2019. Division (e) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 423.4. IMPOSITION OF EASTERN NEIGHBORHOODS INFRASTRUCTURE IMPACT FEE.

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 423.1 *et seq.* to any development project requiring a first construction document and, if Section 423.1 *et seq.* is applicable, the amount of Eastern Neighborhoods Infrastructure Impact Fees required and shall impose these requirements as a condition of approval for issuance of the first construction document for the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit at DBI.** Prior to the issuance of a building or site permit for a development project subject to the requirements of Section 423.1 *et seq.*, the Department shall notify the Development Fee Collection Unit at DBI of its final determination of the amount of Eastern Neighborhoods Infrastructure Impact Fees required, including any reductions calculated for an In-Kind Improvements Agreement, in addition to the other information required by Section 402(b) of this Article.

(c) **Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Section 422.1 *et seq.* that has elected to fulfill all or part of its Eastern Neighborhoods Impact Fee requirement with an In-Kind Improvements Agreement. If the Department notifies the Unit at such time that the sponsor has not satisfied any of the terms of the In-Kind Improvements Agreement, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance with the requirements of Section 422.1 *et seq.*, either through conformance with the In-Kind Improvements Agreement or payment of the remainder of the Eastern Neighborhood

Infrastructure Impact Fees that would otherwise have been required, plus a deferral surcharge as set forth in Section 107A.13.3.1 of the San Francisco Building Code.

(d) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Section 422.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; Ord. 55-11, File No. 101523, App. 3/23/2011)

SEC. 423.5. THE EASTERN NEIGHBORHOODS COMMUNITY IMPROVEMENTS FUND.

(a) **Purpose.** There is hereby established a separate fund set aside for a special purpose entitled the Eastern Neighborhoods Community Improvements Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 423.3(e) shall be deposited in the Fund maintained by the Controller. The receipts in the Fund shall be appropriated in accordance with the normal budgetary process to fund Community Improvements subject to the conditions of this Section. Monies collected by the Development Fee Collection Unit at DBI pursuant to Section 423.3 shall be deposited as follows:

(1) For projects located in any zoning districts in the Eastern Neighborhoods Program Area, excluding Designated Affordable Housing Zones, DBI shall deposit 100% of the funds in the Eastern Neighborhoods Community Improvements Fund maintained by the Controller.

(2) For projects located in Designated Affordable Housing Zones, DBI shall deposit 25% of the funds in the Eastern Neighborhoods Community Improvement Fund and 75% in the Citywide Affordable Housing Fund, established in Administrative Code Section 10.100-49, but the funds shall be separately accounted for and expended as provided in this Section.

(b) **Use of Funds.** The Fund shall be administered by the Board of Supervisors.

(1) All monies deposited in the Fund or credited against Fund obligations shall be used to design, engineer, acquire, improve, and develop public open space and recreational facilities; transit, streetscape and public realm improvements; and child care facilities. Funds may be used for childcare facilities that are not publicly owned or publicly-accessible.

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

(B) Funds collected in Designated Affordable Housing Zones, as defined in Section 401, shall be allocated to accounts by improvement type as described in Table 423.5A.

Table 423.5

BREAKDOWN OF USE OF EASTERN NEIGHBORHOODS COMMUNITY IMPROVEMENTS FEE/FUND BY IMPROVEMENT TYPE*

Improvement Type	*Dollars Received From Residential Development*	*Dollars Received From Non-Residential/Commercial Development*
Complete Streets: Pedestrian and Streetscape Improvements, Bicycle Facilities	31%	34%
Transit	10%	53%
Recreation and Open Space	47.5%	6%
Childcare	6.5%	2%
Program Administration	5%	5%

* Does not apply to Designated Affordable Housing Zones, which are addressed in Table 423.5A

Table 423.5A

BREAKDOWN OF USE OF EASTERN NEIGHBORHOODS COMMUNITY IMPROVEMENTS FEE/FUND BY IMPROVEMENT TYPE FOR DESIGNATED AFFORDABLE HOUSING ZONES

Improvement Type	*Dollars Received From Residential Development*	*Dollars Received From Non-Residential/Commercial Development*
Affordable Housing preservation and development	75%	n/a
Complete Streets: Pedestrian and Streetscape Improvements, Bicycle Facilities	4%	36%
Transit	6%	53%
Recreation and Open Space	10%	6%

Program administration	5%	5%

(2) **Program Administration.** No portion of the Fund may be used, by way of loan or otherwise, to pay any administrative, general overhead, or similar expense of any public entity, except for the purposes of administering this Fund in an amount not to exceed 5% of the total annual revenue. Administration of this fund includes maintenance of the Fund, time and materials associated with processing and approving fee payments and expenditures from the Fund (including necessary hearings), reporting or informational requests related to the Fund, and coordination between public agencies regarding determining and evaluating appropriate expenditures of the Fund. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee, or to complete a nexus study to demonstrate or update the relationship between development and the need for public facilities, or to commission landscape, architectural or other planning, design and engineering services in support of the proposed public improvement. All interest earned on this account shall be credited to the Eastern Neighborhoods Community Improvements Fund.

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

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

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

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

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

(d) The Planning Department shall work with other City agencies and commissions, specifically the Department of Recreation and Parks, DPW and MFA to develop a proposed expenditure plan, and to develop agreements related to the administration of the improvements to existing public facilities and development of new public facilities within public rights-of way or on any acquired public property. The proposed expenditure plan shall be approved by the Board of Supervisors.

(e) **Acquisition of New Open Space.** A public hearing shall be held by the Recreation and Parks Commissions to elicit public comment on proposals for the acquisition of property using monies in the Fund that will ultimately be maintained by the Department of Recreation and Parks. Notice of public hearings shall be published in an official newspaper at least 20 days prior to the date of the hearing, which notice shall set forth the time, place, and purpose of the hearing. The Parks Commissions may vote to recommend to the Board of Supervisors that it appropriate money from the Fund for acquisition and development of property acquired for park use.

(f) Within 60 days of receiving the Eastern Neighborhoods Capital Expenditure Evaluation Report as specified in Administrative Code Section 10E.2(c), the Office of the Controller shall assess whether funds collected from the Eastern Neighborhoods Community Improvement Fee are being effectively utilized for capital projects serving the Eastern Neighborhoods, and whether such projects are successfully advancing towards implementation, as set forth in the abovementioned Section. Based on this assessment, the following shall occur:

(1) If the Controller determines that the funds have been effectively utilized as set forth in Section 10E.2(c) of the Administrative Code, the Controller shall issue an affirmative finding to the Board of Supervisors and the Planning Commission certifying that the intent of this aforementioned Section is being met. No further Controller action is necessary for purposes of this Subsection.

(2) If the Controller fails to issue the certification described in Subsection (f)(1) above or if the Controller determines that the fees are not being effectively utilized as set forth in Administrative Code Section 10E.2(c) and notifies the Board of Supervisors and Planning Commission of this determination, then the following shall occur:

(A) Any project specified below within the Eastern Neighborhoods Area Plan that has not already received final and effective approvals from the Planning Department, Zoning Administrator, and/or the Planning Commission, shall require a conditional use authorization, in addition to any other approvals necessary under the Planning Code:

(i) Residential projects containing more than 10 new units that have not received issuance of their first site or building permit; or

(ii) Non-residential projects containing a net new addition or new construction of 10,000 square feet or more that have not received issuance of their first site or building permit.

(3) Elimination of interim conditional use requirement.

(A) At any time after the Controller has determined that Eastern Neighborhood impact fees are not being effectively utilized as set forth in Section 423.5(f)(2) above, or fails to certify that they are being effectively utilized as set forth in Section 423.5(f)(1), the Planning Department may provide the Controller with a newly updated or revised Eastern Neighborhoods Capital Expenditure Evaluation Report.

(B) Within 60 days of receiving an updated or revised Report, the Office of the Controller shall determine whether funds collected from the Eastern Neighborhoods Community Improvement Fee are being effectively utilized for capital projects serving the Eastern Neighborhoods consistent with the intent of the Section 10E.2(c) of the Administrative Code.

(C) If, on the basis of a new, updated, or revised Eastern Neighborhoods Capital Expenditure Evaluation Report, the Controller

determines that the development impact fees collected to date are being effectively utilized as set forth in Section 423.5(f)(1) above, any projects within the Eastern Neighborhoods Plan Area that required a conditional use authorization on an interim basis as set forth in Section 423.5(f)(2) shall no longer require such conditional use authorization unless the underlying use requires conditional use authorization independently.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 270-10, File No. 100917, App. 11/5/2010; Ord. 196-11 , File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013 ; Ord. 263-13, File No. 130549, App. 11/27/2013, Eff. 12/27/2013; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015 ; Ord. 143-15 , File No. 150568, App. 8/6/2015, Eff. 9/5/2015 ; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015; Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016 ; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Former Tables 423.6 and 423.6A redesignated as Tables 423.5 and 423.5A, respectively, and internal references adjusted accordingly; section references corrected throughout; Ord. 196-11 , Eff. 11/3/2011. Divisions (b)(1) and [former] (c)(3) amended; Ord. 42-13 , Eff. 4/27/2013. Division (a) and Table 423.5 note amended; Ord. 56-13 , Eff. 4/27/2013. Division (d) amended; Ord. 263-13, Eff. 12/27/2013. Section header and division (a) amended, new divisions (a)(1) and (a)(2) added; divisions (b) and (b)(1) amended; new divisions (b)(1)(A) and (b)(1)(B) added; Tables 423.5 and 423.5A amended; divisions (b)(2)-(c)(2)(B) amended; former division (c)(3) deleted; divisions (d) and (e) amended; former divisions (f) and (g) deleted; former divisions (h)-(h)(C)(iii) redesignated as (f)-(f)(3)(C) and internal references adjusted accordingly; current divisions (f), (f)(3)(B), and (f)(3)(C) amended; Ord. 50-15 , Eff. 5/24/2015. Division (a)(2) amended; Ord. 143-15 , Eff. 9/5/2015. Division (a), Table 423.5A, and divisions (b)(2) and (c)(2) amended; Ord. 188-15 , Eff. 12/4/2015. Table 423.5A amended; Ord. 200-15 , Eff. 12/25/2015 and Ord. 222-15 , Eff. 1/17/2016. Division (c)(2) amended; Ord. 202-18, Eff. 9/10/2018. Divisions (b)(1)(B) and (c)(2) amended; division (c)(2)(B) deleted; Ord. 296-18, Eff. 1/12/2019. Division (c)(2)(C) redesignated as (c)(2)(B); Ord. 63-20, Eff. 5/25/2020.

[VAN NESS & MARKET AFFORDABLE HOUSING AND NEIGHBORHOOD INFRASTRUCTURE]

SEC. 424. VAN NESS & MARKET AFFORDABLE HOUSING AND NEIGHBORHOOD INFRASTRUCTURE FEE AND PROGRAM.

Sections 424.1 through 424.5, hereafter referred to as Section 424.1 *et seq.*, set forth the requirements and procedures for the Van Ness and Market Affordable Housing and Neighborhood Infrastructure Program. The effective date of these requirements shall be either May 30, 2008, which is the date that the requirements original became effective, or the date a subsequent modification, if any, became effective.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 136-21, File No. 210674, App. 8/4/2021, Eff. 9/4/2021; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Section header amended; Ord. 136-21, Eff. 9/4/2021. Section affirmed; Ord. 210-21, Eff. 12/20/2021.

SEC. 424.1. FINDINGS SUPPORTING THE VAN NESS & MARKET AFFORDABLE HOUSING AND NEIGHBORHOOD INFRASTRUCTURE FEE AND PROGRAM.

(a) **Affordable Housing.** The Van Ness and Market Residential Special Use District ("SUD") enables the creation of a very dense residential neighborhood through significant increases in development potential. This increase in development potential permits an increase in market rate housing development. As described in Section 415.1, affordable housing is a priority for San Francisco and additional demand for affordable housing is closely correlated to the development of new market rate housing. At the direction of the Board of Supervisors and as part of a larger analysis of development impact fees in the City, the City contracted with Keyser Marston Associates to prepare a nexus analysis in support of the Inclusionary Housing Program, or an analysis of the impact of development of market rate housing on affordable housing supply and demand.

The City's Inclusionary Housing Program including the in-lieu fee provision which is offered as an alternative to building units within market rate projects, is not subject to the requirements of the Mitigation Fee Act, Government Code Sections 66000 *et seq.* Notwithstanding this policy, as an additional support measure, the City prepared a nexus study consistent with the Mitigation Fee Act to determine whether the Inclusionary Affordable Housing Program was supported by such analysis. The final nexus study can be found in the Board of Supervisors File and is incorporated by reference herein. The Board of Supervisors has reviewed the study and the Department's analysis and report of the study and, on that basis finds that the nexus study supports the current Inclusionary Affordable Housing Program requirements as specified in this Section 424.1 *et seq.* combined with this Affordable Housing Floor Area Ratio ("FAR") Bonus Program. Specifically, the Board finds that the nexus study: identifies the purpose of the fee to mitigate impacts on the demand for affordable housing in the City; identifies the use to which the fee is to be put as being to increase the City's affordable housing supply; and establishes a reasonable relationship between the use of the fee for affordable housing and the need for affordable housing and the construction of new market rate housing. Moreover, the Board finds that the current inclusionary requirements combined with the Affordable Housing FAR Bonus Program are less than the cost of mitigation and do not include the costs of remedying any existing deficiencies. The Board also finds that the study establishes that the current inclusionary requirements combined with the Affordable Housing FAR Bonus Program do not duplicate other City requirements or fees.

Moreover, according to the study undertaken by Seifel Consulting at the direction of the Planning Department, increased development potential in the Van Ness and Market Downtown Residential Special Use district through the increased FAR allowance enables an increased contribution to the Citywide Affordable Housing Fund without discouraging the development of new market rate housing. A copy of said study is on file with the Clerk of the Board of Supervisors.

(b) **Neighborhood Infrastructure.** The Van Ness & Market Residential SUD enables the creation of a very dense residential neighborhood in an area built for back-office and industrial uses. Projects that seek the FAR bonus above the maximum cap would

introduce a very high localized density in an area generally devoid of necessary public infrastructure and amenities, as described in the Market and Octavia Area Plan. While envisioned in the Plan, such projects would create localized levels of demand for open space, streetscape improvements, and public transit above and beyond the levels both existing in the area today and funded by the Market and Octavia Community Improvements Fee. Such projects also entail construction of relatively taller or bulkier structures in a concentrated area, increasing the need for offsetting open space for relief from the physical presence of larger buildings. Additionally, the FAR bonus provisions herein are intended to provide an economic incentive for project sponsors to provide public infrastructure and amenities that improve the quality of life in the area. The bonus allowance is calibrated based on the cost of responding to the intensified demand for public infrastructure generated by increased densities available through the FAR density bonus program.

The Board of Supervisors has reviewed the San Francisco Citywide Nexus Analysis ("Nexus Analysis"), and the San Francisco Infrastructure Level of Service Analysis, both on file with the Clerk of the Board in File No. 230764 and, under Section 401A, adopts the findings and conclusions of those studies and the general and specific findings in that Section, specifically including the Recreation and Open Space Findings, Complete Streets Findings, Childcare Findings, and Transit Infrastructure Findings, and incorporates those by reference herein to support the imposition of the fees under this Section.

(c) **Public Improvements.** The public improvements acceptable in exchange for granting the FAR bonus, and that would be necessary to serve the additional population created by the increased density, are listed below. All public improvements shall be consistent with the Market and Octavia Area Plan.

(1) **Open Space Acquisition and Improvement.** Open Spaces (as described in the Market and Octavia Area Plan), or other open space of comparable size and performance. Open space shall be dedicated for public ownership or permanent easement for unfettered public access and improved for public use, including landscaping, seating, lighting, and other amenities.

(2) **Complete Streets.** Pedestrian and Streetscape improvements and Bicycle Infrastructure within the Special Use District as described in the Market and Octavia Area Plan, including Van Ness and South Van Ness Avenues, Gough, Mission, McCoppin, Market, Otis, Oak, Fell, Valencia, 11th, 12th, and 13th Streets, along with adjacent alleys. Improvements include sidewalk widening, landscaping and trees, lighting, seating and other street furniture (e.g., newsracks, kiosks, bicycle racks), signage, transit stop and subway station enhancements (e.g., shelters, signage, boarding platforms), roadway and sidewalk paving, public art and living alleys.

(3) **Affordable Housing.** The type of affordable housing needed in San Francisco is documented in the City's Consolidated Plan and the Housing Element of the General Plan. New affordable rental housing and ownership housing affordable to households earning less than the median income is greatly needed in San Francisco.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 200-15 , File No. 150790, App. 11/25/2015, Eff. 12/25/2015; Ord. 222-15 , File No. 155521, App. 12/18/2015, Eff. 1/17/2016; Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Section header amended; former divisions A.-C. redesignated as (a)-(c); divisions (b) and (c)(2) amended; Ord. 50-15 , Eff. 5/24/2015. Division (b) amended; Ord. 200-15 , Eff. 12/25/2015 and Ord. 222-15 , Eff. 1/17/2016. Section header and divisions (c)(1)-(3) amended; Ord. 126-20, Eff. 8/31/2020. Division (b) amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 424.2. DEFINITIONS.

See Section 401 of this Article.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010)

SEC. 424.3. APPLICATION OF VAN NESS & MARKET AFFORDABLE HOUSING AND NEIGHBORHOOD INFRASTRUCTURE FEE AND PROGRAM.

(a) **Application and Timing of Fee Payments.** Section 424.1 *et seq.* shall apply to any development project located in the Van Ness & Market Residential Special Use District, as established in Section 249.33 of this Code. The Fee shall be paid to DBI for deposit into either the Van Ness and Market Downtown Residential Special Use District Affordable Housing Fund or the Van Ness and Market Downtown Residential Special Use District Infrastructure Fund, as applicable, at the time required by Section 402(d).

(b) **Amount of Fee.**

(1) All uses in any development project within the Van Ness & Market Residential Special Use District shall pay $30.00 per net additional gross square foot of floor area in any portion of building area exceeding the base development site FAR of 6:1 up to a base development site FAR of 9:1.

(2) All uses in any development project within the Van Ness & Market Residential Special Use District shall pay $15.00 per net additional gross square foot of floor area in any portion of building area exceeding the base development site FAR of 9:1.

(c) **Option for In-Kind Provision of Infrastructure Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver from the neighborhood infrastructure portion ($15.00 per net additional gross square foot of floor area) of the Van Ness & Market Residential Special Use District Affordable Housing and Neighborhood Infrastructure Fee from the Planning Commission, subject to the following rules and requirements:

(1) **Approval Criteria.** The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need as analyzed in the Van Ness & Market Affordable Housing and Neighborhood Infrastructure Program and where they substitute for improvements that could be provided by the Van Ness & Market Residential Special Use District Infrastructure Fee Fund (as described in Section 424.5). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Van Ness & Market Affordable Housing and Neighborhood Infrastructure Program. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-

Kind Improvements Agreement.

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

(3) **Content of the In-Kind Improvements Agreement.** The In-Kind Improvements Agreement shall include at least the following items:

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

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

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

(4) **Approval Process.** The Planning Commission must approve the material terms of an In-Kind Agreement. Prior to the parties executing the Agreement, the City Attorney must approve the agreement as to form and to substance. The Director of Planning is authorized to execute the Agreement on behalf of the City. If the Planning Commission approves the In-Kind Agreement, it shall waive the amount of the neighborhood infrastructure portion of the Van Ness & Market Residential Special Use District Affordable Housing and Neighborhood Infrastructure Fee by the value of the proposed In-Kind Improvements Agreement as determined by the Director of Planning. No credit shall be made for land value unless ownership of the land is transferred to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion of the City. The maximum value of the In-Kind Improvements Agreement shall not exceed the required neighborhood infrastructure portion of the Van Ness & Market Affordable Housing and Neighborhood Infrastructure Fee.

(5) **Administrative Costs.** Project sponsors that pursue an In-Kind Improvements Agreement will be billed time and materials for any administrative costs that the Planning Department or any other City entity incurs in negotiating, drafting, and monitoring compliance with the In-Kind Improvement Agreement.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 55-11, File No. 101523, App. 3/23/2011; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020)

AMENDMENT HISTORY

Division (a) amended; Ord. 50-15 , Eff. 5/24/2015. Division (a) amended; Ord. 63-20, Eff. 5/25/2020. Section header and division (a) amended; divisions (b)(i)-(ii) redesignated as (b)(1)-(2) and amended; divisions (c), (c)(1), and (c)(4) amended; Ord. 126-20, Eff. 8/31/2020.

SEC. 424.4. VAN NESS & MARKET RESIDENTIAL SPECIAL USE DISTRICT AFFORDABLE HOUSING FUND.

(a) That portion of gross floor area subject to the $30 per gross square foot fee referenced in Section 424.3(b)(1) above shall be deposited into the special fund maintained by the Controller called the Citywide Affordable Housing Fund established by Section 413.9. Except as specifically provided in this Section, collection, management, enforcement, and expenditure of funds shall conform to the requirements related to in-lieu fees in Planning Code Section 415.1 *et seq.*, specifically including, but not limited to, the provisions of Section 415.7.

(b) **Priorities for SUD Affordable Housing Fees Implementation.** In order to increase the supply of housing Affordable to Qualifying Households in the Market and Octavia Plan Area, the Upper Market NCT District, and to the City, the following is the prioritization of the use of these fees;

(1) First, to increase the supply of housing Affordable to Qualifying Households in the Van Ness & Market Residential Special Use District;

(2) Second, to increase the supply of housing Affordable to Qualifying Households within one mile of the boundaries of the Market and Octavia Area Plan;

(3) Third, to increase the supply of housing Affordable to Qualifying Households in the City and County of San Francisco.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 251-19, File No. 190548, App. 11/15/2019, Eff. 12/16/2019; Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020; Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Amended to update reference; Ord. 251-19, Eff. 12/16/2019. Section header amended; division (a) designated and amended; divisions (b)-(b)(3) added; Ord. 126-20, Eff. 8/31/2020. Divisions (a) and (b)-(b)(3) amended; Ord. 210-21, Eff. 12/20/2021.

SEC. 424.5. VAN NESS & MARKET RESIDENTIAL SPECIAL USE DISTRICT INFRASTRUCTURE FUND.

(a) **Purpose.** There is hereby established a separate fund set aside for a special purpose entitled the Van Ness and Market Neighborhood Infrastructure Fund ("Fund"). That portion of Gross Floor Area subject to the $15.00 per gross square foot fee referenced in Section 424.3(b)(ii) above shall be deposited into the Fund, maintained by the Controller. The receipts of the Fund are hereby appropriated in accordance with law through the normal budgetary process to fund public infrastructure and other allowable improvements subject to the conditions of this Section.

Table 424.5A.

Breakdown of Use of Van Ness and Market Neighborhood Infrastructure Fund

by Infrastructure Type

Infrastructure Type	*Dollars Received From Residential Development*	*Dollars Received From Non-Residential Development*
Complete Streets: Pedestrian and Streetscape Improvements, Bicycle Facilities	44%	30%
Transit	22%	45%
Recreation and Open Space	21%	20%
Childcare	8%	Not applicable
Program Administration	5%	5%

(1) **Infrastructure.** All monies deposited in the Fund, plus accrued interest, shall be used solely to design, engineer, acquire and develop neighborhood recreation and open space, pedestrian amenities and streetscape improvements, and bicycle infrastructure that result in new publicly-accessible facilities. First priority should be given to projects within the Van Ness & Market Residential Special Use District. Second Priority should be given to projects within the Market and Octavia Plan Area or within 1,250 feet of the Plan Area. These improvements shall be consistent with the Market and Octavia Area Plan of the General Plan and any Plan that is approved by the Board of Supervisors in the future for the area covered by the Van Ness & Market Residential Special Use District, except that monies from the Fund may be used by the Planning Commission to commission studies to revise the fee above, or to commission landscape, architectural or other planning, design and engineering services in support of the proposed public improvements.

(2) No portion of the Fund may be used, by way of loan or otherwise, to pay any administrative, general overhead, or similar expense of any public entity.

(3) At the close of a fiscal year in which the Market and Octavia Community Improvements Program has generated funding for no less than $211 million of expenditures in the plan area, including revenue generated through this Section 424.1 *et seq.*, Section 421 fee payments, in-kind improvements, public grants, San Francisco general funds, assessment districts, and other sources which contribute to the overall programming, all future funds generated through Section 424.1 *et seq.* shall be redirected 100% to the Citywide Affordable Housing Fund.

(4) Expenditure of funds shall be coordinated with appropriate City agencies as detailed in Section 421.5.

(5) The Director shall have the authority to prescribe rules and regulations governing the Fund, which are consistent with Section 424.1 *et seq.* The Director of Planning, as the head of the Interagency Plan Implementation Committee (IPIC), shall make recommendations to the Board regarding allocation of funds.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 263-13, File No. 130549, App. 11/27/2013, Eff. 12/27/2013; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015 ; Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020)

AMENDMENT HISTORY

Former divisions (a)(i)-(vi) redesignated as (a)(1)-[former] (a)(6); [former] division (a)(3) amended; Ord. 263-13, Eff. 12/27/2013. Divisions (a) and (a)(1) amended; former division (a)(3) deleted; former divisions (a)(4)-(6) redesignated as (a)(3)-(5) and amended; Ord. 50-15 , Eff. 5/24/2015. Division (a) and Table 424.5A amended; Ord. 188-15 , Eff. 12/4/2015. Section header and division (a)(1) amended; Ord. 126-20, Eff. 8/31/2020.

[TRANSIT CENTER DISTRICT]

SEC. 424.6. TRANSIT CENTER DISTRICT OPEN SPACE IMPACT FEE AND FUND.

Sections 424.6.1 through 424.6.4 set forth the requirements and procedures for the Transit Center District Open Space Impact Fee and Fund. The effective date of these requirements shall be the effective date of this Ordinance or the date a subsequent modification, if any, became effective.

(Added by Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012)

SEC. 424.6.1. FINDINGS.

(a) **General.** Existing public park and recreational facilities located in the downtown area are at or approaching capacity utilization by the population of the area. There is substantial additional population density, both employment and residential, planned and projected in the Transit Center District. This district, more than other parts of the downtown, is lacking in existing public open space amenities to support population growth. The need for additional public park and recreation facilities in the downtown area, and specifically in the Transit Center District, will increase as the population increases due to continued office, retail, institutional, and residential development. Additional population will strain and require improvement of existing open spaces both downtown and citywide, and will necessitate the acquisition and development of new public open spaces in the immediate vicinity of the growth areas. While the open space requirements imposed on individual commercial developments address the need for plazas and other local outdoor sitting areas to serve employees and visitors in the districts, and requirements imposed on individual residential developments address the need for small-scale

private balconies, terraces, courtyards or other minor common space such as can be accommodated on individual lots, such open space cannot provide the same recreational opportunities as a public park. In order to provide the City and County of San Francisco with the financial resources to acquire and develop public park and recreation facilities necessary to serve the burgeoning population in the downtown area, a Transit Center District Open Space Fund shall be established as set forth herein. The Board of Supervisors adopts the findings of the the[1] San Francisco Citywide Nexus Analysis ("Nexus Analysis"), on file with the Clerk of the Board in File No. 230764, in accordance with the California Mitigation Fee Act, Government Code Section 66001(a).

(b) **Transit Center District Open Space Impact Fee.** Development impact fees are an effective approach to mitigate impacts associated with growth in population. The proposed Transit Center District Open Space Impact Fee shall be dedicated to fund public open space improvements in the Transit Center District Plan Area and adjacent downtown areas that will provide direct benefits to the property developed by those who pay into the fund, by providing necessary open space improvements needed to serve new development.

The Planning Department has calculated the fee rate using accepted professional methods for calculating such fees. The calculations are described fully in the Nexus Analysis, on file with the Clerk of the Board in File No. 230764.

The proposed fee, in combination with the Downtown Park Fee established in Section 412 *et seq.*, is supported by the Nexus Analysis..[1] While no project sponsor would be required to pay more than the maximum amount justified for that project as calculated in the Nexus Study, the Transit Center District Open Space Fee is tiered such that denser projects are assessed higher fees because it is economically feasible for such projects to pay a higher proportion of the maximum justified amount. The proposed fee covers impacts caused by new development only and is not intended to remedy existing deficiencies. The cost to remedy existing deficiencies will be paid for by public, community, and other private sources as described in the Nexus Analysis and the Transit Center District Plan Program Implementation Document. Impact fees are only one of many revenue sources funding open space in the Plan Area.

(Added by Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012 ; amended by Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Section amended; Ord. 193-23, Eff. 10/16/2023.

CODIFICATION NOTE

1. So in Ord. 193-23.

SEC. 424.6.2. APPLICATION OF TRANSIT CENTER DISTRICT OPEN SPACE IMPACT FEE.

(a) **Application.** Sections 424.6 *et seq.* shall apply to any development project located in the C-3-O(SD) District and meeting the requirements of subsection (b) below.

(b) **Projects subject to the Transit Center District Open Space Impact Fee.** The Transit Center District Open Space Impact Fee is applicable to any development project in the C-3-O(SD) District which results in:

(1) At least one net new residential unit,

(2) Addition of space to an existing residential unit of more than 800 gross square feet,

(3) At least one net new group housing facility or residential care facility,

(4) Addition of space to an existing group housing or residential care facility of more than 800 gross square feet,

(5) New construction of a non-residential use, or

(6) Addition of non-residential space in excess of 800 gross square feet to an existing structure.

(7) Conversion of existing space to a different use where the project's total fee as calculated according to subsection (c) below would exceed the total fee for the uses being replaced.

(c) **Fee Calculation for the Transit Center District Open Space Impact Fee.** For development projects for which the Transit Center District Open Space Impact Fee is applicable, the corresponding fee for net addition of gross square feet is listed in Table 424.6A. Where a development project includes more than one land use, the overall proportion of each use relative to other uses on the lot shall be used to calculate the applicable fees regardless of the physical distribution or location of each use on the lot. Where a project proposes conversion of existing space to a different use, the Director shall specify the fee amount based on a Guidance Statement or other document establishing the methodology for calculating fees.

(1) **Base Fee.** The fee listed in Column A shall be assessed on all applicable gross square footage for the entire development project.

(2) **Projects Exceeding FAR of 9:1.** For development projects that result in the Floor Area Ratio on the lot exceeding 9:1, the fee listed in Column B shall be assessed on all applicable gross square footage on the lot above an FAR of 9:1.

TABLE 424.6A

FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET IN THE TRANSIT CENTER DISTRICT AREA

Use	Column A (Base Fee)	Column B (GSF Above 9:1)
Residential	$2.50/gsf	N/A
Office	$3.00/gsf	$7.00/gsf
Retail	$5.00/gsf	$4.50/gsf
Hotel	$4.00/gsf	N/A
Institutional/Cultural/ Medical	$5.00/gsf	$4.30/gsf
Industrial	$2.50/gsf	N/A

(d) **Option for In-Kind Provision of Community Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Transit Center District Open Space Impact Fee from the Planning Commission, subject to the following rules and requirements:

(1) **Approval Criteria.** The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need as analyzed in the Transit Center District Plan Implementation Program Document and where they substitute for improvements that could be provided by the Transit Center District Open Space Fund (as described in Section 424.6.4). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Transit Center District Plan, by the Interagency Plan Implementation Committee (see Chapter 36 of the Administrative Code), or other prioritization processes related to Transit Center District improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

For a development project on Assessor's Block 3720 Lot 009, an In-Kind Agreement may be approved which credits the project for public open space improvements constructed by either the sponsor of the development project or by the Transbay Joint Powers Authority, in accordance with the Transit Center District Plan Implementation Program Document.

(2) **Valuation.** The Director of Planning shall determine the appropriate value of the proposed in-kind improvements. For the purposes of calculating the total value, the project sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind improvement(s) from two independent sources or, if relevant, real estate appraisers. A detailed site-specific cost estimate for a planned improvement prepared by the City or the Transbay Joint Powers Authority may satisfy the requirement for cost estimates provided that the estimate is indexed to current cost of construction.

(3) **Content of the In-Kind Improvements Agreement.** The In-Kind Improvements Agreement shall include at least the following items:

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

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

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

(4) **Approval Process.** The Planning Commission must approve the material terms of an In-Kind Agreement. The Planning Commission shall hear and consider the recommendation of the Interagency Plan Implementation Committee, as established in Chapter 36 of the Administrative Code, in deciding whether to approve or disapprove any In-Kind Agreement. Prior to the parties executing the Agreement, the City Attorney must approve the agreement as to form and to substance. The Director of Planning shall be authorized to execute the Agreement on behalf of the City. If the Planning Commission approves the In-Kind Agreement, it shall waive the amount of the Transit Center District Open Space Impact Fee equivalent to the value of the improvements proposed in the In-Kind Agreement. No credit shall be made for land value unless ownership of the land is transferred to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion of the City. The maximum value of the credit for the improvements proposed in the In-Kind Improvements Agreement shall not exceed the required Transit Center District Open Space Impact Fee.

(5) **Administrative Costs.** Project sponsors that pursue an In-Kind Improvements Agreement will be billed time and materials for any administrative costs that the Planning Department or any other City entity incurs in negotiating, drafting, and monitoring compliance with the In-Kind Improvements Agreement.

(e) **Timing of Fee Payments.** The Transit Center District Open Space Impact Fee is due and payable to the Development Fee Collection Unit at DBI at the time of and in no event later than issuance of the first construction document, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be paid into the appropriate fund in accordance with Section 107A.13.3 of the San Francisco Building Code .

(f) **Waiver or Reduction of Fees.** Development projects may be eligible for a waiver or reduction of impact fees, per Section 406 of this Article.

(Added by Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012; amended by Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

Former divisions (d)(3)(i)-(iii) redesignated as (d)(3)(A)-(C); Ord. 56-13 , Eff. 4/27/2013. Division (e) amended; Ord. 50-15 , Eff. 5/24/2015. Former division (c)(3) deleted; Ord. 188-15 , Eff. 12/4/2015.

SEC. 424.6.3. IMPOSITION OF TRANSIT CENTER DISTRICT OPEN SPACE IMPACT FEE.

(a) **Determination of Requirements.** The Department shall determine the applicability of Sections 424.6 *et seq.* to any development project requiring a first construction document and, if Sections 424.6 *et seq.* is applicable, the Department shall determine the amount of Transit Center District Open Space Impact Fees required and shall impose these requirements as a condition of approval for issuance of the first construction document for the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit at DBI.** Prior to the issuance of a building or site permit for a development project subject to the requirements of Sections 424.6 *et seq.*, the Department shall notify the Development Fee Collection Unit at DBI of its final determination of the amount of Transit Center District Open Space Impact Fees required, including any reductions calculated for an In-Kind Improvements Agreement, in addition to the other information required by Section 402(b) of this Article.

(c) **Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Sections 424.6 *et seq*. that has elected to fulfill all or part of its Transit Center District Open Space Impact Fee requirement with an In-Kind Improvements Agreement. If the Department notifies the Unit at such time that the sponsor has not satisfied any of the terms of the In-Kind Improvements Agreement, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance with the requirements of Sections 424.6 *et seq.*, either through conformance with the In-Kind Improvements Agreement or payment of the remainder of the Transit Center District Open Space Impact Fees that would otherwise have been required, plus a deferral surcharge as set forth in Section 107A.13.3.1 of the San Francisco Building Code .

(d) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Sections 424.6 *et seq*. and such action is subsequently modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012)

SEC. 424.6.4. THE TRANSIT CENTER DISTRICT OPEN SPACE FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Transit Center District Open Space Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 424.6.3(b) shall be deposited in a special fund maintained by the Controller. The receipts in the Fund to be used solely to fund Public Benefits subject to the conditions of this Section.

(b) Expenditures from the Fund shall be recommended by the Interagency Plan Implementation Committee for allocation and administration by the Board of Supervisors.

(1) All monies deposited in the Fund shall be used to design, engineer, acquire, and develop and improve both new and existing public open spaces and recreational facilities in the Transit Center District Plan Area, the greater downtown, and citywide as established in the Transit Center District Plan and the Transit Center District Plan Implementation Program Document and supported by the findings of the Downtown Open Space Nexus Study.

(2) Funds may be used for administration and accounting of fund assets, for additional studies as detailed in the Transit Center District Plan Implementation Program Document, and to defend the Transit Center District Open Space Impact Fee against legal challenge, including the legal costs and attorney's fees incurred in the defense. Administration of this fund includes time and materials associated with reporting requirements, facilitating any necessary or required public meetings aside from Planning Commission hearings, and maintenance of the fund. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee, and/or to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities and services if this is deemed necessary. Monies used for the purposes consistent with this subsection (2) shall not exceed five percent of the total fees collected. All interest earned on this account shall be credited to the Transit Center District Open Space Fund.

(3) All funds are justified and supported by the Downtown Open Space Nexus Study, San Francisco Planning Department, Case No. 2007.05558U. Implementation of the Fee and Fund are monitored according to the Downtown Plan Monitoring Program required by the Administrative Code Section 10E.

(Added by Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012 ; amended by Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

Former division (c) deleted; Ord. 188-15 , Eff. 12/4/2015.

SEC. 424.7. TRANSIT CENTER DISTRICT TRANSPORTATION AND STREET IMPROVEMENT IMPACT FEE AND FUND.

Sections 424.7.1 through 424.7.4 set forth the requirements and procedures for the Transit Center District Transportation and Street Improvement Impact Fee and Fund. The effective date of these requirements shall be either the effective date of this Ordinance or the

date a subsequent modification, if any, became effective.

(Added by Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012)

SEC. 424.7.1. FINDINGS.

(a) **General.** New development in the Transit Center District Plan area will create substantial new burdens on existing streets and transportation systems and require the need for new and enhanced transportation services and improvements to rights-of-way for all modes of transportation. The downtown is a very dense urban environment with limited roadway capacity and is already substantially congested and impacted by existing patterns of movement. To accommodate the substantial growth anticipated in the Transit Center District Plan Area, public transit investments must be made, circulation patterns adjusted, and limited right-of-way space reallocated such that trips to and through the area are primarily made by public transit, walking, bicycling, and carpooling and such that these modes are enabled to maintain or improve efficiency and attractiveness in the face of increasing traffic congestion. The Transit Center District Plan identified necessary investments and improvements to achieve these modal objectives and ensure that growth in trips resulting from new development and population increase in the Plan area does not degrade existing services. The San Francisco Citywide Nexus Analysis ("Nexus Analysis"), on file with the Clerk of the Board in File No. 230764, calculated the proportional share of the cost of these improvements attributable to new growth based on accepted professional standards. The investments and improvements identified in the Transit Center District Plan and allocated in the nexus study are distinct and in addition to improvements and services related to the Transit Impact Development Fee (TIDF) imposed by Section 411 *et seq.* Whereas the TIDF funds improvements to SFMTA Municipal Railway public transit services and facilities to provide sufficient capacity required to serve new development, the Transit Center District Transportation and Street Improvement Fee covers impacts of new development in the District on regional transit services and facilities that are distinct from and in addition to the need for SFMTA public transit services, and that will not funded by the TIDF, including necessary improvements to area streets to facilitate increases in all modes of transportation due to development, including walking, bicycling, and carpooling, and to regional transit facilities, including the Downtown Rail Extension and downtown BART stations. The Board finds that there is no duplication in these two fees. To provide the City and County of San Francisco and regional transit agencies with the financial resources to provide transportation facilities and street improvements necessary to serve the burgeoning population of downtown San Francisco, a Transit Center District Transportation and Street Improvement Fund shall be established as set forth herein. The Board of Supervisors adopts the findings of the Nexus Analysis, in accordance with the California Mitigation Fee Act, Government Code Section 66001(a).

(b) **Transit Center District Transportation and Street Improvement Impact Fee.** Development impact fees are an effective approach to mitigate impacts associated with growth in population. The proposed Transit Center District Transportation and Street Improvement Impact Fee shall be dedicated to public transportation and public street improvements in the Transit Center District Plan Area and adjacent downtown areas that will provide direct benefits to the property developed by those who pay into the fund, by providing necessary transportation and street improvements needed to serve new development.

The fee rate has been calculated by the Planning Department based on accepted professional methods for the calculation of such fees, and described fully in the Nexus Analysis, on file with the Clerk of the Board in File No. 230764.

The proposed fee established in Sections 424.7 *et seq.*, is less than the maximum justified fee amount as calculated by the Nexus Analysis necessary to provide transportation and street improvements to increasing population in the area. While no project sponsor would be required to pay more than the maximum amount justified for that project as calculated in the Nexus Study, the Transit Center District Transportation and Street Improvement Fee is tiered such that denser projects are assessed higher fees because it is economically feasible for such projects to pay a higher proportion of the maximum justified amount. The proposed fee covers only the demand for transportation and street improvements created by new development and is not intended to remedy existing deficiencies. The cost to remedy existing deficiencies will be paid for by public, community, and other private sources as described in the Nexus Analysis and the Transit Center District Plan Implementation Document. Impact fees are only one of many revenue sources necessary to provide transportation and street improvements in the Plan Area.

(Added by Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012 ; amended by Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Section amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 424.7.2. APPLICATION OF TRANSIT CENTER DISTRICT TRANSPORTATION AND STREET IMPROVEMENT IMPACT FEE.

(a) **Application.** Sections 424.7 *et seq.* shall apply to any development project located in the C-3-O(SD) District and meeting the requirements of subsection (b) below.

(b) **Projects subject to the Transit Center District Transportation and Street Improvement Impact Fee.** The Transit Center District Transportation and Street Improvement Impact Fee is applicable to any development project in the C-3-O(SD) District which results in:

(1) At least one net new residential unit,

(2) Addition of space to an existing residential unit of more than 800 gross square feet,

(3) At least one net new group housing facility or residential care facility,

(4) Addition of space to an existing group housing or residential care facility of more than 800 gross square feet,

(5) New construction of a non-residential use, or

(6) Addition of non-residential space in excess of 800 gross square feet to an existing structure.

(7) Conversion of existing space to a different use where the project's total fee as calculated according to subsection (c) below would exceed the total fee for the uses being replaced.

(c) **Fee Calculation for the Transit Center District Transportation and Street Improvement Impact Fee.** For development projects for which the Transit Center District Transportation and Street Improvement Impact Fee is applicable the corresponding fee for net addition of gross square feet is listed in Table 424.7A. Where a development project includes more than one land use, the overall proportion of each use relative to other uses on the lot shall be used to calculate the applicable fees regardless of the physical distribution or location of each use on the lot. If necessary, the Director shall issue a Guidance Statement clarifying the methodology of calculating fees.

(1) **Transit Delay Mitigation Fee.** The fee listed in Column A shall be assessed on all applicable gross square footage for the entire development project.

(2) **Base Fee.** The fee listed in Column B shall be assessed on all applicable gross square footage for the entire development project.

(3) **Projects Exceeding FAR of 9:1.** For development projects that result in the Floor Area Ratio on the lot exceeding 9:1, the fee listed in Column C shall be assessed on all applicable gross square footage on the lot above an FAR of 9:1.

(4) **Projects Exceeding FAR of 18:1.** For development projects that result in the Floor Area Ratio on the lot exceeding 18:1, the fee listed in Column D shall be assessed on all applicable gross square footage on the lot above an FAR of 18:1.

TABLE 424.7A

FEE SCHEDULE FOR NET ADDITIONS OF GROSS SQUARE FEET IN THE TRANSIT CENTER DISTRICT AREA

Use	Column A (Transit Delay Mitigation Fee)	Column B (Base Fee)	Column C (GSF Above 9:1)	Column D (GSF Above 18:1)
Residential	$0.06/gsf	$3.94/gsf	$6.00/gsf	$3.00/gsf
Office	$0.20/gsf	$3.80/gsf	$19.50/gsf	$10.00/gsf
Retail	$1.95/gsf	$2.05/gsf	$19.50/gsf	$10.00/gsf
Hotel	$0.10/gsf	$3.90/gsf	$8.00/gsf	$3.00/gsf
Institutional/ Cultural/ Medical	$0.30/gsf	$3.70/gsf	$19.50/gsf	$10.00/gsf
Industrial	N/A	$4.00/gsf	N/A	N/A

(d) **Option for In-Kind Provision of Community Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Transit Center District Transportation and Street Improvement Impact Fee from the Planning Commission, subject to the following rules and requirements:

(1) **Approval Criteria.** The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need as analyzed in the Transit Center District Plan Implementation Document and where they substitute for improvements that could be provided by the Transit Center District Transportation and Street Improvement Fund (as described in Section 424.7.4). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Transit Center District Plan, by the Interagency Plan Implementation Committee (see Chapter 36 of the Administrative Code), or other prioritization processes related to Transit Center District improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

(A) For a development project on Assessor's Block 3720 Lot 009, an in-kind agreement may be approved that credits the project for street and transportation improvements constructed by either the sponsor of the development project or by the Transbay Joint Powers Authority.

(B) The Planning Commission may not grant an in-kind agreement to waive or provide improvements in-lieu of paying the Transit Delay Mitigation Fee required by subsection (c)(1) above.

(2) **Valuation.** The Director of Planning shall determine the appropriate value of the proposed in-kind improvements. For the purposes of calculating the total value, the project sponsor shall provide the Planning Department with a cost estimate for the proposed in-kind improvement(s) from two independent sources or, if relevant, real estate appraisers. A detailed site-specific cost estimate for a planned improvement prepared by the City or the Transbay Joint Powers Authority may satisfy the requirement for cost estimates provided that the estimate is indexed to current cost of construction.

(3) **Content of the In-Kind Improvements Agreement.** The In-Kind Improvements Agreement shall include at least the following items:

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

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

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

(4) **Approval Process.** The Planning Commission must approve the material terms of an In-Kind Agreement. The Planning Commission shall hear and consider the recommendation of the Interagency Plan Implementation Committee, as established in Chapter 36 of the Administrative Code, in deciding whether to approve or disapprove any In-Kind Agreement. Prior to the parties executing the Agreement, the City Attorney must approve the agreement as to form and to substance. The Director of Planning shall be authorized to execute the Agreement on behalf of the City. If the Planning Commission approves the In-Kind Agreement, it shall waive the amount of the Transit Center District Transportation and Street Improvement Impact Fee equivalent to the value of the improvements proposed in the In-Kind Agreement. No credit shall be made for land value unless ownership of the land is transferred to the City or a permanent public easement is granted, the acceptance of which is at the sole discretion of the City. The maximum value of the credit for the improvements proposed in the In-Kind Improvements Agreement shall not exceed the required Transit Center District Transportation and Street Improvement Impact Fee.

(5) **Administrative Costs.** Project sponsors that pursue an In-Kind Improvements Agreement will be billed time and materials for any administrative costs that the Planning Department or any other City entity incurs in negotiating, drafting, and monitoring compliance with the In-Kind Improvements Agreement.

(e) **Timing of Fee Payments.** The Transit Center District Transportation and Street Improvement Impact Fee is due and payable to the Development Fee Collection Unit at DBI at the time of and in no event later than issuance of the first construction document, with an option for the project sponsor to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge that would be paid into the appropriate fund in accordance with Section 107A.13.3 of the San Francisco Building Code .

(f) **Waiver or Reduction of Fees.** Development projects may be eligible for a waiver or reduction of impact fees, per Section 406 of this Article. No waiver or reduction may be granted for the Transit Delay Mitigation Fee required by subsection (c)(1) above.

(Added by Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012 ; amended by Ord. 50-15 , File No. 150149, App. 4/24/2015, Eff. 5/24/2015 ; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

Division (e) amended; Ord. 50-15 , Eff. 5/24/2015. Former division (c)(5) deleted; Ord. 188-15 , Eff. 12/4/2015.

SEC. 424.7.3. IMPOSITION OF TRANSIT CENTER DISTRICT TRANSPORTATION AND STREET IMPROVEMENT IMPACT FEE.

(a) **Determination of Requirements.** The Department shall determine the applicability of Sections 424.7 *et seq.* to any development project requiring a first construction document and, if Sections 424.7 *et seq.* is applicable, the amount of Transit Center District Transportation and Street Improvement Impact Fees required and shall impose these requirements as a condition of approval for issuance of the first construction document for the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit at DBI.** Prior to the issuance of a building or site permit for a development project subject to the requirements of Sections 424.7 *et seq.*, the Department shall notify the Development Fee Collection Unit at DBI of its final determination of the amount of Transit Center District Transportation and Street Improvement Impact Fees required, including any reductions calculated for an In-Kind Improvements Agreement, in addition to the other information required by Section 402(b) of this Article.

(c) **Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Sections 424.7 *et seq.* that has elected to fulfill all or part of its Transit Center District Transportation and Street Improvement Impact Fee requirement with an In-Kind Improvements Agreement. If the Department notifies the Unit at such time that the sponsor has not satisfied any of the terms of the In-Kind Improvements Agreement, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance with the requirements of Section Sections 424.7 *et seq.*, either through conformance with the In-Kind Improvements Agreement or payment of the remainder of the Transit Center District Transportation and Street Improvement Impact Fees that would otherwise have been required, plus a deferral surcharge as set forth in Section 107A.13.3.1 of the San Francisco Building Code .

(d) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Sections 424.7 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012)

SEC. 424.7.4. THE TRANSIT CENTER DISTRICT TRANSPORTATION AND STREET IMPROVEMENT FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Transit Center District Transportation and Street Improvement Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 424.7.3(b) shall be deposited in a special fund maintained by the Controller. The receipts in the Fund to be used solely to fund Public Benefits subject to the conditions of this Section.

(b) Expenditures from the Fund shall be recommended by the Interagency Plan Implementation Committee for allocation and administration by the Board of Supervisors.

(1) All monies deposited in the Fund shall be used to study, design, engineer, develop and implement transportation infrastructure, facilities, equipment, services and programs as well as improvements to public streets, in the Transit Center District Plan Area and the greater downtown as established in the Transit Center District Plan and the Transit Center District Implementation Program Document and supported by the findings of the Transit Center District Plan Transportation and Street Improvement Nexus Study. Fees paid pursuant to the Transit Delay Mitigation Fee required by Section 424.7.2(c)(1) must be held in a separate account for use for the mitigation purposes defined in the Final Transit Center District Plan Environmental Impact Report, San Francisco Planning Department Case Number 2007.0558E.

(2) Funds may be used for administration and accounting of fund assets, for additional studies as detailed in the Transit Center District Implementation Program Document, and to defend the Transit Center District Transportation and Street Improvement Impact Fee against legal challenge, including the legal costs and attorney's fees incurred in the defense. Administration of this fund includes time and materials associated with reporting requirements, facilitating any necessary or required public meetings aside from Planning Commission hearings, and maintenance of the fund. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee, and/or to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities and services if this is deemed necessary. Monies used for the purposes consistent with this subsection (2) shall not exceed five percent of the total fees collected. All interest earned on this account shall be credited to the Transit Center District Transportation and Street Improvement Fund.

(3) All funds are justified and supported by the Transit Center District Plan Transportation and Street Improvement Nexus Study, San Francisco Planning Department, Case No. 2007.0558U. Implementation of the Fee and Fund shall be monitored according to the Downtown Plan Monitoring Program required by the Administrative Code Section 10E.

(Added by Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012 ; amended by Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

Former division (c) deleted; Ord. 188-15 , Eff. 12/4/2015.

SEC. 424.8. TRANSIT CENTER DISTRICT MELLO ROOS COMMUNITY FACILITIES DISTRICT PROGRAM.

(a) **Purpose.** New construction that increases the density of the downtown area, and the C-3-O(SD) district in particular, will require the City to invest in substantial new infrastructure and services. By increasing height limits, relieving density and floor area ratio limitations, reducing requirements for acquisition of Transferrable Development Rights, and making other regulatory changes to the C-3-O(SD) district, the Transit Center District Plan, confers substantial benefits on properties in the district. In order to exceed base densities in the district, the City will require sufficient funding to supplement other applicable impact fees for infrastructure, improvements and services as described in the Transit Center District Implementation Document, including but not limited to the Downtown Extension of rail into the Transit Center, street improvements, and acquisition and development of open spaces.

(b) **Requirement.** Any development on any lot in the C-3-O(SD) district that meets the applicability criteria of subsection (c) below shall participate in the Transit Center District Mello Roos Community Facilities District ("CFD") and successfully annex the lot or lots of the subject development into said CFD prior to the issuance of the first Temporary Certificate of Occupancy for the development.

(c) **Applicability.** A development on any lot in the C-3-O(SD) District meeting any one of the following criteria shall be subject to the requirements of this Section 424.8.

(1) The proposed project causes the development on the subject lot to exceed a floor area ratio of 9:1; or

(2) The proposed project would create a structure that exceeds the height limit that was applicable to the subject lot prior to the effective date of this Ordinance.

(d) Notwithstanding Subsection (c) above, net additions of less than 20,000 gross square feet to existing buildings shall be exempt from the requirements of this Section, unless said addition results in a lot that exceeds a floor area ratio of 18:1.

(Added by Ord. 182-12 , File No. 120665, App. 8/8/2012, Eff. 9/7/2012)

[VAN NESS & MARKET COMMUNITY FACILITIES FEE AND FUND]

SEC. 425. VAN NESS & MARKET COMMUNITY FACILITIES FEE AND FUND.

Sections 425.1 through 425.4 set forth the requirements and procedures for the Van Ness & Market Community Facilities Fee and Fund.

(Added by Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020)

(Former Sec. 425 added by Ord. 108-10, File No. 091275, App. 5/25/2010; repealed by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

SEC. 425.1. PURPOSE AND FINDINGS.

(a) Purpose. New development in the Van Ness & Market Residential Special Use District will increase the resident populations, generating new demand for use of community facilities, such as cultural facilities, health clinics, services for people with disabilities, and job training centers. New revenues to fund investments in community services are necessary to maintain the existing level of service. This fee will generate revenue that will be used to ensure an expansion in community service facilities as new development occurs in the Van Ness & Market Residential Special Use District area.

(b) Findings. In adopting the amendments to the Market and Octavia Area Plan (Ordinance No. 125-20), on file with the Clerk of the Board of Supervisors in File No. 200557, and corresponding amendments to the Planning Code (Ordinance No. 126-20 on file with the Clerk of the Board of Supervisors in File No. 200559), the Board of Supervisors reviewed the Central SoMa Community Facilities Nexus Study, prepared by Economic & Planning Systems and dated March 2016, as well as the Hub Community Facilities Nexus Memo, prepared by the Planning Department and dated June 29, 2020 (collectively the "Nexus Study" for the purposes of Sections 425 *et seq.*). The Board of Supervisors reaffirms the findings and conclusions of the Nexus Study as they relate to the impact of new development in the Van Ness & Market Special Use District on community services facilities and hereby adopts the findings contained in the Nexus Study.

(Added by Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020)

SEC. 425.2. APPLICATION OF FEES.

(a) Applicable Projects. The Van Ness & Market Community Facilities Fee is applicable to any development project within the Van Ness & Market Residential Special Use District, described in Section 249.33, that:

(1) Includes new construction, or an addition of space, in excess of 800 gross square feet of residential use; or

(2) Converts 800 gross square feet or more of existing structure(s) from non-residential to residential use.

(b) Fee Calculation. For applicable projects, the fee is $1.16 per net additional gross square foot of residential use or gross square foot of space converted from non-residential to residential use.

(c) Option for In-Kind Provision of Community Improvements and Fee Credits. Project sponsors may propose to provide community improvements directly to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a partial or total fee waiver for the Van Ness & Market Community Facilities Fund from the Planning Commission, subject to the following rules and requirements:

(1) Approval Criteria. The City shall not enter into an In-Kind Improvements Agreement unless the proposed in-kind improvements meet an identified community need for cultural/arts facilities, social welfare facilities, or community health facilities, as described in the Nexus Study. In addition, the City may reject in-kind improvements if they are not consistent with the priorities identified in the Market & Octavia Area Plan; the priorities identified by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), or the Market & Octavia Citizens Advisory Committee; or other prioritization processes related to the Market & Octavia Area Plan community improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of an In-Kind Improvements Agreement.

(2) Valuation, Content, Approval Process, and Administrative Costs. The valuation, content, approval process, and administrative costs shall be undertaken pursuant to the requirements of subsections 421.3(d)(2) through 421.3(d)(5).

(d) Timing of Fee Payments. The fee shall be due and payable to the Development Fee Collection Unit at DBI at the time of issuance of the first construction document for the development project. However, the project sponsor shall have the option to defer payment to prior to issuance of the first certificate of occupancy upon agreeing to pay a deferral surcharge as set forth in Section 107A.13.3 of the San Francisco Building Code.

(e) Waiver or Reduction of Fees. Development projects may be eligible for a waiver or reduction of impact fees, pursuant to Section 406.

(Added by Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020)

SEC. 425.3. IMPOSITION OF VAN NESS & MARKET COMMUNITY FACILITIES FEE.

(a) Determination of Requirements. The Department shall determine the applicability of Section 425 *et seq.* to any residential development project requiring a first construction document and, if Section 425 *et seq.* is applicable, the Department shall determine the amount of the Van Ness & Market Community Facilities Fees required and shall impose these requirements as a condition of approval for issuance of the first construction document for the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) Department Notice to Development Fee Collection Unit at DBI. Prior to the issuance of a building or site permit for a development project subject to the requirements of Section 425 *et seq.*, the Department shall notify the Development Fee Collection Unit at DBI of its final determination of the amount of the Van Ness & Market Community Facilities Fees required, including any reductions calculated for an In-Kind Improvements Agreement, in addition to the other information required by Section 402(b) of this Article.

(c) Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy. The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Section 425 *et seq.* that has elected to fulfill all or part of its Van Ness & Market Community Facilities Fee requirement with an In-Kind Improvements Agreement. If the Department notifies the Unit at such time that the sponsor has not fully satisfied all of the terms of the In-Kind Improvements Agreement, the Director of DBI shall deny any and all certificates of occupancy until the project complies with the requirements of Section 425 *et seq.*, either through conformance with the In-Kind Improvements Agreement or payment of the remainder of the Van Ness & Market Community Facilities Fee that would otherwise

have been required, plus a deferral surcharge as set forth in Section 107A .13.3.1 of the San Francisco Building Code.

(d) Process for Revisions of Determination of Requirements. In the event that the Department or the Commission takes action affecting any development project subject to Section 425 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020)

SEC. 425.4. THE VAN NESS & MARKET COMMUNITY FACILITIES FEE

(a) There is hereby established a separate fund set aside for a special purpose entitled the Van Ness & Market Community Facilities Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to this Section 425 shall be deposited in a special fund maintained by the Controller. The receipts in the Fund are to be used solely to fund community facilities subject to the conditions of this Section 425 *et seq.*

(b) Expenditures from the Fund shall be administered by the Mayor's Office of Housing and Community Development, or its successor. The Mayor's Office of Housing and Community Development or its successor shall have the authority to prescribe rules and regulations governing the Fund.

(1) All monies deposited in the Fund shall be used to design, engineer, and develop community facilities as described in the Nexus Study, including cultural/arts facilities, social welfare facilities, and community health facilities, in the Market and Octavia Plan Area or within 1,250 feet of the Plan Area.

(2) Funds may be used for administration and accounting of fund assets, for additional studies related to community facilities identified in the Market & Octavia Area Plan or Market & Octavia Area Plan Implementation Document, or by the Interagency Plan Implementation Committee or the Market & Octavia Citizens Advisory Committee, and to defend the Van Ness & Market Community Facilities Fee against legal challenge, including the legal costs and attorney's fees incurred in the defense. Administration of this fund includes time and materials associated with reporting requirements, facilitating any necessary or required public meetings aside from Planning Commission hearings, and maintenance of the fund. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee, and/or to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities and services if this is deemed necessary. Monies used for the purposes consistent with this subsection 425.4(b)(2) shall not exceed five percent of the total fees collected. All interest earned on this account shall be credited to the Van Ness & Market Community Facilities Fund.

(3) The Planning Department shall report quarterly to the Planning Commission on the current status of the fund, as well as annually as part of the Annual Progress Reports required by Administrative Code Section 36.4.

(4) All funds are justified and supported by the Nexus Study, adopted as part of the Market & Octavia Area Plan Amendments (Ordinance No. 125-20, on file with the Clerk of the Board of Supervisors in File No. 200557) and corresponding Planning Code Amendments (Ordinance No. 126-20 on file with the Clerk of the Board of Supervisors in File No. 200559). Implementation of the Fee and Fund shall be monitored according to the Market and Octavia Area Plan Monitoring Program required by Planning Code Section 341.

(Added by Ord. 126-20, File No. 200559, App. 7/31/2020, Eff. 8/31/2020)

[OPEN SPACE REQUIREMENTS]

SEC. 426. PAYMENT FOR REQUIRED NON-RESIDENTIAL OPEN SPACE NOT PROVIDED IN THE EASTERN NEIGHBORHOODS MIXED USE AND C-3-O(SD) DISTRICTS.

(The effective date of these provisions shall be either December 19, 2008, the date that they originally became effective, or the date a subsequent modification, if any, became effective.)

(a) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern Neighborhoods Mixed Use Districts, except for any parcels within the Central SoMa Special Use District, the usable open space requirement of Section 135.3 may be satisfied through payment of a fee of $76 for each square foot of usable open space not provided. In the Central SoMa Special Use District, the usable open space requirement of Section 135.3 may be satisfied through payment of a fee of $890 for each square foot of required usable open space not provided, and the POPOS requirement of Section 138 may be satisfied through a payment of a fee of $890 for each square foot of required open space not provided. Any square footage for which the Planning Commission grants an exception to design standards pursuant to Section 329(e) other than standards related to required square footage shall be considered as meeting the requirements of Sections 135.3 and 138 for purposes of this Section 426. These fees shall be adjusted in accordance with Section 423.3 of this Article. These fees shall be paid into the Recreation and Open Space subset of the Eastern Neighborhoods Community Improvements Fund, as described in Section 423 of this Article.

(b) **C-3-O(SD) District.** In the C-3-O(SD) District, if a project sponsor chooses to pay the in-lieu fee described in Section 138(j)(4), a fee of $1,410 shall be required for each square foot of usable open space not provided. This fee shall be adjusted in accordance with Section 409. This fee shall be paid into the Transit Center District Open Space Fund, as described in Sections 424.6 *et seq.* of this Article 4. Said fee shall be used for the purpose of acquiring, designing, and improving public open space, recreational facilities, and other open

space resources, which are expected to be used solely or in substantial part by persons who live, work, shop, or otherwise do business in the Transit Center District.

(c) **C-3-O District, C-3-S District, and C-3-G District.** In the C-3-O, C-3-S, and C-3-G Districts, if a project sponsor chooses to pay the in-lieu fee described in Section 138(j)(4), a fee of $1,410 shall be required for each square foot of usable open space not provided. The amount of this fee shall equal the fee payable under this subsection (b)[1] and shall be adjusted in accordance with Section 409. This fee shall be paid into the Downtown Park Fund, as described in Section 412 of this Article 4. Said fee shall be used for the purpose of acquiring, designing, and improving public open space, recreational facilities, and other open space resources, which are expected to be used solely or in substantial part by persons who live, work, shop, or otherwise do business Downtown.

(d) **C-3-R District.** In the C-3-R Districts, if a project sponsor chooses to pay the in-lieu fee described in Section 138(j)(4), a fee shall be required for each square foot of usable open space not provided. The amount of this fee shall equal the fee payable under this subsection (b)[1] and shall be adjusted in accordance with Section 409. This fee shall be paid into the Union Square Park, Recreation, and Open Space Fee, as described in Sections 434 of this Article 4. Said fee shall be used for the purpose of acquiring, designing, and improving public open space, recreational facilities, and other open space resources, which are expected to be used solely or in substantial part by persons who live, work, shop, or otherwise do business Downtown.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 47-21, File No. 201175, App. 4/16/2021, Eff. 5/17/2021; Ord. 122-23, File No. 230371, App. 7/5/2023, Eff. 8/5/2023; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

AMENDMENT HISTORY

Section header and section amended; Ord. 296-18, Eff. 1/12/2019. Section header amended; formerly undesignated paragraph amended and designated as division (a); division (b) added; Ord. 47-21, Eff. 5/17/2021. Nonsubstantive amendment to division (b); divisions (c) and (d) added; Ord. 122-23, Eff. 8/5/2023, and Ord. 159-23, Eff. 8/28/2023.

CODIFICATION NOTE

1. So in Ord. 122-23 and Ord. 159-23.

SEC. 427. PAYMENT IN CASES OF VARIANCE OR EXCEPTION FOR REQUIRED RESIDENTIAL OPEN SPACE IN THE EASTERN NEIGHBORHOODS MIXED USE AND C-3-O(SD) DISTRICTS.

(a) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern Neighborhoods Mixed Use Districts, except for the Central SoMa Special Use District, any project that obtains a Variance pursuant to Section 305, or an exception pursuant to Section 329, to provide less usable open space than otherwise required by Section 135 shall pay a fee of $327 for each square foot of usable open space not provided. In the Central SoMa Special Use District, any project that obtains a Variance pursuant to Section 305, an exception pursuant to Section 329, or chooses the in-lieu option pursuant to Section 135(d)(5)(B)(ii) shall pay a fee of $890 for each square foot of required useable open space not provided. These fees shall be adjusted in accordance with Section 423.3 of this Article. These fees shall be paid into the Recreation and Open Space subset of the Eastern Neighborhoods Community Improvements Fund, as described in Section 423 of this Article.

(b) **C-3-O(SD) District.** In the C-3-O(SD) District, if a Variance or Planning Commission exception is granted to reduce the amount of open space required for any use pursuant to Section 135, a fee of $1,410 shall be required for each square foot of usable open space not provided. This fee shall be adjusted in accordance with Section 409. This fee shall be paid into the Transit Center District Open Space Fund, as described in Sections 424.6 *et seq.* of this Article. Said fee shall be used for the purpose of acquiring, designing, and improving public open space, recreational facilities, and other open space resources, which are expected to be used solely or in substantial part by persons who live, work, shop or otherwise do business in the Transit Center District.

(Added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 182-12, File No. 120665, App. 8/8/2012, Eff. 9/7/2012; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 47-21, File No. 201175, App. 4/16/2021, Eff. 5/17/2021)

AMENDMENT HISTORY

Section header amended; formerly undesignated paragraph amended and designated as division (a); division (b) added; Ord. 182-12, Eff. 9/7/2012. Section header and division (a) amended; Ord. 296-18, Eff. 1/12/2019. Section header and division (b) amended; Ord. 47-21, Eff. 5/17/2021.

[DIVISADERO STREET NCT AFFORDABLE HOUSING FEE]

SEC. 428. DIVISADERO STREET NCT AFFORDABLE HOUSING FEE AND REQUIREMENTS.

American Legal Publishing

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 187-23, approved 9/14/2023, effective 10/15/2023, oper. 11/21/2026). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

Sections 428.1 through 428.5, hereafter referred to as Sections 428.1 *et seq.*, set forth the requirements and procedures for the Divisadero Street Neighborhood Commercial Transit District Affordable Housing Fee.

(Added by Ord. 295-18, File No. 151258, App. 12/7/2018, Eff. 1/7/2019)

(Former Sec. 428 added by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 310-10, File No. 101194, App. 12/16/2010; repealed by Ord. 119-15 , File No. 150221, App. 7/15/2015, Eff. 8/14/2015)

SEC. 428.1. FINDINGS.

The Board of Supervisors hereby finds that:

(a) The additional affordable housing fee requirement of Sections 428.1 *et seq.* is supported by the November 2016 Nexus Study performed by Keyser Marston and Associates. The Board of Supervisors has reviewed the Nexus Study and other documents and, on that basis, finds that the Study supports the inclusionary affordable housing requirements combined with the additional affordable housing fee and requirements set forth in Sections 428.1 *et seq.* Specifically, the Board finds that the Study: (1) identifies the purpose of the additional fee and requirements to mitigate impacts on the demand for affordable housing in the City; (2) identifies the use of the additional fee to increase the City's affordable housing supply; and (3) establishes a reasonable relationship between the use of the additional fee for affordable housing and the need for affordable housing and the construction of new market rate housing. Further, the affordable housing fee and requirements do not include the costs of remedying any existing deficiencies and do not duplicate other City requirements or fees.

(b) An account has been established, funds appropriated, and a construction schedule adopted for affordable housing projects funded through the Inclusionary Affordable Housing Program. The Affordable Housing Fee will reimburse the City for expenditures on affordable housing that have already been made and that will be made in the future.

(c) A major objective of the Divisadero Street NCT, set forth in Planning Code Section 759, is to encourage and promote development that enhances the walkable, mixed-use character of the corridor and surrounding neighborhood and to encourage housing development in new buildings above the ground floor. New market rate housing development could outnumber both the number of units and potential new sites within the area for permanently affordable housing opportunities. The City has adopted a policy in its General Plan to meet the affordable housing needs of its general population and to require new housing developments to produce sufficient affordable housing opportunities for all income groups, both of which goals are not likely to be met by the potential housing development in the area. In addition, the Nexus Study indicates that market rate housing itself generates additional lower income affordable housing needs for the workforce needed to serve the residents of the new market rate housing proposed for the area. To meet the demand created for affordable housing by the Divisadero Street NCT zoning and to be consistent with the policy of the City, additional affordable housing requirements should be included for all market rate housing development in this NCT.

(d) The Divisadero Street NCT rezoning set forth in Ordinance No. 127-15 allows greater residential development on certain sites within the NCT, and such residential development will create a greater need for affordable housing, and should provide more affordable housing. The higher densities will also make provision of higher levels of affordable housing feasible for such sites.

(e) If a site located in the Divisadero Street NCT received an increase in density of 50% or more from the 2015 rezoning set forth in Ordinance No. 127-15, a higher inclusionary affordable housing requirement should apply. The density for the previously existing Divisadero Street Neighborhood Commercial District was one unit per 800 square feet of lot area.

(Added by Ord. 295-18, File No. 151258, App. 12/7/2018, Eff. 1/7/2019)

SEC. 428.2. DEFINITIONS.

See Section 401 of this Article 4.

(Added by Ord. 295-18, File No. 151258, App. 12/7/2018, Eff. 1/7/2019)

SEC. 428.3. APPLICATION OF AFFORDABLE HOUSING FEE REQUIREMENT.

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 201-23 , approved 10/12/2023, effective 11/12/2023, oper. 11/21/2026). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

(a) For any project for which a complete development application has been submitted before October 1, 2018, the Inclusionary Affordable Housing Program set forth in Planning Code Sections 415.1 *et seq.* shall apply in the Divisadero Street NCT, except the temporary provisions of Planning Code Section 415.3(b) shall not apply and except as set forth in Section 428.3(a). For any development site for which the Planning Department determines that the residential development potential within the Divisadero Street NCT has been increased through the adoption of the NCT rezoning set forth in Ordinance No. 127-15, as detailed in Section 428.1(e) herein, the requirements of Sections 415.1 *et seq* of the Planning Code shall apply, except as set forth in subsections (a)(1), (a)(2), and (a)(3), below, and the temporary provisions of Planning Code Section 415.3(b) shall not apply.

(1) **Fee.** For a development project of 10 or more dwelling units that is subject to the Inclusionary Affordable Housing Program, the development project shall pay an affordable housing fee equivalent to a requirement to provide 33% of the units in the Principal Project as affordable units if those units are Owned Units, or 30% of the units if the project is a Rental Housing Project, using the method of fee calculation set forth in Section 415.5(b).

(2) **On-site.** For a development project of 10 or more units that is subject to the Inclusionary Affordable Housing Program that elects to construct units Affordable to Qualifying Households on-site of the Principal Project as set forth in Planning Code Section 415.5(g), the development project shall comply with all otherwise applicable requirements of Section 415.6, except that for all housing development projects consisting of 10 or more units, the following requirements shall apply.

(A) For an Ownership Housing Project, the number of affordable units constructed on site shall be 23% of all units constructed on the site. A minimum of 12% of the units shall be affordable to low-income households, 5.5% of the units shall be affordable to moderate-income households, and 5.5% of the units shall be affordable to middle-income households. In no case shall the total number of affordable units required exceed the number required as determined by the application of the applicable on-site requirement rate to the total project units. Owned Units for low-income households shall have an affordable purchase price set at 80% of Area Median Income or less, with households earning up to 100% of Area Median Income eligible to apply for low-income units. Owned Units for moderate-income households shall have an affordable purchase price set at 105% of Area Median Income or less, with households earning from 95% to 120% of Area Median Income eligible to apply for moderate-income units. Owned Units for middle-income households shall have an affordable purchase price set at 130% of Area Median Income or less, with households earning from 120% to 150% of Area Median Income eligible to apply for middle-income units.

(B) For a Rental Housing Project, the number of affordable units constructed on site shall be 20% of all units constructed on the site. A minimum of 12% of the units shall be affordable to low-income households, 4% of the units shall be affordable to moderate-income households, and 4% of the units shall be affordable to middle-income households. In no case shall the total number of affordable units required exceed the number required as determined by the application of the applicable on-site requirement rate to the total project units. Rental Units for low-income households shall have an affordable rent set at 55% of Area Median Income or less, with households earning up to 65% of Area Median Income eligible to apply for low-income units. Rental Units for moderate-income households shall have an affordable rent set at 80% of Area Median Income or less, with households earning from 65% to 90% of Area Median Income eligible to apply for moderate-income units. Rental Units for middle-income households shall have an affordable rent set at 110% of Area Median Income or less, with households earning from 90% to 130% of Area Median Income eligible to apply for middle-income units.

(3) **Off-site.** If the project sponsor of a housing development project of 10 or more units that is subject to the Inclusionary Affordable Housing Program elects to provide units Affordable to Qualifying Households off-site of the Principal Project as set forth in Section 415.5(g), the project sponsor shall construct or cause to be constructed affordable housing equal to 33% of all units constructed on the Principal Project site as affordable housing if the units in the Principal Project are owned units, and 30% if the project is a Rental Housing Project.

(b) For any project for which a complete development application has been submitted on or after October 1, 2018, the Inclusionary Affordable Housing Program set forth in Planning Code Sections 415.1 *et seq.* shall apply in the Divisadero Street NCT except as set forth in this subsection (b). For any development site for which the Planning Department has determined that the residential development potential has been increased through the adoption of the NCT rezoning set forth in Ordinance No. 127-15, as detailed in Section 428.1(e) herein, the requirements of Planning Code Sections 415.1 *et seq.* shall apply, except that the following affordable housing requirements shall be applied to residential development on such sites:

(1) **Fee.** For a development project of 10 or more dwelling units that is subject to the Inclusionary Affordable Housing Program, the development project shall pay an affordable housing fee equivalent to a requirement to provide 33% of the units in the Principal Project as Affordable Units if those units are Owned Units, or 30% of the units if the project is a Rental Housing Project, using the method of fee calculation set forth in Section 415.5(b).

(2) **On-site.** If the housing development project of 10 or more dwelling units that is subject to the Inclusionary Affordable Housing Program elects to construct units Affordable to Qualifying Households on-site of the Principal Project as set forth in Planning Code Section 415.5(g), the project sponsor shall comply with all otherwise applicable requirements of Section 415.6, except that for all housing development projects consisting of 10 or more units, the number of Affordable Units constructed on-site shall be provided as follows.

(A) A project that consists of Owned Units shall provide 23% of units as Affordable Units at the following levels: 10% shall have

an average affordable purchase price set at 80% of Area Median Income; 8% shall have an average affordable purchase price set at 105% of Area Median Income; and 5% shall have an average affordable purchase price set at 130% of Area Median Income.

(B) A project that consists of Rental Units shall provide 23% of units as Affordable Units at the following levels: 10% shall have an average affordable rent set at 55% of Area Median Income; 8% shall have an average affordable rent set at 80% of Area Median Income; and 5% shall have an average affordable rent set at 110% of Area Median Income.

(C) Notwithstanding subsections (b)(2)(A) and (b)(2)(B), the percentage and affordability levels of Affordable Units constructed on-site as set forth in subsections (b)(2)(A) and (b)(2)(B) shall be the same percentage and affordability levels as set forth in Section 206.3(f)(2)(A), as it may be amended from time to time, and in no case shall the percentage of Affordable Units constructed on-site pursuant to this subsection (b)(2) be less than the percentage required by Section 415.6 for projects consisting of 25 or more units. If the percentage of Affordable Units constructed on-site pursuant to this subsection (b)(2) would be less than the percentage set forth in Section 415.6 for projects consisting of 25 or more units, the percentage of Affordable Units set forth in Section 415.6 for projects consisting of 25 or more units shall apply.

(3) **Off-site.** If the project sponsor of a housing development project of 10 or more units is eligible and elects to provide units Affordable to Qualifying Households off-site of the Principal Project as set forth in Section 415.5(g), the project sponsor shall construct or cause to be constructed affordable housing equal to 33% of all units constructed on the Principal Project site as affordable housing if the units in the Principal Project are owned units, and 30% if the project is a Rental Housing Project.

(Added by Ord. 295-18, File No. 151258, App. 12/7/2018, Eff. 1/7/2019; amended by Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Divisions (a)-(a)(2)(A), (a)(3), and (b)(1)-(3) amended; Ord. 210-21, Eff. 12/20/2021.

SEC. 428.4. IMPOSITION OF AFFORDABLE HOUSING REQUIREMENTS.

(a) **Determination of Requirements.** The Planning Department shall determine the applicability of Sections 428.1 *et seq.* to any development project requiring a first construction document and, if Sections 428.1 *et seq.* applies, shall impose any such requirements as a condition of approval for issuance of the first construction document. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit of Fee Requirements.** After the Department has made its final determination regarding the application of the affordable housing requirements to a development project pursuant to Sections 428.1 *et seq.*, it shall immediately notify the Development Fee Collection Unit at DBI of the applicable affordable housing fee amount in addition to the other information required by Planning Code Section 402(b).

(c) **Process for Revisions of Determination of Requirements.** If the Department or the Commission takes action affecting any development project subject to Sections 428.1 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or a court, the procedures of Planning Code Section 402(c) shall be followed.

(Added by Ord. 295-18, File No. 151258, App. 12/7/2018, Eff. 1/7/2019)

SEC. 428.5. USE OF FUNDS.

The affordable housing fee specified in Sections 428.1 *et seq.* for the Divisadero Street NCT shall be paid into the Citywide Affordable Housing Fund, established in Administrative Code Section 10.100-49, and the funds shall be separately accounted for. The Mayor's Office of Housing and Community Development shall expend the funds to increase the supply of housing Affordable to Qualifying Households in the City. The funds may also be used for monitoring and administrative expenses subject to the process described in Planning Code Section 415.5(f).

(Added by Ord. 295-18, File No. 151258, App. 12/7/2018, Eff. 1/7/2019; amended by Ord. 210-21, File No. 210868, App. 11/19/2021, Eff. 12/20/2021)

AMENDMENT HISTORY

Section amended; Ord. 210-21, Eff. 12/20/2021.

SEC. 428A. [REPEALED.]

(Ord. 270-10, File No. 100917, App. 11/5/2010; repealed by Ord. 71-14, File No. 131205, App. 5/23/2014, Eff. 6/22/2014)

[PUBLIC ART FEE]

SEC. 429. ARTWORKS, OPTIONS TO MEET PUBLIC ART FEE REQUIREMENT, RECOGNITION OF ARCHITECT AND ARTISTS, AND REQUIREMENTS.

(The effective date of these requirements shall be either September 17, 1985, the date that they originally became effective, or the date a subsequent modification, if any, became effective.)

(Formerly codified as Sec. 149 (see that section for prior legislative history); amended and redesignated by Ord. 108-10, File No. 091275, App. 5/25/2010; amended by Ord. 62-12, File No. 110853, App. 4/19/2012, Eff. 5/19/2012; Ord. 188-15, File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

Section amended in its entirety and divided into Secs. 429.1 through 429.7; Ord. 62-12 , Eff. 5/19/2012. Section header amended; Ord. 188-15 , Eff. 12/4/2015.

SEC. 429.1. DEFINITIONS.

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

"Conservation" shall mean the profession devoted to the preservation of cultural property for the future.

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

"Maintenance" shall mean a minimally invasive, routine and regularly scheduled activity that may involve the removal of superficial dirt or debris build-up on the surface of the artwork or the cleaning and repair of non-art support material such as a pedestal or plaque.

"Preservation" shall mean the protection of cultural property through activities that minimize chemical and physical deterioration and damage, and that prevent loss of informational content. The primary goal of preservation is to prolong the existence of cultural property, and should be undertaken or overseen by a professional conservator.

"Restoration" shall mean a treatment procedure intended to return cultural property to a known or assumed state, often through the addition of non-original material.

(Added by Ord. 62-12 , File No. 110853, App. 4/19/2012, Eff. 5/19/2012; amended by Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Reference updated; Ord. 63-20, Eff. 5/25/2020.

SEC. 429.2. APPLICATION.

This section shall apply to:

(a) all projects that involve construction of a new building or addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District; and

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

(1) all parcels in RH-DTR, TB-DTR, SB-DTR, UMU, WMUG, WMUO and SALI Districts;

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

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

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

(Added by Ord. 62-12 , File No. 110853, App. 4/19/2012, Eff. 5/19/2012; amended by Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

AMENDMENT HISTORY

Division (b)(1) amended; Ord. 42-13 , Eff. 4/27/2013. Division (b)(2) amended; Ord. 188-15 , Eff. 12/4/2015. Divisions (b)(1) and (b)(2) amended; Ord. 296-18, Eff. 1/12/2019.

SEC. 429.3. IMPOSITION OF PUBLIC ART FEE REQUIREMENT.

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 429.1 *et seq.* to any development project requiring a first construction document and, if Section 429.1 *et seq.* is applicable, the number of gross square feet subject to its requirements, and shall impose this requirement as a condition of approval for issuance of the first construction document for the development project to address the need for additional public art in the downtown districts. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Amount of Fee.** Upon design approval of the development project from the Planning Department, and except as otherwise provided herein, the project sponsor shall dedicate and expend an amount equal to one percent of the construction cost of the building or addition as determined by the Director of DBI (the "Public Art Fee") for the purposes described herein and subject to the options set forth below.

(c) **Department Notice to Development Fee Collection Unit at DBI.** After the Department has made its final determination of the net addition of gross floor area subject to Section 429.1 *et seq.* and the dollar amount of the Public Art Fee required, the Department shall immediately notify the Development Fee Collection Unit at DBI of its determination, in addition to the other information required by Section 402(b) of this Article.

(d) **Options to Fulfill Requirements.**

(1) **Non-Residential Development Projects.** Non-residential buildings with public open space requirements greater than 1,499 square feet but less than 3,000 square feet that provide ground floor open space shall comply with Section 429.3 by providing on-site public art of a value equivalent to the Public Art Fee; provided, however, that if the required Public Art Fee exceeds $500,000, only on-site public art valued at $500,000 is required to be provided on-site. Non-residential buildings with public open space requirements greater than or equal to 3,000 square feet that provide ground floor open space shall comply with Section 429.3 by providing on-site

public art of a value equivalent to the Public Art Fee; provided, however, that if the required Public Art Fee exceeds $750,000, only on-site public art valued at $750,000 is required to be provided on-site. In any case where the Public Art Fee requirement exceeds the amount required on-site, prior to issuance of a building or site permit the project sponsor shall elect one of the following options to fulfill any requirements imposed as a condition of approval and to notify the Arts Commission and the Department of their choice:

(A) to expend the remainder of the Public Art Fee on-site, or

(B) to deposit the remainder of the Public Art Fee into the Public Artwork Trust Fund established in Section 10.100-29 of the San Francisco Administrative Code for the purposes set forth therein and in Section 429.5(b), including the creation, installation, exhibition, conservation, preservation, and restoration of works of public art and for capital improvements to non profit arts facilities ("In-Lieu Fee for Public Artwork Trust") within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary, or

(C) to expend a portion of the remainder on-site and deposit the rest into the Public Artwork Trust Fund.

As provided in Section 402, the project sponsor shall pay the fee to the Development Fee Collection Unit at DBI.

(2) **Residential Development Projects.** Prior to issuance of a building or site permit for a residential development project subject to the requirements of Section 429.1 *et seq.*, the sponsor shall elect one of the options listed below to fulfill any requirements imposed as a condition of approval and to notify the Arts Commission and the Department of their choice of the following:

(A) **Option to Use 100% of Public Art Fee to Provide On-Site Public Artwork.** Unless otherwise provided below, the project sponsor may elect to provide on-site public art of a value at least equivalent to the Public Art Fee.

(B) **Option to Contribute 100% of Public Art Fee Amount to Public Artwork Trust Fund.** Effective on the effective date of Ordinance No. 62-12 for a project that has not received its first construction document, and except as provided herein, the project sponsor may pay the Public Art Fee for deposit in the Public Artwork Trust Fund established in Section 10.100-29 of the San Francisco Administrative Code for the purposes set forth therein and in Section 429.5(b), including the creation, installation, exhibition, conservation, preservation, and restoration of works of public art and for capital improvements to nonprofit arts facilities ("In-Lieu Fee for Public Artwork Trust") within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary. As provided in Section 402, the project sponsor shall pay the fee to the Development Fee Collection Unit at DBI.

(C) **Option to Expend a Portion of the Public Art Fee Amount to On-Site Public Artwork and the Remainder to the Public Artwork Trust Fund.** Effective on the effective date of Ordinance No. 62-12 a project that has not received its first construction document may elect to expend a portion of the Public Art Fee for the acquisition of On-Site Public Artwork that shall be subject to the requirements of Subsection (d)(2)(A) above regarding On-Site Public Artwork, and deposit the remaining balance of the Public Art Fee into the Public Artwork Trust Fund. As provided in Section 402, the project sponsor shall pay the fee to the Development Fee Collection Unit at DBI.

(e) **Department's Notice to Development Fee Collection Unit of Sponsor's Choice.** After the project sponsor has notified the Arts Commission and the Department of the choice to fulfill the requirements of Section 429.1 *et seq.*, as required by Section (d)(1) or (2) above, the Department shall immediately notify the Development Fee Collection Unit at DBI of the project sponsor's choice.

(f) **Development Fee Collection Unit Notice to Arts Commission and Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Arts Commission and to the Department prior to issuing the first certificate of occupancy for any development project subject to Section 429.1 *et seq.* that will fulfill all or part of the requirements with an option other than the project sponsor's payment of an in-lieu fee to verify that the artwork was placed in the agreed upon location with the appropriate ADA compliant signage. If the Arts Commission or the Department notifies the Unit at such time that the sponsor has not satisfied the requirements, the Director of DBI shall deny any and all certificates of occupancy until the subject project is brought into compliance with the requirements of Section 429.1 *et seq.*

(g) **Process for Revisions of Determination Requirement.** In the event that the Department or the Planning Commission takes action affecting any development project subject to Section 429.1 *et seq.*, and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 62-12 , File No. 110853, App. 4/19/2012, Eff. 5/19/2012; amended by Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013 ; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

Former divisions (d)(1)(a)-(c) redesignated as (d)(1)(A)-(C); former divisions (d)(2)(i)-(iii) redesignated as (d)(2)(A)-(C); Ord. 56-13 , Eff. 4/27/2013. Division (d)(2)(C) amended; Ord. 188-15 , Eff. 12/4/2015.

SEC. 429.4. COMPLIANCE BY PROVIDING ON-SITE PUBLIC ARTWORK.

(a) **Installation.** The project sponsor must install the public art in compliance with this Section 429.4 (1) in areas on the site of the building or addition so that the public art is clearly visible from the public sidewalk or the open-space feature required by Section 138, or (2) on the site of the open-space feature provided pursuant to Section 138, or (3) in a publicly accessible lobby area of a Hotel (“On-Site Public Artwork”). Said On-Site Public Artwork shall be installed prior to issuance of the first certificate of occupancy; provided, however, that if the Zoning Administrator concludes that it is not feasible to install the Artwork within that time and that adequate assurance is provided that the Artwork will be installed in a timely manner, the Zoning Administrator may extend the time for installation for a period of not more than 12 months. Said works of art may include sculpture, bas-relief, murals, mosaics, decorative water features, tapestries or other artworks permanently affixed to the building or its grounds, or a combination thereof, but may not include architectural features of the building, nor artwork designed by the architect, except as permitted with respect to the in lieu

contribution regarding publicly owned buildings meeting the criteria described above. Artworks shall be displayed in a manner that will enhance their enjoyment by the general public. The type and location of Artwork, but not the artistic merits of the specific artwork proposed, shall be approved by the Zoning Administrator in accordance with the provisions of Section 309 of this Code.

(b) **Recognition of Artists.** An ADA compliant plaque identifying the creator, name (if any), and installation date of the On-Site Public Artwork required by subsection (a) above shall be placed at a publicly conspicuous location within view of the On-Site Public Artwork at the same time the Artwork is installed.

(c) **Removal, Relocation, or Alteration of Artwork.** Once the project sponsor has installed and completed the final Artwork, the project sponsor, building owner and any third party may not remove, relocate or alter the Artwork without notifying and consulting with the Planning Department at least 120 days prior to the proposed removal, relocation or alteration. The Planning Department shall not approve any removal, relocation, or alteration unless it finds any removed Artwork will be replaced with Artwork of equal or greater value or that any relocation or alteration is only a minor modification. If a project sponsor does remove, relocate, or alter the Artwork without notification and approval of the Planning Department, the Planning Department is authorized to pursue enforcement of this Section under Section 176 or 176.1 of this Code or to pursue any other remedy permitted by law.

(Added by Ord. 62-12 , File No. 110853, App. 4/19/2012, Eff. 5/19/2012; amended by Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

Former division (b) redesignated as (c); new division (b) added; Ord. 217-16, Eff. 12/10/2016.

SEC. 429.5. ARTS COMMISSION PUBLIC ARTWORK TRUST FUND.

(a) All monies contributed to the Public Artwork Trust Fund pursuant to this Section 429 shall be deposited in the special fund maintained by the Controller called the Public Artwork Trust under Section 10.100-29 of the Administrative Code, as may be amended from time to time. The receipts in the Trust are hereby appropriated in accordance with law to be used by the Arts Commission within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary to enhance the visibility and quality of artworks in the public realm and to improve the public's access and enjoyment of the artworks in the public realm.

(b) With the above objective, through a competitive public process the Public Artwork Trust Fund shall be overseen by the Arts Commission and used to fund:

(1) the creation, installation, and exhibition of temporary and permanent public works of art in the public realm and within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary;

(2) the conservation, preservation, and restoration, but not maintenance of temporary and permanent public works of art in the public realm and within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary;

(3) distribution of funds to San Francisco nonprofit arts entities and artists to fund temporary public art projects, performance, film and video screenings, and capital improvements for publicly accessible cultural facilities within the C-3 District or within a half mile of the boundary of the C-3 District or, if the project is within another zoning district, within a half mile of the project boundary; and

(4) the reasonable administrative expenses of the Arts Commission staff in connection with administering compliance with the requirements of this Section on a time and materials basis for managing projects funded through the Public Artworks Trust, not to exceed 20% of the costs for any one project.

(c) The Arts Commission shall administer and expend the Public Artwork Trust Fund, and shall have the authority to prescribe rules and regulations governing the Fund that are consistent with this Section.

(Added by Ord. 62-12 , File No. 110853, App. 4/19/2012, Eff. 5/19/2012; amended by Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013)

AMENDMENT HISTORY

Former divisions (b)(i) through (iv) redesignated as (b)(1) through (4); Ord. 56-13 , Eff. 4/27/2013.

SEC. 429.6. RECOGNITION OF ARCHITECTS IN C-3 DISTRICTS.

In the case of construction of a new building or an addition of floor area in excess of 25,000 square feet to an existing building in a C-3 District, an ADA compliant plaque or cornerstone identifying the project architect and the erection date of the building shall be placed at a publicly conspicuous location on or in the building prior to the issuance of the first certificate of occupancy.

(Added by Ord. 62-12 , File No. 110853, App. 4/19/2012, Eff. 5/19/2012; amended by Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

Section and section header amended; Ord. 217-16, Eff. 12/10/2016.

SEC. 429.7. LIEN PROCEEDINGS.

A project sponsor's failure to comply with the requirements of Section 429.3(d)(2)(B) or (C)[1] shall be cause for the Development Fee Collection Unit at DBI to institute lien proceedings to make the in-lieu fee, plus interest and any deferral surcharge, a lien against all parcels used for the development project in accordance with Section 408 of this Article and Section 107A.13.15 of the San Francisco Building Code.

(Added by Ord. 62-12, File No. 110853, App. 4/19/2012, Eff. 5/19/2012)

CODIFICATION NOTE

1. Ord. 62-12 references "Section 429.3(d)(2)(b) or (c)." The codifier has redesignated the three subdivisions of Sec. 429.3(d)(2) as (A) through (C). Accordingly, the reference in this section has been altered as shown.

[BICYCLE PARKING FEE]

SEC. 430. BICYCLE PARKING IN LIEU FEE.

(a) **Application of Fee.** A project sponsor may satisfy some or all of the requirement to provide Class 2 bicycle parking under this Code by paying the Bicycle Parking In Lieu Fee provided in this Section.

(1) The sponsor may elect to pay an in lieu fee to satisfy up to 50 percent of the Class 2 bicycle parking requirement for the uses specified in Table 155.2, provided that no more than 20 required Class 2 bicycle parking spaces are satisfied through the in lieu payment under this subsection.

(2) Notwithstanding subsection (a)(1), the sponsor may elect to pay an in lieu fee to satisfy up to 100 percent of the requirement for uses required by Table 155.2 to provide four or fewer Class 2 bicycle parking spaces.

(3) The sponsor shall pay the in lieu fee for all Class 2 bicycle parking spaces for which a variance or waiver is sought and granted by the Zoning Administrator under Sections 305 and 307(k) of this Code.

(b) **Amount of Fee.** The amount of the in lieu fee shall be $400 per Class 2 bicycle parking space. This fee shall be adjusted pursuant to Section 409 of this Code.

(c) **Department Notice to Development Fee Collection Unit at the Department of Building Inspection ("DBI").** If the project sponsor has elected to pay the Bicycle Parking In Lieu Fee to satisfy some or all required Class 2 bicycle parking spaces, the Department shall immediately notify the Development Fee Collection Unit at DBI of its determination, in addition to the other information required by Section 402(b) of this Article.

(d) **Collection of Bicycle Parking in Lieu Fee.** The Bicycle Parking In Lieu Fee shall be paid to DBI for deposit into the Bicycle Parking Fund at the time required by Section 402(d).

(e) **Process for Revisions or Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to this Section 430 and such action is subsequently modified, superseded, vacated, or reversed by the Board of Appeals, the Board of Supervisors, or by court action, the Department shall determine any revisions of the bicycle parking requirement, including the in lieu fee, as applied to the project, following the procedures of Section 402(c) of this Article.

(Added by Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013 ; amended by Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

(Former Sec. 430 added by Ord. 55-11, File No. 101523, App. 3/23/2011; redesignated as Sec. 431 by Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013)

AMENDMENT HISTORY

Division (d) amended; Ord. 63-20, Eff. 5/25/2020. Division (b) amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 430.1. BICYCLE PARKING FUND.

There is hereby established a separate fund set aside for a special purpose entitled the Bicycle Parking Fund ("Fund"). This fund shall be administered by the San Francisco Municipal Transportation Agency. DBI shall deposit in the Fund all monies it collects under Section 430. The City shall use all monies deposited in the Fund solely to install and maintain bicycle parking in areas of the City with inadequate public short-term bicycle parking facilities.

(Added by Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013)

SEC. 431. SEVERABILITY.

In the event that a court or agency of competent jurisdiction holds that federal or state law, rule or regulation invalidates any clause, sentence, paragraph or section of this Article or the application thereof to any person or circumstances, it is the intent of the Board of Supervisors that the court or agency sever such clause, sentence, paragraph or section so that the remainder of this Article shall remain in effect.

(Added as Sec. 430 by Ord. 55-11, File No. 101523, App. 3/23/2011; redesignated by Ord. 183-13 , File No. 130528, App. 8/7/2013, Eff. 9/6/2013)

[CENTRAL SOMA COMMUNITY SERVICES FACILITIES FEE AND FUND]

SEC. 432. CENTRAL SOMA COMMUNITY SERVICES FACILITIES FEE AND FUND.

Sections 432.1 through 432.4 set forth the requirements and procedures for the Central SoMa Community Services Facilities Fee and

Fund.

(Added by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

SEC. 432.1. PURPOSE AND FINDINGS.

(a) **Purpose.** New development in Central SoMa will increase the resident and employee populations, generating new demand for use of community service facilities, such as cultural facilities, health clinics, services for people with disabilities, and job training centers. New revenues to fund investments in community services are necessary to maintain the existing level of service. This fee will generate revenue that will be used to ensure an expansion in community service facilities in Central SoMa as new development occurs.

(b) **Findings.** In adopting the Central SoMa Plan (Ordinance No. 296-18, on file with the Clerk of the Board of Supervisors in File No. 180184), the Board of Supervisors reviewed the Central SoMa Community Facilities Nexus Study, prepared by Economic & Planning Systems and dated March 2016. The Board of Supervisors reaffirms the findings and conclusions of this study as they relate to the impact of new development in Central SoMa on community services facilities, and hereby readopts the findings contained in the Central SoMa Community Facilities Nexus Study.

(Added by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

SEC. 432.2. APPLICATION OF FEES.

(a) **Applicable Projects.** The Central SoMa Community Services Facilities Fee is applicable to any development project in the Central SoMa Special Use District that:

(1) Is in any Central SoMa Fee Tier, pursuant to Section 423; and

(2) Includes new construction or an addition of space in excess of 800 gross square feet.

(b) **Fee Calculation.** For applicable projects, the Fee is as follows:

(1) For Residential uses, $1.30 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses.

(2) For Non-residential uses,

(A) $1.75 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses.

(B) $0.45 per gross square foot of net replacement of gross square feet from Residential uses or net change of use of gross square feet from Residential uses.

(c) **Option for In-Kind Provision of Community Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Central SoMa Community Services Facilities Fee from the Planning Commission, subject to the following rules and requirements:

(1) **Approval Criteria.** The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need as analyzed in the Central SoMa Community Improvements Program and substitute for improvements that could be provided by the Central SoMa Community Services Facilities Public Benefits Fund (as described in Section 432.4). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Central SoMa Plan, by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), the Eastern Neighborhoods Citizens Advisory Committee, or other prioritization processes related to Eastern Neighborhoods Citizens community improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

(2) **Valuation, Content, Approval Process, and Administrative Costs.** The valuation, content, approval process, and administrative costs shall be undertaken pursuant to the requirements of Sections 423.3(d)(2) through 423.3(d)(5).

(d) **Timing of Fee Payments.** The Fee shall be paid to DBI for deposit into the Central SoMa Community Services Facilities Fund at the time required by Section 402(d).

(e) **Waiver or Reduction of Fees.** Development projects may be eligible for a waiver or reduction of impact fees, pursuant to Section 406.

(Added by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; amended by Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Division (d) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 432.3. IMPOSITION OF CENTRAL SOMA COMMUNITY SERVICES FACILITIES FEE.

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 432 *et seq.* to any development project requiring a first construction document and, if Section 432 *et seq.* is applicable, the Department shall determine the amount of the Central SoMa Community Services Facilities Fees required and shall impose these requirements as a condition of approval for issuance of the first construction document for the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit at DBI.** Prior to the issuance of a building or site permit for a

development project subject to the requirements of Section 432 *et seq.*, the Department shall notify the Development Fee Collection Unit at DBI of its final determination of the amount of the Central SoMa Community Services Facilities Fees required, including any reductions calculated for an In-Kind Improvements Agreement, in addition to the other information required by Section 402(b) of this Article.

(c) **Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Section 432 *et seq.* that has elected to fulfill all or part of its Central SoMa Community Services Facilities Fee requirement with an In-Kind Improvements Agreement. If the Department notifies the Unit at such time that the sponsor has not satisfied any of the terms of the In-Kind Improvements Agreement, the Director of DBI shall deny any and all certificates of occupancy until the project complies with the requirements of Section 432 *et seq.*, either through conformance with the In-Kind Improvements Agreement or payment of the remainder of the Central SoMa Community Services Facilities Fee that would otherwise have been required, plus a deferral surcharge as set forth in Section 107A.13.3.1 of the San Francisco Building Code.

(d) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Section 432 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

SEC. 432.4. THE CENTRAL SOMA COMMUNITY SERVICES FACILITIES FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Central SoMa Community Services Facilities Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 432.3(b) shall be deposited in a special fund maintained by the Controller. The receipts in the Fund are to be used solely to fund public infrastructure subject to the conditions of this Section.

(b) Expenditures from the Fund shall be administered by the Mayor's Office of Housing and Community Development, or its successor. The Mayor's Office of Housing and Community Development or its successor shall have the authority to prescribe rules and regulations governing the Fund.

(1) All monies deposited in the Fund shall be used to design, engineer, and develop community services facilities, including cultural/arts facilities, social welfare facilities, and community health facilities within the area bounded by Market Street, the Embarcadero, King Street, Division Street and South Van Ness Avenue as established in the Central SoMa Plan Implementation Program Document and supported by the findings of the Central SoMa Community Facilities Nexus Study.

(2) Funds may be used for administration and accounting of fund assets, for additional studies as detailed in the Central SoMa Plan Implementation Program Document, and to defend the Central SoMa Community Services Facilities Impact Fee against legal challenge, including the legal costs and attorney's fees incurred in the defense. Administration of this fund includes time and materials associated with reporting requirements, facilitating any necessary or required public meetings aside from Planning Commission hearings, and maintenance of the fund. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee, and/or to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities and services if this is deemed necessary. Monies used for the purposes consistent with this subsection (2) shall not exceed five percent of the total fees collected. All interest earned on this account shall be credited to the Central SoMa Community Services Facilities Fund.

(3) The Mayor's Office of Housing and Community Development shall report annually to the Board of Supervisors on the current status of the fund, the amounts approved for disbursement, and the number and types of housing units or households assisted.

(4) All funds are justified and supported by the Central SoMa Community Facilities Nexus Study, adopted as part of the Central SoMa Plan (Ordinance No. 296-18, on file with the Clerk of the Board of Supervisors in File No. 180184). Implementation of the Fee and Fund are monitored according to the Eastern Neighborhoods Plan Monitoring Program required by the Administrative Code Section 10E.

(Added by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; amended by Ord. 47-21, File No. 201175, App. 4/16/2021, Eff. 5/17/2021)

AMENDMENT HISTORY

Division (b)(1) amended; Ord. 47-21, Eff. 5/17/2021.

[CENTRAL SOMA INFRASTRUCTURE IMPACT FEE AND FUND]

SEC. 433. CENTRAL SOMA INFRASTRUCTURE IMPACT FEE AND FUND.

Sections 433.1 through 433.4 set forth the requirements and procedures for the Central SoMa Infrastructure Impact Fee and Fund.

(Added by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

SEC. 433.1. PURPOSE AND FINDINGS.

(a) **Purpose.** New development in the Central SoMa Plan Area will increase the resident and employee populations, generating new demand for use of community-serving infrastructure such as transit, complete streets, and recreation and open space. New revenues to

fund investments in this infrastructure are necessary to maintain the existing level of service. This fee will generate revenue that will be used to ensure an expansion in community-serving infrastructure in Central SoMa as new development occurs.

(b) **Findings.** The Board of Supervisors reviewed the San Francisco Citywide Nexus Analysis ("Nexus Analysis"), and the San Francisco Infrastructure Level of Service Analysis, both on file with the Clerk of the Board in File No. 230764 and, pursuant to Section 401A, adopts the findings and conclusions of those studies and the general and specific findings in that Section, specifically including the Recreation and Open Space Findings, Complete Streets Findings, and Transit Infrastructure Findings, and incorporates those by reference herein to support the imposition of the fees under this Section.

(Added by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; amended by Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Division (b) amended; Ord. 193-23, Eff. 10/16/2023.

SEC. 433.2. APPLICATION OF FEES.

(a) **Applicable Projects.** The Central SoMa Infrastructure Impact Fee is applicable to any development project in the Central SoMa Special Use District that:

(1) Is in any Central SoMa Tier, pursuant to Section 423; and

(2) Includes new construction or an addition of space in excess of 800 gross square feet.

(b) **Fee Calculation.** For applicable projects, the Fee is as follows:

(1) For Residential uses in Central SoMa Fee Tier B:

(A) For Owned Units, as defined in Section 415.2, $20.00 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses.

(B) For Rental Units, defined as units that are not Owned Units as defined in Section 415.2, $10.00 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses.

(2) For Non-residential uses in Central SoMa Fee Tier A that are seeking an Office Allocation of 50,000 gross square feet or more pursuant to the requirements of Planning Code Section 321, $21.50 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses.

(3) For Non-residential uses in Central SoMa Fee Tier A that are not seeking an Office Allocation of 50,000 gross square feet or more pursuant to the requirements of Planning Code Section 321:

(A) $41.50 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses;

(B) $21.50 per gross square foot of net replacement of gross square feet from Residential uses or net change of use of gross square feet from Residential uses.

(4) For Non-residential uses in Central SoMa Fee Tier C that are not seeking an Office Allocation of 50,000 gross square feet or more pursuant to the requirements of Planning Code Section 321, $20.00 per gross square foot of net additional gross square feet, net replacement of gross square feet from PDR uses, or net change of use of gross square feet from PDR uses.

(c) **Option for In-Kind Provision of Community Improvements and Fee Credits.** Project sponsors may propose to directly provide community improvements to the City. In such a case, the City may enter into an In-Kind Improvements Agreement with the sponsor and issue a fee waiver for the Central SoMa Infrastructure Impact Fee from the Planning Commission, subject to the following rules and requirements:

(1) **Approval Criteria.** The City shall not enter into an In-Kind Agreement unless the proposed in-kind improvements meet an identified community need as analyzed in the Central SoMa Community Improvements Program and substitute for improvements that could be provided by the Central SoMa Infrastructure Public Benefits Fund (as described in Section 433.4). The City may reject in-kind improvements if they are not consistent with the priorities identified in the Central SoMa Plan, by the Interagency Plan Implementation Committee (see Section 36 of the Administrative Code), the Eastern Neighborhoods Citizens Advisory Committee, or other prioritization processes related to Eastern Neighborhoods Citizens community improvements programming. No physical improvement or provision of space otherwise required by the Planning Code or any other City Code shall be eligible for consideration as part of this In-Kind Improvements Agreement.

(2) **Valuation, Content, Approval Process, and Administrative Costs.** The valuation, content, approval process, and administrative costs shall be undertaken pursuant to the requirements of Sections 423.3(d)(2) through 423.3(d)(5).

(d) **Timing of Fee Payments.** The Fee shall be paid to DBI for deposit into the Central SoMa Infrastructure Impact Fund at the time required by Section 402(d).

(e) **Waiver or Reduction of Fees.** Development projects may be eligible for a waiver or reduction of impact fees, pursuant to Section 406.

(Added by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; amended by Ord. 63-20 ., File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 47-21, File No. 201175, App. 4/16/2021, Eff. 5/17/2021)

AMENDMENT HISTORY

Division (d) amended; Ord. 63-20 .; Eff. 5/25/2020. Divisions (b)(1)(A) and (b)(1)(B) amended; Ord. 47-21, Eff. 5/17/2021.

SEC. 433.3. IMPOSITION OF CENTRAL SOMA INFRASTRUCTURE IMPACT FEE.

(a) **Determination of Requirements.** The Department shall determine the applicability of Section 433.2 *et seq.* to any development project requiring a first construction document and, if Section 433.2 *et seq.* is applicable, the Department shall determine the amount of the Central SoMa Infrastructure Impact Fees required and shall impose these requirements as a condition of approval for issuance of the first construction document for the development project. The project sponsor shall supply any information necessary to assist the Department in this determination.

(b) **Department Notice to Development Fee Collection Unit at DBI.** Prior to the issuance of a building or site permit for a development project subject to the requirements of Sections 433 *et seq.*, the Department shall notify the Development Fee Collection Unit at DBI of its final determination of the amount of the Central SoMa Infrastructure Impact Fees required, including any reductions calculated for an In-Kind Improvements Agreement, in addition to the other information required by Section 402(b) of this Article.

(c) **Development Fee Collection Unit Notice to Department Prior to Issuance of the First Certificate of Occupancy.** The Development Fee Collection Unit at DBI shall provide notice in writing or electronically to the Department prior to issuing the first certificate of occupancy for any development project subject to Section 433 *et seq.* that has elected to fulfill all or part of its Central SoMa Infrastructure Impact Fee requirement with an In-Kind Improvements Agreement. If the Department notifies the Unit at such time that the sponsor has not satisfied any of the terms of the In-Kind Improvements Agreement, the Director of DBI shall deny any and all certificates of occupancy until the project complies with the requirements of Section 433 *et seq.*, either through conformance with the In-Kind Improvements Agreement or payment of the remainder of the Central SoMa Infrastructure Impact Fees that would otherwise have been required, plus a deferral surcharge as set forth in Section 107A.13.3.1 of the San Francisco Building Code.

(d) **Process for Revisions of Determination of Requirements.** In the event that the Department or the Commission takes action affecting any development project subject to Section 433 *et seq.* and such action is subsequently modified, superseded, vacated, or reversed by the Department or the Commission, Board of Appeals, the Board of Supervisors, or by court action, the procedures of Section 402(c) of this Article shall be followed.

(Added by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

SEC. 433.4. THE CENTRAL SOME INFRASTRUCTURE IMPACT FUND.

(a) There is hereby established a separate fund set aside for a special purpose entitled the Central SoMa Infrastructure Impact Fund ("Fund"). All monies collected by the Development Fee Collection Unit at DBI pursuant to Section 433.3(b) shall be deposited in a special fund maintained by the Controller. The receipts in the Fund to be used solely to fund Public Benefits subject to the conditions of this Section.

(b) Expenditures from the Fund shall be recommended by the Interagency Plan Implementation Committee for allocation and administration by the Board of Supervisors.

(1) All monies deposited in the Fund shall be used to design, engineer, and develop community public transit and recreation and open space improvements as established in the Central SoMa Plan and the Central SoMa Plan Implementation Program Document.

(2) Funds may be used for administration and accounting of fund assets, for additional studies as detailed in the Central SoMa Plan Implementation Program Document, and to defend the Central SoMa Infrastructure Impact Fee against legal challenge, including the legal costs and attorney's fees incurred in the defense. Administration of this fund includes time and materials associated with reporting requirements, facilitating any necessary or required public meetings aside from Planning Commission hearings, and maintenance of the fund. Monies from the Fund may be used by the Planning Commission to commission economic analyses for the purpose of revising the fee, and/or to complete an updated nexus study to demonstrate the relationship between development and the need for public facilities and services if this is deemed necessary. Monies used for the purposes consistent with this subsection (2) shall not exceed five percent of the total fees collected. All interest earned on this account shall be credited to the Central SoMa Infrastructure Impact Fund.

(3) All funds are justified and supported by the San Francisco Citywide Nexus Analysis prepared by AECOM dated March 2014 ("Nexus Analysis"), and the Transportation Sustainability Fee Nexus Study (TSF Nexus Study), dated May, 2015, on file with the Clerk of the Board in Files Nos. 150149 and 150790. Implementation of the Fee and Fund are monitored according to the Eastern Neighborhoods Plan Monitoring Program required by Section 10E of the Administrative Code.

(Added by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; amended by Ord. 47-21, File No. 201175, App. 4/16/2021, Eff. 5/17/2021)

AMENDMENT HISTORY

Division (b)(1) amended; Ord. 47-21, Eff. 5/17/2021.

[—]

SEC. 434. CENTRAL SOMA COMMUNITY FACILITIES DISTRICT PROGRAM.

(a) **Purpose.** New construction that increases the density of the South of Market neighborhood will require the City to invest in substantial new infrastructure and services. By increasing height limits, removing restrictive zoning, relieving density and floor area ratio limitations, and making other regulatory changes, the Central SoMa Plan substantially increases the development potential of properties in the area. This new development potential will create a significant demand for infrastructure, improvements, and services as described in the Central SoMa Implementation Program Document, including but not limited to transit investments, street and environmental

improvements, and development and maintenance of parks and recreation centers. The Central SoMa Community Facilities District ("CFD" or "Special Tax District") shall be a special tax district formed pursuant to Administrative Code Chapter 43, Article X to address these needs created by projects that choose to exceed the Prevailing Height and Density Limits.

(b) **Applicability.** This Section 434 shall apply to a development on any lot in the Central SoMa Special Use District where all of the following apply:

(1) The project includes new construction or the net addition of more than 25,000 gross square feet, as determined by the Planning Director or their designee pursuant to the Rate and Method of Apportionment for the Central SoMa Community Facilities District;

(2) The proposed project exceeds the applicable Prevailing Building Height and Density controls established in Section 249.78(d)(1)(B); and,

(3) The project includes

(A) new non-residential development on any lot that is either wholly or partially in Central SoMa Fee Tier B or C, as defined in Section 423.2; or

(B) new residential condominium development for which any units have been sold on any lot that is either wholly or partially in Central SoMa Fee Tier C, as defined in Section 423.2.

(c) **Requirement.** Except as specified herein, any applicable development project shall participate in the CFD to be established by the Board of Supervisors pursuant to Article X of Chapter 43 of the Administrative Code (the "Special Tax Financing Law") and successfully annex the lot or lots of the subject development into the CFD prior to the issuance of the first Certificate of Occupancy for the development. Any project lot or lots that contain areas that fall under more than one Central SoMa Fee Tier shall be wholly annexed into the CFD at the level of the highest applicable Fee Tier. Any project lot or lots that receive a condominium map pursuant to the Subdivision Code shall wholly annex the lot or lots of the subject development into the CFD prior to the sale of the first condominium on the site. For any lot to which the requirements of this Section 434 apply, the Zoning Administrator shall approve and order the recordation of a Notice in the Official Records of the Recorder of the City and County of San Francisco for the subject property prior to the first Certificate of Occupancy for the development, except that for condominium projects, the Zoning Administrator shall approve and order the recordation of such Notice prior to the sale of the first condominium unit. This Notice shall state the requirements and provisions of subsections 434(b)-(c) above.

(d) **Special Taxes.** The Board of Supervisors will be authorized to levy a special tax on properties that annex into the Community Facilities District to finance facilities and services described in the proceedings for the Community Facilities District and the Central SoMa Implementation Program Document submitted by the Planning Department on November 5, 2018 in Board of Supervisors File No. 180184.

(e) Special tax revenues associated with the CFD should be expended as described in the Central SoMa Plan Implementation Program Document submitted by the Planning Department on November 5, 2018 in Board of Supervisors File No. 180184, except that: (1) $15 million should be allocated to restoration of the Old United States Mint, San Francisco Landmark No. 236, and $160 million should be allocated to regional transit capacity enhancement and expansion; and (2) if the Old United States Mint is developed with community-serving spaces that may be leased through a competitive process at below-market rates to organizations associated with Cultural Districts established under Chapter 107 of the Administrative Code, $20 million should be allocated to restoration of the Old United States Mint, and $155 million should be allocated to regional transit capacity enhancement and expansion.

(Added by Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

[UNION SQUARE PARK, RECREATION, AND OPEN SPACE FEE]

SEC. 435. UNION SQUARE PARK, RECREATION, AND OPEN SPACE FEE.

Sections 435.1 through 435.3 hereinafter referred to as Section 435.1 *et seq.* set forth the requirements and procedures for the Union Square Park, Recreation, and Open Space Fee.

(Added by Ord. 23-19, File No. 180916, App. 2/15/2019, Eff. 3/18/2019; designation ratified by Ord. 72-19, File No. 190030, App. 4/19/2019, Eff. 5/20/2019)

Editor's Note:

This section was originally designated Sec. 428 when enacted by Ord.23-19. The section was redesignated by the editor, with approval of the City, to avoid conflicting with previously existing material. Ord. 72-19 reflects and ratifies that redesignation.

SEC. 435.1 PURPOSE AND FINDINGS SUPPORTING UNION SQUARE PARK, RECREATION, AND OPEN SPACE FEE.

(a) **Purpose.** The purpose of the Union Square Park, Recreation, and Open Space Fee is to provide funding to increase the supply of park, recreation, and open space facilities to serve the needs attributable to new office development in the C-3-R Downtown Retail Zoning District. The Board of Supervisors hereby finds that the Union Square area, most of which is zoned as the C-3-R Downtown Retail Zoning District, is a world-class retail destination that draws both tourists and Bay Area residents with its combination of walkable shopping and dining, excellent transit access, and top-tier hospitality. As new office development occurs, additional park, recreation, and open space facilities are needed to maintain the quality of urban experience that makes downtown San Francisco an attractive place to do business, live, and visit.

(b) **Findings.** The Board of Supervisors has reviewed the San Francisco Citywide Nexus Analysis ("Nexus Analysis"), on file with the Clerk of the Board of Supervisors in File No. 230764. In accordance with the California Mitigation Fee Act, Government Code Section 66001(a), the Board of Supervisors adopts the findings and conclusions of that study, and incorporates those findings and conclusions by reference to support the imposition of the fees under this Section.

(Added by Ord. 23-19, File No. 180916, App. 2/15/2019, Eff. 3/18/2019; designation ratified by Ord. 72-19, File No. 190030, App. 4/19/2019, Eff. 5/20/2019; amended by Ord. 193-23, File No. 230764, App. 9/15/2023, Eff. 10/16/2023)

AMENDMENT HISTORY

Division (b) amended; Ord. 193-23, Eff. 10/16/2023.

Editor's Note:

This section was originally designated Sec. 428.1 when enacted by Ord23-19. The section was redesignated by the editor, with approval of the City, to avoid conflicting with previously existing material. Ord. 72-19 reflects and ratifies that redesignation.

SEC. 435.2. DEFINITIONS.

See Section 401 of this Article.

(Added by Ord. 23-19, File No. 180916, App. 2/15/2019, Eff. 3/18/2019; designation ratified by Ord. 72-19, File No. 190030, App. 4/19/2019, Eff. 5/20/2019)

Editor's Note:

This section was originally designated Sec. 428.2 when enacted by Ord23-19. The section was redesignated by the editor, with approval of the City, to avoid conflicting with previously existing material. Ord. 72-19 reflects and ratifies that redesignation.

SEC. 435.3. APPLICATION OF UNION SQUARE PARK, RECREATION, AND OPEN SPACE FEE.

New Ordinance Notice

Publisher's Note: This section has been **AMENDED** by new legislation (Ord. 72-19 , approved 4/19/2019, effective 5/20/2019). The text of the amendment will be incorporated under the new section number when the amending legislation is effective.

(a) **Application.** Section 435.1 *et seq.*, shall apply to any office development project in the C-3-R Downtown Retail Zoning District.

(b) **Amount of fee.** The applicable fee shall be $6 per square foot.

(c) **Other Fee Provisions.** The Union Square Park, Recreation, and Open Space Fee shall be subject to the provisions of this Article, including, but not limited to Sections 401 through 410.

(Added by Ord. 23-19, File No. 180916, App. 2/15/2019, Eff. 3/18/2019; designation ratified by Ord. 72-19, File No. 190030, App. 4/19/2019, Eff. 5/20/2019)

AMENDMENT HISTORY

Division (b) amended by Ord. 72-19, Eff. 5/20/2019.

Editor's Note:

This section was originally designated Sec. 428.3 when enacted by Ord23-19. The section was redesignated by the editor, with approval of the City, to avoid conflicting with previously existing material. Ord. 72-19 reflects and ratifies that redesignation.

ARTICLE 5:

[RESERVED]

ARTICLE 6:

SIGNS

SEC. 601. PURPOSES OF SIGN CONTROLS.

This Article 6 is adopted in recognition of the important function of signs and of the need for their regulation under the Planning Code. In addition to those purposes of the Planning Code stated in Section 101, it is the further purpose of this Article 6 to:

(a) promote the aesthetic and environmental values of San Francisco by providing for signs that serve as effective means of communication and do not impair the attractiveness of the City as a place to live, work, visit, and shop;

(b) protect public investment in and the character and dignity of public buildings, streets, and open spaces;

(c) protect the distinctive appearance of San Francisco which is produced by its unique geography, topography, neighborhoods, street patterns, skyline and architectural features;

(d) ensure that signs are designed and proportioned in relation to the structures to which they are attached, adjacent structures, and the streets on which they are located;

(e) enhance sidewalks as public spaces by preserving sunlight and views, and foster the unobstructed growth of street trees;

(f) provide an environment which will safeguard and enhance neighborhood livability and property values, and promote the development of business in the City;

(g) encourage sound practices and lessen the objectionable effects of competition in respect to size and placement of signs;

(h) aid in the attraction of tourists and other visitors who are so important to the economy of the City and County;

(i) reduce hazards to motorists, bicyclists, and pedestrians caused by visual distractions and obstructions; and

(j) thereby promote the public health, safety and welfare.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015 ; Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

Section amended; Ord. 188-15 , Eff. 12/4/2015. Section amended and divisions (a)–(j) designated; Ord. 217-16, Eff. 12/10/2016.

SEC. 602. SIGN DEFINITIONS.

The following definitions shall apply to this Article 6, in addition to such definitions elsewhere in this Code as may be appropriate.

Area (of a Sign).

(a) **All Signs Except on Windows, Awnings and Marquees.** The entire area within a single continuous rectangular perimeter formed by extending lines around the extreme limits of writing, representation, emblem, or any figure of similar character, including any frame or other material or color forming an integral part of the display or used to differentiate such Sign from the background against which it is placed; excluding the necessary supports or uprights on which such Sign is placed but including any Sign Tower. Where a Sign has two or more faces, the area of all faces shall be included in determining the Area of the Sign, except that where two such faces are placed back to back and are at no point more than two feet from one another, the Area of the Sign shall be taken as the area of one face if the two faces are of equal area, or as the area of the larger face if the two faces are of unequal area.

(b) **On Windows.** The Area of any Sign painted directly on a window shall be the area within a rectangular perimeter formed by extending lines around the extreme limits of writing, representation, or any figure of similar character depicted on the surface of the window. The Area of any Sign placed on or behind the window glass shall be as described above in subsection (a).

(c) **On Awnings or Marquees.** The Area of any Sign on an Awning or Marquee shall be the total of all signage on all faces of the structure. All sign copy on each face shall be computed within one rectangular perimeter formed by extending lines around the extreme limits of writing, representation, or any figure of similar character depicted on the surface of the face of the awning or marquee.

Attached to a Building. Supported, in whole or in part, by a building.

Business Sign. A Sign which directs attention to the primary business, commodity, service, industry or other activity which is sold, offered, or conducted on the premises upon which such Sign is located, or to which it is affixed. Where a number of businesses, services, industries, or other activities are conducted on the premises, or a number of commodities, services, or other activities with different brand names or symbols are sold on the premises, up to one-third of the area of a Business Sign, or 25 square feet of Sign area, whichever is the lesser, may be devoted to the advertising of one or more of those businesses, commodities, services, industries, or other activities by brand name or symbol as an accessory function of the Business Sign, provided that such advertising is integrated with the remainder of the Business Sign, and provided also that any limits which may be imposed by this Code on the area of individual Signs and the area of all Signs on the property are not exceeded. The primary business, commodity, service, industry, or other activity on the premises shall mean the use which occupies the greatest area on the premises upon which the Business Sign is located, or to which it is affixed.

Directly Illuminated Sign. A Sign designed to give forth artificial light directly (or through transparent or translucent material) from a source of light within such Sign, including but not limited to neon and exposed lamp signs.

Freestanding. In no part supported by a building.

Freeway. A highway, in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access, the precise route for which has been determined and designated as a Freeway by an authorized agency of the State or a political subdivision thereof. The term shall include the main traveled portion of the trafficway and all ramps and appurtenant land and structures. Trans-Bay highway crossings shall be deemed to be Freeways within the meaning of this definition for purposes of this Code.

General Advertising Sign. A Sign, legally erected prior to the effective date of Section 611 of this Code, which directs attention to a business, commodity, industry or other activity which is sold, offered or conducted elsewhere than on the premises upon which the Sign is located, or to which it is affixed, and which is sold, offered or conducted on such premises only incidentally if at all.

Height (of a Sign). The vertical distance from the uppermost point used in measuring the Area of a Sign, as defined in this Section 602, to the ground immediately below such point or to the level of the upper surface of the nearest curb of a Street, Alley or highway (other than a structurally elevated roadway), whichever measurement permits the greater elevation of the Sign.

Historic Movie Theater Projecting Sign. A projecting Business Sign attached to a Qualified Movie Theater, as defined in Section 188(e)(1), when such sign was originally constructed in association with the Qualified Movie Theater or similar historic use. Such Signs are typically characterized by (a) perpendicularity to the primary facade of the building, (b) fixed display of the name of the establishment, often in large lettering descending vertically throughout the length of the Sign; (c) a narrow width that extends for a majority of the vertical distance of a building's facade, typically terminating at or slightly above the Roofline, and (d) an overall scale and nature such that the Sign comprises a significant and character defining architectural feature of the building to which it is attached. Elimination or change of any lettering or other inscription from a Historic Movie Theater Projecting Sign, such as that which may occur with a change of ownership, change of use, or closure does not preclude classification of the Sign under this Section. For specific controls on the preservation, rehabilitation, or restoration of these signs, refer to Section 188(e) of this Code.

Historic Movie Theater Marquee. A Marquee, as defined in Section 102, attached to a Qualified Movie Theater, as defined in Section

188(e)(1), when such Marquee was originally constructed in association with a Movie Theater or similar historic use. Elimination or change of any lettering or other inscription from a Historic Movie Theater Marquee, such as that which may occur with a change of ownership, change of use or closure, does not preclude classification of the Marquee under this Section. For specific controls on the preservation, rehabilitation, or restoration of these Signs, refer to Section 188(e) of this Code.

Historic Sign. An Historic Sign is any Sign identified on its own or as one of the character defining features of a property listed or eligible for the National Register of Historic Places or the California Register of Historical Resource, or designated in any manner under Articles 10 or 11 of the Planning Code.

Identifying Sign. A Sign for a use listed in Article 2 of this Code as either a principal or a conditional use permitted in an R District, regardless of the district in which the use itself may be located, which Sign serves to tell only the name, address, and lawful use of the premises upon which the Sign is located, or to which it is affixed. With respect to shopping malls containing five or more stores or establishments in NC Districts, and shopping centers containing five or more stores or establishments in NC-S Districts or in the City Center Special Sign District, Identifying Signs shall include Signs which tell the name of and/or describe aspects of the operation of the mall or center. Shopping malls, as that term is used in this Section, are characterized by a common pedestrian passageway which provides access to the businesses located therein.

(Amended by Ord. 218-16; see Sec. 602 history note.)

Indirectly Illuminated Sign. A Sign illuminated with a light directed primarily toward such Sign and so shielded that no direct rays from the light are visible elsewhere than on the lot where said illumination occurs. If not effectively so shielded, such sign shall be deemed to be a Directly Illuminated Sign.

Landscaped Freeway. Any part of a Freeway that is now or hereafter classified by the State or a political subdivision thereof as a Landscaped Freeway, as defined in the California Outdoor Advertising Act. Any part of a Freeway that is not so designated shall be deemed a nonlandscaped Freeway.

Nameplate. A sign affixed flat against a wall of a building and serving to designate only the name or the name and professional occupation of a person or persons residing in or occupying space in such building.

Neon Sign. A Sign that is illuminated through the use of noble gas in a vacuum-sealed glass tube.

(Added by Ord. 206-22; see Sec. 602 history note.)

Nonilluminated Sign. A Sign which is not illuminated, either directly or indirectly.

Projection. The horizontal distance by which the furthermost point used in measuring the Area of a Sign, as defined in this Section 602, extends beyond a Street Property Line or a building setback line. A Sign placed flat against a wall of a building parallel to a Street or Alley shall not be deemed to project for purposes of this definition. A Sign on an Awning, Canopy or Marquee shall be deemed to project to the extent that such Sign extends beyond a Street Property Line or a building setback line.

Roofline. The upper edge of any building wall or parapet, exclusive of any Sign Tower.

Roof Sign. A Sign or any portion thereof erected or painted on or over the roof covering any portion of a building, and either supported on the roof or on an independent structural frame or Sign Tower, or located on the side or roof of a penthouse, roof tank, roof shed, elevator housing or other roof structure.

Sale or Lease Sign. A Sign which serves only to indicate with pertinent information the availability for sale, lease or rental of the lot or building on which it is placed, or some part thereof.

Sign. Any structure, part thereof, or device or inscription which is located upon, attached to, or painted, projected or represented on any land or right-of-way, or on the outside of any building or structure including an Awning, Canopy, Marquee or similar appendage, or affixed to the glass on the outside or inside of a window so as to be seen from the outside of the building, and which displays or includes any numeral, letter, word, model, banner, emblem, insignia, symbol, device, light, trademark, or other representation used as, or in the nature of, an announcement, advertisement, attention-arrester, direction, warning, or designation by or of any person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry.

A “Sign” is composed of those elements included in the Area of the Sign as defined in this Section 602, and in addition the supports, uprights and framework of the display. Except in the case of General Advertising Signs, two or more faces shall be deemed to be a single Sign if such faces are contiguous on the same plane, or are placed back to back to form a single structure and are at no point more than two feet from one another. Also, on Awnings or Marquees, two or more faces shall be deemed to be a single Sign if such faces are on the same Awning or Marquee structure.

Sign Tower. A tower, whether attached to a building, Freestanding, or an integral part of a building, which is erected for the primary purpose of incorporating a Sign, or having a Sign attached thereto.

Street Property Line. For purposes of this Article 6 only, “street property line” shall mean any line separating private property from either a Street or an Alley.

Video Sign. A Sign that displays, emits, or projects or is readily capable of displaying, emitting or projecting a visual representation or image; an animated video, visual representation, or image; or other video image of any kind onto a building, fabric, screen, sidewalk, wall, or other surface through a variety of means, including, but not limited to: camera; computer; digital cinema, imaging, or video; electronic display; fiber optics; film; internet; intranet; light emitting diode screen or video display; microprocessor or microcontrolled based systems; picture frames; plasma display; projector; satellite; scrolling display; streaming video; telephony; television; VHS; wireless transmission; or other technology that can transmit animated or video images.

Vintage Sign. A Sign that depicts a land use, a business activity, a public activity, a social activity or historical figure or an activity or use that recalls the City's historic past, as further defined in Section 608.14 of this Code, and as permitted by Sections 303 and 608.14 of this Code.

Wall Sign. A Sign painted directly on the wall or placed flat against a building wall with its copy parallel to the wall to which it is attached and not protruding more than the thickness of the sign cabinet.

Wind Sign. Any Sign composed of one or more banners, flags, or other objects, mounted serially and fastened in such a manner as to move upon being subjected to pressure by wind or breeze.

Window Sign. A Sign painted directly on the surface of a window glass or placed behind the surface of a window glass.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 125-70, App. 4/14/70; Ord. 234-72, App. 8/18/72; Ord. 69-87, App. 3/13/87; Ord. 276-98, App. 8/28/98; Proposition G, 3/5/2002; Ord. 28-02, File No. 011962, App. 3/15/2002; Ord. 242-08, File No. 071431, App. 10/30/2008; Ord. 140-11, File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. 195-11, File No. 110448, App. 10/4/2011, Eff. 11/3/2011; Res. 319-14, File No. 140821, App. 8/7/2014; Ord. 20-15, File No. 110548, App. 2/20/2015, Eff. 3/22/2015; Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016; Ord. 218-16, File No. 160553, App. 11/10/2016, Eff. 12/10/2016; Ord. 206-22, File No. 220643, App. 10/6/2022, Eff. 11/6/2022)

AMENDMENT HISTORY

Section header amended; section amended in its entirety; Ord. 217-16, Eff. 12/10/2016 (for the legislative history of prior definition provisions, see the Editor's Note below). See individual definitions for subsequent amendment history notes.

Editor's Note:

As part of its amendments to this Code, by Ord. 217-16, consolidated the Art. 6 definitions into a single section, Sec. 602 above. Previously, Art. 6 definitions had been codified under separate section numbers. For the purpose of retaining the legislative history of the now superseded Art. 6 definition provisions, the terms formerly defined in the Article are set forth below, along with their history notes as they existed immediately prior to the effectiveness of Ord. 217-16.

SEC. 602.1 AREA (OF A SIGN).

(See Interpretations related to this Section.)

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 69-87, App. 3/13/87)

SEC. 602.2 ATTACHED TO A BUILDING.

(Added by Ord. 263-65, App. 10/22/65)

SEC. 602.3 BUSINESS SIGN.

(Added by Ord. 263-65, App. 10/22/65; amended by Res. 319-14, File No. 140821, App. 8/7/2014; Ord. 20-15, File No. 110548, App. 2/20/2015, Eff. 3/22/2015)

SEC. 602.4 DIRECTLY ILLUMINATED SIGN.

(Added by Ord. 263-65, App. 10/22/65)

SEC. 602.5 FREESTANDING.

(Added by Ord. 263-65, App. 10/22/65)

SEC. 602.6 FREEWAY.

(Added by Ord. 263-65, App. 10/22/65)

SEC. 602.7 GENERAL ADVERTISING SIGN.

(See Interpretations related to this Section.)

(Added by Ord. 263-65, App. 10/22/65; amended by Proposition G, 3/5/2002)

SEC. 602.8 HEIGHT (OF A SIGN).

(Amended by Ord. 234-72, App. 8/18/72)

SEC. 602.9 HISTORIC SIGNS AND HISTORIC SIGN DISTRICTS.

(Added by Ord. 276-98, App. 8/28/98)

SEC. 602.10 IDENTIFYING SIGN.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 69-87, App. 3/13/87; Ord. 276-98, App. 8/28/98; Ord. 195-11, File No. 110448, App. 10/4/2011, Eff. 11/3/2011)

SEC. 602.11 INDIRECTLY ILLUMINATED SIGN.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 276-98, App. 8/28/98)

SEC. 602.12 LANDSCAPED FREEWAY.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 276-98, App. 8/28/98)

SEC. 602.13 NAME PLATE.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 276-98, App. 8/28/98)

SEC. 602.14 NONILLUMINATED SIGN.

(See Interpretations related to this Section.)

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 276-98, App. 8/28/98)

SEC. 602.15 PROJECTION.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 276-98, App. 8/28/98)

SEC. 602.16 ROOFLINE.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 276-98, App. 8/28/98)

SEC. 602.17 ROOF SIGN.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 276-98, App. 8/28/98)

SEC. 602.18 SALE OR LEASE SIGN.

(See Interpretations related to this Section.)

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 276-98, App. 8/28/98)

SEC. 602.19 SIGN.

(See Interpretations related to this Section.)

(Amended by Ord. 125-70, App. 4/14/70; Ord. 69-87, App. 3/13/87; Ord. 276-98, App. 8/28/98)

SEC. 602.20 SIGN TOWER.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 276-98, App. 8/28/98)

SEC. 602.21 STREET PROPERTY LINE.

(See Interpretations related to this Section.)

(Added by Ord 263-65, App. 10/22/65; amended by Ord. 276-98, App. 8/28/98)

SEC. 602.21A VIDEO SIGN.

(Added by Ord. 28-02, File No. 011962, App. 3/15/2002)

SEC. 602.22 WALL SIGN.

(Amended by Ord. 125-70, App. 4/14/70; Ord. 69-87, App. 3/13/87; Ord. 276-98, App. 8/28/98)

SEC. 602.23 WIND SIGN.

(See Interpretations related to this Section.)

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 276-98, App. 8/28/98)

SEC. 602.24 WINDOW SIGN.

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 276-98, App. 8/28/98; Ord. 20-15, File No. 110548, App. 2/20/2015, Eff. 3/22/2015)

SEC. 602.25 HISTORIC MOVIE THEATER PROJECTING SIGN.

(Added by Ord. 242-08, File No. 071431, App. 10/30/2008; amended by Ord. 140-11, File No. 110482, App. 7/5/2011, Eff. 8/4/2011)

SEC. 602.26 HISTORIC MOVIE THEATER MARQUEE.

(Added by Ord. 242-08, File No. 071431, App. 10/30/2008; amended by Ord. 140-11, File No. 110482, App. 7/5/2011, Eff. 8/4/2011)

SEC. 603. EXEMPTED SIGNS.

(See Interpretations related to this Section.)

Nothing in this Article 6 shall apply to any of the following signs:

(a) Noncommercial Signs, including but not limited to

(1) Official public notices, and notices posted by public officers in performance of their duties;

(2) Governmental signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety;

(3) Temporary display posters, without independent structural support, in connection with political campaigns and with civic noncommercial health, safety, and welfare campaigns;

(4) Flags, emblems, insignia, and posters of any nation or political subdivision, and temporary displays of a patriotic, religious, charitable, or other civic character;

(5) House numbers, whether illuminated or not, “no trespassing,” “no parking,” and other warning signs;

(6) Commemorative plaques placed or provided by recognized historical agencies;

(7) Religious symbols;

(8) Information plaques or signs which identify to the public open space resources, architectural features, creators of artwork, or otherwise provide information required by this Code or by other City agencies, or an identifying sign which directs the general public and/or patrons of a particular establishment to open space or parking resources.

(b) Signs within a stadium, open-air theater, or arena which are designed primarily to be viewed by patrons within such stadium, open-air theater, or arena;

(c) Two General Advertising Signs each not exceeding 24 square feet in area on either a transit shelter or associated advertising kiosk furnished by contract with the Municipal Transportation Agency or predecessor agency for the Municipal Railway in RTO, RTO-M, RM-2, RM-3, RM-4, RC, NC, C, M, PDR, Eastern Neighborhoods Mixed Use Districts, and in those P Districts where such Signs would not adversely affect the character, harmony, or visual integrity of the district as determined by the Planning Commission; eight General Advertising Signs each not exceeding 24 square feet in area on transit shelters located on publicly owned property on a high level Municipal Railway boarding platform in an RH-1D District adjacent to a C-2 District, provided that such advertising signs solely face the C-2 District; up to three double-sided General Advertising Signs each not exceeding 24 square feet in area on or adjacent to transit shelters on publicly owned high level Municipal Railway boarding platforms along The Embarcadero south of the Ferry Building, up to six double-sided panels at 2nd and King Streets, and up to four double-sided panels at 4th and King Streets; up to two double-sided panels not exceeding 24 square feet in area on each low-level boarding platform at the following E-Line stops: Folsom Street and The Embarcadero, Brannan Street and The Embarcadero, 2nd and King Streets, and 4th and King Streets; and a total of 71 double-sided General Advertising Signs each not exceeding 24 square feet in area on or adjacent to transit shelters on 28 publicly owned high level Municipal Railway boarding platforms serving the Third Street Light Rail Line. Each advertising sign on a low-level or high-level boarding platform shall be designed and sited in such a manner as to minimize obstruction of public views from pedestrian walkways and/or public open space.

Notwithstanding the above, no Sign shall be placed on any transit shelter or associated advertising kiosk located on any sidewalk which shares a common boundary with any property under the jurisdiction of the Recreation and Park Commission, with the exception of Justin Herman Plaza; on any sidewalk on Zoo Road; on Skyline Boulevard between Sloat Boulevard and John Muir Drive; on John Muir Drive between Skyline Boulevard and Lake Merced Boulevard; or on Lake Merced Boulevard on the side of Harding Park Municipal Golf Course, or on any sidewalk on Sunset Boulevard between Lincoln Way and Lake Merced Boulevard; on any sidewalk on Legion of Honor Drive; or in the Civic Center Special Sign Districts as established in Section 608.3 of this Code.

The provisions of this subsection (c) shall be subject to the authority of the Port Commission under Sections 4.114 and B3.581 of the City Charter and under State law.

(d) Two General Advertising Signs each not exceeding 52 square feet in area on a public service kiosk furnished by contract with the Department of Public Works which contract also provides for the installation and maintenance of automatic public toilets. Each such public service kiosk shall be divided into three sections, one of which shall provide a public service, such as a newsstand, newsrack, map, public telephone, vending machine, display of public service information, or interactive video terminal.

(e) Advertising placed on fixed pedestal newsrack units in accordance with Section 184.12 of the Public Works Code.

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

(Amended by Ord. 77-85, App. 2/19/85; Ord. 69-87, App. 3/13/87; Ord. 114-89, App. 4/14/89; Ord. 115-90, App. 4/6/90; Ord. 262-94, App. 7/15/94; Ord. 285-94, App. 8/2/94; Ord. 32-97, App. 2/7/97; Ord. 340-98, App. 11/13/98; Ord. 278-06, File No. 061210, App. 11/17/2006; Ord. 72-08, File No. 071157, App. 4/3/2008; Ord. 242-08, File No. 071431, App. 10/30/2008; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 228-12 , File No. 120220, App. 11/14/2012, Eff. 12/14/2012; amended by Ord. 218-16, File No. 160553, App. 11/10/2016; Eff. 12/10/2016; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020)

AMENDMENT HISTORY

Division (k) amended; Ord. 228-12 , Eff. 12/14/2012. Divisions (h), (i), (k), and (l) deleted; divisions (a), (a)(7), and (a)(8) added; former divisions (a)–(f) amended and redesignated as divisions (a)(1)–(a)(6); former divisions (g), (j), and (m)–(o) amended and redesignated as divisions (b)–(f); Ord. 218-16, Eff. 12/10/2016. Division (c) amended; Ord. 296-18, Eff. 1/12/2019. Division (f) amended; Ord. 63-20, Eff. 5/25/2020.

SEC. 604. PERMITS AND CONFORMITY REQUIRED.

(See Interpretations related to this Section.)

(a) **Approval of Application.** An application for a permit for a sign that conforms to the provisions of this Code shall be approved by the Planning Department without modification or disapproval by the Planning Department or the Planning Commission, pursuant to the authority vested in them by Section 26 of the Business and Tax Regulations Code or any other provision of said Municipal Code; provided, however, that applications pertaining to (1) signs subject to the regulations set forth in Article 10 of the Planning Code, Preservation of Historical, Architectural and Aesthetic Landmarks, Article 11, Preservation of Buildings and Districts of Architectural, Historical and Aesthetic Importance in the C-3 Districts and Historic Signs and Vintage Signs as defined in Section 602 may be disapproved pursuant to the relevant provisions thereof, and (2) preservation, restoration, rehabilitation, or reconstruction of Historic

Movie Theater Projecting Signs or Historic Movie Theater Marquees as set forth in Section 188(e) may be modified or disapproved subject to applicable sections of the General Plan, this Code, relevant design guidelines, Department or Commission policy, or the Secretary of the Interior Standards for the Treatment of Historic Properties. No sign, other than those signs exempted by Section 603 of this Code, shall be erected, placed, replaced, reconstructed or relocated on any property, intensified in illumination or other aspect, or expanded in area or in any dimension except in conformity with Article 6 of this Code. No such erection, placement, replacement, reconstruction, relocation, intensification, or expansion shall be undertaken without a permit having been duly issued therefor, except as specifically provided otherwise in this Section 604.

(b) **Applicability of Section.** The provisions of this Section 604 shall apply to work of the above types on all signs unless specifically exempted by this Code, whether or not a permit for such sign is required under the San Francisco Building Code. In cases in which permits are not required under the Building Code, applications for permits shall be filed with the Central Permit Bureau of the Department of Building Inspection on forms prescribed by the Planning Department, together with a permit fee of $5.00 for each sign, and the permit number shall appear on the completed sign in the same manner as required by the Building Code.

(c) **Sign Painted on Door or Window.** No permit shall be required under this Code for a sign painted or repainted directly on a door or window except for such signs in P and Residential Districts. Repainting of any painted sign that does require a permit shall be deemed to be a replacement of the sign, except as provided in Subsection (f) below.

(d) **Ordinary Maintenance and Repairs.** Except as provided in Subsection (c) above, no permit shall be required under this Code for ordinary maintenance and minor repairs which do not involve replacement, alteration, reconstruction, relocation, intensification or expansion of the sign.

(e) **Temporary Sale or Lease Signs.** No permit shall be required under this Code for temporary sale or lease signs, temporary signs of persons and firms connected with work on buildings under actual construction or alteration, and temporary business signs, to the extent that such signs are permitted by this Code.

(f) **Change of Copy.** A mere change of copy on a sign the customary use of which involves frequent and periodic changes of copy shall not be subject to the provisions of this Section 604, except that a change from general advertising to nongeneral advertising sign copy or from nongeneral advertising to general advertising sign copy or an increase in area including, but not limited to, any extensions in the form of writing, representation, emblem or any figure of similar character shall in itself constitute a new sign subject to the provisions of this Section 604. In the case of signs the customary use of which does not involve frequent and periodic changes of copy, a change of copy shall in itself constitute a new sign subject to the provisions of this Section 604 if the new copy concerns a different person, firm, group, organization, place, commodity, product, service, business, profession, enterprise or industry.

(g) **Scaled Drawing.** Each application for a permit for a sign shall be accompanied by a scaled drawing of the sign, including the location of the sign on the building or other structure or on the lot, and including (except in the case of a sign the customary use of which involves frequent and periodic changes of copy) such designation of the copy as is needed to determine that the location, area and other provisions of this Code are met.

(h) **Nonconforming Signs; Replacement, Alteration, Reconstruction, Relocation, Intensification, or Expansion.** Unless otherwise provided in this Code or in other Codes or regulations, a lawfully existing sign which fails to conform to the provisions of this Article 6 shall be brought into conformity when the activity for which the sign has been posted ceases operation or moves to another location, when a new building is constructed, or at the end of the sign's normal life. Such sign may not, however, be replaced, altered, reconstructed, relocated, intensified, or expanded in area or in any dimension except in conformity with the provisions of this Code, including subsection (i) below. Ordinary maintenance and minor repairs shall be permitted, but such maintenance and repairs shall not include replacement, alteration, reconstruction, relocation, intensification, or expansion of the sign; provided, however, that alterations of a structural nature required to reinforce a part or parts of a lawfully existing sign to meet the standards of seismic loads and forces of the Building Code, to replace a damaged or weathered signboard, to ensure safe use and maintenance of that sign, to remediate hazardous materials, or any combination of the above alterations shall be considered ordinary maintenance and shall be allowed. A sign which is damaged or destroyed by fire or other calamity shall be governed by the provisions of Sections 181(d) and 188(b) of this Code.

A sign which is voluntarily destroyed or removed by its owner or which is required by law to be removed may be restored only in full conformity with the provisions of this Code, except as authorized in subsection (i) below. A general advertising sign that has been removed shall not be reinstalled, replaced, or reconstructed at the same location, and the erection, construction, and/or installation of a general advertising sign at that location to replace the previously existing sign shall be deemed to be a new sign in violation of Section 611(a) of this Code; provided, however, that such reinstallation, replacement, or reconstruction pursuant to a permit duly issued prior to the effective date of this requirement shall not be deemed a violation of Section 611(a) and shall be considered a lawfully existing nonconforming general advertising sign; and further provided that this prohibition shall not prevent a general advertising sign from being relocated to that location pursuant to a Relocation Agreement and conditional use authorization under Sections 611 and 303(k) of this Code and Section 2.21 of the Administrative Code.

A nonconforming Neon Sign may be physically detached from the building for any required repairs or maintenance, except that such maintenance or repairs shall not include replacement, reconstruction, relocation, intensification, or expansion of the Neon Sign. After the off-site repair or maintenance work is complete, the Neon Sign may be reinstalled at the premises in the same location where the Neon Sign was previously affixed, so long as such replacement is completed within 18 months of removal.

(i) **Business Signs.** When the activity for which a business sign has been posted has ceased operation for more than 90 days, all signs pertaining to that business activity shall be removed after that time. A lawfully existing business that is relocating to a new location within 300 feet of its existing location within the North Beach Neighborhood Commercial District described in Section 722 of this Code may move to the new location within said North Beach Neighborhood Commercial District one existing business sign together with its associated sign structure, whether or not the sign is nonconforming in its new location; provided, however, that the sign is not intensified or expanded in area or in any dimension except in conformity with the provisions of this Code. With the approval of the Zoning

Administrator, however, the sign structure may be modified to the extent mandated by the Building Code. In no event may a painted sign or a sign with flashing, blinking, fluctuating or other animated light be relocated unless in conformity with current code requirements applicable to its new location. In addition, the provisions of Articles 10 and 11 of this Code shall apply to the relocation of any sign to a location regulated by the provisions of said Articles.

(j) Nothing in this Article 6 shall be deemed to permit any use of property that is otherwise prohibited by this Code, or to permit any sign that is prohibited by the regulations of any special sign district or the standards or procedures of any Redevelopment Plan or any other Code or legal restriction.

(k) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk, public plaza or right-or-way, or in any portion of a transit system, except such projecting signs as are otherwise permitted by this Code and signs, structures, and features as are specifically approved by the appropriate public authorities under applicable laws and regulations and under such conditions as may be imposed by such authorities.

(l) **Maintenance.** Every sign shall be adequately maintained in its appearance. When the activity for which a business sign has been posted has ceased operation for more than 90 days, all signs pertaining to that business activity shall be removed after that time.

(m) **Existing Signs in the C-3 Zoning District and portions of the C-2 Zoning District.** Existing signage in the C-3 zoning district or a C-2 zoning district that is east of or fronting Franklin Street/13th Street and north of Townsend Street shall not be subject to the provisions of this Section 604 or a more restrictive provision in a special sign district in Section 608 *et seq.*, provided that a change from general advertising to nongeneral advertising sign copy or from nongeneral advertising to general advertising sign copy or an increase in area including, but not limited to, any extensions in the form of writing, representation, emblem or any figure of similar character shall in itself constitute a new sign subject to the provisions of this Section 604. Consistent with Section 608, this provision shall control over any conflicting, more restrictive provision in a special sign district.

(Amended by Ord. 414-85, App. 9/17/85; Ord. 69-87, App. 3/13/87; Ord. 172-97, App. 5/9/97; Ord. 276-98, App. 8/28/98; Ord. 140-06, File No. 052921, App. 6/22/2006; Ord. 242-08, File No. 071431, App. 10/30/2008; Ord. 235-14 , File No. 140844, App. 11/26/2014, Eff. 12/26/2014 ; Ord. 20-15, File No. 110548, App. 2/20/2015, Eff. 3/22/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015 ; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 122-23, File No. 230371, App. 7/5/2023, Eff. 8/5/2023; Ord. 159-23, File No. 230732, App. 7/28/2023, Eff. 8/28/2023)

AMENDMENT HISTORY

Reference amended in division (h); Ord. 235-14 , Eff. 12/26/2014. Divisions (a)-(i) amended; divisions (k) and (l) added; Ord. 20-15, Eff. 3/22/2015. Division (c) amended; Ord. 188-15 , Eff. 12/4/2015. Divisions (a) and (i) amended; Ord. 202-18, Eff. 9/10/2018. Division (h) amended; division (m) added; Ord. 122-23, Eff. 8/5/2023. Division (h) amended; division (m) added and amended; Ord. 159-23, Eff. 8/28/2023.

SEC. 604.1. INFORMATION REQUIRED ON ADVERTISING SIGNS.

(a) **Information Required on General Advertising Signs.** Each general advertising sign authorized by this Code shall bear the following information:

(1) an imprint identifying the name of the sign company;

(2) the permit number; and

(3) the permitted sign dimensions.

This information shall be imprinted and maintained on the face or edge of the sign. Electric signs may have an approved metal tag attached to them instead of imprinted characters. See also requirements specified in Section 3102F.2 of the San Francisco Building Code.

The required text size shall be:

(i) a minimum of 2 inches in height for general advertising signs of 100 square feet or less;

(ii) a minimum of 4 inches in height for general advertising signs of 101 square feet to 500 square feet; and

(iii) a minimum of 8 inches in height for general advertising signs of over 500 square feet.

(b) **New Signs; When Required.** The information required by Subsection (a) shall be provided on each new general advertising sign or whenever a new permit is required, and must be kept accurate and maintained regardless of change of text or graphics.

(c) **Existing Signs; When Required.** The information required by Subsection (a) shall be included on each existing general advertising sign within twelve months of the effective date of this legislation. If no permit can be located within the 12-month period, the Director of Planning shall grant one six-month extension to allow the owner of the sign to apply for and obtain the in-lieu identifying number referred to below in this Subsection (c).

Where no permit can be located for a general advertising sign but the Director of the Planning Department concludes, based on evidence submitted to or possessed by the Planning Department, that the sign likely was legally authorized at the time it was installed at its current location, the Department shall issue an identifying number in lieu of a permit number and the sign shall be considered a lawful nonconforming use under Section 604(h) of this Code. This identifying number shall be imprinted and maintained on the sign in lieu of the permit number required by Subsection 604.1(a) above. The Director's conclusion concerning the legality or illegality of the sign and the rationale supporting that conclusion shall be set forth in writing and mailed to the applicant.

(d) **Violations; Additional Penalty.** Failure to comply with these requirements shall be deemed to be a violation of Article 6 and subject to the penalties for violation set forth in this Article 6 or elsewhere in this Code. If the Director of Planning determines that the information provided on the sign, as required by Subsection (a), is knowingly false, inaccurate or misleading, an additional penalty of

$1,000.00 a day may be imposed by the Director on the sign company in addition to the other penalties set forth in this Article 6 or elsewhere in this Code.

(Added by Ord. 73-01, File No. 002196, App. 5/18/2001; amended by Ord. 232-02, File No. 021727, App. 12/20/2002)

SEC. 604.2. GENERAL ADVERTISING SIGN INVENTORIES.

(a) **Submission of Initial Sign Inventory.** Within 60 days of the effective date of this Section, any general advertising sign company that owns a general advertising sign located in the City shall submit to the Department a current, accurate, and complete inventory of its general advertising signs together with the inventory processing fee required by subsection (f) below. Any general advertising company that commences ownership of one or more general advertising signs located in the City after the effective date of this Section shall submit an inventory together with the inventory processing fee within 60 days after its commences such ownership whether or not the signs on the inventory have previously been reviewed by the Department in its review of the inventory of a previous owner.

(b) **All Signs to be Included in the Inventory; Inclusion Not Evidence of Legality.** The inventory shall identify all general advertising signs located within the City that the general advertising company owns and/or operates under a lease, license or other agreement whether or not those signs can be proved to be lawfully existing. Inclusion of a sign on the inventory shall not be considered evidence that a sign is lawfully existing.

For purposes of this Section, a "general advertising sign company" shall mean an entity that owns a general advertising sign structure, as distinguished from the person or entity that owns the property on which the sign is located.

(c) The initial sign inventory required by subsection (a) above shall include a site map that shows the location of all signs identified in the inventory, and shall provide the following information for each sign:

(1) The location of the sign by street address, by block and lot, and by nearest intersection;

(2) A photograph of the sign in its existing location on the lot, specifically identifying the sign;

(3) The date of original erection or installation of the sign, if known;

(4) The permit number or in-lieu identifying number issued by the Department pursuant to Section 604.1(c) of this Code;

(5) The approved and existing area, dimensions, height, and any other special features of the sign such as illumination or movement;

(6) The type of sign, as defined in Section 602 of this Code;

(7) Evidence that the sign has not been removed and still exists at the authorized location, and that the sign company is the owner of the sign structure;

(8) Permit number and, in the case of subsequent modifications of the sign, including, but not limited to, illumination, permit application number or permit number;

(9) Evidence that the sign still is in use for general advertising; and

(10) Information, if known, whether the sign had a prior use as a non-general advertising sign, including, but not limited to, a business sign or exempt sign, and the duration of such prior use.

(d) **Affidavit.** The general advertising sign company shall submit with the inventory an affidavit signed under penalty of perjury by a duly authorized officer or owner of the sign company stating that:

(1) The sign inventory and site map are current, accurate, and complete to the best of his or her knowledge;

(2) The officer or owner believes, after the exercise of reasonable and prudent inquiry, that all signs on the inventory have been erected or installed with an appropriate City permit or have an in-lieu identifying number granted by the Director of Planning;

(3) The general advertising sign company is the owner of all sign structures listed on the inventory.

(e) **Inventory Update.** Any general advertising sign company that has submitted an initial sign inventory pursuant to subsection (a) above shall be responsible for keeping its inventory updated by reporting in writing to the Department the sale or removal of any general advertising sign identified in the inventory, the purchase of a sign from another sign company or owner, or the relocation of a sign pursuant to a Relocation Agreement and conditional use authorization. Such reporting to the Department shall be made within 30 days of the actual sale, removal, purchase, or relocation of the sign. The fee charged to a sign company for an update to its initial sign inventory shall be the fee per sign structure set forth in Section 358 of this Code.

(f) **Inventory Processing Fee.** With the submission of the initial sign inventory required by subsection (a) above, the general advertising sign company shall pay the inventory processing fee set forth in Section 358 of this Code. After payment of this initial inventory processing fee, the general advertising sign company shall annually pay an inventory maintenance fee as set forth in Section 358. The Department shall use the inventory processing fee solely for the following purposes:

(1) To compensate the Department for its costs in verifying that the signs identified in the corresponding inventory are lawfully existing;

(2) To obtain removal, through abatement actions or other Code enforcement activities, of any signs included on the inventory that the Department determines to be existing illegally.

(g) **Departmental Notification of Failure to Submit Complete Inventories.** The Department shall notify in writing those sign companies that have not submitted or have submitted incomplete sign inventories, or have not timely submitted an inventory update.

(1) Within 30 days of the date of notification provided under Subsection (g), the sign company shall submit a complete inventory with the inventory processing fee and a penalty of $580.00 per sign for those signs that were not identified or those improperly identified.

(2) If the sign company fails to submit the complete inventory with the processing fee and full penalty amount provided in Subsection (g)(1), then, within 60 days of the date of notification provided under Subsection (g), the penalty will increase to $1,160.00 per sign for those signs that were not identified or those improperly identified.

(3) Any penalties assessed pursuant to Subsections (g)(1) and (2) above, are appealable to the Board of Appeals.

(4) The Board of Appeals, in reviewing the appeal of the penalty assessed may reduce the amount of the penalty if the Board of Appeals finds that the sign owner: (i) was not properly notified or (ii) had previously submitted a sign inventory that included the signs for which the penalty was assessed. The Board of Appeals also may reduce the amount of the penalty if it finds that any action on the part of the Department resulted an improper assessment of the penalty charge.

(5) If the sign company fails to submit the full penalty amount assessed pursuant to Subsections (g)(1) and (2) or as modified by the Board of Appeals pursuant to Subsections (g)(3) and (4), the Planning Department shall request the City's Treasurer/Tax Collector to pursue the outstanding penalties after 90 days of the date of notification provided under Subsection (g).

(6) All penalty revenues received shall be deposited in the Code Enforcement Fund.

(h) The Department shall submit to the Commission and the Board of Supervisors an annual report that includes: (i) annual revenues from the inventory processing fee, annual inventory maintenance fee, in-lieu application fee, and the relocation agreement application fee, (ii) annual expenditures for the sign inventory program, and (iii) a progress report on the number of general advertising signs verified in the sign inventory; in-lieu requests; and Code enforcement actions for general advertising signs processing, backlog, and abatement actions.

(Added by Ord. 140-06, File 052921, App. 6/22/2006; Ord. 200-06, File No. 060849, App. 7/21/2006)

SEC. 605. PUBLIC USE DISTRICTS.

Business signs in P Districts shall be subject to the controls of this Article 6 for the zoning district nearest the location of the proposed sign, other than Public Districts or Residential Districts. No general advertising sign, other than those signs exempted by Section 603 of this Code, shall be permitted.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 285-94, App. 8/2/94; Ord. 80-14 , File No. 140062, App. 6/13/2014, Eff. 7/13/2014)

AMENDMENT HISTORY

Section amended; Ord. 80-14 , Eff. 7/13/2014.

SEC. 606. RESIDENTIAL AND RESIDENTIAL ENCLAVE DISTRICTS.

(See Interpretations related to this Section.)

Signs in Residential and Residential Enclave Districts, other than those signs exempted by Section 603 of this Code, shall conform to the following provisions:

(a) **General Provisions for All Signs.**

(1) No sign shall project beyond a street property line or legislated setback line, or into a required front setback area.

(2) No sign shall have or consist of any moving, rotating or otherwise animated part, or (if permitted to be illuminated) any flashing, blinking, fluctuating or otherwise animated light.

(3) No roof sign, wind sign, or general advertising sign shall be permitted.

(4) No sign shall extend above the roofline of a building to which it is attached, or above a height of 12 feet, except as permitted below.

(b) **Signs for Uses Permitted in Residential and Residential Enclave Districts.** The following types of signs, subject to the limitations prescribed for them, shall be the only signs permitted for uses authorized as principal or conditional uses in R and RED Districts, except that signs for any commercial establishments shall be subject to the limitations of Paragraph (c) below.

(1) One nonilluminated or indirectly illuminated nameplate for each street frontage of the lot, not exceeding a height of 12 feet, and having an area not exceeding one square foot in RH Districts or two square feet in RM or RED Districts.

(2) One identifying sign for each street frontage of the lot, not exceeding a height of 12 feet, and meeting the following additional requirements:

(A) In RH Districts: nonilluminated or indirectly illuminated only; maximum area 12 square feet;

(B) In RM, RTO or RED Districts: maximum area eight square feet if directly illuminated, and 20 square feet if nonilluminated or indirectly illuminated.

(3) **Sale or Lease Signs.** One temporary nonilluminated or indirectly illuminated sale or lease sign for each street frontage of the total parcel involved, not exceeding a height of 24 feet if freestanding and not above the roofline if attached to a building, and having an area not exceeding six square feet for each lot or for each 3,000 square feet in such total parcel, whichever ratio permits the larger area, provided that no such sign shall exceed 50 square feet in area and any such sign exceeding 18 square feet in area shall be set back at least 25 feet from all street property lines. Any sale or lease sign shall be removed within seven days following removal of the property from the market.

(4) **Construction Signs.** Temporary nonilluminated signs of persons and firms connected with work on buildings under actual construction or alteration, giving their names and information pertinent to the project, not exceeding a height of 12 feet, with the combined area of all such signs not to exceed 10 square feet for each street frontage of the project.

(c) **Business Signs for Limited Commercial Uses**. For Limited Commercial Uses, as described in Section 186 of this Code, and for Limited Corner Commercial Uses, as permitted by Section 231, the following controls shall apply:

(1) **Wall Signs.** One wall sign is permitted for each street frontage occupied by the use, placed flat against the wall that faces such street and not located above the ground floor. Such sign shall not exceed an area of one square foot for each linear foot of street frontage occupied by the building or part thereof that is devoted to the commercial use or 50 square feet per street frontage, whichever is less. Any such sign may be nonilluminated or indirectly illuminated.

(2) **Window Signs.** Window signs, limited to signs painted or similarly applied directly on the surface of the window glass, are permitted. The total area of all window signs, as defined in Section 602.1(b), shall not exceed one-quarter the area of the window on which the signs are located. Such signs may be nonilluminated or indirectly illuminated.

(3) **Projecting Signs.** The number of projecting signs shall not exceed one per business. The area of such sign, as defined in Section 602.1(a), shall not exceed six square feet. The height of such sign shall not exceed 14 feet, or the height of the lowest residential windowsill above the commercial use, whichever is lower. No part of the sign shall project more than 75 percent of the horizontal distance from the street property line to the curbline, or four feet, whichever is less. Any such sign may be nonilluminated or indirectly illuminated.

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

(5) **Illumination.** Any illumination permitted for signs covered by this Subsection (c) shall be extinguished at all times when the commercial use is not open for business.

(d) **Signs for Other Nonconforming Uses.** Any illumination permitted for signs covered by this Subsection (d) shall be extinguished at all times when the nonconforming use is not open for business.

(1) **Automobile Service Stations.** The following business signs are permitted for an automobile service station. Any such signs may be nonilluminated or indirectly or directly illuminated. Directly illuminated signs may be illuminated only during open business hours.

(A) A maximum of two oil company signs, which shall not extend above the roofline if attached to a building, or exceed a height of 24 feet if freestanding. The area of any such sign shall not exceed 180 square feet, and along each street frontage all parts of such a sign or signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. The areas of other permanent and temporary signs as covered in Subparagraph 606(d)(1)(B) below shall not be included in the calculation of the areas specified in this Subparagraph.

(B) **Other Permanent and Temporary Signs Customarily Incidental to the Service Station Business.** No such sign shall extend above the roofline if attached to a building, or exceed a height of 12 feet if freestanding. The area of such signs shall not exceed 20 square feet for each such sign or a total of 80 square feet for all such signs on the premises.

(2) **Open Land Uses.** If there is no building with more than 50 square feet of floor area involved in the use, one business sign is permitted for each street frontage occupied by such use, not exceeding a height of 12 feet and having an area not exceeding one square foot for each foot of such street frontage. The total area of all signs for such a use shall not exceed 50 square feet. Any such sign may be nonilluminated or indirectly illuminated.

(3) **Other Uses.** For a use not listed in Subsections 606(c) or 606(d) above, one business sign is permitted for each street frontage occupied by the use, placed flat against the wall that faces such street and not located above the ground floor. Such sign shall not exceed an area of one square feet for each foot of street frontage occupied by the building or part thereof that is devoted to the nonconforming use. The total area of all signs for such a use shall not exceed 100 square feet. Any such sign may be nonilluminated or indirectly illuminated.

(Amended by Ord. 443-78, App. 10/6/78; Ord. 69-87, App. 3/13/87; Ord. 115-90, App. 4/6/90; Ord. 72-08, File No. 071157, App. 4/3/2008 ; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015)

AMENDMENT HISTORY

Division (b)(2)(B) amended; Ord. 56-13 , Eff. 4/27/2013. Introductory paragraph and divisions (b) and (b)(2)(B) amended; former division (b)(2)(C) deleted; divisions (b)(3) and (b)(4) amended; new division (c) added and former division (c) redesignated as (d) and amended; divisions (d)(1), (d)(1)(A), and (d)(3) amended; Ord. 22-15, Eff. 3/22/2015. Section header and division (a)(4) amended; Ord. 188-15 , Eff. 12/4/2015.

SEC. 607. COMMERCIAL AND INDUSTRIAL DISTRICTS.

(See Interpretations related to this Section.)

Signs in C, M, and PDR Districts, other than those Signs exempted by Section 603 of this Code, shall conform to the following provisions:

(a) **General Advertising Signs.** No General Advertising Sign shall be permitted in any C, M, or PDR District.

(b) **Roof Signs.** Except for Historic Signs and Vintage Signs, Roof Signs are not permitted in C, M, and PDR Districts.

(c) **Wind Signs.** No Wind Sign shall be permitted in any C, M, or PDR District.

(d) **Window Signs.** The total Area of all Window Signs shall not exceed one-third the area of the window or clear door on or in which the Signs are located. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

(e) **Moving Parts.** No Sign shall have or consist of any moving, rotating, or otherwise physically animated part (as distinguished from lights that give the appearance of animation by flashing, blinking or fluctuating), except as follows:

(1) Moving or rotating or otherwise physically animated parts may be used for the rotation of barber poles and the indication of time of day and temperature.

(2) Notwithstanding the type of Signs permissible under subsection (e), a Video Sign is prohibited.

(f) **Illumination.** Any Sign may be Nonilluminated or Indirectly or Directly Illuminated. Signs in PDR, C-3, and M-2 Districts shall not be limited in any manner as to type of illumination, but no Sign in a C-2 or M-1 District shall have or consist of any flashing, blinking, fluctuating or otherwise animated light except as specifically designated as "Special Districts for Sign Illumination" on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, described in Section 608 of this Code, in the C-2 area consisting of five blocks in the vicinity of Fisherman's Wharf. Notwithstanding the type of Signs permissible under subsection (f), a Video Sign is prohibited in the district.

(g) **Projection.** Except for Historic Signs, Vintage Signs, Historic Theater Marquees, and Historic Theater Projecting Signs, no Sign shall project more than 75% of the horizontal distance from the Street Property Line to the curbline and in no case shall a Sign project more than six feet beyond the Street Property Line or building setback line.

(h) **Height and Extension Above Roofline.**

(1) **Signs Attached to Buildings.** Except as provided in Section 260 for Historic Signs, in Section 608.14 for Vintage Signs, and in Section 188(e) for Historic Movie Theater Marquees and Historic Movie Theater Projecting Signs, no Sign Attached to a Building shall extend or be located above the Roofline of the building to which it is attached. In addition, no Sign Attached to a Building shall under any circumstances exceed a maximum height of:

In C-3: 100 feet;

In all other C, M, and PDR Districts: 60 feet.

Such Signs may contain letters, numbers, a logo, service mark and/or trademark and may be Nonilluminated or Indirectly Illuminated.

(2) **Freestanding Signs.** The maximum height for Freestanding Signs shall be as follows:

In C-2: 36 feet;

In all other C, M, and PDR Districts: 40 feet.

(i) **Special Standards for Automotive Service Stations.** For Automotive Service Stations, only the following Signs are permitted, subject to the standards in this subsection (i) and to all other standards in this Section 607.

(1) A maximum of two oil company Signs, which shall not extend above the Roofline if Attached to a building, or exceed the maximum height permitted for Freestanding Signs in the same district if Freestanding. The Area of any such Sign shall not exceed 180 square feet, and along each street frontage all parts of such a Sign or Signs that are within 10 feet of the street property line shall not exceed 80 square feet in area. No such Sign shall project more than five feet beyond any Street Property Line or building setback line. The areas of other permanent and temporary Signs as covered in subsection (i)(2) below shall not be included in the calculation of the areas specified in this subsection (i)(1).

(2) Other permanent and temporary Business Signs, not to exceed 30 square feet in Area for each such Sign or a total of 180 square feet for all such Signs on the premises. No such Sign shall extend above the Roofline if Attached to a building, or in any case project beyond any Street Property Line or building setback line.

(Amended by Ord. 64-77, App. 2/18/77; Ord. 69-87, App. 3/13/87; Ord. 537-88, App. 12/16/88; Ord. 219-94, App. 6/3/94; Ord. 134-97, App. 4/25/97; Ord. 276-98, App. 8/28/98; Ord. 28-02, File No. 011962, App. 3/15/2002; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013 ; Ord. 20-15, File No. 110548, App. 2/20/2015, Eff. 3/22/2015; Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

Divisions (b), (d)(2), and (g)(1) amended; Ord. 56-13 , Eff. 4/27/2013. Divisions (a), (b), (c), (d)(2), and (e) amended; former divisions (e)(1) and (e)(4) merged into division (e) and amended; former divisions (e)(2) and (e)(3) deleted; divsions (f), (g)(1), (g)(2), and (h)(1) amended; Ord. 20-15, Eff. 3/22/2015. Divisions (a), (b), and (c) amended; former divisions (b)(1), (b)(2), (b)(3), (d)(2), (d)(4), and (h)(3) deleted; division (d) added; former divisions (d), (d)(1), and (d)(3) amended and redesignated as divisions (e), (e)(1), and (e)(2); former divisions (e)–(h)(2) amended and redesignated as divisions (f)–(i)(2); Ord. 217-16, Eff. 12/10/2016.

SEC. 607.1. NEIGHBORHOOD COMMERCIAL AND RESIDENTIAL-COMMERCIAL DISTRICTS.

(See Interpretations related to this Section.)

Signs located in Neighborhood Commercial Districts shall be regulated as provided herein, except for those signs which are exempted by Section 603 of this Code or as more specifically regulated in a Special Sign District under Sections 608 *et seq*. In the event of conflict between the provisions of Section 607.1 and other provisions of Article 6, the provisions of Section 607.1 shall prevail in Neighborhood Commercial and Residential-Commercial Districts.

In each such Special Sign District, signs, other than those signs exempted by Section 603 of this Code, shall be subject to the special controls in Sections 608.1 through 608.16, respectively, in addition to all other or, if so expressly specified in those Sections, in lieu of other applicable sign provisions of this Code. In the event of inconsistency with any other provision of Article 6, the most restrictive provision shall prevail unless this Code specifically provides otherwise.

(a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to Neighborhood Commercial and Residential-Commercial Districts. These purposes constitute findings that form a basis for regulations and provide guidance for their application.

(1) As Neighborhood Commercial and Residential-Commercial Districts change, they need to maintain their attractiveness to residents, customers and potential new businesses alike. Physical amenities and a pleasant appearance will profit both existing and new enterprises.

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of Neighborhood Commercial and Residential-Commercial Districts.

(3) Neighborhood Commercial and Residential-Commercial Districts are typically mixed use areas with commercial units on the ground or lower stories and residential uses on upper stories. Although signs are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within a Neighborhood Commercial District or in adjacent residential districts.

(4) The scale of most Neighborhood Commercial and Residential-Commercial Districts as characterized by building height, bulk, and appearance, and the width of streets and sidewalks differs from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

(b) **Signs or Sign Features Not Permitted in NC and RC Districts.** Roof Signs as defined in Section 602, Wind Signs as defined in Section 602, and Signs on Canopies, as defined in Section 136.1(b) of this Code, are not permitted in NC and RC Districts. No Sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating, except as permitted by Section 607.1(i) of this Code. In addition, all Signs or sign features not otherwise specifically regulated in this Section 607.1 shall be prohibited.

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

(1) One Sign per lot shall be permitted and such Sign shall not exceed 20 square feet in area. The sign may be a Freestanding sSign,[1] if the building is recessed from the Street Property Line, or may be a Wall Sign or a projecting Sign. The existence of a Freestanding Identifying Sign shall preclude the erection of a Freestanding Business Sign on the same lot. A Wall Sign or projecting Sign shall be mounted on the first-story level; a Freestanding Sign shall not exceed 15 feet in height. Such Sign may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

(2) One Sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in subsection (c)(1), but shall not exceed 30 square feet in area. Any sign identifying a permitted Commercial Use in an NC District shall be considered a Business Sign and subject to Section 607.1(f) of this Code. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

(d) **Nameplates.** One Nameplate, as defined in Section 602, not exceeding an area of two square feet, shall be permitted for each noncommercial use in NC Districts.

(e) **General Advertising Signs.** General Advertising Signs, as defined in Section 602, are not permitted in Neighborhood Commercial and Residential-Commercial Districts.

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

(1) **Cole Valley, Lakeside Village, NC-1 and NCT-1 Districts.**

(A) **Window Signs.** The total Area of all Window Signs, as defined in Section 602, shall not exceed one-third the area of the window on or in which the Signs are located. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

(B) **Wall Signs.** The Area of all Wall Signs shall not exceed one square foot per square foot of street frontage occupied by the business measured along the wall to which the Signs are attached, or 50 square feet for each street frontage, whichever is less. The Height of any Wall Sign shall not exceed 15 feet or the height of the wall to which it is attached. Such Signs may be Nonilluminated or

Indirectly Illuminated; or during business hours, may be Directly Illuminated.

(C) **Projecting Signs.** The number of projecting Signs shall not exceed one per business. The Area of such Sign, as defined in Section 602, shall not exceed 24 square feet. The Height of such Sign shall not exceed 15 feet or the height of the wall to which it is attached. No part of the Sign shall project more than 75% of the horizontal distance from the Street Property Line to the curbline, or six feet six inches, whichever is less. The Sign may be Nonilluminated or Indirectly Illuminated, or during business hours, may be Directly Illuminated.

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

(2) **RC, NC-2, NCT-2, NC-S, Inner Balboa Street, Outer Balboa Street, Broadway, Castro Street, Inner Clement Street, Outer Clement Street, Cortland Avenue, Divisadero Street, Excelsior Outer Mission Street, Fillmore Street, Upper Fillmore Street, Folsom Street, Glen Park, Inner Sunset, Irving Street, Haight Street, Lower Haight Street, Hayes-Gough, Japantown, Judah Street, Upper Market Street, Noriega Street, North Beach, Ocean Avenue, Pacific Avenue, Polk Street, Regional Commercial District, Sacramento Street, San Bruno Avenue, SoMa, Taraval Street, Inner Taraval Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, and West Portal Avenue Neighborhood Commercial Districts.**

(A) **Window Signs.** The total Area of all Window Signs, as defined in Section 602, shall not exceed one-third the area of the window on or in which the Signs are located. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

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

(C) **Projecting Signs.**

(i) The number of projecting Signs shall not exceed one per business.

(ii) No part of the Sign shall project more than 75% of the horizontal distance from the Street Property Line to the curbline, or six feet six inches, whichever is less.

(iii) Except as provided for in subsection (v) below, such Signs may be Nonilluminated or Indirectly Illuminated; or during business hours, may be Directly Illuminated.

(iv) Except as provided for in subsection (v) below, the Area of such Sign, as defined in Section 602, shall not exceed 24 square feet. The Height of such Sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the Sign is attached, whichever is lowest.

(v) Within the Fillmore Street Neighborhood Commercial Transit District, one projecting Business Sign per building may exceed the size and height limits specified in subsection (iv) above, provided all of the following criteria are met:

a. The Area of the Sign, as defined in Section 602, does not exceed 125 square feet.

b. The Height of the Sign does not exceed the lowest of the following:

1. 60 feet;

2. the height of the wall to which it is attached;

3. the height of the lowest residential windowsill on the wall to which it is attached; or

4. the lowest portion of any architectural feature located along the roofline, such as a cornice.

c. The sign is for the primary occupant of the building.

d. The sign employs a remote transformer.

e. The sign is designed with a minimum profile to be as narrow as is structurally feasible.

f. Any illumination of the sign is indirect, such as by the use of halo-lit lettering, and such illumination is used only during business hours.

g. The lettering or other inscription is arranged in a vertical manner.

h. The sign does not alter, cover, or obscure any architectural features of the subject building, such as cornice lines or belt courses.

i. The sign is attached in a reversible manner, such that no damage or destruction to any exterior features or cladding materials shall occur as part of the sign's installation or removal.

(D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted Awnings or Marquees in addition to projecting Signs. The Area of such sign copy as defined in Section 602 shall not exceed 30 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on Marquees for Movie Theaters or places of Entertainment may be directly illuminated during business hours.

(E) **Freestanding Signs and Sign Towers.** With the exception of Automotive Service Stations, which are regulated under Section 607.1(f)(4), one Freestanding Sign or Sign Tower per lot shall be permitted in lieu of a projecting Sign, if the building or buildings are recessed from the Street Property Line. The existence of a Freestanding Business Sign shall preclude the erection of a Freestanding Identifying Sign on the same lot. The Area of such Freestanding Sign or Sign Tower, as defined in Section 602, shall not exceed 20 square feet nor shall the Height of the Sign exceed 24 feet. No part of the Sign shall project more than 75% of the horizontal distance from the Street Property Line to the curbline, or six feet, whichever is less. Such Signs may be Nonilluminated or Indirectly Illuminated; or during business hours, may be Directly Illuminated.

(3) **Bayview, Geary Boulevard, Mission Bernal, Mission Street [2] Lower Polk Street, NCT, NC-3, and NCT-3 Neighborhood Commercial Districts.**

(A) **Window Signs.** The total area of all Window Signs, as defined in Section 602, shall not exceed one-third the area of the window on or in which the Signs are located. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

(B) **Wall Signs.** The area of all Wall Signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the Signs are attached, or 150 square feet for each street frontage, whichever is less. The Height of any Wall Sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the Sign is attached, whichever is lower. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

(C) **Projecting Signs.** The number of projecting Signs shall not exceed one per business. The Area of such Sign, as defined in Section 602, shall not exceed 32 square feet. The Height of the Sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the Sign is attached, whichever is lower. No part of the Sign shall project more than 75% of the horizontal distance from the Street Property Line to the curbline, or six feet six inches, whichever is less. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

(D) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted Awnings or Marquees in addition to projecting Signs. The Area of such Sign copy, as defined in Section 602, shall not exceed 40 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on Marquees for Movie Theaters or places of Entertainment may be directly illuminated during business hours.

(E) **Freestanding Signs and Sign Towers.** With the exception of Automotive Service Stations, which are regulated under Section 607.1(f)(4) of this Code, one Freestanding Sign or Sign Tower per lot shall be permitted in lieu of a projecting Sign if the building or buildings are recessed from the Street Property Line. The existence of a Freestanding Business Sign shall preclude the erection of a Freestanding Identifying Sign on the same lot. The Area of such Freestanding Sign or Sign Tower, as defined in Section 602, shall not exceed 30 square feet nor shall the Height of the Sign exceed 24 feet. No part of the Sign shall project more than 75% of the horizontal distance from the Street Property Line to the curbline, or six feet, whichever is less. Such Signs may be Nonilluminated or Indirectly Illuminated, or during business hours, may be Directly Illuminated.

(4) **Special Standards for Automotive Service Stations.** For Automotive Service Stations in Neighborhood Commercial Districts, only the following Signs are permitted, subject to the standards in this subsection (f)(4) and to all other standards in this Section 607.1.

(A) A maximum of two oil company signs, which shall not extend above the Roofline if attached to a building, or exceed the maximum height permitted for Freestanding Signs in the same district if Freestanding. The Area of any such Sign shall not exceed 180 square feet, and along each street frontage, all parts of such a Sign or Signs that are within 10 feet of the Street Property Line shall not exceed 80 square feet in area. No such Sign shall project more than five feet beyond any Street Property Line. The areas of other permanent and temporary Signs as covered in paragraph (B) below shall not be included in the calculation of the areas specified in this paragraph A.

(B) Other permanent and temporary Business Signs, not to exceed 30 square feet in Area for each such Sign or a total of 180 square feet for all such Signs on the premises. No such Sign shall extend above the Roofline if attached to a building, or in any case project beyond any Street Property Line or building setback line.

(g) **Temporary Signs.** One temporary nonilluminated or indirectly illuminated sale or lease sign or nonilluminated sign of persons and firms connected with work on buildings under actual construction or alteration, giving their names and information pertinent to the project per lot, shall be permitted. Such sign shall not exceed 50 square feet and shall conform to all regulations of Subsection 607.1(f) for business signs in the respective NC District in which the sign is to be located. All temporary signs shall be promptly removed upon completion of the activity to which they pertain.

(h) **Special Sign Districts.** Additional controls apply to certain Neighborhood Commercial and Residential-Commercial Districts that are designated as Special Sign Districts. Special Sign Districts are described within Sections 608.1 through 608.16 of this Code and with the exception of Sections 608.1, 608.2 and 608.11, their designations, locations and boundaries are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

(i) **Restrictions on Illumination.** Signs in Neighborhood Commercial and Residential-Commercial Districts shall not have nor consist of any flashing, blinking, fluctuating or otherwise animated light except those moving or rotating or otherwise physically animated parts used for rotation of barber poles and the indication of time of day and temperature, and in the following special districts, all specifically designated as “Special Districts for Sign Illumination” on Sectional Map SSD of the Zoning Map of the City and County of San Francisco.

(1) **Broadway Neighborhood Commercial District.** Along the main commercial frontage of Broadway between west of Columbus Avenue and Osgood Place.

(2) **NC-3.** NC-3 District along Lombard Street from Van Ness Avenue to Broderick Street.

(3) Notwithstanding the type of signs permissible under subparagraph (i), a video sign is prohibited in the districts described in subparagraphs (1) and (2).

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 219-94, App. 6/3/94; Ord. 262-00, File No. 001426, App. 11/17/2000; Ord. 28-02, File No. 011962, App. 3/15/2002; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. 140-11, File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. 195-11 , File No. 110448, App. 10/4/2011, Eff. 11/3/2011; Ord. 35-12 , File No. 111305, App. 2/21/2012, Eff. 3/22/2012; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 261-13 , File No. 130084, App. 11/27/2013, Eff. 12/27/2013; Ord. 227-14 , File No. 120796, App. 11/13/2014, Eff. 12/13/2014; Ord. 228-14 , File No. 120814, App. 11/13/2014, Eff. 12/13/2014; Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015; Ord. 229-15 , File No. 151126, App. 12/22/2015, Eff. 1/21/2016; Ord. 30-16 , File No. 151004, App. 3/11/2016, Eff. 4/10/2016; Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 223-21, File No. 210810, App. 12/17/2021, Eff. 1/17/2022)

AMENDMENT HISTORY

Division (f)(2) amended; Ord. 140-11, Eff. 8/4/2011. Undesignated introductory material and division (h) amended; Ord. 195-11, Eff. 11/3/2011. Division (f)(2) amended; Ord. 35-12 , Eff. 3/22/2012. Division (f)(2) amended; Ord. 42-13 , Eff. 4/27/2013. Section header and divisions (f), (f)(2), and (f)(4)(A) amended; Ord. 261-13 , Eff. 12/27/2013. Divisions (e), [former] (e)(1), [former] (e)(2), and (f)(2) amended; Ord. 227-14 , Eff. 12/13/2014. Divisions (e), [former] (e)(1), [former] (e)(2), and (f)(2) amended; Ord. 228-14 , Eff. 12/13/2014. Undesignated introductory material and divisions (a), (a)(1)-(4), (b), (c), and (e) amended; former divisions (e)(1) and (e)(2) deleted; divisions (h), (i), and (j) amended; former divisions (j)(1) and (j)(2) deleted and former divisions (j)(3) and (j)(4) redesignated as (j)(1) and (j)(2); Ord. 22-15, Eff. 3/22/2015. Division (f)(2) amended; Ord. 229-15 , Eff. 1/21/2016. Division (f)(2)(C) amended and divided into subdivisions (i)-(iii); new divisions (f)(2)(C)(iv) and (v) added; Ord. 30-16 , Eff. 4/10/2016. Divisions (b), (c), (d), (e), and (f) amended; former divisions (j)–(j)(2) deleted; Ord. 217-16, Eff. 12/10/2016. Division (c)(2) amended; Ord. 129-17, Eff. 7/30/2017. Division (f)(1)(D) amended; Ord. 63-20, Eff. 5/25/2020. Divisions (f), (f)(1), (f)(1)(D), (f)(2), (f)(2)(D), (f)(3), and (f)(3)(D) amended; Ord. 223-21, Eff. 1/17/2022.

CODIFICATION NOTES

1. So in Ord. 217-16.
2. So in Ord. 223-21.

SEC. 607.2. MIXED USE DISTRICTS.

(See Interpretations related to this Section.)

Signs located in Mixed Use Districts shall be regulated as provided herein, except for signs in Residential Enclave Districts, which are regulated by Section 606, and those signs which are exempted by Section 603. Signs not specifically regulated in this Section 607.2 shall be prohibited. In the event of conflict between the provisions of Section 607.2 and other provisions of Article 6, the provisions of Section 607.2 shall prevail in Mixed Use Districts.

(a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to Mixed Use Districts. These purposes constitute findings that form a basis for regulations and provide guidance for their application.

(1) As Mixed Use Districts change, they need to maintain their attractiveness to customers and potential new businesses alike. Physical amenities and a pleasant appearance will profit both existing and new enterprises.

(2) The character of signs and other features projecting from buildings is an important part of the visual appeal of a street and the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to street design and building design. These regulations establish a framework that will contribute toward a coherent appearance of Mixed Use Districts.

(3) Mixed Use Districts are typically mixed use areas with commercial units on the ground or lower stories and residential uses on upper stories or have housing and commercial and industrial activities interspersed. Although signs and other advertising devices are essential to a vital commercial district, they should not be allowed to interfere with or diminish the livability of residential units within a Mixed Use District or in adjacent residential districts.

(4) The scale of most Mixed Use Districts as characterized by building height, bulk, and appearance, and the width of streets and sidewalks differs from that of other commercial and industrial districts. Sign sizes should relate and be compatible with the surrounding district scale.

(b) **Signs or Sign Features Not Permitted in Mixed Use Districts.** General Advertising Signs are not permitted in Mixed Use districts. Roof Signs as defined in Section 602, Wind Signs as defined in Section 602, and Signs on Canopies, as defined in Section 136.1(b) of this Code, are not permitted in Mixed Use Districts. No Sign shall have or consist of any moving, rotating, or otherwise physically animated part, or lights that give the appearance of animation by flashing, blinking, or fluctuating. In addition, all Signs or sign features not otherwise specifically regulated in this Section 607.2 shall be prohibited.

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

(1) One Sign per lot shall be permitted and such Sign shall not exceed 20 square feet in area. The Sign may be a Freestanding Sign, if the building is recessed from the Street Property Line, or may be a Wall Sign or a projecting Sign. The existence of a Freestanding Identifying Sign shall preclude the erection of a Freestanding Business Sign on the same lot. A Wall Sign or projecting Sign shall be mounted on the first-story level; a Freestanding Sign shall not exceed 15 feet in height. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

(2) One Sign identifying a shopping center or shopping mall shall be permitted subject to the conditions in subsection (c)(1), but shall not exceed 30 square feet in area. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated during the hours of operation of the businesses in the shopping center or shopping mall.

(d) **Nameplate.** One nonilluminated or directly illuminated Nameplate, as defined in Section 602 of this Code, not exceeding an area

of two square feet, shall be permitted for each noncommercial use in Mixed Use Districts.

(e) **General Advertising Signs.** General Advertising Signs, as defined in Section 602, are not permitted in Mixed Use Districts.

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

(1) **Chinatown Residential Neighborhood Commercial District.**

(A) **Window Signs.** The total Area of all Window Signs shall not exceed one-third the area of the window on or in which the Signs are located. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

(B) **Wall Signs.** The Area of all Wall Signs shall not exceed one square foot per foot of street frontage occupied by the business measured along the wall to which the Signs are attached, or 50 square feet for each street frontage, whichever is less; provided, however, that in no case shall the Wall Sign or combination of Wall Signs cover more than 75% of the surface of any wall, excluding openings. The Height of any Wall Sign shall not exceed 15 feet or the height of the wall to which it is attached. Such Signs may be Nonilluminated or Indirectly Illuminated; or during business hours, may be Directly Illuminated.

(C) **Projecting Signs.** The number of projecting Signs shall not exceed one per business. The Area of such Sign shall not exceed 24 square feet. The Height of such Sign shall not exceed 15 feet or the height of the wall to which it is attached. No part of the Sign shall project more than 75% of the horizontal distance from the Street Property Line to the curbline, or six feet six inches, whichever is less. The Sign may be Nonilluminated or Indirectly Illuminated, or during business hours, may be Directly Illuminated.

(D) **Signs on Awnings.** Sign copy may be located on permitted Awnings in addition to Wall Signs and projecting Signs. The area of such sign copy shall not exceed 20 square feet. Such sign copy may be nonilluminated or indirectly illuminated.

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

(A) **Window Signs.** The total Area of all Window Signs shall not exceed one-third the area of the window on or in which the Signs are located. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

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

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

(D) **Signs on Awnings and Marquees.** Sign copy may be located on permitted Awnings or Marquees in addition to projecting Signs. The area of such sign copy shall not exceed 30 square feet. Such sign copy may be nonilluminated or indirectly illuminated, except that sign copy on Marquees for Movie Theaters or places of Entertainment may be directly illuminated during business hours.

(E) **Freestanding Signs and Sign Towers.** One Freestanding Sign or Sign Tower per lot shall be permitted in lieu of a projecting Sign, if the building or buildings are recessed from the Street Property Line. The existence of a Freestanding Business Sign shall preclude the erection of a Freestanding Identifying Sign on the same lot. The area of such Freestanding Sign or Sign Tower shall not exceed 20 square feet nor shall the Height of the Sign exceed 24 feet. No part of the Sign shall project more than 75% of the horizontal distance from the Street Property Line to the curbline, or six feet, whichever is less. Such Signs may be Nonilluminated or Indirectly Illuminated; or during business hours, may be Directly Illuminated.

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

(A) **Window Signs.** The total Area of all Window Signs shall not exceed one-third the area of the window on or in which the Signs are located. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

(B) **Wall Signs.**

(i) **In districts other than the Urban Mixed Use District.** The Area of all Wall Signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the Signs are attached, or 150 square feet for each street frontage, whichever is less; provided, however, that in no case shall the Wall Sign or combination of Wall Signs cover more than 75% of the surface of any wall, excluding openings. The Height of any Wall Sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the Sign is attached, whichever is lower. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

(ii) **In the Urban Mixed Use District.** The Area of all Wall Signs shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the Signs are attached for up to 50 feet of street frontage, and an additional one square foot per foot of street frontage thereafter; provided, however, that in no case shall the Wall Sign or combination of Wall Signs cover more than 75% of the surface of any wall, excluding openings. The Height of any Wall Sign shall not exceed 60 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the Sign is attached, whichever is lower. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

(C) **Projecting Signs.** The number of projecting Signs shall not exceed one per business. The Area of such sign or Signs combined when there are multiple Signs shall not exceed 32 square feet. The Height of the Sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any residential windowsill on the wall to which the Sign is attached, whichever is lower. No part of the Sign shall project more than 75% of the horizontal distance from the Street Property Line to the curbline, or six feet six inches, whichever is less. Such Signs may be Nonilluminated, Indirectly Illuminated, or Directly Illuminated.

(D) **Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted Awnings or Marquees in lieu of projecting Signs, except that in the Chinatown Community Business District, sign copy may be located on permitted Awnings or Marquees in addition to projecting Signs. The area of such sign copy shall not exceed 40 square feet. Such sign copy may be nonilluminated or indirectly illuminated; except that sign copy on Marquees for Movie Theaters or places of Entertainment may be directly illuminated during business hours.

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

(g) **Special Sign Districts.** Additional controls apply within certain Mixed Use Districts that are designated as Special Sign Districts. The designations, locations, and boundaries of these Special Sign Districts are provided on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, and are described within Sections 608.1 through 608.10 of this Code.

(h) **Other Sign Requirements.** Within Mixed Use Districts, the following additional requirements shall apply:

(1) **Temporary Signs.** The provisions of Section 607.1(g) of this Code shall apply.

(2) **Special Standards for Automotive Gas and Service Stations.** The provisions of Section 607.1(f)(4) of this Code shall apply.

(Added by Ord. 131-87, App. 4/24/87; amended by Ord. 115-90, App. 4/6/90; Ord. 219-94, App. 6/3/94; Ord. 74-01, File No. 002218, App. 5/18/2001; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 196-11 , File No. 110786, App. 10/4/2011, Eff. 11/3/2011; Ord. 20-15, File No. 110548, App. 2/20/2015, Eff. 3/22/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 223-21, File No. 210810, App. 12/17/2021, Eff. 1/17/2022)

AMENDMENT HISTORY

Divisions (e) and (f)(3) amended; former division (f)(3)(B) redesignated as (f)(3)(B)(i) and header added; division (f)(3)(B)(ii) added; Ord. 196-11 , Eff. 11/3/2011. Introductory material amended; former divisions (h), (i)(1), and (i)(2) deleted and former divisions (i), (i)(3), and (i)(4) redesignated as (h), (h)(1), and (h)(2) respectively; Ord. 20-15, Eff. 3/22/2015. Divisions (d) and (f)(1)(C) amended; Ord. 188-15 , Eff. 12/4/2015. Divisions (d) and (f)(1)(C) amended; Ord. 188-15, Eff. 12/4/2015. Divisions (b), (c)–(c)(2), (d), (e), and (f)–(f)(3)(E) amended; former divisions (e)(1)–(e)(3) deleted; Ord. 217-16, Eff. 12/10/2016. Divisions (f)(2)(B), (f)(2)(C), (f)(2)(E), and (f)(3)(E) amended; Ord. 63-20, Eff. 5/25/2020. Divisions (f), (f)(1)(D), (f)(2)(D), and (f)(3)(D) amended; Ord. 223-21, Eff. 1/17/2022.

SEC. 607.3. [REPEALED.]

(See Interpretations related to this Section.)

(Added by Ord. 537-88, App. 12/16/88; amended by Ord. 79-89, App. 3/24/89; Ord. 327-96, App. 8/21/96; repealed by Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

SEC. 607.4. [REPEALED.]

(See Interpretations related to this Section.)

(Added by Ord. 345-87, App. 8/21/87; repealed by Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

SEC. 608. SPECIAL SIGN DISTRICTS AND SIGNS IN SPECIAL USE DISTRICTS.

In addition to the zoning districts that are established under other Articles of this Code, there shall also be in the City such Special Sign Districts as are established in this Article 6 and certain Special Use Districts with sign controls established in Article 2 in order to carry out further the purposes of this Code. In the event of inconsistency with any other provision of Article 6, the most restrictive provision shall prevail unless this Code specifically provides otherwise.

(a) **Special Sign Districts.** The designations, locations and boundaries of these Special Sign Districts shall be as provided in this Article and as shown on the Zoning Map referred to in Section 105, subject to the provisions of Section 105. The original of the sectional map of the Zoning Map for Special Sign Districts (numbered SSD) referred to in this Article is on file with the Clerk of the Board of Supervisors under File No. 138-62. In each such Special Sign District, signs, other than those signs exempted by Section 603 of this Code, shall be subject to the special controls in Sections 608.1 through 608.16, respectively, in addition to all other, or, if so expressly specified in those Sections, in lieu of other, applicable sign provisions of this Code.

(b) **Signs in Special Use Districts.** The following Special Use Districts have sign controls

specific to the district:

(1) Sec. 249.64. Parkmerced Special Use District, as promulgated in the Parkmerced Design Standards and Guidelines.

(2) Sec. 249.21. California Street and Presidio Avenue - Community Center Special Use District.

(3) Sec. 249.5. North of Market Residential Special Use District.

(Amended by Ord. 64-77, App. 2/18/77; Ord. 69-87, App. 3/13/87; Ord. 285-94, App. 8/2/94; Ord. 59-08, File No. 031034, App. 4/10/2008; Ord. 195-11 , File No. 110448, App. 10/4/2011, Eff. 11/3/2011; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015 ; Ord. 206-22, File No. 220643, App. 10/6/2022, Eff. 11/6/2022)

AMENDMENT HISTORY

Section amended; Ord. 195-11 , Eff. 11/3/2011. Section header amended; former section amended and divided into introductory paragraph and new division (a); division (b) added; Ord. 188-15 , Eff. 12/4/2015. Division (b)(3) added; Ord. 206-22, Eff. 11/6/2022.

SEC. 608.1. NEAR R DISTRICTS.

No general advertising sign, and no other sign exceeding 100 square feet in area, shall be located in an NC, C, M, PDR, or Eastern Neighborhoods Mixed Use District within 100 feet of any R District in such a manner as to be primarily viewed from residentially zoned property or from any street or alley within an R District; any sign of which the face is located parallel to a street property line and lies for its entire width opposite an NC, C, M, PDR, or MUR District shall be deemed *prima facie* not to be primarily so viewed. No sign of any size within 100 feet of any R District shall project beyond the street property line or building setback line of any street or alley leading off the main commercial frontage into the R District.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 69-87, App. 3/13/87; Ord. 115-90, App. 4/6/90; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 296-18, File No. 180184, App. 12/12/2018, Eff. 1/12/2019)

AMENDMENT HISTORY

Section amended; Ord. 296-18, Eff. 1/12/2019.

SEC. 608.2. NEAR SCHOOLS, PARKS, AND RECREATION FACILITIES.

No general advertising sign, and no other sign exceeding 200 square feet in area, shall be located within 100 feet of any part of the premises of a school, attendance at which satisfies the compulsory education laws of the State of California, in such a way that it is primarily viewed through any part of such premises. No general advertising sign, and no other sign exceeding 200 square feet in area, shall be located within 200 feet of any part of the premises of a park, playground, recreation center or facility, square, avenue or grounds under the jurisdiction and supervision of the San Francisco Recreation and Park Commission or a park, playground, or recreation center or facility of any other public agency, if the sign is so arranged that it is primarily viewed from or through such premises.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 134-97, App. 4/25/97)

SEC. 608.3. CIVIC CENTER SPECIAL SIGN DISTRICTS.

No General Advertising Sign, and no other Sign exceeding 200 square feet in area, shall be located within the Civic Center Special Sign Districts Numbers 1 and 2, as designated on Sectional Map SSD of the Zoning Map of the City and County of San Francisco. Within such districts, no Sign that is located on publicly owned property, or that is located on a street frontage facing publicly owned property, shall have any moving, rotating or otherwise animated part; or have any flashing, blinking, fluctuating or otherwise animated light; or project beyond any Street Property Line or building setback line; or be Attached to a Building in any manner other than with its entire area flat against a wall of such building that directly faces a street.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

Section header and section amended; Ord. 217-16, Eff. 12/10/2016.

SEC. 608.4. TRANSIT CENTER SPECIAL SIGN DISTRICT.

(a) **General.** There shall be a Special Sign District known as the "Transit Center Special Sign District" in the area bounded by Market Street on the north, Folsom Street on the south, Steuart Street on the east, and between New Montgomery and Third Streets on the west, and in the area bounded by Folsom, Harrison, Essex, and Second Streets, but excluding the planned City Park between Mission, Howard, Second, and Beale Streets and those portions of the Transit Center District Plan Area included in Zone 1 of the Transbay Redevelopment Plan Area, which include portions of land bounded by Spear, Mission, Folsom, and Second Streets, as designated on Sectional Map SSD of the Zoning Map of the City and County of San Francisco. The original copy of said Sectional Map with this Special Sign District indicated thereon is on file with the Clerk of the Board of Supervisors in File No 170941.

(b) **Purpose and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to the Transit Center Special Sign District. These purposes constitute findings that form a basis for these regulations and provide guidance for their application.

(1) A new 5.4-acre park called the City Park (which in its early stages of planning was known as the Rooftop Park) is planned to be located atop the Transbay Transit Center, which will be located between Mission and Howard Streets on the north and south, respectively, and between Second and Beale Streets on the west and east, respectively. The City Park will include an outdoor

amphitheater, gardens, trails, open grass areas, a children's play space, a restaurant, and a café, and will be accessible from 10 entry points, including bridges from neighboring buildings and a gondola from a planned ground-level floor of the Transbay Transit Center off Mission Street between the planned Salesforce Tower and Fremont Street, to be known as Mission Square, and the City Park will provide needed open space in an area of the City with few parks.

(2) The Under Ramp Park is a new 4.2-acre neighborhood park planned to be situated primarily under the elevated bus ramp that will provide a direct connection from the new Transbay Transit Center to the San Francisco-Oakland Bay Bridge, but approximately 25% of the park will be open to the sky. The Under Ramp Park will include a children's play area, cafés, and terraces, a beer garden, and a multilevel pavilion with cultural and retail programs. The area between Folsom, Harrison, Essex, and Second Streets is adjacent to the planned site of the Under Ramp Park.

(3) Illuminated signs and other signs visible from a public park or privately owned public open space (POPOS) may negatively impact the aesthetics of the park or POPOS and the enjoyment of its users by, among other things, interfering with the natural scenery and landscape afforded by the park or POPOS, as well as creating unwanted illumination and glare.

(4) Evening and nighttime illumination of signs in the Plan Area would disturb the sleep of residents in the area and disrupt their general enjoyment of their homes.

(c) **Controls.**

(1) Illumination for any new sign that is located in the Transit Center Special Sign District, where any part of the face of the sign is over 35 feet in height, as defined in Section 602, shall meet the following requirements:

(A) the sign's illumination shall be dimmable; and,

(B) all illumination shall be turned off from 11:00 p.m. each evening until 6:00 a.m. the following morning.

(2) Except as specified in subsection (c)(3) below, a new sign that is within 200 feet of an existing park under the jurisdiction and supervision of the San Francisco Recreation and Park Commission or any other public agency or planned public park, where a planned park is one that the San Francisco Recreation and Park Commission or any other public agency has identified as a site for a park through a public planning process and identified in the Transit Center District Plan, or within 200 feet of a POPOS of 1/4 acre or greater, and that is visible from such a park or POPOS shall be permitted if it is 50 square feet or less and its highest point reaches a height of 35 feet or less, as defined in Section 602.

(3) A new Business Sign, as defined in Section 602, that is within 200 feet of the City Park and is visible from the City Park shall only be permitted if it meets the following requirements:

(A) If the new Business Sign is located on the façade of a building directly abutting or with a pedestrian connection to the City Park,

(i) the sign shall consist of only metal lettering, painted or unpainted, raised off the façade of the building to which it is attached, with a maximum vertical dimension of 30 inches and a total maximum area of 50 square feet;

(ii) the highest point of the sign shall reach a height of 15 feet or less from the nearest finished ground plane of the City Park; and,

(iii) the sign's illumination shall consist only of indirect illumination, pursuant to Section 602 of this Code, including but not limited to halo-style lighting.

(B) If the new Business Sign is not located on the façade of a building directly abutting or with a pedestrian connection to the City Park, the sign shall comply with Section 607 of this Code.

(Added by Ord. 234-17, File No. 170941, App. 12/8/2017, Eff. 1/7/2018)

(Former Sec. 608.4 added by Ord. 263-65, App. 10/22/65; amended by Ord. 360-94, App. 10/19/94; repealed by Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

SEC. 608.4A. [REPEALED.]

(Added by Proposition F, 6/3/97; repealed by Proposition G, 6/3/2008)

SEC. 608.5. NEAR FREEWAYS.

Except for Historic Signs and Vintage Signs designated pursuant to Section 608.14 of this Code, no General Advertising Sign, and no other Sign exceeding 200 square feet in area, shall be located after the date of determination and designation of the route of a Freeway so that it is primarily to be viewed by persons traveling on any portion of such Freeway. When located so as to be viewed primarily by persons traveling on any portion of a Freeway, Business Signs not exceeding 200 square feet in area which are permitted by this Section 608.5, Historic Signs, and Vintage Signs designated pursuant to Section 608.14 which may exceed 200 square feet in area shall, regardless of any other provision of this Code, be limited to Signs which designate the name of the owner or occupant of the premises upon which the Sign is placed, or which identify such premises, or which direct attention to goods manufactured or produced, or services rendered, on the property upon which the Sign is placed.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 276-98, App. 8/28/98; Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

SEC. 608.6. NEAR CERTAIN SCENIC STREETS.

No general advertising sign, and no other sign exceeding 200 square feet in area, shall be located within the areas along the scenic streets that are listed below and designated as special sign districts on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, if any face of such sign is visible from any such street. These limitations shall apply to any portion of any property that is within 200 feet of any such street, unless a greater depth or area is indicated on said Sectional Map. Historic Signs may exceed the size limit in this section.

Telegraph Hill Boulevard for its entire length;

Twin Peaks Boulevard for its entire length;

The Embarcadero for its entire length;

Market Street extension east side from Mono Street to Portola Drive;

Portola Drive for its entire length;

Roosevelt Way for its entire length;

El Camino Del Mar for its entire length;

Point Lobos Avenue from El Camino Del Mar to its intersection with the Great Highway, including the Cliff House and Sutro Baths areas;

Sunset Boulevard for its entire length;

Great Highway and Esplanade from Point Lobos Avenue to Sloat Boulevard;

Great Highway extension south from Sloat Boulevard to its junction with Skyline Boulevard near Harding Boulevard;

Nineteenth Avenue from Lincoln Way to Junipero Serra Boulevard;

Sloat Boulevard from the Great Highway to Junipero Serra Boulevard;

Junipero Serra Boulevard from Sloat Boulevard to the County Line;

Skyline Boulevard from Sloat Boulevard to the County Line;

Lake Merced Boulevard for its entire length;

John Muir Drive for its entire length;

Zoo Road for its entire length;

Harding Boulevard for its entire length;

Alemany Boulevard from Mission Street viaduct to Junipero Serra Boulevard;

Marina Boulevard for its entire length;

Lyon Street from Marina Boulevard to Lombard Street;

Baker Street from Marina Boulevard to Lombard Street;

Broderick Street from Marina Boulevard to Lombard Street;

Jefferson Street from Lyon Street to Broderick Street;

Beach Street from Baker Street to Broderick Street;

North Point Street from Baker Street to Broderick Street;

Bay Street from Lyon Street to Broderick Street;

Francisco Street from Lyon Street to Broderick Street;

Chestnut Street from Lyon Street to Broderick Street;

Lombard Street from Broderick Street to Lyon Street;

Richardson Avenue from Lyon Street to Lombard Street.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 20-15, File No. 110548, App. 2/20/2015, Eff. 3/22/2015)

AMENDMENT HISTORY

Section amended; Ord. 20-15, Eff. 3/22/2015.

SEC. 608.7. NEAR RAPID TRANSIT ROUTES.

No general advertising sign, and no other sign exceeding 200 square feet in area, shall be located after the date of determination and designation of the route or portion thereof of the Bay Area Rapid Transit District or other rapid transit line, wherever such route or portion thereof is other than underground, so that the sign is primarily to be viewed by persons traveling on any such route or portion thereof.

(Added by Ord. 263-65, App. 10/22/65)

SEC. 608.8. MARKET STREET SPECIAL SIGN DISTRICT.

There shall be a special sign district known as the "Market Street Special Sign District" in the vicinity of Market Street, from The Embarcadero to Octavia Boulevard as designated on Sectional Map SS02 of the Zoning Map of the City and County of San Francisco. The original copy of said Sectional Map with this Special Sign District indicated thereon is on file with the Clerk of the Board of Supervisors under File No. 112-70. With respect to said Special Sign District, the following regulations shall apply:

(a) **Purpose and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to the Market Street Special Sign District. These purposes constitute findings that form a basis for these regulations and provide guidance for their application.

(1) In November 1962, the electorate of San Francisco voted approval of an investment in a City and regional rapid transit system that will run beneath Market Street. In June 1968, the electorate approved a bonded indebtedness of $24,500,000, including payment for reconstruction and improvement of Market Street from The Embarcadero to the Central Skyway overpass. The street has been completely rebuilt at public expense, with special paving, furnishings, plazas and landscaping. Market Street is the transit spine of the Downtown area, with heavy concentrations of pedestrians, and is a central domain of the people of the City and of the region. It is a purpose of the Market Street Special Sign District to further this public endeavor.

(2) Development and design efforts along Market Street rely upon the promise of a street of high quality. Both existing and new enterprises will be strengthened by the high standards of their environment and by the joint efforts of owners, residents, and business people.

(3) The character of signs along the street and of other features projecting from buildings is especially significant to street appearance and to the general quality and economic stability of the area. Opportunities exist to relate these signs and projections more effectively to the street design and to the design of buildings, and it is a purpose of these regulations to set a framework that will contribute toward those ends.

(4) The standards established by these regulations are reasonable standards related to the unique nature of the Market Street area and to its present and future needs.

(5) The standards established by these regulations are deemed to be minimum requirements, forming a basic framework for development and remodeling. They are not intended in any way to preclude further design refinement or review by individuals or duly constituted organizations which might consider more restrictive requirements as to any aspects limited herein, or as to additional aspects such as materials, color, graphics, types of representation, relationship of signs to one another and to architectural features, or the general quality of design. It is anticipated that private efforts along such lines will and should be made for the further improvement of Market Street.

(b) **Controls.**

(1) **Projection of Signs and Other Features.** Within said Special Sign District:

(A) No Projection shall exceed a horizontal distance of six feet beyond any Street Property Line. This limitation shall apply to Signs and to all other features including but not limited to Marquees, Awnings and Canopies, with the sole exception of flagpoles for flags of any nation or political subdivision.

(B) Projecting Signs for each establishment shall be limited to one Sign on each street frontage occupied by the establishment, in addition to any Signs that are placed flat upon or otherwise integrated in the design of Marquees and Awnings.

(2) **Height.** Within said Special Sign District, all of the following limitations shall apply:

(A) A projecting Sign with lettering or other inscription arranged in a vertical manner shall have a maximum height of 60 feet; except that a greater height shall be permitted, up to a maximum height of 100 feet, provided the Height of the Sign shall remain at least 20 feet below the Roofline of the building as measured directly above the Sign.

(B) Except as provided in Paragraph (D) below, all other Signs shall be located no higher than the windowsill level of the lowest story (if any) that has a window or windows on the building facade on which the Signs are placed, exclusive of the ground story and mezzanine, provided that no such Sign shall in any case exceed a height of 60 feet.

(C) In addition, except as provided in Paragraph (D) below, uniformity of height shall be maintained in both the upper and lower edges of Signs placed flat upon or essentially parallel to each facade of a single building.

(D) As to the requirements of Paragraphs (B) and (C) above, deviation from the requirements may be permitted to the extent an alternative placement of Signs is made necessary by the location of arches, entrances and other architectural features, as determined by the Zoning Administrator, or for the purpose of installing special lighting effects and temporary holiday decorations, or for the purpose

of modifying or replacing currently existing noncomplying business Wall Signs as provided by Section 607(h).

(3) **Temporary Signs.** With the exception of holiday decorations, no Sign composed of paper or other temporary material shall be placed on the outside of any building or structure or affixed to the glass on the outside or inside of any window, unless such Sign is placed in a frame or on a structure specifically designed for this purpose.

(Added by Ord. 125-70, App. 1/17/70; amended by Ord. 219-94, App. 6/3/94; Ord. 20-15, File No. 110548, App. 2/20/2015, Eff. 3/22/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

Section header, introductory material, and divisions (a)(1), (a)(2), and (a)(4) amended; former division (c) deleted, former divisions (d)-(f) redesignated as (c)-(e), and internal references adjusted accordingly; current division (d)(1) amended; Ord. 20-15, Eff. 3/22/2015. Division (d)(4) amended; Ord. 188-15 , Eff. 12/4/2015. Division (d)(4) amended; Ord. 188-15, Eff. 12/4/2015. Former divisions (b)(1), (b)(2), (d)(1), (e), (e)(2), and (e)(3) deleted; division (b) amended; former divisions (c)–(c)(2), (d), (d)(2)–(d)(5), and (e)(1) amended and redesignated as (b)(1)–(b)(1)(B), (b)(2), (b)(2)(A)–(b)(2)(D), and (b)(3); Ord. 217-16, Eff. 12/10/2016.

SEC. 608.9. JACKSON SQUARE SPECIAL SIGN DISTRICT.

There shall be a special sign district known as the "Jackson Square Special Sign District," as designated on Sectional Map SSD of the Zoning Map of the City and County of San Francisco. The original copy of said Sectional Map with this Special Sign District indicated thereon is on file with the Clerk of the Board of Supervisors under File No. [Ord. No.] 276-72.

(a) **Purposes and Findings.**

(1) In addition to furthering the purposes stated in Sections 101 and 601 of this Code, creation of the Jackson Square Special Sign District is intended to further the purposes of the Jackson Square Historic District created pursuant to Ordinance No. 221-72 and to foster the preservation and enhancement of said Historic District.

(2) The standards established by these regulations are deemed to be minimum requirements. They are not intended in any way to preclude further design refinement or review by duly constituted private organizations which might consider more restrictive requirements as to any aspects limited herein, or as to additional aspects such as materials, color, graphics, types of representation, relationship of signs to one another and to architectural features, or the general quality of design.

(b) **Regulations.** Within such Special Sign District:

(1) The Area of all Signs on a building shall not exceed an area of two square feet for each foot of street frontage occupied by the building, and shall in no event exceed a total of 100 square feet on each street frontage.

(2) No Projection shall exceed a horizontal distance of six feet beyond any Street Property Line. This limitation shall apply to Signs and to all other features including but not limited to Marquees and Awnings, with the sole exception of flagpoles for flags of any nation or political subdivision. All Signs, Marquees, Awnings and other features shall be supported entirely by a building; no Canopies shall be permitted.

(3) Projecting Signs for each establishment shall be limited to one Sign on each street frontage occupied by the establishment.

(4) All Signs shall be placed entirely below the level of the lowest cornice or strong horizontal element located above the ground story of the building, but in no event higher than three feet above the top of the ceiling level of the ground story.

(5) No Directly Illuminated Sign shall be permitted.

(Added by Ord. 223-72, App. 8/9/72; amended by Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

Section header amended; former divisions (b)(1), (b)(3), and (b)(4) deleted; former divisions (b)(2) and (b)(5)–(b)(8) amended and redesignated as (b)(1)–(b)(5); Ord. 217-16, Eff. 12/10/2016.

SEC. 608.10. [REPEALED.]

(Added by Ord. 64-77, App. 2/18/77; repealed by Ord. 22-15, File No. 141253, App. 2/20/2015, Eff. 3/22/2015)

SEC. 608.11. HOSPITALS AND MEDICAL CENTERS IN R DISTRICTS ADJACENT TO OR CROSS THE STREET FROM NC, C OR M DISTRICTS.

(a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to this Special Sign District. These purposes constitute the findings that form a basis for these regulations and provide guidance for their application.

(1) Hospitals and medical centers are distinguished from other uses in R Districts in that they provide emergency medical care vital to the health and well-being of the people of the City. Where such facilities are in R Districts and adjacent to or across the street from NC, C or M Districts, their signs are substantially obscured, ineffective, and put to a significant disadvantage by the more intense signage allowed in the NC, C or M Districts nearby, making identification of emergency facilities difficult.

(2) Imposing the standards of Section 607 on only those hospitals and medical centers in R Districts adjacent to or across the street

from NC, C or M Districts will allow for necessary and desirable signs to the benefit of the people in need of emergency care when such identification is most critical.

(3) The City Planning Commission in reviewing applications for signs under this Section 608.11 shall consider the needs of pedestrians and drivers approaching the applicant institution and the character and pattern of the immediate neighborhood and those neighborhoods affected by the proposed signs so that only such signs that are required for the identification of the institution, and that are not detrimental to the surrounding neighborhoods and any panoramas or vistas in such areas, are approved.

(b) **Control.** Notwithstanding the provisions of Section 606 of this Code, a hospital or medical center in an R District and adjacent to or across the street from an NC, C or M District for a distance of at least 400 feet of total street frontage shall be subject to the provisions of Section 607 of this Code that apply to the NC, C or M District adjacent to or across the street upon approval by the City Planning Commission as a conditional use under the procedures and criteria set forth in Section 303 of this Code. The Commission, in considering an application under this Section, may permit signs, including signs located on the sides of a penthouse, that exceed the standards of Section 607 to the extent necessary to meet community needs for adequately identified medical institutions with the exception of moving parts, flashing lights and wind signs which are prohibited.

(Added by Ord. 30-85, App. 1/17/85; amended by Ord. 69-87, App. 3/13/87)

SEC. 608.12. [REPEALED.]

(Added by Ord. 64-88, App. 2/18/88; repealed by Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

SEC. 608.13. IN THE RINCON HILL DOWNTOWN RESIDENTIAL MIXED USE DISTRICT.

Within the boundaries of the Rincon Hill Downtown Residential Mixed Use District set forth in Section 827 and generally bounded by Folsom Street, The Embarcadero, Bryant Street, and Essex Street, notwithstanding any other provisions of this Code, the existing Signs and/or Sign Towers may be changed, modified or replaced provided that all the following criteria are met:

(a) Such changed, modified or replacement sign is in the same general location as the existing signage;

(b) The total area and height of the changed, modified or replacement sign is not increased from the total area and height of the existing sign or sign tower;

(c) Such sign or sign tower may contain letters, numbers, a logo, service mark and/or trademark, and may be nonilluminated, or directly or indirectly illuminated;

(d) Such sign or sign tower may only reflect the identity of the owner or a tenant of the building, including a parent corporation, subsidiary and/or affiliate of the owner or of the tenant.

(Added by Ord. 389-95, App. 12/14/95; amended by Ord. 217-05, File No. 050865, App. 8/19/2005 ; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013 ; Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

Undesignated introductory material amended; Ord. 56-13 , Eff. 4/27/2013. Section header and introductory material amended; Ord. 217-16, Eff. 12/10/2016.

SEC. 608.14. VINTAGE SIGNS.

(a) **Restoration and Maintenance.** Notwithstanding the provisions of Section 604(h) of this Code, signs which depict in text or graphic form a particular residential, business, cultural, economic, recreational, or other valued resource which is deemed by the Planning Commission to be a cultural artifact that contributes to the visual identity and historic character of a City neighborhood or the City as a whole shall be considered a vintage sign and allowed to be restored, reconstructed, maintained and technologically improved on a property by Conditional Use authorization of the Planning Commission provided that: (a) the vintage sign to be restored, reconstructed or technologically improved depicts a use, person, place, thing, cultural icon or other valued character or characteristics of the City or a City neighborhood that, at the time of the vintage sign authorization, is at least 40 years old; (b) at least 50 percent of the area of the sign remains legible, (c) the sign does not visually obstruct or significantly impair or detract from, by glare or any other means, a City landmark or public vista; (d) the sign is not larger than the sign that existed prior to the vintage sign authorization and does not appear to be more visually prominent than the sign that existed prior to the vintage sign authorization; and (e) the sign is maintained in good condition, repair and working order. Designation as a vintage sign under this Section does not by itself protect the sign from being obscured or removed by future development projects.

(b) **Application for Vintage Sign Authorization.** Prior to the scheduling of the Conditional Use hearing before the Planning Commission required by subsection (a), the applicant for a vintage sign authorization shall provide to the Department evidence in the form of photographs and/or documents demonstrating that:

(1) the sign proposed for vintage sign authorization is at least 40 years old; and

(2) the sign is a cultural artifact that depicts a particular residential, business, cultural, economic, recreational, or other valued resource of the past that contributes to the visual identity and character of a City neighborhood or the City as a whole.

(c) **Application of Other Article 6 Requirements.** Once a sign is authorized as a vintage sign under this Section, it is subject only to

the requirements of this Section 608.14 and is exempt from all other provision of Article 6. However, any change of copy from the vintage-copy authorized by the Planning Commission or any enlargement or alteration shall be considered an abandonment of the vintage sign authorization and the sign shall then be considered a new sign subject to all the provisions of this Article 6. The addition of a frame to a painted wall sign shall not be considered an enlargement or alteration under this section.

(d) **Removal of Vintage Sign.** Once designated as a vintage sign under this Section, the sign may not be removed without Conditional Use authorization of the Planning Commission.

(e) **Relocation.** A three-dimensional vintage sign may be relocated to a new location with Conditional Use authorization of the Planning Commission. Relocation of a general advertising sign is subject to the provisions of Section 2.21 of the San Francisco Administrative Code and may not be relocated under this Section 608.14.

(f) **Referral to Historic Preservation Commission.** If the application for a vintage sign authorization under this Section 608.14 is not otherwise required to be referred to the Historic Preservation Commission under the San Francisco Charter or this Code, it is not required to be referred.

(Added by Ord. 276-98, App. 8/28/98; amended by Ord. 160-11 , File No. 110277, App. 8/1/2011, Eff. 8/31/2011)

AMENDMENT HISTORY

- Section header and section amended; Ord. 160-11 , Eff. 8/31/2011.

SEC. 608.15. NORTHEAST WATERFRONT SPECIAL SIGN DISTRICT.

There shall be a special sign district known as the "Northeast Waterfront Special Sign District." The boundaries of this special sign district shall be coterminous with the boundaries of the Northeast Waterfront Historic District, as established pursuant to Article 10, Appendix D of this Code by Ordinance No. 171-83, and any amendments thereto. A copy of said Ordinance and materials related thereto are on file with the Clerk of the Board of Supervisors in File No. 031034.

(a) **Purposes and Findings.**

(1) In addition to furthering the purposes stated in Sections 101 and 601 of this Code, creation of the Northeast Waterfront Special Sign District is intended to further the purposes of the Northeast Waterfront Historic District created pursuant to Board of Supervisors Ordinance No. 171-83, and any amendments thereto, and to foster the preservation and enhancement of said Historic District.

(2) The standards established by these regulations are deemed to be minimum requirements.

(b) **Regulations within the Special Sign District:**

(1) No Projection shall exceed a horizontal distance of six feet beyond any Street Property Line. This limitation shall apply to Signs and to all other features, including but not limited to, Marquees and Awnings, with the sole exception of flagpoles for flags. All Signs, Marquees, Awnings, and other features shall be supported entirely by a building. No Canopies shall be permitted.

(2) All Signs shall be placed entirely below the level of the lowest cornice or strong horizontal element located above the ground story of the building, and in no event higher than three feet above the top of the ceiling level of the ground story.

(3) No Directly Illuminated Sign, as defined in Section 602 of this Code, shall be permitted.

(4) **Principal Signs.** Only one principal sign shall be permitted per establishment per street frontage. In addition, the following provisions shall apply to principal signs:

(A) A projecting sign shall not exceed 10 square feet;

(B) If a flush sign contains lettering, the lettering shall not exceed 18 inches in height; provided, however, that in no event shall lettering exceed a size that can be read from any farther than across the street;

(C) On a brick surfaces, signs shall be mounted with a minimum number of wall penetrations.

(5) **Secondary Signs.** Only one secondary sign shall be permitted per establishment per street frontage. A secondary sign is intended to be viewable close-up. In addition, the following provisions shall apply to secondary signs:

(A) If lettering is placed on a door or window, such lettering may contain only the name and nature of the establishment, hours of operation, and other pertinent information;

(B) A projecting secondary sign shall not exceed two square feet in area if used in conjunction with a principal flush sign.

(6) The total area of all Signs on a building shall not exceed an area of two square feet for each foot of street frontage occupied by the building; however, in no event shall the total area of all signs on a building’s street frontage exceed 50 square feet.

(Added by Ord. 59-08, File No. 031034, App. 4/10/2008; amended by Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

- Section header amended; former divisions (b)(1)–(b)(3) deleted; former divisions (b)(4)–(b)(6) and (b)(9) amended and redesignated as (b)(1)–(b)(3) and (b)(6); former divisions (b)(7) and (b)(8) redesignated as (b)(4) and (b)(5); Ord. 217-16, Eff. 12/10/2016.

SEC. 608.16. CITY CENTER SPECIAL SIGN DISTRICT.

(a) **General.** There shall be a Special Sign District known as the "City Center Special Sign District" in the block bounded by Geary Boulevard on the north, Masonic Avenue on the west, O'Farrell Street on the south and Lyon Street on the east, as designated on Sectional Map SSD of the Zoning Map of the City and County of San Francisco. The original copy of said Sectional Map with this Special Sign District indicated thereon is on file with the Clerk of the Board of Supervisors under File No. 110448. Signs in the City Center Special Sign District shall be subject to the provisions of Article 6 except that the controls as provided in this Section 608.16 shall apply in lieu of the sign controls specified in Section 607.1. Further, in the event of a conflict between the provisions of Section 608.16 that authorize specified signs and other provisions of Article 6, the provisions of Section 608.16 shall prevail notwithstanding any provision of the Code to the contrary.

(b) **Purpose and Findings.** In addition to the purposes stated in Sections 101 and 601 of this Code, the following purposes apply to the City Center Special Sign District. These purposes constitute findings that form a basis for these regulations and provide guidance for their application.

(1) The City Center was built in 1951 as an approximately seven-acre, single-tenant, multilevel Sears department store on a site spanning four city blocks bounded by Geary Boulevard, Masonic Avenue, Lyon Street, and O'Farrell Street. The Sears store historically maintained projecting signs on the north and south elevations of the building, on a centrally located sign tower, in alcoves below the roofline of the building, and above pedestrian entries. The signs were scaled and located to provide visibility from the wide roadways bordering the City Center.

(2) In 1994, the City Center reopened as a multi-tenant shopping center. Signs on the sign towers and in roofline alcoves were removed at that time, limiting the visibility of the City Center and its tenants from Geary Boulevard.

(3) The City Center has experienced significant vacancy in recent years since its conversion to multi-tenant use, resulting in a loss of sales tax revenue to the City. Adequate, well-placed signs on both the building and at parking entrances are necessary to ensure that the City Center remains a viable retail center providing goods and services to residents, while generating sales tax revenue for the City.

(4) The City Center has six separate surface parking lots with separate entrances accessible from Geary Boulevard, Masonic Avenue and O'Farrell Street, which are built at different grades and cannot feasibly be connected. Directional signs at parking lot entrances are necessary to direct motorists to the lot adjacent to the store they intend to visit and to minimize traffic congestion on surrounding streets.

(5) The City Center has multiple entrances and levels, with commercial units on the lower and upper stories with access to stores from streets or from one of the six separate surface parking lots. Signs and other advertising devices for on-site businesses are essential to the general quality and economic stability of the City Center. Current sign regulations, which are tailored to smaller storefronts typical of the City's neighborhood commercial districts, do not provide sufficient visibility for businesses located in the City Center, a large-scale development with a building height, bulk, appearance and site configuration that differs from that of other neighborhood commercial districts.

(6) Sign sizes, number, height and placement should take into account the configuration of the site development and the adjacent wide streets and an expressway, in order to provide visual relief to the large area of the building, visibility for its businesses and identity for the City Center as a whole.

(7) Additional projecting signs, wall signs, and directional signs at parking lot entrances would improve the visual appeal, identity, and long-term viability of the City Center, while improving access to its parking facilities and minimizing traffic congestion.

(c) **Definitions.** Within the City Center Special Sign District, the following definitions shall apply in addition to the applicable definitions in Sections 602 *et seq.*:

(1) **Copy Area.** On a directional sign, projecting sign, or sign tower, copy area shall refer to the entire area within a single continuous rectangular perimeter formed by extending lines around the extreme limits of writing, representation, emblem, or any figure of similar character.

(2) **Directional Sign.** A directional sign shall mean a sign identifying the location of a parking lot entry and the names of the businesses accessible from such lot. A directional sign may also identify the number of parking spaces available in the adjacent parking lot and the name of the shopping center.

(3) **Internal Wayfinding Signs.** Internal wayfinding signs shall mean signs located entirely on private property which are intended to direct vehicles and pedestrians within the site. Internal wayfinding signs shall be designed to be minimally visible from any public right of way.

(d) **Controls Generally.** The sign controls applicable in the City Center Special Sign District are specified in this Section 608.16. All signs or sign features not otherwise specifically authorized in this Section 608.16 or exempted in Sections 603 or 604 shall be prohibited.

(e) **Illumination.** All signs may be non-illuminated, indirectly or directly illuminated. Signs may not be flashing, blinking, fluctuating or otherwise animated light.

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

(1) **Wall Signs.** Wall signs, as defined in Section 602.22, shall be permitted as follows:

(A) **Wall Signs Above Pedestrian Entries from a Parking Lot.** For a business occupying 8,000 square feet or more, one wall sign up to 200 square feet in area shall be permitted above each pedestrian entry to the business from a parking lot. For a business occupying less than 8,000 square feet, one wall sign up to 75 square feet in area shall be permitted above each pedestrian entry to the business from a parking lot. The height of any parking lot entry wall sign shall not exceed 28 feet.

(B) **Wall Signs Above Pedestrian Entries from a Public Sidewalk.** The area of all wall signs located above pedestrian entries

from a public sidewalk shall not exceed three square feet per foot of street frontage occupied by the use measured along the wall to which the signs are attached, or 150 feet for each street frontage, whichever is less. The height of any street entry wall sign shall not exceed 24 feet.

(C) **Other Wall Signs.** The following additional wall signs shall be permitted:

(i) Up to three additional wall signs shall be permitted on each of the Masonic Avenue and Geary Boulevard frontages. The area of each sign shall be limited to a maximum of 115 square feet. The height of such wall signs shall not exceed 48 feet.

(ii) At the intersection of Geary Boulevard and Lyon Street, up to 500 square feet of wall signs shall be permitted, provided that no wall sign for a single use shall occupy more than 80 square feet. The height of such wall signs shall not exceed the height of the wall on which they are located.

(iii) One wall sign shall be permitted in each of the two existing sign alcoves located below the roofline of the building on the primary west and east building elevations perpendicular to Geary Boulevard, subject to the following conditions: wall signs shall be no higher than the wall to which they are attached, shall have a maximum area of 170 square feet, and shall be identifying signs, as defined in Section 602.10, for the shopping center.

(2) **Window Signs.** The total area of all window signs, as defined in Section 602.1(b), shall not exceed 1/3 the area of the window on or in which the signs are located.

(3) **Projecting Signs.** A total of six projecting signs shall be permitted within the Special Sign District, subject to the following limitations, provided, however, that the limits on the number of projecting signs per business and size of projecting signs set forth elsewhere in this Code shall not apply.

(A) Projecting signs may be identifying signs for the shopping center or business signs or may contain seasonal messages.

(B) No projecting sign shall project more than eight feet over the property line or exceed the height of the wall to which it is attached by more than 10 feet.

(C) Five projecting signs shall be permitted on Geary Boulevard, each with up to 2 faces. One such sign shall be permitted to have an area up to 540 square feet per face and a maximum copy area of 240 square feet per face. Four such signs shall be permitted to have an area up to 470 square feet per face, and a maximum copy area of 240 square feet per face. As of the effective date of this ordinance, the building has one existing projecting sign on Geary Boulevard with an area of 540 square feet. The new projecting signs authorized by this section on Geary Boulevard shall be visually distinct from and subordinate to the existing projecting sign.

(D) One projecting sign shall be permitted on the building fronting the parking lot at the intersection of Masonic Avenue and O'Farrell Street. Such sign shall be permitted to have an area up to 752 square feet per face, and a maximum copy area of 240 square feet per face.

(4) **Freestanding Signs and Sign Towers.** Freestanding signs and sign towers shall be permitted as follows:

(A) One freestanding sign shall be permitted near the intersection of Masonic Avenue and O'Farrell Street. Such sign shall be located wholly on private property and shall identify the name of the shopping center and its tenants. Such sign may have up to 2 faces and shall be limited to a height of 35 feet, a total area of 260 square feet per face and a copy area of 140 square feet per face.

(B) One freestanding directional sign with up to 2 faces shall be permitted at each parking lot entry, up to a maximum of seven within the Special Sign District. Directional signs shall not exceed a height of 15 feet. The area of a directional sign tower shall not exceed 50 square feet per face, and the copy area shall not exceed 20 square feet per face.

(C) On the existing central sign tower, located approximately in the center of the property and adjacent to the rooftop penthouse, two signs shall be permitted subject to the following conditions: the copy area shall not exceed 240 square feet per sign, the height shall not exceed the height of the existing central sign tower to which they are attached, and such signs shall be limited to identifying signs for the shopping center.

(g) **Exempt Signs.** In addition to signs exempted under Sections 603 and 604, internal wayfinding signs shall be exempt in the City Center Special Sign District.

(h) **Temporary Signs.** Signs authorized in Section 607.1(g) pertaining to temporary signs shall be authorized in the City Center Special Sign District.

(Added by Ord. 195-11 , File No. 110448, App. 10/4/2011, Eff. 11/3/2011)

SEC. 609. AMORTIZATION PERIODS.

No lawfully existing sign which fails to conform to the provisions of this Article 6 need be removed or altered to conform to said provisions prior to the end of its normal life as provided in Section 604 of this Code, except as specified in Sections 609.1 through 609.12. Where two or more amortization periods of differing duration apply to the same sign, the most restrictive of such amortization periods shall prevail unless this Code specifically provides otherwise. Where removal or alteration of a sign is required, such requirement shall apply to the sign faces, the sign structure, the supporting framework and all other parts of the sign.

(Amended by Ord. 64-77, App. 2/18/77)

SEC. 609.1. GENERAL ADVERTISING SIGNS LOCATED IN R DISTRICTS.

Any lawfully existing general advertising sign in an R District shall be removed within five years after the effective date of this Article 6 or such later date as the sign becomes nonconforming.

(Added by Ord. 263-65, App. 10/22/65)

SEC. 609.2. [REPEALED.]

(Added by Ord. 263-65, App. 10/22/65; repealed by Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

SEC. 609.3. WITHIN CIVIC CENTER SPECIAL SIGN DISTRICTS.

Any lawfully existing sign which does not conform to Section 608.3 of this Code shall be removed or altered to conform therewith within the period of time specified below after the effective date of this Article 6 or such later date as the sign becomes nonconforming:

(a) In Civic Center Special Sign Districts Numbers 1 and 2, one year for painted wall signs;

(b) In Civic Center Special Sign District No. 1, one year for general advertising signs;

(c) In Civic Center Special Sign District No. 2, five years for general advertising signs other than painted wall signs.

Provided, however, that within these Special Sign Districts, except as stated otherwise in Section 609.10 of this Code, a lawfully existing sign which does not conform to Section 608.3 need not be removed or altered to conform therewith prior to the end of its normal life if located on the north side of Market Street and within 60 feet of the north line of Market Street and primarily viewed from Market Street, or if located on the north line of Hayes Street (between Market Street and a point 100 feet east of the east line of Van Ness Avenue) and within 60 feet of the north line of Hayes Street and primarily viewed from Hayes Street.

(Amended by Ord. 125-70, App. 4/17/70)

SEC. 609.4. SIGNS NEAR NONLANDSCAPED FREEWAYS.

Any lawfully existing sign which is now or hereafter near a nonlandscaped portion of a freeway and which does not conform to the provisions of Section 608.5 of this Code shall be removed or altered to conform therewith within 10 years after the effective date of this Article 6, or within 10 years after such date as the precise route of the freeway has been determined and designated but not before such route has been opened to traffic, whichever date is later; provided, however, that any lawfully existing sign near the James Lick Freeway if located west of Fifth Street, north of Division Street, and east of 10th Street, or near the San Francisco-Oakland Bay Bridge approach east of Fifth Street need not be removed or altered to conform to Section 608.5 prior to the end of its normal life if located within the area exempted from the prohibition of freeway signs by Section 4721.D(2) of the San Francisco Building Code as that Section was in effect immediately prior to the effective date of this Article 6.

(Added by Ord. 263-65, App. 10/22/65)

SEC. 609.5. SIGNS NEAR LANDSCAPED FREEWAYS.

Any lawfully existing sign which is now or hereafter near a landscaped portion of a freeway and which does not conform to the provisions of Section 608.5 of this Code shall be removed or altered to conform therewith within three years after the effective date of this Article 6, or three years after the date when the landscaping project has been completed, whichever is later; unless an earlier date for removal or alteration of the sign has been established by Section 4721.C of the San Francisco Building Code, as that Section was in effect immediately prior to the effective date of this Article 6, in which case the date for removal or alteration shall be two years following the date so established by the Building Code.

(Added by Ord. 263-65, App. 10/22/65)

SEC. 609.6. SIGNS NEAR CERTAIN SCENIC STREETS.

Any lawfully existing sign which does not conform to Section 608.6 of this Code shall be removed or altered to conform therewith within five years after the effective date of this Article 6 or such later date as the sign becomes nonconforming; unless such sign was made subject to removal or alteration within five years after February 18, 1960, by Section 4722.D of the San Francisco Building Code, as that Section was in effect immediately prior to the effective date of this Article 6, in which case such earlier date shall prevail. Provided, however, that any lawfully existing sign within the Special Sign District along Nineteenth Avenue between Lincoln Way and Sloat Boulevard and on a lot in a C-1 or C-2 District need not be removed or altered to conform to Section 608.6 prior to the end of its normal life or until such earlier date, if any, by which it must be removed or altered to qualify said street for designation as a part of the State scenic highway system in accordance with the applicable provisions of State law.

(Added by Ord. 263-65, App. 10/22/65)

SEC. 609.7. WIND SIGNS.

Any lawfully existing wind sign in any zoning district shall be removed within one year after the effective date of this Article 6.

(Added by Ord. 263-65, App. 10/22/65)

SEC. 609.8. MISCELLANEOUS SERVICE STATION SIGNS IN R DISTRICTS.

Any lawfully existing sign at an automobile service station in an R District (other than those signs covered by Paragraph 606(d)(1)(A) of this Code) which does not conform to Paragraph 606(d)(1)(B) of this Code shall be removed or altered to conform therewith within one year after the effective date of this Article 6 or such later date as the sign becomes nonconforming.

(Added by Ord. 263-65, App. 10/22/65; amended by Ord. 20-15, File No. 110548, App. 2/20/2015, Eff. 3/22/2015)

AMENDMENT HISTORY

Section amended; Ord. 20-15, Eff. 3/22/2015.

SEC. 609.9. SIGNS NEAR RAPID TRANSIT ROUTES.

Any lawfully existing sign which is now or hereafter near a rapid transit route or portion thereof and which does not conform to the provisions of Section 608.7 of this Code shall be removed or altered to conform therewith within five years after the effective date of this Article 6, or within five years after such date as the precise rapid transit route or portion has been determined and designated but not before such route or portion has been opened to traffic, whichever date is later.

(Added by Ord. 263-65, App. 10/22/65)

SEC. 609.10. IN THE MARKET STREET SPECIAL SIGN DISTRICT.

(a) **General Advertising Signs.** Any lawfully existing General Advertising Sign within the Market Street Special Sign District, other than such a Sign located on a wall immediately adjacent to the establishment to which it directs attention, shall be removed within five years after the effective date of said Special Sign District or such later date as the location of such Sign may be designated as part of said Special Sign District; provided, however, that if the public street and plaza improvements within any of the sections of the Market Street Special Sign District listed below have not been substantially completed at the end of said five-year period in accordance with the architectural plans entitled “Market Street Reconstruction,” Transit Task Force File No. 810.00R1 through 810.28R1, dated September 10, 1970, and “Surface Plan - Hallidie Plaza,” Transit Task Force File No. 1000, dated July 15, 1970, including permanent pavement of sidewalk and roadway areas, planting of trees and placement of furnishings, then said General Advertising Signs within any such section need not be removed until 30 days after the date of substantial completion of said improvements in the section in which said Signs are located:

(1) Between The Embarcadero and the easterly line of Third Street;

(2) Between the easterly line of Third Street and the easterly line of Powell Street;

(3) Between the easterly line of Powell Street and the easterly line of Seventh Street;

(4) Between the easterly line of Seventh Street and the easterly line of Twelfth Street;

(5) Between the easterly line of Twelfth Street and the Central Skyway overpass.

It is hereby found and declared that as of May 18, 1976, six years after the effective date of the Market Street Special Sign District, the public street and plaza improvements within each and every section of Market Street listed above have been substantially completed in accordance with the plans and other terms set forth above. Accordingly, all general advertising signs specified in this Subsection (a) shall be removed forthwith. This amendment is intended only to clarify existing provisions of law, and thereby to facilitate administration of those provisions.

It is hereby found and declared, further, that a six-year amortization period for general advertising signs throughout the Market Street Special Sign District is more than adequate in view of the express purposes of the Special District, the massive public and private investments that have already taken place, and the new environment created in all sections of the street. In addition, it is noted that the amortization period for general advertising signs originally adopted in this district was three years, which period was extended to five years with the proviso concerning substantial completion, and that the amortization periods for all other signs affected by this Section were only one, two and three years, which periods have in all cases already been enforced and complied with; the factor, also, demonstrates that a six-year amortization period for general advertising signs is more than adequate.

(b) **Moving Parts.** Any lawfully existing sign within the Market Street Special Sign District that has a moving part or parts legally nonconforming under Subsection 607(d) of this Code shall be removed or altered to conform therewith within three years after the effective date of said Special Sign District or such later date as the location of such sign may be designated as part of said Special Sign District.

(c) **Temporary Signs.** Any lawfully existing sign within the Market Street Special Sign District which does not conform to the requirements of Paragraph 608.8(f)(1) of this Code shall be removed or altered to conform therewith within one year after the effective

date of said Special Sign District or such later date as the location of such sign may be designated as part of said Special Sign District.

(d) **Signs, Structures and Features in Public Areas.** Any lawfully existing sign, structure or feature within the Market Street Special Sign District which does not conform to the requirements of Paragraph 608.8(f)(2) of this Code shall be removed or altered to conform therewith within one year after the effective date of said Special Sign District or such later date as the location of such sign, structure or feature may be designated as part of said Special Sign District, if such sign, structure or feature is within Market Street, within Powell Street, or within any other street area opposite a street property line that abuts Market Street and faces Market Street at an angle of less than 90 degrees. This removal requirement shall, among other things, specifically apply to all canopies now in place in said Special Sign District and located as described herein.

(e) **Projection.** Except as provided herein, any lawfully existing sign or other feature within the Market Street Special Sign District which does not conform to the projection limitations of Paragraph 608.8(d)(1) of this Code shall be removed or altered to conform therewith within two years after the effective date of said Special Sign District if such sign or other feature projects over either street property line of Market Street, either street property line of Powell Street, or any other street property line that abuts Market Street and faces Market Street at an angle of less than 90 degrees. The Zoning Administrator may, in specific cases, permit the retention or alteration of an existing sign or other feature which projects more than six feet but in no event and under no circumstances more than eight feet, if the Zoning Administrator determines (1) that the sign or feature is of high quality, in scale with its surroundings, not detrimental to other properties, and not so located that it will conflict with trees or other features in the street area, and (2) that unusual circumstances apply concerning the nature of the sign or feature or concerning the building that would make adherence to the six-foot limitation impractical without offsetting public advantages.

(f) **Revocation of Permits.** Any permit issued for erection or alteration of a sign, structure or feature required to be removed or altered under Subsection 609.10(d) or (e) above is hereby revoked as of the date on which such removal or alteration is required. The permit for any sign erected or altered pursuant to Section 4653(b) of the Building Code, enacted by Ordinance No. 325-69, pertaining to signs for new businesses or organizations and change in name of business or organizations, pending adoption of permanent standards for signs in the Market Street area, shall be automatically revoked upon adoption of this present ordinance, if the sign authorized by such permit does not conform to all such permanent standards made applicable hereby to the property on which the sign is located.

(Amended by Ord. 64-77, App. 2/18/77; Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

- Section header and division (a) amended; Ord. 217-16, Eff. 12/10/2016.

SEC. 609.11. IN THE JACKSON SQUARE SPECIAL SIGN DISTRICT.

Any lawfully existing Sign which does not conform to Section 608.9 of this Code shall be removed or altered to conform therewith within five years after the effective date of said Section or such later date as the Sign becomes nonconforming.

(Added by Ord. 223-72, App. 8/9/72; amended by Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

- Section header and section amended; Ord. 217-16, Eff. 12/10/2016.

SEC. 609.12. ON AND NEAR MARKET STREET FROM THE CENTRAL SKYWAY OVERPASS TO DIAMOND STREET.

(a) **General Advertising Signs.** Any lawfully existing general advertising sign within the Upper Market Special Sign District, other than such a sign located on a wall immediately adjacent to the establishment to which it directs attention, shall be removed within five years after the effective date of said Special Sign District or such later date as the location of such sign may be designated as part of said Special Sign District.

(b) **Roof Signs.** Any lawfully existing roof sign within the Upper Market Special Sign District shall be removed within five years after the effective date of such Special Sign District or such later date as the location of such sign may be designated as part of said Special Sign District.

(c) **Freestanding Signs.** Any existing free standing sign within the Upper Market Special Sign District that lawfully exceeds a height of 24 feet shall be removed or altered to conform with such height limit within five years after the effective date of such Special Sign District or such later date as the location of such sign may be designated as part of said Special Sign District.

(d) **Moving Parts.** Any lawfully existing sign within the Upper Market Special Sign District that has a moving part or parts legally nonconforming under Subsection 607(d) of this Code shall be removed or altered to conform therewith within three years after the effective date of said Special Sign District or such later date as the location of such sign may be designated as part of said Special Sign District.

(e) **Flashing Lights.** Any lawfully existing sign within the Upper Market Special Sign District that has or consists of one or more flashing, blinking, fluctuating or otherwise animated lights legally nonconforming under Subsection 607(e) of this Code shall be removed or altered to conform therewith within three years after the effective date of said Special Sign District or such later date as the location of such sign may be designated as part of said Special Sign District.

(f) Not less than six months prior to the termination of the amortization period set forth in Section 609.12(a), the City Planning Commission shall conduct a hearing regarding general compliance with all the removal and conformity requirements of Section 609.12.

The City Planning Commission shall send a report thereon to the Board of Supervisors, which shall conduct a hearing on said report.

(Added by Ord. 64-77, App. 2/18/77)

SEC. 609.13. NONCONFORMING GENERAL ADVERTISING SIGNS IN NEIGHBORHOOD COMMERCIAL DISTRICTS.

If state and/or federal statutes, as applicable, which currently required local governments to pay monetary compensation to the owners of nonconforming Signs as a condition of requiring removal of such Signs is/are repealed, or amended so as to eliminate that requirement, then any lawfully existing General Advertising Sign within a Neighborhood Commercial District shall be removed within five years of the effective date of the repeal of the amendment of said state and/or federal legislation, as applicable.

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

Section header and section amended; Ord. 217-16, Eff. 12/10/2016.

SEC. 609.14. IN THE NORTHEAST WATERFRONT SPECIAL SIGN DISTRICT.

Any lawfully existing Sign that does not conform to Section 608.15 of this Code shall be removed or altered to conform to that Section within five years after the effective date of Section 608.15 or such later date as the sign becomes nonconforming.

(Added by Ord. 59-08, File No. 031034, App. 4/10/2008; amended by Ord. 217-16, File No. 160424, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

Section header and section amended; Ord. 217-16, Eff. 12/10/2016.

SEC. 610. VIOLATION OF GENERAL ADVERTISING SIGN REQUIREMENTS.

(a) **General.** The penalties and methods of enforcement set forth in this Section 610 are in addition to those set forth in Section 176 of this Code and any other penalties or methods of enforcement authorized by law. In light of the findings of Proposition G, approved by the voters in March of 2002, a violation of the Code's general advertising sign requirements is deemed to be a public nuisance.

(b) **Administrative Penalties.** The Director of Planning may impose administrative penalties for violations of the regulations governing General Advertising Signs set forth in this Article 6. These administrative penalties are cumulative to and do not foreclose any criminal or civil penalties that may apply under state or local law. Administrative penalties shall be imposed in accordance with the following procedures:

(1) **Notice of Violation.**

(A) Upon the Planning Department's determination pursuant to Section 176 of this Code that a general advertising sign has been erected, installed, expanded, intensified, relocated, or otherwise operated in violation of the requirements of this Code or has been denied an in-lieu identifying number pursuant to Section 604.1(c) of this Code, the Director shall send a written notice of violation to the Responsible Party for delivery by first class mail, hand-delivery, or electronic mail. The notice of violation shall describe the violation(s), state that the Responsible Party has five calendar days from the date postmarked on the notice or three calendar days from the date of hand-delivery or electronic mail delivery of the notice to: (i) file an application for a permit to remove the general advertising sign; (ii) correct the violation(s) pursuant to subsection (c); or (iii) request reconsideration pursuant to subsection (d). An electronic mail message shall be considered delivered on the same day that it is sent.

(B) **Responsible Party.** For the purposes of this Section 610, "Responsible Party" shall mean the owner(s) of the real property on which the general advertising sign is located, as listed in the Assessor's record, and the current leaseholder(s) or owner(s) of the general advertising sign, if different from the owner(s) of the real property. If the identity of the person or business entity that installed or operates the general advertising sign is unknown, the notice of violation shall be posted as close as practicable to the location of the sign; once the identity of the person or business entity is known, notice of violation shall be sent to such person or business entity without any such delay affecting the time limits, fees, or penalties imposed by this Section 610.

(2) **Penalties.**

(A) **Accrual of Penalties.** If a Responsible Party fails to respond to the notice of violation as outlined in Subsection (b)(1)(A), penalties shall accrue under this Section 610 at the daily rate set forth in Subsection (b)(2)(B) beginning on the Accrual Date, which is defined as the sixth day after the date postmarked on a notice delivered by first class mail, or on the fourth day after hand-delivery or electronic mail delivery of a notice, and the Director shall refer the matter to the City Attorney for further action. If the Responsible Party responds after the Accrual Date, but before the Director has referred the matter to the City Attorney, the Responsible Party shall be assessed a penalty based on the number of days that have passed beginning on the Accrual Date until the date the Responsible Party responded. Once the matter has been referred to the City Attorney for further proceedings, it shall be within the discretion of the City Attorney, in consultation with the Director, whether to allow the Responsible Party to request a reconsideration of the notice of violation or to proceed with other legal action. If the Responsible Party is allowed to request reconsideration, the Responsible Party shall pay a penalty based on the amount accrued beginning on the Accrual Date until the date the Responsible Party responded. The Responsible Party shall pay this penalty within five business days of notice that the Responsible Party will be allowed to request reconsideration.

(B) **Amount of Penalties.**

(i) The administrative penalties that the Director or administrative law judge assesses against the Responsible Party shall be related to the square footage of the General Advertising Sign found to be in violation of the Planning Code, as shown below:

a. 100 square feet or less - $100 per day per violation;

b. 101 - 300 square feet - $1,000 per day per violation;

c. 301 - 500 square feet - $1,750 per day per violation; and

d. Over 500 square feet - $2,500 per day per violation.

If the violation for which the administrative penalty is assessed has increased the size of the General Advertising Sign, the penalty shall be based on the actual size of the General Advertising Sign.

(C) **Collection.** The Director may request that the Tax Collector pursue collection of any penalty, from the Responsible Party including imposition of a special assessment lien in accordance with the requirements of Article XX of Chapter 10 of the San Francisco Administrative Code (commencing with Section 10.230). The Director may also request that the City Attorney pursue collection of the penalty against the Responsible Party in a civil action to enforce the provisions of this Code.

(D) **Planning Code Enforcement Fund.** Fees and penalties collected pursuant to this Section 610 shall be deposited in the Planning Code Enforcement Fund established in Administrative Code Section 10.100-166.

(c) **Building Permit.** A building permit shall be required to remove or modify any general advertising sign when such removal or modification is required pursuant to this Section 610.

(1) Additional time and material costs shall be added to the Building Permit fee pursuant to Section 350(c).

(2) The Responsible Party has thirty days from the filing of any required building permit application to remove or modify the general advertising sign to either: (i) obtain a Final Inspection Approval or Certificate of Final Completion from the Department of Building Inspection (DBI); or (ii) remove all advertising copy from the general advertising sign until the required DBI approval is obtained. If the Final Inspection Approval or Certificate of Final Completion has not been obtained or the advertising copy has not been removed within this time period, penalties shall accrue at the daily rate outlined in Subsection (b)(2)(B) until the advertising copy is removed or the required DBI approval is obtained.

(d) **Reconsideration of Notice of Violation or Administrative Penalty.**

(1) **Reconsideration Hearing.**

(A) A Responsible Party may seek reconsideration of the issuance of the notice of violation or any administrative penalty. Any request for reconsideration shall be accompanied by written evidence that demonstrates why the notice of violation was issued in error or why the administrative penalties were assessed in error. Upon receipt of a request for reconsideration within the time limits established by subsection (b)(1)(A) or when allowed under subsection (b)(2)(A), the Planning Department shall schedule a reconsideration hearing before an administrative law judge. Such hearing shall be scheduled for a date no later than 60 days after the request. At least 10 days before the scheduled hearing, the Planning Department shall notify the Responsible Party by mail in writing of the hearing date, time, and location.

(B) The administrative law judge shall hold a hearing to reconsider the Director's notice of violation or administrative penalty. The administrative law judge's decision for a reconsideration of the notice of violation shall be based upon, but not limited to, the Planning Code, any final Zoning Administrator Interpretations, the Building Code, building permits issued by the City, and any final decisions of the Board of Appeals regarding the subject property. The administrative law judge’s determination of a request for reconsideration of any administrative penalty shall take into account the validity of accrual dates, accuracy of assessment based upon sign size and whether the Responsible Party was accurately identified. For repeat violations, the administrative law judge shall also take into account the considerations specified in subsection (f)(3) of this Section 610. Within 30 days of the hearing, the administrative law judge shall issue a final written decision, which shall be mailed to the Responsible Party. The final written decision shall not be appealable to the Board of Appeals. All final written decisions shall inform the Responsible Party of its right to seek judicial review pursuant to the timelines set forth in Section 1094.6 of the California Code of Civil Procedure.

(C) If the Planning Department rescinds the notice of violation or penalties prior to the reconsideration hearing, the case shall be considered abated and all accrued penalties shall be rescinded. If penalties or the reconsideration hearing fee set forth in subsection (d)(2), below, have been paid, the Planning Department shall refund in a timely matter any unused portions of the penalties or fee.

If the administrative law judge overturns the notice of violation or penalties, the case shall be abated and all accrued penalties shall be rescinded. If penalties have been paid, the Planning Department shall refund the penalties.

If the Responsible Party withdraws its request for reconsideration of notice of violation or penalties prior to the reconsideration hearing and cures the violation(s) by filing for a building permit under subsection (c), any accrued penalties shall apply in addition to a mandatory ten-day fixed penalty based upon the daily rate outlined in subsection (b)(2)(B). If the request for reconsideration is withdrawn within less than 10 days from the date it was timely made, the Responsible Party may apply to the Director for a reduction in the fixed penalty amount based upon the number of days less than 10 that the reconsideration request was withdrawn. Any such reduction shall be granted or denied at the sole discretion of the Director and is not appealable.

If the administrative law judge upholds the notice of violation or penalties, the Responsible Party shall cure the violation(s) by filing for a building permit pursuant to the procedures and requirements of subsection (c) within fifteen days of the date the decision is mailed

to the Responsible Party. The Responsible Party shall be subject to any accrued penalties, plus a mandatory twenty-day fixed penalty based upon the daily rate outlined in subsection (b)(2)(B). If the reconsideration hearing is held within less than 20 days from the date it was timely requested, the Responsible Party may apply to the Director for a reduction in the fixed penalty amount based upon the number of days less than 20 that the reconsideration hearing was held. Any such reduction shall be granted at the sole discretion of the Director and is not appealable. If the Responsible Party does not file for a building permit within the fifteen-day period, additional penalties shall accrue at the daily rate outlined in subsection (b)(2)(B) and the Director shall refer the case to the City Attorney for further action.

(2) **Reconsideration Hearing Fee.** At the time the Responsible Party requests reconsideration, the Responsible Party shall pay an initial hearing fee of $3,400.00 to the Planning Department; the Responsible Party shall also be liable for time and materials as set forth in Section 350(c). The Planning Department shall increase this fee on an annual basis at a rate equal to that of the Consumer Price Index (CPI). The fee shall be waived if the Responsible Party would qualify for a waiver of court fees and costs pursuant to California Government Code Section 68511.3, as amended from time to time. Additionally, if the Responsible Party withdraws its request for reconsideration, any portion of the fee not expended to process the hearing shall be refunded.

(3) **Postponement.** The administrative law judge may grant a postponement of a hearing for Good Cause. Requests for postponement of a hearing shall be made in writing at the earliest date possible, with supporting documentation attached. The party requesting the postponement shall notify any other parties of the request and provide them with copies of the complete request and the supporting documentation.

For the purposes of this Section 610, "Good Cause" includes, but is not limited, to the following:

(A) The illness of a party, an attorney or other authorized representative of a party, or a material witness of a party;

(B) Verified travel outside of San Francisco scheduled before the receipt of notice of the hearing; or,

(C) Any other reason which makes it impractical to appear on the scheduled date due to unforeseen circumstances or verified pre-arranged plans that cannot be changed. Mere inconvenience in appearing shall not constitute "good cause."

(e) Failure of the City, including the Director, the Planning Department, or the administrative law judge, to act within any of the timeframes set forth in this Section 610 shall not be considered approval of any general advertising sign.

(f) **Repeat Violations.**

(1) The Director of Planning may use the provisions of this subsection (f) to abate and discourage repeated violations of this Section 610.

(2) For the purposes of this subsection (f), a repeat violation shall mean any violation of the general advertising provisions of this Article which (A) occurs on a property that was the subject of a notice of violation under Article 6 during the previous five years and (B) is owned by the same entity which owned the property upon which the general advertising was located at the time of the earlier violation. A repeat violation shall not include one based upon a notice of violation that was overturned by an administrative law judge or rescinded by the Planning Department under subsection (d)(1)(C) of this Section 610. A Responsible Party may seek reconsideration of a notice of violation for a repeat violation under subsection (d) of this Section 610, provided that the request for reconsideration is filed and all general advertising copy is removed prior to the Accrual Date, as defined in subsection (b)(2)(A) of this Section 610.

(3) Penalties for violations under this subsection (f) shall accrue as described in subsection (b)(2) of this Section 610, except that the amount of penalties shall be calculated as follows:

(A) **Daily Penalties.** Daily penalties shall accrue as described below, until the date that the General Advertising Sign and any associated sign structure are removed from the site, or, if the City accepts a late request for reconsideration from the Responsible Party pursuant to subsection (b)(2)(A) of this Section 610 , until the date that all copy is removed from the General Advertising Sign:

(i) On the Accrual Date, which is the first day on which penalties accrue, the daily penalty shall be the amount specified in subsection (b)(2)(B) of this Section 610 multiplied by 2.

(ii) On the second day on which penalties accrue, the daily penalty shall be the amount specified in subsection (b)(2)(B) of this Section 610 multiplied by 3.

(iii) On the third day on which penalties accrue, the daily penalty shall be the amount specified in subsection (b)(2)(B) of this Section 610 multiplied by 4.

(iv) On the fourth day on which penalties accrue and for each day thereafter for which penalties accrue, the daily penalty shall be the amount specified in subsection (b)(2)(B) of this Section 610 multiplied by 5.

(B) **Alternative Penalty.** As an alternative to the daily penalties described in subsection (f)(3)(A) of this Section 610 , all Responsible Parties may jointly opt to pay an alternative penalty, which consists of (i) the income earned by the Responsible Parties for the display of the illegal General Advertising Sign, including but not limited to revenue earned by the Sign owner or operator from advertisers or advertisement placement firms and revenue earned by the property owner or lessee from the lease or sublease of the property to the Sign owner or operator; plus (ii) an additional 20% of that total income amount. The income amount shall be calculated beginning on the Accrual Date, as defined in subsection (b)(2)(A) of this Section 610 , until the date that the General Advertising Sign and any associated sign structure are removed from the site, or, if the City accepts a late request for reconsideration from the Responsible Party pursuant to subsection (b)(2)(A) of this Section 610 , until the date that all copy is removed from the General Advertising Sign.

To calculate this alternative penalty, the Planning Department may require that all Responsible Parties provide evidence of their

income, such as a lease between the property owner and the Sign operator or Sign owner, and any agreements between the Sign owner or operator and advertisers or advertisement placement firms who have contracted to have their advertisements displayed on the Sign during the relevant time period.

(C) **Standard of Review.** Pursuant to subsection (d) of this Section 610 , a Responsible Party may request reconsideration of a notice of violation for a repeat violation by an administrative law judge. In any such proceeding, a rebuttable presumption shall exist that the penalty amount is reasonable. In reviewing a penalty imposed pursuant to subsection (f)(3) of this Section 610 , the administrative law judge shall give substantial weight to that presumption, but may consider the nature and egregiousness of the violation, the financial resources of the Responsible Party, the need to deter illegal conduct, and the Responsible Party's culpability, to determine if the penalty is excessive.

(g) **Liens.** For any penalties assessed pursuant to this Section 610 , the Director may initiate proceedings to make the payment amount due and all additional authorized costs and charges, including attorneys' fees, a lien on the property pursuant to Chapter 100 of the Administrative Code. This subsection (g) does not apply to a notice of violation that has been overturned by an administrative law judge or rescinded by the Planning Department under subsection (d)(1)(C) of this Section 610 .

(Added by Ord. 71-01, File No. 001391, App. 5/18/2001; Ord. 52-07, File No. 051844, App. 3/9/2007; Ord. 290-08, File No. 081002, App. 12/5/2008; amended by Ord. 218-16, File No. 160553, App. 11/10/2016, Eff. 12/10/2016)

AMENDMENT HISTORY

- Divisions (b), (b)(1)(A), (b)(2), (d)(1), (f)(2), and (f)(3) amended; divisions (f)(3)(A), (f)(3)(A)(i)–(iv), (f)(3)(B), (f)(3)(C), and (g) added; Ord. 218-16, Eff. 12/10/2016.

SEC. 611. GENERAL ADVERTISING SIGNS PROHIBITED.

(a) No new general advertising signs shall be permitted at any location within the City as of March 5, 2002, except as provided in Subsection (b) of this ordinance.

(b) Nothing in this ordinance shall be construed to prohibit the placement of signs on motor vehicles or in the public right-of-way as permitted by local law.

(c) **Relocation Agreements.**

(1) Nothing in this ordinance shall preclude the Board of Supervisors, upon recommendation from a department designated by the Board, from entering into agreements with general advertising sign companies to provide for the relocation of existing legally permitted general advertising signs. Any such agreements shall provide that the selection of a new location for an existing legally permitted general advertising sign be subject to the conditional use procedures provided for in Article 3 of the Planning Code.

(2) Locations where general advertising signs could have been lawfully erected pursuant to the zoning laws in effect prior to the effective date of this ordinance may be considered as relocation sites. Future zoning laws may additionally restrict the locations available for the relocation of existing legally permitted general advertising signs.

(d) Pursuant to Subsection (c)(1) of this ordinance, the selection of a relocation site for an existing legally permitted general advertising sign shall be governed by the conditional use procedures of Section 303 of the Planning Code.

(e) Nothing in this ordinance shall preclude the Board of Supervisors from otherwise amending Article 6 of the Planning Code.

(f) A prohibition on all new general advertising signs is necessary because:

(1) The increased size and number of general advertising signs in the City can distract motorists and pedestrians traveling on the public right of way creating a public safety hazard.

(2) General advertising signs contribute to blight and visual clutter as well as the commercialization of public spaces within the City.

(3) There is a proliferation of general advertising signs visible from, on, and near historically significant buildings and districts, public buildings and open spaces all over the City.

(4) San Francisco must protect the character and dignity of the City's distinctive appearance, topography, street patterns, open spaces, thoroughfares, skyline and architectural features for both residents and visitors.

(5) There is currently an ample supply of general advertising signs within the City.

- (Added by Proposition G, 3/5/2002)

SEC. 703. NEIGHBORHOOD COMMERCIAL DISTRICT REQUIREMENTS.

(a) **Zoning Control Tables.** Each Zoning District in Article 7 has a corresponding Zoning Control Table that details the basic development standards and Use controls for the respective district. Zoning Control Tables are explained in Section 202.1 of this Code. Permitted or Conditionally permitted Uses and Uses that are not permitted in the zoning districts described in this Section 703 are detailed in the corresponding Zoning Control Tables.

(b) **Uses in Enclosed Buildings.** All permitted uses shall be conducted within an enclosed building in Neighborhood Commercial Districts, unless otherwise specifically allowed in this Code. Exceptions from this requirement are: uses which, when located outside of a building, qualify as an Outdoor Activity Area or Open Air Sales, accessory off-street parking and loading, and other uses listed below

which function primarily as open-air uses, or which may be appropriate if located on an open lot, outside a building, or within a partially enclosed building, subject to other limitations of this Article 7 and other sections of this Code.

Wireless Telecommunications Services Facility

Public and Private Parking Lots

Gas Station

Automotive Service Station

Automotive Wash

Automobile Sale or Rental

Institutional Uses (selected)

Public Facilities (selected)

Open Recreation Area

Outdoor Recreation Area

Neighborhood and Large Scale Urban Agriculture

Utility and Infrastructure Uses (selected)

(c) **Multiple Uses in One Structure.** If there are two or more uses in a structure and none is classified under Section 703(d) below as an Accessory Use, then each of these uses will be considered separately as independent Principal, Conditional or temporary uses.

(d) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1 (Accessory Uses for Dwellings in All Districts), 204.4 (Dwelling Units Accessory to Other Uses), and 204.5 (Parking and Loading as Accessory Uses) of this Code, Accessory Uses as defined in Section 102 shall be permitted when located on the same lot. Notwithstanding the foregoing, a Retail Workspace, as defined in Section 102, shall be permitted as an Accessory Use in connection with any Eating and Drinking Use regardless of the floor area occupied by such Accessory Use, so long as (1) the hours of operation for the accessory Retail Workspace use are limited to 9 a.m. to 5 p.m. and (2) such Eating and Drinking Use is also open for business to the general public on each day during which the accessory Retail Workspace use is open. Any Use that does not qualify as an Accessory Use shall be classified as a Principal or Conditional Use unless it qualifies as a temporary use under Sections 205 through 205.4 of this Code.

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

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

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

(3) The wholesaling, manufacturing, or processing of foods, goods, or commodities on the premises of an establishment that does not also use or provide for retail sale of such foods, goods, or commodities at the same location where such wholesaling, manufacturing, or processing takes place, with the following exceptions:

(A) In the North Beach Special Use District where such activities are limited to 15% of the total floor area occupied by the Principal or Conditional Use to which it is accessory unless the Principal or Conditional Use is Specialty Foods Manufacturing as defined in Section 780.3 of this Code; and

(B) Notwithstanding the floor area limitation in subsection (d)(1), a Catering Use limited to food and beverage Catering shall be permitted as an Accessory Use to Restaurants and Limited Restaurants if the following requirements are met:

(i) The Catering Use does not operate more than 75% of the total time within the Restaurant's or Limited Restaurant's Hours of Operation on any given day; and

(ii) The Catering Use does not distribute or deliver individual meals to customers directly from the subject lot, either by its own means, or through a third-party delivery service.

(4) Any retail Liquor Store.

(5) Medical Cannabis Dispensaries.

(6) Any General Entertainment or Nighttime Entertainment use, except for one that involves a Limited Live Performance Permit as set forth in Police Code Section 1060 *et seq*., or one that does not require a Limited Live Performance Permit as set forth in Police Code Section 1060.1(e).

(7) Within the North Beach SUD and NCD, a Limited Restaurant.

(8) A Health Service use as an Accessory Use in the Sacramento Street Neighborhood Commercial District requires a Conditional

Use authorization on the ground story and is permitted above the ground story pursuant to Section 724 of this Code.

(9) Cannabis Retail that does not meet the limitations set forth in Section 204.3(a)(3) of this Code.

(10) An Adult Sex Venue as defined in Section 102 of this Code.

(e) **Uses Not Permitted.**

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

(2) The establishment of a use that sells alcoholic beverages, other than beer and wine, concurrent with motor vehicle fuel is prohibited, and shall be governed by Section 202.2(b), with the exception that in the SoMa NCT, these uses are permitted Accessory Uses.

(f) **Conflicting Controls.** All uses, buildings, and features in Neighborhood Commercial Districts shall comply with all controls set forth for the district in which they are located. Where different controls conflict or overlap within the same District, the use, building, or feature shall abide by the most restrictive of all controls. For example, in an NC-2 District, a Dwelling Unit on the second story is proposed for conversion to a Personal Service use. Residential Conversions at the Second Story in an NC-2 District require Conditional Use authorization under Table 711, while Personal Services at the Second Story in an NC-2 District are permitted as Principal Uses under Table 711. Following the most restrictive control, the applicant must obtain Conditional Use authorization and all other necessary permits in order to legally convert the Dwelling Unit to a Personal Service use.

(Added by Ord. 69-87, App. 3/13/87; former Section 703.2 incorporated and combined section amended by Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; amended by Ord. 229-17, File No. 171041, App. 12/6/2017, Eff. 1/5/2018; Ord. 196-18, File No. 180320, App. 8/10/2018, Eff. 9/10/2018; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 205-19, File No. 181211, App. 9/11/2019, Eff. 10/12/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Proposition H, 11/3/2020, Eff. 12/18/2020; Ord. 111-21, File No. 210285, App. 8/4/2021, Eff. 9/4/2021; Ord. 75-22, File No. 220264, App. 5/13/2022, Eff. 6/13/2022)

AMENDMENT HISTORY

Undesignated paragraph deleted; divisions (a) and (f) added; former Section 703.2 incorporated as divisions (b)-(e) and amended; Ord. 129-17, Eff. 7/30/2017. Division (d) amended; division (d)(9) added; Ord. 229-17, Eff. 1/5/2018. Divisions (a), (d)(1), and (d)(2) amended; division (d)(3) amended and redesignated as divisions (d)(3) and (d)(3)(A); divisions (d)(3)(B)-(d)(3)(B)(ii) added; divisions (d)(7), (d)(9), (e)(2) and (f) amended; Ord. 196-18, Eff. 9/10/2018. Divisions (b) and (d) amended; Ord. 202-18, Eff. 9/10/2018. Divisions (d)(1) and (d)(2) amended; Ord. 205-19, Eff. 10/12/2019. Division (d)(1) amended; Ord. 63-20, Eff. 5/25/2020. Division (d)(1) amended; Ord. 63-20, Eff. 5/25/2020. Division (d) amended; Proposition H, 11/3/2020, Eff. 12/18/2020. Divisions (d)(3)(B), (d)(3)(B)(i), and (d)(6) amended; Ord. 111-21, Eff. 9/4/2021. Division (d)(6) amended; division (d)(10) added; Ord. 75-22, Eff. 6/13/2022.

Editor's Note:

Former Section 703.2 was merged into Section703 and substantially amended by Ord. 129-17, effective July 30, 2017. See Section703.2 for its legislative history prior to Ord. 129-17.

SEC. 703.1. [REPEALED.]

(Added by Ord. 69-87, App. 3/13/87; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 321-08, File No. 081100, App. 12/19/2008; repealed by Ord. 130-17, File No. 170204, App. 6/30/2017, Eff. 7/30/2017)

SEC. 703.2. [REDESIGNATED.]

(See Interpretations related to this Section.)

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 420-97, App. 11/7/97; Ord. 384-98, App. 12/24/98; Ord. 87-00, File No. 991963, App. 5/19/2000; Ord. 260-00, File No. 001424, App. 11/17/2000; Ord. 270-04, File No. 041070, App. 11/9/2004; Ord. 298-06, File No. 061261, App. 12/12/2006; Ord. 269-07, File No. 070671, App. 11/26/2007; Ord. 245-08, File No. 080696; Ord. 298-08, File No. 081153, App. 12/19/2008; Ord. 66-11, File No. 101537, App. 4/20/2011, Eff. 5/20/2011; Ord. 140-11, File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. 172-11 , File No. 110506, App. 9/12/2011, Eff. 10/12/2011; Ord. 75-12 , File No. 120084, App. 4/23/2012, Eff. 5/23/2012; Ord. 42-13 , File No. 130002, App. 3/28/2013, Eff. 4/27/2013; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 83-13 , File No. 120901, App. 5/15/2013, Eff. 6/14/2013; Ord. 287-13 , File No. 130041, App. 12/26/2013, Eff. 1/25/2014; Ord. 165-15 , File No. 150465, App. 9/23/2015, Eff. 10/23/2015; Ord. 188-15 , File No. 150871, App. 11/4/2015, Eff. 12/4/2015; Ord. 166-16 , File No. 160477, App. 8/11/2016, Eff. 9/10/2016; Ord. 23-17, File No. 160656, App. 2/10/2017, Eff. 3/12/2017; merged into Section 703 and amended by Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017)

SEC. 703.3. [REPEALED.]

(Added by Ord. 62-04, File No. 031501, App. 4/9/2004; amended by Ord. 8-05, File No. 041067, App. 1/8/2005; Ord. 65-05, File No. 041071, App. 4/1/2005; Ord. 173-05, File No. 050254, App. 7/29/2005; Ord. 180-06, File No. 060266, App. 7/14/2006; Ord. 245-08, File No. 080696; Ord. 56-11, File No. 110070, App. 3/23/2011; Ord. 75-12 , File No. 120084, App. 4/23/2012, Eff. 5/23/2012; Ord. 106-12 , File No. 120047, App. 6/22/2012, Eff. 7/22/2012; Ord. 56-13 , File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 235-14 , File No. 140844, App. 11/26/2014, Eff. 12/26/2014; repealed by Ord. 130-17, File No. 170204, App. 6/30/2017, Eff. 7/30/2017)

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

The NC-2 District is intended to serve as the City's Small-Scale Neighborhood Commercial District. These districts are linear shopping streets which provide convenience goods and services to the surrounding neighborhoods as well as limited comparison shopping goods for a wider market. The range of comparison goods and services offered is varied and often includes specialty retail stores, restaurants, and neighborhood-serving offices. NC-2 Districts are commonly located along both collector and arterial streets which have transit routes.

These districts range in size from two or three blocks to many blocks, although the commercial development in longer districts may be interspersed with housing or other land uses. Buildings typically range in height from two to four stories with occasional one-story commercial buildings.

The small-scale district controls provide for mixed-use buildings which approximate or slightly exceed the standard development pattern. Rear yard requirements above the ground story and at residential levels preserve open space corridors of interior blocks.

Most new commercial development is permitted at the ground and second stories. Neighborhood-serving businesses are strongly encouraged. The second story may be used by some retail stores, personal services, and medical, business and professional offices. Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities, and other automobile uses protect the livability within and around the district, and promote continuous retail frontage.

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

Table 711. SMALL-SCALE NEIGHBORHOOD COMMERCIAL DISTRICT NC-2

ZONING CONTROL TABLE

		NC-2
Zoning Category	§ References	Controls
BUILDING STANDARDS		
		NC-2
Zoning Category	§ References	Controls
BUILDING STANDARDS		
Massing and Setbacks		
Height and Bulk Limits.	§§ 102, 105, 106, 250–252, 260, 261.1, 270, 271. See also Height and Bulk District Maps	Varies, but generally 40-X. See Height and Bulk Map Sheets HT01-13 for more information. Height sculpting required on Alleys per § 261.1.
5 Foot Height Bonus for Active Ground Floor Uses	§ 263.20	P(1) in some districts
Rear Yard	§§ 130, 134, 134(a)(e), 136	Required at the Second Story and at each succeeding level or Story of the building, and at the First Story if it contains a Dwelling Unit: 25% of lot depth, but in no case less than 15 feet
Front Setback and Side Yard	§§ 130, 131, 132, 133	Not Required.
Street Frontage and Public Realm		
Streetscape and Pedestrian Improvements	§ 138.1	Required
Street Frontage Requirements	§ 145.1	Required; controls apply to above-grade parking setbacks, parking and loading entrances, active uses, ground floor ceiling height, street-facing ground-level spaces, transparency and fenestration, and gates, railings, and grillwork. Exceptions permitted for historic buildings.
Ground Floor Commercial	§ 145.4	Required on some streets, see § 145.4 for specific districts.
Vehicular Access Restrictions	§ 155(r)	Restricted on some streets, see § 155(r) for specific districts
Miscellaneous		
Lot Size (Per Development)	§§ 102, 121.1	P up to 9,999 square feet; C 10,000 square feet and above
Planned Unit Development	§ 304	C
Awning, Canopy or Marquee	§ 136.1	P
Signs	§§ 262, 602-604, 607, 607.1, 608, 609	As permitted by § 607.1

General Advertising Signs	§§ 262, 602, 604, 608, 609, 610, 611	NP
Design Guidelines	General Plan Commerce and Industry Element	Subject to the Urban Design Guidelines

Zoning Category	§ References	Controls
RESIDENTIAL STANDARDS AND USES		

Zoning Category	§ References	Controls
RESIDENTIAL STANDARDS AND USES		
Development Standards		
Usable Open Space [Per Dwelling Unit]	§§ 135, 136	100 square feet per unit if private, or 133 square feet per unit if common
Off-Street Parking Requirements	§§ 145.1, 150, 151, 153 - 156, 161, 166, 204.5	No car parking required. Maximum permitted per § 151. Bike parking required per §155.2. If car parking is provided, car share spaces are required when a project has 50 units or more per §166.
Dwelling Unit Mix	§ 207.7	Generally required for creation of 10 or more Dwelling Units. No less than 25% of the total number of proposed Dwelling Units shall contain at least two Bedrooms, and no less than 10% of the total number of proposed Dwelling Units shall contain at least three Bedrooms.
Use Characteristics		
Intermediate Length Occupancy	§§ 102; 202.10	P(12)
Single Room Occupancy	§ 102	P
Student Housing	§ 102	P

Residential Uses		**Controls by Story**		
		1st	**2nd**	**3rd+**
Residential Uses	§ 102	P	P	P
Accessory Dwelling Unit Density	§§ 102, 207(c)(4), 207(c)(6)	P per Planning Code Sections 207(c)(4) and 207(c)(6).		
Dwelling Unit Density	§§ 102, 207	1 unit per 800 square foot lot area, or the density permitted in the nearest R District, whichever is greater.		
Group Housing Density	§ 208	1 bedroom per 275 square foot lot area, or the density permitted in the nearest R District, whichever is greater.		
Homeless Shelter Density	§§ 102, 208	Density limits regulated by the Administrative Code		
Senior Housing Density	§§ 102, 202.2(f), 207	P up to twice the number of dwelling units otherwise permitted as a Principal Use in the district and meeting all the requirements of § 202.2(f)(1). C up to twice the number of dwelling units otherwise permitted as a Principal Use in the district and meeting all requirements of § 202.2(f)(1), except for § 202.2(f)(1)(D)(iv), related to location.		

Loss of Dwelling Units		**Controls by Story**		
		1st	**2nd**	**3rd+**
Residential Conversion	§ 317	C	C	NP
Residential Demolition and Merger	§ 317	C	C	C

Zoning Category	§ References	Controls
NON-RESIDENTIAL STANDARDS AND USES		

Zoning Category	§ References	Controls
NON-RESIDENTIAL STANDARDS AND USES		
Development Standards		
Floor Area Ratio	§§ 102, 123, 124	2.5 to 1
Use Size	§§ 102, 121.2	P up to 3,999 square feet; C 4,000 square feet and above
Off-Street Parking Requirements	§§ 145.1, 150, 151, 153 - 156, 161, 166, 204.5	No car parking. Maximum permitted per § 151. Bike parking required per Section 155.2. Car share spaces required when a project has 25 or more parking spaces per § 166.
Off-Street Freight Loading	§§ 150, 152, 153 - 155, 161, 204.5	None required if gross floor area is less than 10,000 square feet. Exceptions permitted per §§ 155 and 161.
Commercial Use Characteristics		
Drive-up Facility	§ 102	NP
Formula Retail	§§ 102, 303.1	C
Hours of Operation	§ 102	P 6 a.m. - 2 a.m.; C 2 a.m. - 6 a.m.
Maritime Use	§ 102	NP
Open Air Sales	§§ 102, 703(b)	See § 703(b)
Outdoor Activity Area	§§ 102, 145.2, 202.2	P if located in front or it complies with Section 202.2(a)(7); C if located elsewhere.
Walk-up Facility	§ 102	P

NON-RESIDENTIAL USES		**Controls by Story**		
		1st	**2nd**	**3rd+**
Agricultural Use Category				
Agriculture, Industrial	§§ 102, 202.2(c)	NP	NP	NP
Agriculture, Large Scale Urban	§§ 102, 202.2(c)	C	C	C
Agriculture, Neighborhood	§§ 102, 202.2(c)	P	P	P
Automotive Use Category				
Automotive Uses*	§ 102	NP	NP	NP
Automotive Repair	§ 102	C	NP	NP
Automotive Service Station	§§ 102, 202.2(b)	C	NP	NP
Electric Vehicle Charging Location	§§102, 202.2(b), 202.13	C(14)[1]	C(14)	C(14)
Fleet Charging	§102	C	C	C
Gas Station	§§ 102, 187.1, 202.2(b)	C	NP	NP
Parking Garage, Private	§ 102	C	C	C
Parking Garage, Public	§ 102	C	C	C
Parking Lot, Private	§§ 102, 142, 156	C	C	C
Parking Lot, Public	§§ 102, 142, 156	C	C	C
Entertainment, Arts and Recreation Use Category				
Entertainment, Arts and Recreation Uses*	§ 102	NP	NP	NP
Arts Activities	§ 102	P(10)	P	P
Entertainment, General	§ 102	P	P	NP
Entertainment, Nighttime	§ 102	P	NP	NP
Movie Theater	§§ 102, 202.4	P	P	P
Open Recreation Area	§ 102	C	C	C

Passive Outdoor Recreation	§ 102	C	C	C
Industrial Use Category				
Industrial Uses	§ 102, 202.2(d)	NP	NP	NP
Institutional Use Category				
Institutional Uses*	§ 102	P	C	C
Child Care Facility	§ 102	P	P	P
Community Facility	§ 102	P	P	P
Hospital	§ 102	NP	NP	NP
Medical Cannabis Dispensary**	§§ 102, 202.2(e)	DR	DR	NP
Public Facilities	§ 102	P	P	P
Residential Care Facility	§ 102	P	P	P
Social Service or Philanthropic Facility	§ 102	P	P	P
Sales and Service Use Category				
Retail Sales and Service Uses*	§§ 102, 202.2(a), 202.3	P	P	NP
Adult Business	§ 102	NP	NP	NP
Adult Sex Venue	§ 102	NP	NP	NP
Animal Hospital	§ 102	P	P	NP
Bar	§§ 102, 202.2(a)	P(9)	NP	NP
Cannabis Retail	§§ 102, 202.2(a)	C	C	NP
Flexible Retail	§ 102	NP(10)	NP	NP
Hotel	§ 102	C	C	C
Kennel	§ 102	C	NP	NP
Liquor Store	§ 102	P(9)	NP	NP
Massage Establishment	§§ 102, 204, 303(n), 703	P(9)	C(13)	NP(13)
Massage, Foot/Chair	§ 102	P(9)	NP	NP
Mortuary	§ 102	NP	NP	NP
Motel	§§ 102, 202.2(a)	NP	NP	NP
Restaurant	§§ 102, 202.2(a)	P(4)	P(4)	NP
Restaurant, Limited	§§ 102, 202.2(a)	P(4)	P(4)	NP
Services, Financial	§ 102	P(5)	C(5)	NP
Services, Fringe Financial	§ 102	P(5)(6)	NP	NP
Services, Limited Financial	§ 102	P(5)	NP	NP
Services, Retail Professional	§ 102	P	P	P
Storage, Self	§ 102	NP	NP	NP
Tobacco Paraphernalia Establishment	§ 102	C	NP	NP
Trade Shop	§ 102	P	C	NP
Non-Retail Sales and Service*	§ 102	NP	NP	NP
Design Professional	§ 102	P	P	NP
Service, Non-Retail Professional	§ 102	NP	P	NP
Trade Office	§ 102	P	P	NP
Utility and Infrastructure Use Category				
Utility and Infrastructure*	§ 102	C(7)	C(7)	C(7)
Power Plant	§ 102	NP	NP	NP
Public Utilities Yard	§ 102	NP	NP	NP

* Not listed below

(1) Additional 5 feet for NC-2 parcels zoned 40' or 50' with an Active Use on the ground floor within the following areas: Balboa Street between 2nd Avenue and 8th Avenue, and between 32nd Avenue and 39th Avenue.

(2) [Note deleted.]

(3) [Note deleted.]

(4) TARAVAL STREET RESTAURANT SUBDISTRICT: Applicable only for the Taraval Street NC-2 District between 12th and 19th Avenues as mapped on Sectional Maps 5 SU and 6 SU. Restaurants, Limited-Restaurants are C; Formula Retail Restaurants and Limited-Restaurants are NP.

(5) CHESTNUT STREET FINANCIAL SERVICE SUBDISTRICT: NP for properties on Chestnut Street zoned NC-2 from Broderick to Fillmore Streets as mapped on Sectional Map 2 SU.

(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; and the North of Market Residential Special Use District; and includes Small-Scale Neighborhood Commercial Districts within its boundaries.
Controls: 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).

(7) C if a Macro WTS Facility; P if a Micro WTS Facility.

(8) P in the area comprising all of that portion of the City and County commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th Avenue, and proceeding southerly along 17th Avenue to Judah Street, and proceeding westerly along Judah Street to 19th Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding westerly along Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific Ocean and proceeding northerly along said line to the point of commencement.

(9) C in the area comprising all of that portion of the City and County commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight-line extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th Avenue, and proceeding southerly along 17th Avenue to Judah Street, and proceeding westerly along Judah Street to 19th Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding westerly along Sloat Boulevard, and following a straight-line extension of Sloat Boulevard to the shoreline of the Pacific Ocean and proceeding northerly along said line to the point of commencement.

(10) P in the geographic area described as Flexible Retail Zones in Section 202.9.

(11) [Note deleted.]

(12) NP for buildings with three or fewer Dwelling Units. C for buildings with 10 or more Dwelling Units.

(13) P if accessory to a Hotel. Personal Service or Health Service, except C if accessory to a Hotel, Personal Service or Health Service within the boundaries described in note 9 to this Table.

(14)[1] P where existing use is any Automotive Use.

(Added by Ord. 69-87, App. 3/13/87; amended by Ord. 445-87, App. 11/12/87; Ord. 155-88, App. 4/7/88; Ord. 412-88, App. 9/10/88; Ord. 87-00, File No. 991963, App. 5/19/2000; Ord. 260-00, File No. 001424, App. 11/17/2000; Ord. 275-05, File No. 051250, App. 11/30/2005; Ord. 289-06, File No. 050176, App. 11/20/2006; Ord. 269-07, File No. 070671, App. 11/26/2007; Ord. 75-08, File No. 071531, App. 5/9/2008; Ord. 244-08, File No. 080567, App. 10/30/2008; Ord. 245-08, File No. 080696; Ord. 321-08, File No. 081100, App. 12/19/2008; Ord. 61-09, File No. 090181, App. 4/17/2009; Ord. 51-09, File No. 081620, App. 4/2/2009; Ord. 66-11, File No. 101537, App. 4/20/2011, Eff. 5/20/2011; Ord. 140-11, File No. 110482, App. 7/5/2011, Eff. 8/4/2011; Ord. 75-12, File No. 120084, App. 4/23/2012, Eff. 5/23/2012; Ord. 92-12, File No. 111247, App. 5/21/2012, Eff. 6/20/2012; Ord. 56-13, File No. 130062, App. 3/28/2013, Eff. 4/27/2013; Ord. 287-13, File No. 130041, App. 12/26/2013, Eff. 1/25/2014; Ord. 227-14, File No. 120796, App. 11/13/2014, Eff. 12/13/2014; Ord. 235-14, File No. 140844, App. 11/26/2014, Eff. 12/26/2014; Ord. 14-15, File No. 141210, App. 2/13/2015, Eff. 3/15/2015; Ord. 20-15, File No. 110548, App. 2/20/2015, Eff. 3/22/2015; redesignated and amended by Ord. 30-15, File No. 140954, App. 3/26/2015, Eff. 4/25/2015; amended by Ord. 127-15, File No. 150082, App. 7/17/2015, Eff. 8/16/2015; Ord. 33-16, File No. 160115, App. 3/11/2016, Eff. 4/10/2016; Ord. 162-16, File No. 160657, App. 8/4/2016, Eff. 9/3/2016; Ord. 166-16, File No. 160477, App. 8/11/2016, Eff. 9/10/2016; Ord. 129-17, File No. 170203, App. 6/30/2017, Eff. 7/30/2017; Ord. 130-17, File No. 170204, App. 6/30/2017, Eff. 7/30/2017; Ord. 189-17, File No. 170693, App. 9/15/2017, Eff. 10/15/2017; Ord. 229-17, File No. 171041, App. 12/6/2017, Eff. 1/5/2018; Ord. 199-18, File No. 180482, App. 8/10/2018, Eff. 9/10/2018; Ord. 202-18, File No. 180557, App. 8/10/2018, Eff. 9/10/2018; Ord. 277-18, File No. 180914, App. 11/20/2018, Eff. 12/21/2018; Ord. 285-18, File No. 180806, App. 12/7/2018, Eff. 1/7/2019; Ord. 303-18, File No. 180915, App. 12/21/2018, Eff. 1/21/2019; Ord. 311-18, File No. 181028, App. 12/21/2018, Eff. 1/21/2019; Ord. 116-19, File No. 181156, App. 6/28/2019, Eff. 7/29/2019; Ord. 182-19, File No. 190248, App. 8/9/2019, Eff. 9/9/2019; Ord. 63-20, File No. 200077, App. 4/24/2020, Eff. 5/25/2020; Ord. 78-20, File No. 191075, App. 5/22/2020, Eff. 6/22/2020; Proposition H, 11/3/2020, Eff. 12/18/2020; Ord. 136-21, File No. 210674, App. 8/4/2021, Eff. 9/4/2021; Ord. 233-21, File No. 210381, App. 12/22/2021, Eff. 1/22/2022; Ord. 37-22, File No. 211263, App. 3/14/2022, Eff. 4/14/2022; Ord. 75-22, File No. 220264, App. 5/13/2022, Eff. 6/13/2022; Ord. 190-22, File No. 220036, App. 9/16/2022, Eff. 10/17/2022)

AMENDMENT HISTORY

Zoning Control Table: 711.69C and 711.69D added; Ord. 66-11, Eff. 5/20/2011. Zoning Control Table: 711.10 and 711.17 amended; Specific Provisions: 711.65 deleted; Ord. 140-11, Eff. 8/4/2011. Zoning Control Table: 711.43 and 711.44 amended, former categories 711.42, 711.67, and 711.69A deleted; Specific Provisions: 711.43 and 711.44 amended; Ord. 75-12, Eff. 5/23/2012. Zoning Control Table: 711.10 amended; Ord. 92-12, Eff. 6/20/2012. Zoning Control Table: 711.13, 711.54, and 711.69B amended; Specific Provisions: 711.54 added; Ord. 56-13, Eff. 4/27/2013. Zoning Control Table: former categories 711.38 and 711.39 redesignated as 711.36 and 711.37 and amended; Ord. 287-13, Eff. 1/25/2014. Zoning Control Table: 711.69B amended; Specific Provisions: 711.68 amended; Ord. 227-14, Eff. 12/13/2014. Zoning Control Table: 711.26 amended; Specific Provisions: 711.54 amended; Ord. 235-14, Eff. 12/26/2014. Zoning Control Table: 711.92b added; Ord. 14-15, Eff. 3/15/2015. Zoning Control Table: 711.14, 711.15, 711.16, 711.17, and 711.30 amended; Ord. 20-15, Eff. 3/22/2015. Section redesignated (formerly Sec. 711.1); Zoning Control Table: 711.54, 711.91, and 711.92 amended; Ord. 30-15, Eff. 4/25/2015. Zoning Control Table: 711.69B amended; Ord. 127-15, Eff. 8/16/2015. Zoning Control Table: former categories 711.36 and 711.37 deleted, 711.96 and 711.97 added; Ord. 33-16, Eff. 4/10/2016. Introductory material amended; Zoning Control Table: 711.91 amended; Specific Provisions: 711.91 added; Ord. 162-16, Eff. 9/3/2016. Zoning Control Table: 711.33A added; Ord. 166-16, Eff. 9/10/2016. New Zoning Control Table and notes added; Ord. 129-17, Eff. 7/30/2017. Previous Zoning Control Table and Specific Provisions deleted; Ord. 130-17, Eff. 7/30/2017. Zoning Control Table amended; Note (2) deleted; Ord. 189-17, Eff. 10/15/2017. Zoning Control Table amended; Ord. 229-17, Eff. 1/5/2018. Zoning Control Table amended; Notes (8) and (9) added; Ord. 199-18, Eff. 9/10/2018. Zoning Control Table and Note (6) amended; Ord. 202-18, Eff. 9/10/2018. Zoning Control Table amended; Ord. 277-18, Eff. 12/21/2018. Zoning Control Table and Notes (8) and (9) amended; Notes (10) and (11) added; Ord. 285-18, Eff. 1/7/2019. Zoning Control Table amended; Note (3) deleted; Ord. 303-18, Eff. 1/21/2019. Zoning Control Table amended; Ord. 311-18, Eff. 1/21/2019. Zoning Control Table amended; Ord. 116-19, Eff. 7/29/2019. Zoning Control Table amended; Ord. 182-19, Eff. 9/9/2019. Zoning Control Table and Note (6) amended; Ord. 63-20, Eff. 5/25/2020. Zoning Control Table amended; Note (12) added; Ord. 78-20, Eff. 6/22/2020. Introductory material and Zoning Control Table amended; Note (11) deleted; Proposition H, 11/3/2020, Eff. 12/18/2020. Zoning Control Table and Note (12) amended; Ord. 136-21, Eff. 9/4/2021. Zoning Control Table amended; Note (13) added; Ord.

233-21, Eff. 1/22/2022. Zoning Control Table and Note (13) amended; Ord. 37-22, Eff. 4/14/2022. Zoning Control Table amended; Ord. 75-22, Eff. 6/13/2022. Zoning Control Table amended; Note (14)[1] added; Ord. 190-22 , Eff. 10/17/2022.

CODIFICATION NOTE

1. Note "(14)" is referenced as "(13)" in Ord. 190-22. The note was redesignated by the codifier because a note designated as "(13)" previously had been added to this section by Ord. 233-21.

****Editor's Note:**

Ordinance 186-17, effective October 15, 2017, requires that "No more than three MCDs shall be permitted at any given time within the boundaries of Supervisorial District 11."

Title	Planning Code Section	Link to Today's Code	Codified post 1986	Certified in 1986 LCP	Requirement per 1986 Planning Code	Requirement per today's Code	Requirement per SUD
Lot Size	121.1	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18013	No	Yes	10,000 sq.ft for NC-2	Same	N/A
Non-Residential Use Size	121.2	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-58264	No	Yes	3,500 sq.ft. for NC-2	4,000 sq.ft. for NC-2	N/A
Floor Area Ratio	124	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18102	No	Yes	3.6 to 1	2.5 to 1	7 to 1
Yards	130	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18232	No	Yes	No Change	No Change	No Change
Front Setback	132	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-62918	No	Yes	Not required	Not required	No Change
Side Setback	133	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18310	No	No	Not required	Not required	No Change
Rear Yard	134	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18322	No	Yes	Requires at minimum 25% of total depth of the lot, but in no case less than 15 feet at second story and each succeding story, and at first story if contains dwelling unit.	Same	N/A
Usable Open Space	135	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18381	No	Yes		Changed	No Change
Permitted Obstructions	136	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18487	No	Yes		Changed	No Change
Awnings, Canopies, Marquees	136.1	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18492	No	Yes		Changed	No Change

Title	Planning Code Section	Link to Today's Code	Codified post 1986	Certified in 1986 LCP	Requirement per 1986 Planning Code	Requirement per today's Code	Requirement per SUD
Streetscape Improvements	138.1	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-63329	No	Yes	Only req. street treees	Street Tree req. remains same, addition of Better Streets	No Change
Bird Safety	139	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18643	Yes	No			No Change
Dwelling Unit Exposure	140	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18646	No	Yes		Changed	No Change
Screening for Rooftop Features	141	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18654	No	Yes		Changed	No Change
Screening for Off-street Parking	142	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18660	No	Yes		Changed	No Change
Street Frontage	145.1	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18706	No	Yes		Changed	No Change
Outdoor Activity	145.2	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18743	No	No		Changed	No Change
Required Ground Floor Commercial	145.4	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18767	Yes	No			No Change
Better Roofs	149	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-54217	Yes	No			No Change
Off-Street Parking	150	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18833	No	Yes		Changed	No Change
Number of Off-street Parking Required	151	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18845	No	No	One for each 200 sq.ft. of OFA where it exceeds 5,000 sq.ft.	None required.	No Change
Number of Required Off-Street Loading	152	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18889	No	No	One required for 100,000 to 200,000 sq.ft. of OFA	No Change	No Change

Title	Planning Code Section	Link to Today's Code	Codified post 1986	Certified in 1986 LCP	Requirement per 1986 Planning Code	Requirement per today's Code	Requirement per SUD
Rules for Calculating	153	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18905	No	No		Changed	No Change
Dimensions for Off-Street Parking, Freight Loading, etc.	154	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18916	No	No		Changed	No Change
General Standards for Off-Street Parking	155	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-18929	No	No			No Change
Bicycle Parking Standards	155.1	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-19002	Yes	No			No Change
Bicycle Parking Requirements	155.2	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-19059	Yes	No			No Change
Shower and Lockers Requirements	155.4	https://codelibrary.amlega	Yes	No			No Change
Parking Lots	156	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-19127	No	Yes		Changed	No Change
Exemptions and Exceptions from Off-Street Parking, Freight Loading and Service Vehicles	161	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-19203	No	No		Changed	No Change
Car Share	166	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-19275	Yes	No			No Change
Transportation Demand Management	169	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-54806	Yes	No		Required to meet 100% of point total	Reduce to 30% of required point total
Automotive Service Stations, Electric Vehicle Charging Locations, and Gas Stations as Legal Non-Conforming Uses	187.1	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-19744	Yes	No			No Change
ILOs	202.1	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-63304	Yes	No			No Change

Title	Planning Code Section	Link to Today's Code	Codified post 1986	Certified in 1986 LCP	Requirement per 1986 Planning Code	Requirement per today's Code	Requirement per SUD
Location and Operating Conditions	202.2	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-49757	Yes	No			No Change
Limitation on Change in Use or Demolition of Movie Theater Use	202.4	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-49866	Yes	No			No Change
Accessory Use, General	204	https://codelibrary.amlega	No	Yes		Changed	No Change
Parking and Loading as Accessory Uses	204.5	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-19864	No	Yes		Changed	No Change
Dwelling Unit Density	207	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-19952	No	Yes		Changed	No Change
Dwelling Unit Mix	207.7	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-56190	Yes	No			No Change
Group Housing and Homeless Shelters	208	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-20056	Yes	No			No Change
Residential Zoning Districts	209.1	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-20077	No	Yes		Changed	No Change
Height	260	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-21453	No	Yes	100	100	No Change
Additoinal Height Limits Applicable to Signs	262	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-21535	No	Yes		Changed	No Change
5 Foot Height Bonus for Active Ground Floor Uses	263.2	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-21664	Yes	No			No Change
Height Restrictions on Structures Shadowing Property Under the Jurisdiction of the Recreation and Park Commission	295	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-21861	No	Yes		Changed	No Change

Title	Planning Code Section	Link to Today's Code	Codified post 1986	Certified in 1986 LCP	Requirement per 1986 Planning Code	Requirement per today's Code	Requirement per SUD
Bulk	270	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-21719	No	Yes	A, Maximum length of 110 feet and a maximum diagonal of 125 feet, applying at a height of 40 feet and above.	A, Maximum length of 110 feet and a maximum diagonal of 125 feet, applying at a height of 40 feet and above.	A, Maximum length of 130 feet and a maximum diagonal of 176 feet, applying at a height of 40 feet and above.
Bulk Limits: Special Exceptions in Districts other than C-3	271	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-21817	No	Yes		Changed	No Change
Conditional Uses	303	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-21892	No	Yes		Changed	No Change
Formula Retail	303.1	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-48475	Yes	No			No Change
Planned Unit Development	304	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-22020	No	Yes		Changed	No Change
Variances	305	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-22076	No	Yes		Changed	No Change
Loss of Residential Dwelling Units	317	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-22516	Yes	No			No Change
Fees	415	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-23792	Yes	No			No Change
Signs	601-611	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-24697	No	Yes		Changed	No Change
Neighborhood Commercial District Requirements	703	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-25401	No	Yes		Changed	No Change
NC-2 Zoning District	711	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-25507	No	Yes		Changed	No Change

Title	Planning Code Section	Link to Today's Code	Codified post 1986	Certified in 1986 LCP	Requirement per 1986 Planning Code	Requirement per today's Code	Requirement per SUD
Bar	102	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-17783	No	Yes	Principally permitted at the ground floor	No Change	Principally permitted at all floors
Full Restaurant	102	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-17784	No	Yes	Principally permitted at the ground floor	Principally permitted at first and second floors	Principally permitted at all floors
Institution, Other	102	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-17785	No	Yes	Conditionally permitted at first and second floors	Community Facility and Community Facility, Private definition introduced. Community Facility principally permitted at all floors. Community Facility, Private principally permitted at first floor, conditionally permitted at second floor, and not permitted at third and above floors	Principally permitted at all floors
Administrative Services (Office Use)	102	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-17786	No	Yes	Conditionally permitted at first and second floors	General Office Use definition introduced. Not permitted	Principally permitted at all floors
Other Entertainment (Nighttime Entertainment)	102	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-17787	No	Yes	Principally permitted at the ground floor	Conditionally permitted at first floor, and not permitted at second floor and above	Principally permitted at all floors
Wireless Telecommunication Facility	102	https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-17788	Yes	No			No Change

EXHIBIT A

UNITED IRISH CULTURAL CENTER of SAN FRANCISCO

2700 45TH AVE, SAN FRANCISCO, CA 94116

PROJECT DESCRIPTION

THIS PROJECT CONSISTS OF A NEW SIX-STORY 109,384 SQUARE FOOT BUILDING FOR THE UNITED IRISH CULTURAL CENTER OF SAN FRANCISCO.

THE BUILDING WILL HOLD A NUMBER OF PROGRAMMATIC USES AND FUNCTIONS, INCLUDING (BY FLOOR):
B2 - INDOOR POOL AND AQUATIC CENTER
B2 MEZZANINE - STORAGE
B1 - PARKING (APPROXIMATELY 52 SPACES)
1ST - LOBBY, DIGITAL GALLERY, EMERALD PUB
2ND - BANQUET HALL / THEATRE, BAR, SCREENING THEATER
2ND FLOOR MEZZANINE - BANQUET / THEATRE SEATING
3RD - DOWLING LIBRARY, IRISH MUSEUM
4TH - ADMINISTRATIVE OFFICES AND CLASSROOMS
5TH - GYM
6TH - RESTAURANT & BAR, ROOF DECK AND GARDEN

PROJECT WILL REQUIRE APPROVAL OF A NEW SPECIAL USE DISTRICT AND ZONING MAP AMENDMENT.

STRUCTURAL SUMMARY: THE ENTIRE STRUCTURE WILL BE CONSTRUCTED OF CAST-IN-PLACE CONCRETE. FLOORS WILL BE POST-TENSIONED. SEISMIC FORCES WILL BE RESISTED BY CONCRETE SHEARWALLS. THE FOUNDATION WILL BE A CONCRETE MAT BEARING ON NATIVE SANDS.

CODES AND REGULATIONS

USE THE FOLLOWING CODES AND REGULATIONS WITH LATEST AMENDMENTS AND SUPPLEMENTS:

1. CALIFORNIA CODE OF REGULATIONS (CCR) TITLE 24, 2019
   A. 2019 BUILDING STANDARDS ADMINISTRATIVE CODE PART 1, TITLE 24 C.C.R.
   B. 2019 CALIFORNIA BUILDING CODE (CBC) PART 2, TITLE 24, C.C.R.
   C. ASME A17.1-2013/CSA B44-13 SAFETY CODE FOR ELEVATORS AND ESCALATORS
   D. 2019 CALIFORNIA REFERENCED STANDARDS CODE, PART 12, TITLE 24 C.C.R.
   E. TITLE 19 C.C.R., PUBLIC SAFETY, STATE FIRE MARSHAL REGULATIONS.

2. STRUCTURAL AND SEISMIC REQUIREMENTS: PART 2, TITLE 24 C.C.R.

3. ACCESSIBILITY GUIDELINES:
   CCR TITLE 24, PARTS 2, 3 AND 5 (DSA INTERPRETIVE MANUAL)

4. FIRE SAFETY (STATE FIRE MARSHAL):
   A. 2019 CALIFORNIA FIRE CODE (CFC), PART 9 TITLE 24 C.C.R.
   B. NFPA 72, NATIONAL FIRE ALARM, 2019 EDITION.
   C. CCR TITLE 19, CSFM REQUIREMENTS.
   D. NFPA-13 INSTALLATION OF SPRINKLERS (2019 EDITION)
   E. NFPA-14 STANDPIPE SYSTEMS (2019 EDITION)
   F. NFPA -17 DRY CHEMICAL EXTINGUISHING SYSTEMS (2019 EDITION)
   G. NFPA-17A WET CHEMICAL SYSTEMS (2019 EDITION)
   H. NFPA 20 STATIONARY PUMPS (2019 EDITION)
   I. NFPA-24 PRIVATE FIRE MAINS (2019 EDITION)
   J. NFPA 72 NATIONAL FIRE ALARM CODE (CALIFORNIA AMENDED) (2019 EDITION)
   (NOTE SEE UL STANDARD 1971 FOR "VISUAL DEVICES")
   K. NFPA 253 CRITICAL RADIANT FLUX OF FLOOR COVERING SYSTEMS (2020 EDITION)
   L. NFPA 2001 CLEAN AGENT FIRE EXTINGUISHING SYSTEMS (2019 EDITION) REFERENCE CODE SECTION FOR NFPA STANDARDS - 2019 CBC (SFM) CHAPTER 35

5. ELECTRICAL REQUIREMENTS:
   2019 CALIFORNIA ELECTRICAL CODE (CEC), PART 3, TITLE 24 C.C.R.

6. MECHANICAL REQUIREMENTS:
   2019 CALIFORNIA MECHANICAL CODE (CMC) PART 4, TITLE 24 C.C.R.

7. PLUMBING REQUIREMENTS:
   2019 CALIFORNIA PLUMBING CODE (CPC), PART 5, TITLE 24 C.C.R.

8. 2019 CALIFORNIA ENERGY CODE PART 6, TITLE 24 C.C.R.

9. 2019 CALIFORNIA FIRE CODE, PART 9, TITLE 24 C.C.R.

10. CONSTRUCTION SAFETY (CAL-OSHA), CCR TITLE 8.

11. RULES AND REGULATIONS OF THE LOCAL TELEPHONE COMPANY

12. RULES AND REGULATIONS OF THE LOCAL UTILITY COMPANIES

4

BICYCLE PARKING, SEC. 155.2
RESTAURANT/BAR OFA: 10,882 (REST.) + 1,103 (BAR) = 11,985

11,985/7500 = 1.6 = **2 CLASS 1 SPACES**
11,985/750 = **16 CLASS 2 SPACES**

COMMUNITY FACILITY OFA: 1,852 (PRIVATE) + 63,361 (PUBLIC) = 65,213

65,213/5000 = **13 CLASS 1 SPACES**
65,213/2500 = **26 CLASS 2 SPACES**

OFFICE USE OFA: 8,430

8,430/5000 = **1 CLASS 1 SPACE**
8,430/5000 = **2 CLASS 2 SPACES**

TOTAL REQUIRED (FOR PLANNING):
16 CLASS 1 SPACES, 42 PROVIDED; 44 CLASS 2 SPACES, 44 PROVIDED

OFF-STREET FREIGHT LOADING SPACES, SEC. 152
TOTAL RETAIL SALES/SERVICE OFA (ALL RESTAURANTS+ALL BARS+IRISH SHOPPE AND CAFE): 13,781 SF (>10,000 < 60,000)
NUMBER OF OFF-STREET FREIGHT LOADING SPACES REQUIRED: 1

ALL OTHER OFA: 70,559.19 (<100,000)
NUMBER OF OFF-STREET FREIGHT LOADING SPACES REQUIRED: 0

PROJECT DIRECTORY

OWNER
UNITED IRISH CULTURAL CENTER INCORPORATED
2700 45TH AVENUE
SAN FRANCISCO, CA. 94116
415-661-2700
SIGNATORY: LIAM REIDY, PRESIDENT

ARCHITECT
BUNTON MOUSAVI ARCHITECTURE,
d.b.a. "Studio BANAA"
2169 Folsom St, #S106
SAN FRANCISCO, CA 94110

NASTARAN MOUSAVI, RA
PRINCIPAL ARCHITECT
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415.314.7386

STRUCTURAL ENGINEER
DOLMEN CONSULTING ENGINEERS
DIARMUID MACNEILL, PE
2595 MISSION STREET, SUITE 200,
SAN FRANCISCO, CA 94110
415-409-9200

VICINITY MAP

BUILDING DATA

PROJECT ADDRESS: 2700 45TH AVE, SAN FRANCISCO, CA 94116

PARCEL # (BLOCK/LOT): 2513/026

YEAR BUILT: 1975

ZONING: NC-2 (NEIGHBORHOOD COMMERCIAL, SMALL SCALE)

4

HEIGHT/BULK: 100-A
THE APPLICABLE BULK LIMITS SHALL BE A MAXIMUM LENGTH OF 140' FEET AND A MAXIMUM DIAGONAL OF 180' FEET, APPLYING AT A HEIGHT OF 40' AND ABOVE.
LONGEST PROPERTY LINE = 132' - 6" (SEE 1/A1.1)
DIAGONAL= 174' - 1" (SEE 1/A2.11)

TOTAL PARCEL AREA: 16,250 SF

BUILDING USE (EXISING): CULTURAL CENTER

BUILDING USE (PROPOSED): CULTURAL CENTER

FLOOR AREA RATIO (EXISTING): 1.32

FLOOR AREA RATIO (PROPOSED): 109,384 SF * / 16,250 SF = 6.73
*ABOVE GRADE FLOORS + SUBTERRANEAN USES NOT PARKING OR MECHANICAL

BUILDING HEIGHT (EXISTING): 21'-0" (T.O. HIGHEST FLOOR), 35'-0" (T.O. ROOF)

BUILDING HEIGHT (PROPOSED): 91'-0" (T.O. ROOF PER SAN FRANCISCO PLANNING CODE SEC. 260(a)(1)(c), 96'-0" (T.O. PARAPET)
HEIGHT FROM LOWEST LEVEL OF FIRE DEPARTMENT ACCESS TO T.O. HIGHEST OCCUPIED FLOOR PER SFBC 403: 74'-11 1/2"

EXISTING BUILDING AREA : 21,263 GROSS SQFT

PROPOSED BUILDING AREA : 109,384 GROSS SQFT

EXISTING # OF STORIES : 3

PROPOSED # OF STORIES : 6 STORIES

EXISTING # OF STORIES BELOW GRADE: 0

PROPOSED # OF STORIES BELOW GRADE: 2

OCCUPANCY TYPE (EXISTING): A-3

OCCUPANCY TYPE (PROPOSED): A-3

CONSTRUCTION TYPE (EXISTING) : V-B, NOT SPRINKLERED

CONSTRUCTION TYPE (PROPOSED) : I-B, FULLY SPRINKLERED

ALLOWABLE AREA: IB, UL (UNLIMITED)

ESTIMATED EXCAVATION VOLUME

GROSS FLOOR AREA (SINGLE FLOOR, SUBTERRANEAN): 16250.06 FT
DEPTH (B.O. MAT SLAB TO T.O. FIRST FLOOR): 34.33FT
VOLUME: **20661.65036 CUBIC YD**

KIDDIE POOL MAT SLAB VOLUME (31.48(W) * 33.08(L) * 3(D)): 3124.0752 CUBIC FT **115.7064889 CUBIC YD**

LAP POOL + MAT SLAB VOLUME (46(W) * 77(L) * 6(D)): 21252 CUBIC FT **787.11111 CUBIC YD**

TOTAL SUBTERRANEAN VOLUME: 21564.46796 CUBIC YD

PROJECT SUMMARY TABLE

	EXISTING	PROPOSED
RESIDENTIAL	0 SF	0 SF
COMMERCIAL/RETAIL	21,263 SF*	100,554 SF*
OFFICE	0 SF	8,830 SF
BICYCLE PARKING	0 SF	1039 SF
USABLE OPEN SPACE	0 SF	6,057 SF
TOTAL ROOF AREA	0 SF	13,707 SF
LIVING ROOF AREA	0 SF	1,328 SF
SOLAR READY ZONE	0 SF	3,915 SF
MARKET RATE, AFFORDABLE, OR OTHER DWELLING UNITS	0 SF	0 SF

*BUILDING OPERATES AS A 501c3 NON-PROFIT

SQUARE FOOTAGE MATRIX - BY PROGRAM

PROGRAM	LOCATION (FLOOR)	GROSS SQUARE FOOTAGE	OCCUPIED FLOOR AREA
RESTAURANT	1ST, 5TH, 6TH	13,804 SF	10,882 SF
PRIVATE COMMUNITY FACILITY	6TH	2,590 SF	1,852 SF
PUBLIC COMMUNITY FACILITY	ALL	91,291 SF	63,361 SF
INSTRUCTIONAL SERVICE	4TH	3,849 SF	3,794 SF
BAR	2ND	1,236 SF	1,103 SF
OFFICE	4TH	8,831 SF	8,430 SF
TOTAL		121,601 SF	89,422 SF

SQUARE FOOTAGE MATRIX - BY FLOOR

FLOOR	SQUARE FOOTAGE (GROSS)	GSF (INCL. PARKING & MECH.)	OCCUPANCY
B2	15,744 SF	16,250 SF	A-3
B2 MEZZANINE	1,138 SF	6,707 SF	S-2
B1	2468 SF	16,250 SF	S-2
1ST	14,406 SF	14,473 SF	A-2, A-3
2ND	13,646 SF	13,680 SF	A-2
2ND FLOOR MEZZANINE	8,739 SF	8,795 SF	A-2
3RD	14,248 SF	14,283 SF	A-3
4TH	14,686 SF	14,721 SF	B
5TH	14,429 SF	14,464 SF	A-2, A-3
6TH	9,880 SF	9,915 SF	A-2
TOTAL	109,384 SF	129,538 SF	A-3 (PRIMARY OCCUPANCY)

LIST OF DRAWINGS

ARCHITECTURAL

A0.1	PROJECT INFORMATION
A0.2	EXISTING SITE & BUILDING PHOTOS
A0.3	BUILDING SURVEY
A0.4	BUILDING SURVEY
A0.5	PROPOSED RENDERINGS
A1.0	SITE PLAN - EXISTING/ DEMOLITION
A1.1	SITE PLAN - PROPOSED
A1.1A	SITE PLAN - PROPOSED - WIND SCENARIO 2A
A1.1B	SITE PLAN - PROPOSED - WIND SCENARIO 2B
A1.2	CITY STANDARD SITE DETAILS & TEMPLATES
A1.3	CITY STANDARD SITE DETAILS & TEMPLATES
A1.10	LANDSCAPING/ STREETSCAPE PLAN
A2.0	EXISTING 1ST FLOOR PLAN
A2.1	EXISTING 2ND FLOOR PLAN
A2.2	EXISTING 3RD FLOOR PLAN
A2.3	B2 FLOOR PLAN
A2.3A	B2 MEZZANINE PLAN
A2.4	B1 FLOOR PLAN
A2.5	1ST FLOOR PLAN
A2.6	2ND FLOOR PLAN
A2.7	2ND FLOOR MEZZANINE PLAN
A2.8	3RD FLOOR PLAN
A2.9	4TH FLOOR PLAN
A2.10	5TH FLOOR PLAN
A2.11	6TH FLOOR PLAN
A4.0	ROOF PLAN
A5.0	EXTERIOR ELEVATIONS - EXISTING
A5.1	EXTERIOR ELEVATIONS - EXISTING
A5.2	EXTERIOR ELEVATIONS - PROPOSED
A5.3	EXTERIOR ELEVATIONS - PROPOSED
A5.4	EXTERIOR ELEVATIONS - PROPOSED
A5.5	EXTERIOR ELEVATIONS - PROPOSED
A6.0	BUILDING SECTIONS
A6.1	BUILDING SECTIONS
A7.0	WALL SECTIONS
A7.1	EXTERIOR DETAILS
A9.0	SCHEDULES

PROPOSED RENDERING

45TH AVE & WAWONA ST BIRD'S-EYE VIEW

4

TDM MEASURES

NAME	OPTION	REQUIREMENT	PROPOSED	DWG REF	POINTS	NOTES
ACTIVE-2	A	- 16 CLASS 1 SPACES PER PLANNING - 44 CLASS 2 SPACES PER PLANNING	- 42 CLASS 1 SPACES PROVIDED - 44 CLASS 2 SPACES PROVIDED	1 / A2.4 "BICYCLE PARKING COUNT" / A2.4 1 / A2.5	1	
ACTIVE-3		1 SHOWER AND 6 LOCKERS	- LEVEL B2: 19 SHOWERS, 50 LOCKERS - LEVEL 5: 19 SHOWERS, 19 LOCKERS	1 / A2.3 1 / A2.10	1	PROPOSED SHOWER/LOCKER COUNTS EXCLUDE MEMBERS-ONLY FACILITIES
ACTIVE-5a		BICYCLE REPAIR STATION	BICYCLE REPAIR STATION IS PROVIDED WITHIN SECURE BIKE CAGE ON LEVEL B1, NEAR CLASS 1 BICYCLE PARKING	1 / A2.4	1	
CSHARE-1	A	PROVIDE 1 CAR-SHARE SPACE MIN	2 CAR-SHARE SPACES PROVIDED PER PLANNING	1 / A2.4	1	
DELIVERY-1		DELIVERY SUPPORTIVE AMENITIES	DELIVERY STORAGE LOCKERS TO BE PROVIDED IN VESTIBULE 278, UNDER THE STAIR.	1 / A2.5	1	
INFO-1		MULTIMODAL WAYFINDING SIGNAGE	LARGE INTERACTIVE SCREEN IS PROVIDED IN THE LOBBY FOR INFORMATION	1 / A2.5 "INTERIOR - LOBBY, GALLERY, RETAIL, INTERACTIVE SIGN" / A0.5	1	
INFO-2		REAL-TIME TRANSPORTATION INFORMATION DISPLAYS	LARGE INTERACTIVE SCREEN IS PROVIDED IN THE LOBBY OFFERING REAL-TIME TRANSPORTATION INFORMATION	1 / A2.5 "INTERIOR - LOBBY, GALLERY, RETAIL, INTERACTIVE SIGN" / A0.5	1	
INFO-3	B	PROVIDE PROMOTIONS/ WELCOME PACKETS & A REQUEST FOR COMMITMENT TO TRY NEW TRANSPORTATION OPTIONS.	OWNER TO PROVIDE REQUIRED PROMOTIONS/ PACKETS TO AND REQUEST FOR COMMITMENT FROM EMPLOYEES.		2	
TOTAL PNTS					9	

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ARCHITECT	ENGINEER
LICENSED ARCHITECT DANE W. BUNTON RENEWAL 08-31-25 C-36022 STATE OF CALIFORNIA	

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REVISION HISTORY

NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022
2	SFMTA COMMENTS	11/26/2022
4	PCL REV 2	7/18/2023

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

PROJECT INFORMATION

Date 07/18/2023

Scale

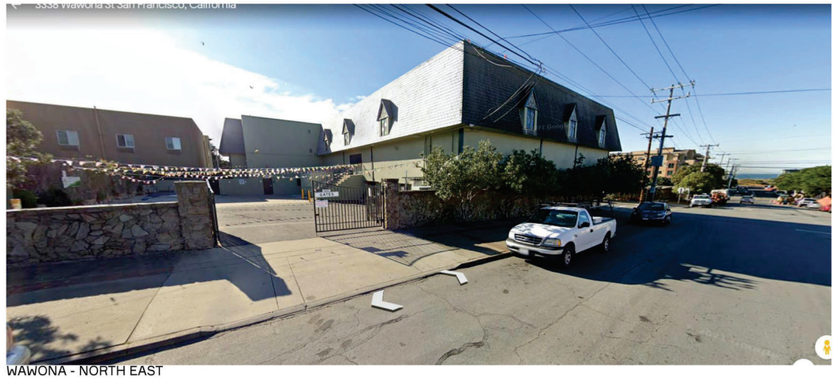
Project Number 20007

Drawing Number A0.1

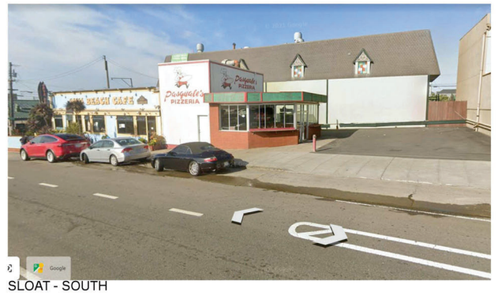
United Irish Cultural Center

EXISTING PROPERTY PHOTOS

CORNER 45TH AND WAWONA - NORTH WEST

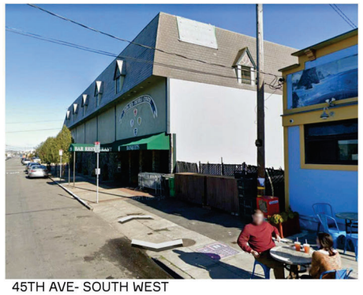


WAWONA - NORTH EAST



SLOAT - SOUTH

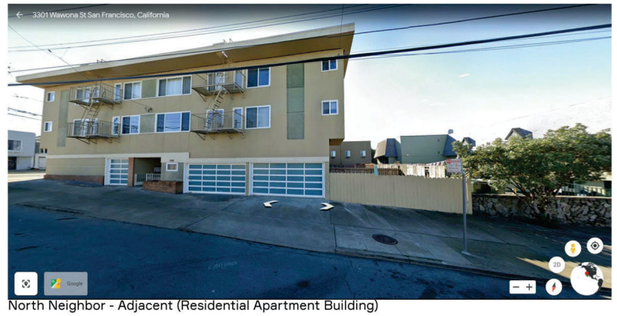
SLOAT & 45TH AVE- SOUTH WEST



45TH AVE- SOUTH WEST

United Irish Cultural Center

Adjacent Properties/Neighborhood Photos



North Neighbor - Adjacent (Residential Apartment Building)

North Neighbor - Opposite (Residential homes)

South Neighbor - Adjacent (Cafe, Restaurant, & Hotel)

West Neighbor - Opposite (Sloat Garden Center / Planned Residential Development)

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REVISION HISTORY

NO.	REMARKS	DATE

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

EXISTING SITE & BUILDING PHOTOS

Date 07/18/2023

Scale

Project Number 20007

Drawing Number A0.2

GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)

1 inch = 10ft.

GENERAL NOTES:

1. ALL DISTANCES ARE IN DECIMAL FEET UNLESS OTHERWISE NOTED.
2. THIS MAP REPRESENTS THE SITE CONDITIONS ON DATE OF FIELD SURVEY. JUNE 14, 2021. UPDATED JANUARY 5, 2021.
3. ELEVATIONS ARE BASED ON THE FOUND CROW CUT OUTER RIM OF THE CATCH BASIN LOCATED IN THE NORTHWEST CURB RETURN OF SLOAT BLVD AND 45TH AVENUE. ELEVATION=28.224' CITY AND COUNTY OF SAN FRANCISCO OLD CITY DATUM.

SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY AT THE REQUEST OF LEO CASSIDY IN JUNE 2021.

BY: _____
DANIEL J. WESTOVER, L.S. 7779

DATE: 1/18/2022

PROFESSIONAL LAND SURVEYOR DANIEL J. WESTOVER NO. 7779 STATE OF CALIFORNIA

LEGEND

- PROPERTY LINE
- BLOCK/ADJOINER LINE
- OVER HANG
- WOOD FENCE
- BUILDING FOOTPRINT
- TREE WITH DIA. (IN INCHES)
- SPOT ELEVATION
- OH OVER HANG
- FL TOP OF WALL
- TC BOTTOM OF WALL
- UKN UTL UNKNOWN UTILITY
- FL FLOWLINE
- TC TOP OF CURB
- TC TP X TOP OF CURB CUT
- TC BT X BOTTOM OF CURB CUT
- TYP. TYPICAL
- BLD BUILDING
- CO CLEAN OUT
- WM WATER METER
- GV GAS VALVE
- GR GROUND COVER
- BOLLARD
- DRAIN
- JOINT POLE
- SIGN
- SS SANITYARY SEWER INLET

WAWONA STREET
80.00' WIDE

45TH AVENUE
70.00' WIDE

WOOD COVER LABELED GAS VALVE

SFWD VALVES

LIGHT POST

LIGHT POST–ELECTRIC

MH

MARKED GAS

MARKED WATER

UKN UTL

OVER HANG LINE

BRICK PERIMETER, WITH PLANTER POTS (TYPICAL)

132.50'

125.00'

100.00'

BOUNDARY NOTE:

BOUNDARY INFORMATION SHOWN HEREON IS FOR PLANNING PURPOSES ONLY AND IS NOT A FINAL BOUNDARY SURVEY.

UTILITY NOTE:

ALL UTILITIES ABOVE AND BELOW GROUND MUST BE VERIFIED WITH RESPECT TO SIZES, HORIZONTAL AND VERTICAL LOCATIONS BY THE OWNER AND/OR CONTRACTOR PRIOR TO DESIGN OR CONSTRUCTION. IT IS RECOMMENDED TO HAVE ALL UNDERGROUND UTILITIES ACCURATELY LOCATED PRIOR TO ANY EXCAVATION. NO RESPONSIBILITY IS ASSUMED BY THE SURVEYOR FOR THE LOCATION OF UNDERGROUND OR HIDDEN UTILITIES.

UNITED IRISH CULTURAL CENTER

2700 45TH AVENUE

APN 2513-026
16,250± SQ.FT.

CONC PAD
UKN UTL
UTL BOX
BOLLARD (TYP.)
MARKED PGE ELECTRIC
FENCE ABOVE WALL
BRICK PLANTER (TYP.)
PARKING LOT
FF UPPER LEVEL 45.05'
FF LOWER LEVEL 31.67'
ABOVE
STAIRS
BUILDING AT GROUND
DRAIN
TOP BLD

APN 2513-022
3301 WAWONA ST.
3-STORY STUCCO BUILDING

APN 2513-023
2707 44TH AVE.
3-STORY STUCCO BUILDING

APN 2513-024
2713 44TH AVE
3-STORY STUCCO BUILDING

APN 2513-025
2719 44TH AVE.
3-STORY STUCCO BUILDING

WS Westover Surveying
336 CLAREMONT BLVD. STE 1
SAN FRANCISCO, CA 94127
(415) 242-5400
www.westoversurveying.com

JOB NO. 21046

NO.	DATE	COMMENTS
1	1/6/2022	ADD ROAD, RAMP AND UTL INFORMATION

DRAWN BY: AM
CHECKED BY: DJW
DATE: 1/6/2022
SCALE: 1"=10'

SITE SURVEY

2700 45TH AVENUE
APN 2513-026
SAN FRANCISCO, CALIFORNIA

~SHEET~ 1 OF 2

GRAPHIC SCALE

10 0 5 10 20 40

(IN FEET)
1 inch = 10ft.

LEGEND

	PROPERTY LINE
	BLOCK/ADJOINER LINE
OH	OVER HANG
x	WOOD FENCE
	BUILDING FOOTPRINT
	TREE WITH DIA. (IN INCHES)
+153.27	SPOT ELEVATION
OH	OVER HANG
FL	TOP OF WALL
TC	BOTTOM OF WALL
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FL	FLOWLINE
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TC BT X	BOTTOM OF CURB CUT
TYP.	TYPICAL
BLD	BUILDING
CO	CLEAN OUT
WM	WATER METER
GV	GAS VALVE
GR	GROUND COVER
	BOLLARD
	DRAIN
	JOINT POLE
	SIGN
SSI	SANITYARY SEWER INLET

GENERAL NOTES:

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3. ELEVATIONS ARE BASED ON THE FOUND CROW CUT OUTER RIM OF THE CATCH BASIN LOCATED IN THE NORTHWEST CURB RETURN OF SLOAT BLVD AND 45TH AVENUE. ELEVATION=28.224' CITY AND COUNTY OF SAN FRANCISCO OLD CITY DATUM.

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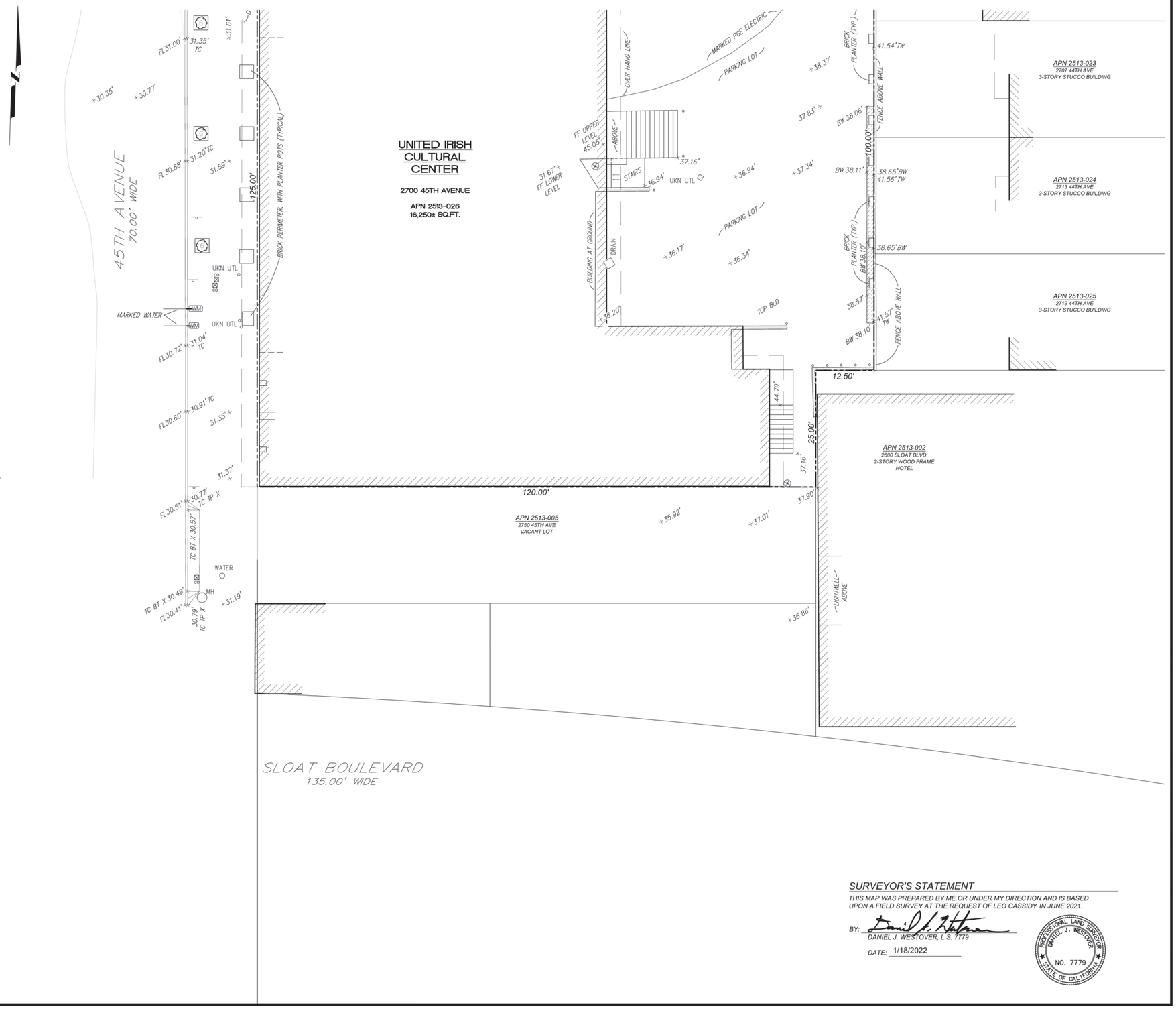

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BY: _____
DANIEL J. WESTOVER, L.S. 7779

DATE: 1/18/2022

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JOB NO. 21046

NO.	DATE	COMMENTS
1	1/6/2022	ADD ROAD, RAMP AND UTL INFORMATION

DRAWN BY: AM
CHECKED BY: DJW
DATE: 6/28/2021
SCALE: 1"=10'

SITE SURVEY

2700 45TH AVENUE
APN 2513-026
SAN FRANCISCO, CALIFORNIA

~SHEET~ 2 OF 2

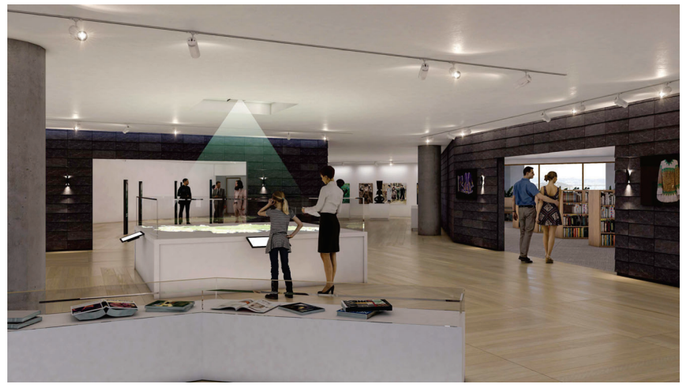
45TH AVE & SLOAT BLVD

45TH AVE & WAWONA ST

WAWONA ST

INTERIOR - LOBBY

INTERIOR - LOBBY, GALLERY, RETAIL, INTERACTIVE SIGN



INTERIOR - MUSEUM, LIBRARY

INTERIOR - READING ROOM, MUSEUM

INTERIOR - MUSEUM

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REVISION HISTORY

NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

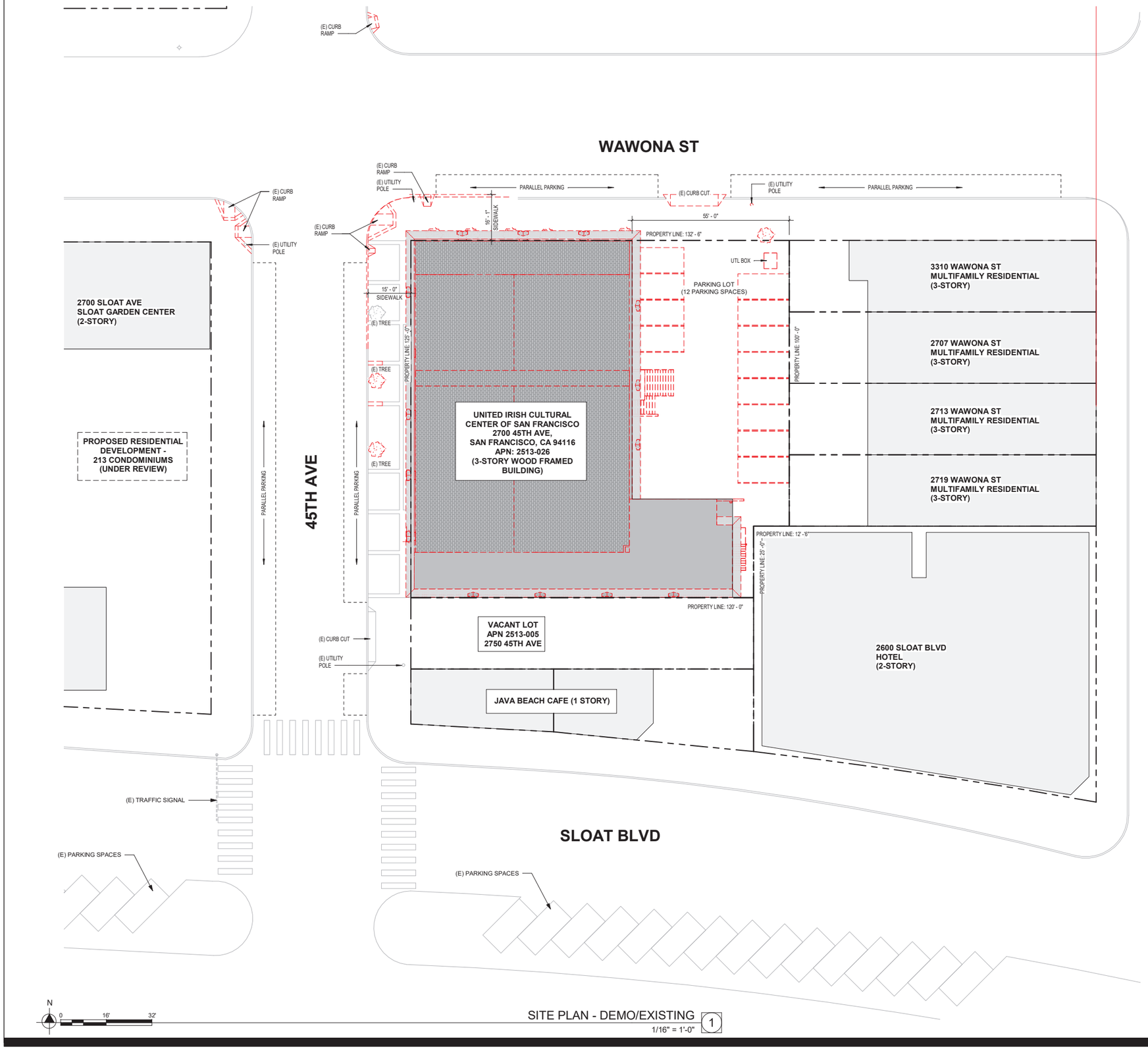
PROPOSED RENDERINGS

Date
07/18/2023

Scale

Project Number
20007

Drawing Number
A0.5



SITE PLAN - DEMO/EXISTING (1)
1/16" = 1'-0"

GENERAL NOTES

1. THIS PROJECT IS LOCATED IN DOWNTOWN PARKING EXEMPT DISTRICT.
2. 2019 SFBC TABLE 601 TYPES OF CONSTRUCTION: TYPE IB
3. 2019 SFBC TABLE 602, FIRE RESISTANCE RATING REQUIREMENTS FOR NON-BEARING EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE "X" (ASSEMBLY OCCUPANCY):
   X < 5' = 1 HOUR
   5' ≤ X < 10' = 1 HOUR
   10' ≤ X < 30' = 1 HOUR
   X ≥ 30' = 0 HOURS
4. 2019 SFBC TABLE 705.8, MAX AREA OF EXTERIOR WALL OPENINGS (UNPROTECTED, SPRINKLERED PER 903.3.1.1). SEE TABLE BELOW:

FACADE	STORY (ABOVE GRADE)	FSD	ALLOWABLE AREA	ACTUAL AREA
NORTH (WAWONA ST)	1	>30'	NO LIMIT	N/A
	2	>30'	NO LIMIT	N/A
	3	>30'	NO LIMIT	N/A
	4	>30'	NO LIMIT	N/A
	5	>30'	NO LIMIT	N/A
	6	>30'	NO LIMIT	N/A
SOUTH	1 (TYP)	0'	NOT PERMITTED	NONE
	1 (SETBACK)	15'-0" - 17'-8"	75%	71%
	2 (TYP)	0'	NOT PERMITTED	NONE
	2 (SETBACK)	16'-5" - 22'-10"	75%	100%
	3	0'	NOT PERMITTED	NONE
	3 (SETBACK)	3'-0"	15%	15%
	3 (SETBACK)	16'-5" - 22'-10"	75%	100%
	4	0'	NOT PERMITTED	NONE
	4 (SETBACK)	3' - 0"	15%	22%
	4 (SETBACK)	9'-2"	25%	92%
	5	0'	NOT PERMITTED	NONE
	5 (SETBACK)	4' - 6"	15%	20%
	5 (SETBACK)	9'-2"	25%	92%
	6	0'	NOT PERMITTED	NONE
	6 (SETBACK)	6' - 1"	25%	16%
	6 (SETBACK)	25'-0"	NO LIMIT	N/A
EAST	1	0'	NOT PERMITTED	NONE
	2	0'	NOT PERMITTED	NONE
	3	15' - 0"	45%	41%
	4	15' - 0"	45%	34%
	5	15' - 0"	45%	27%
	6	15' - 0"	45%	14%
WEST (45TH ST)	1	>30'	NO LIMIT	N/A
	2	>30'	NO LIMIT	N/A
	3	>30'	NO LIMIT	N/A
	4	>30'	NO LIMIT	N/A
	5	>30'	NO LIMIT	N/A
	6	>30'	NO LIMIT	N/A

5. POWER FROM UTILITY INTO PROPOSED TRANSFORMER VAULTS TO BE SUBTERRANEAN.

LEGEND

— — —	PROPERTY LINE

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REVISION HISTORY

NO.	REMARKS	DATE
3	SFMTA COMMENTS	4/13/2023

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

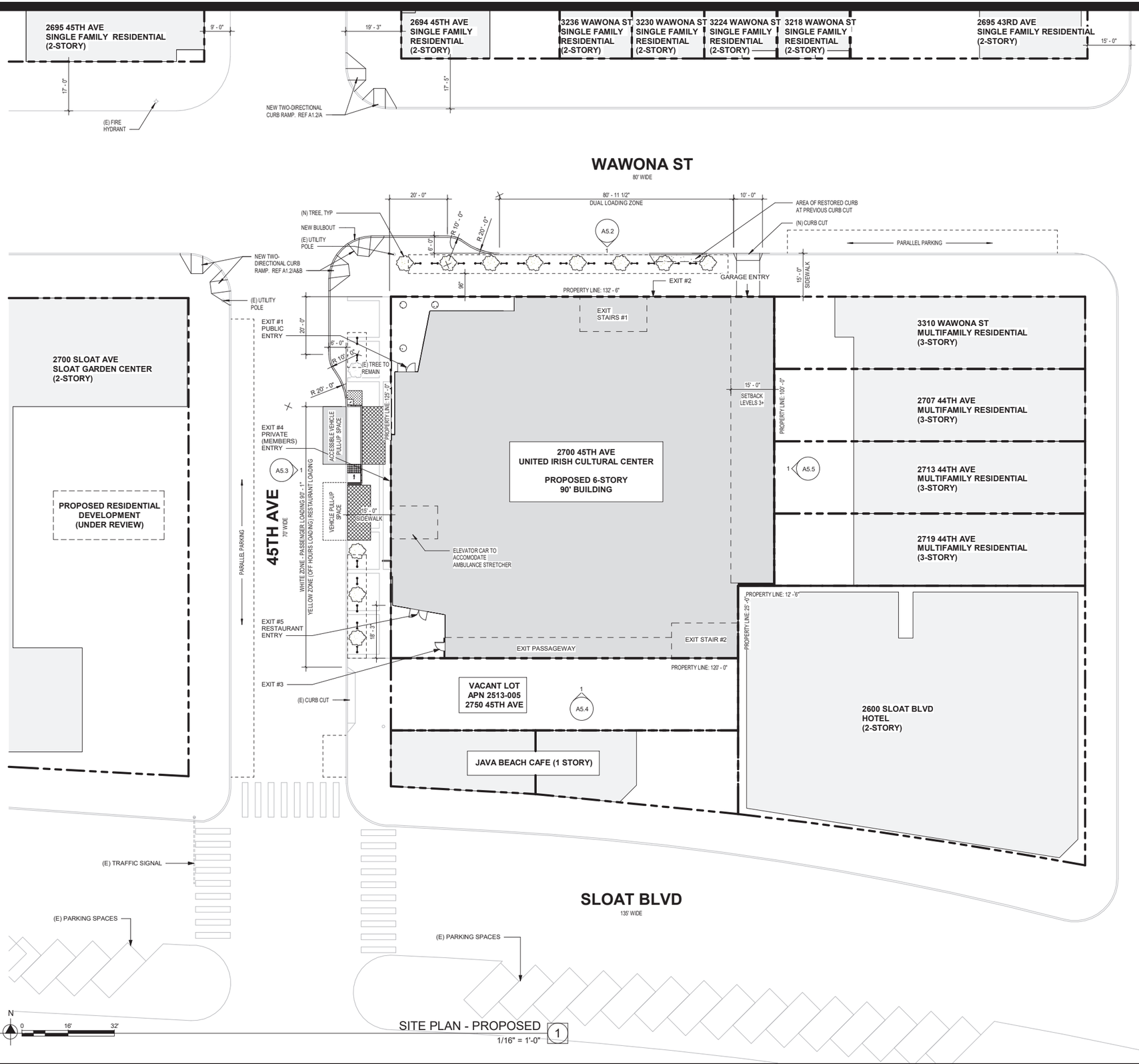
SITE PLAN - EXISTING/ DEMOLITION

Date
07/18/2023

Scale
As indicated

Project Number
20007

Drawing Number
A1.0



GENERAL NOTES

1. THIS PROJECT IS LOCATED IN DOWNTOWN PARKING EXEMPT DISTRICT.
2. 2019 SFBC TABLE 601 TYPES OF CONSTRUCTION: TYPE IB
3. 2019 SFBC TABLE 602, FIRE RESISTANCE RATING REQUIREMENTS FOR NON-BEARING EXTERIOR WALLS BASED ON FIRE SEPARATION DISTANCE "X" (ASSEMBLY OCCUPANCY):
   X < 5' = 1 HOUR
   5' ≤ X < 10' = 1 HOUR
   10' ≤ X < 30' = 1 HOUR
   X ≥ 30' = 0 HOURS
4. 2019 SFBC TABLE 705.8, MAX AREA OF EXTERIOR WALL OPENINGS (UNPROTECTED), SPRINKLERED PER 903.3.1.1). SEE TABLE BELOW:

FACADE	STORY (ABOVE GRADE)	FSD	ALLOWABLE AREA	ACTUAL AREA
NORTH (WAWONA ST)	1	>30'	NO LIMIT	N/A
	2	>30'	NO LIMIT	N/A
	3	>30'	NO LIMIT	N/A
	4	>30'	NO LIMIT	N/A
	5	>30'	NO LIMIT	N/A
	6	>30'	NO LIMIT	N/A
SOUTH	1 (TYP)	0'	NOT PERMITTED	NONE
	1 (SETBACK)	15'-0" - 17'-8"	75%	71%
	2 (TYP)	0'	NOT PERMITTED	NONE
	2 (SETBACK)	16'-5" - 22'-10"	75%	100%
	3	0'	NOT PERMITTED	NONE
	3 (SETBACK)	3'-0"	15%	15%
	3 (SETBACK)	16'-5" - 22'-10"	75%	100%
	4	0'	NOT PERMITTED	NONE
	4 (SETBACK)	3' - 0"	15%	22%
	4 (SETBACK)	9'-2"	25%	92%
	5	0'	NOT PERMITTED	NONE
	5 (SETBACK)	4' - 6"	15%	20%
	5 (SETBACK)	9'-2"	25%	92%
	6	0'	NOT PERMITTED	NONE
	6 (SETBACK)	6' - 1"	25%	16%
	6 (SETBACK)	25'-0"	NO LIMIT	N/A
EAST	1	0'	NOT PERMITTED	NONE
	2	0'	NOT PERMITTED	NONE
	3	15' - 0"	45%	41%
	4	15' - 0"	45%	34%
	5	15' - 0"	45%	27%
	6	15' - 0"	45%	14%
WEST (45TH ST)	1	>30'	NO LIMIT	N/A
	2	>30'	NO LIMIT	N/A
	3	>30'	NO LIMIT	N/A
	4	>30'	NO LIMIT	N/A
	5	>30'	NO LIMIT	N/A
	6	>30'	NO LIMIT	N/A

5. POWER FROM UTILITY INTO PROPOSED TRANSFORMER VAULTS TO BE SUBTERRANEAN.

LEGEND

— — —	PROPERTY LINE

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REVISION HISTORY

NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022
2	SFMTA COMMENTS	11/26/2022

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

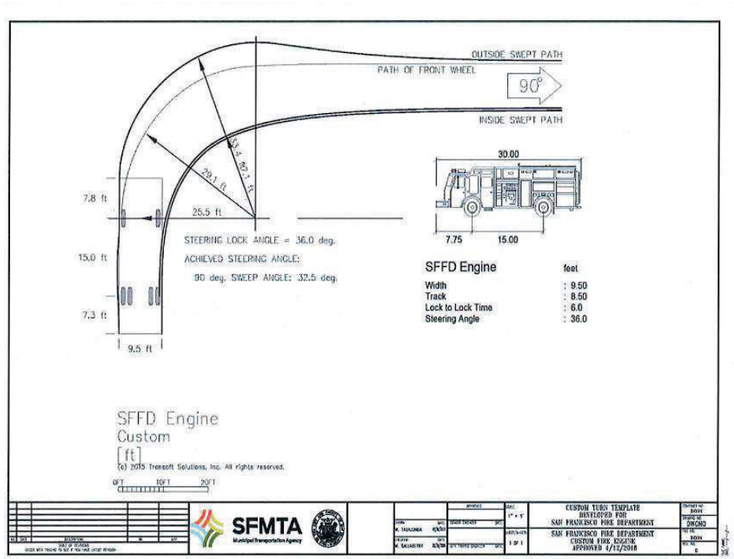
SITE PLAN - PROPOSED

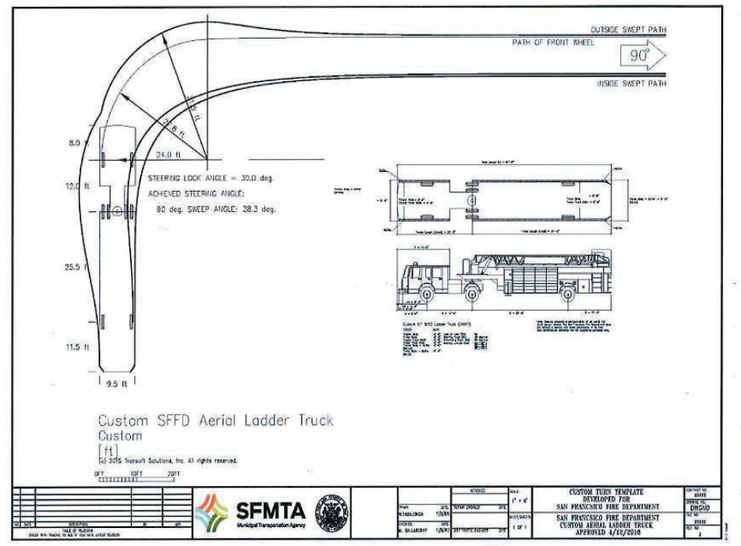
Date
07/18/2023

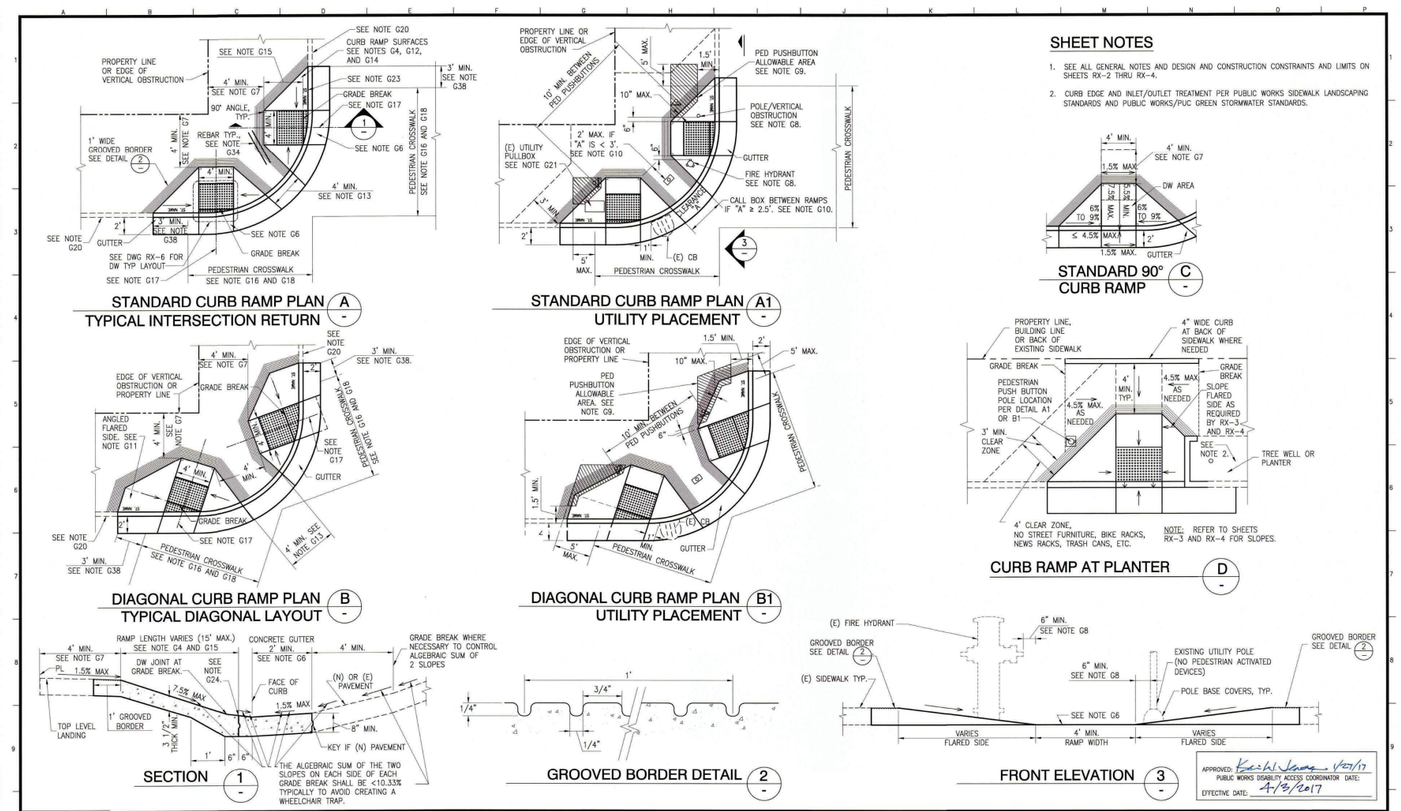
Scale
As indicated

Project Number
20007

Drawing Number
A1.1







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REVISION HISTORY

NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022

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PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

CITY STANDARD SITE DETAILS & TEMPLATES

Date
07/18/2023

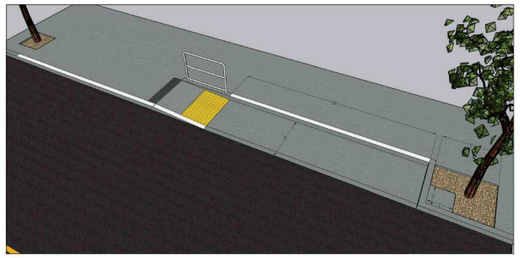
Scale
As indicated

Project Number
20007

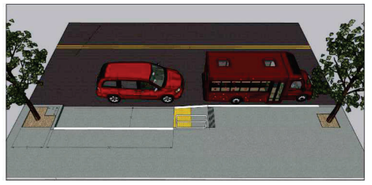
Drawing Number
A1.2

STANDARD ACCESSIBLE PASSENGER LOADING ZONE RENDERINGS

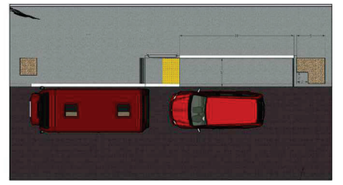
SIDEWALK WIDTH: 14' MIN. (13' MIN. IN TREASURE ISLAND)



FRONT ISOMETRIC VIEW



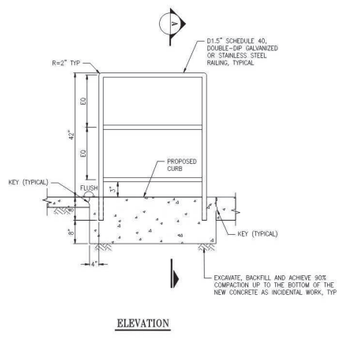
REAR VIEW



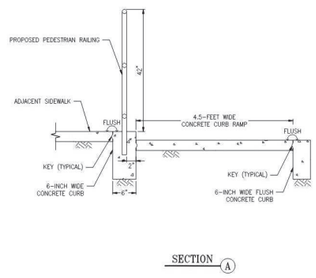
TOP VIEW

Not to Scale	Issue Date: 02/25/22	Information Bulletin:	MOD-10
Full size printing: 11x17	Revision Date: —/—/—	Sheet #: 10.2	(2 of 4)

STANDARD ACCESSIBLE PASSENGER LOADING ZONE PEDESTRIAN RAILING DETAIL



ELEVATION



SECTION (A)

NOTES:

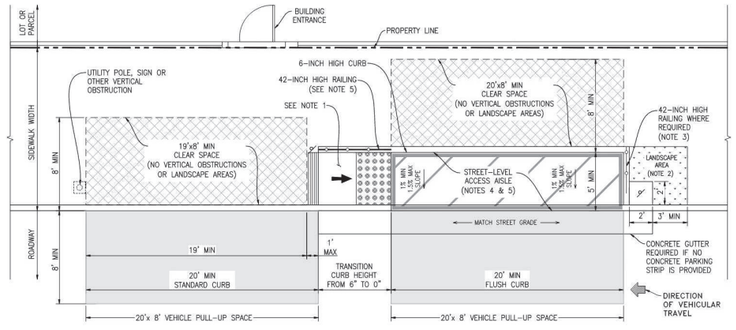
1. ALL EXPOSED CORNERS AND EDGES SHALL BE EASED WITH A RADIUS OF 1/16-INCH.
2. ALL RAILINGS SHALL COMPLY WITH CALIFORNIA BUILDING CODE STRUCTURAL REQUIREMENTS.
3. RAILINGS SHALL BE SET BACK 18" FROM FACE OF CURB.
4. RAILING SHALL BE FULLY FABRICATED PRIOR TO GALVANIZING.

Not to Scale	Issue Date: 02/25/22	Information Bulletin:	MOD-10
Full size printing: 11x17	Revision Date: —/—/—	Sheet #: 10.3	(3 of 4)

Mayor's Office on Disability
Information Bulletin MOD-10

STANDARD ACCESSIBLE PASSENGER LOADING ZONE LAYOUT GUIDELINES

SIDEWALK WIDTH: 14' MIN. (13' MIN. IN TREASURE ISLAND)



NOTES:

1. CURB RAMP SHALL COMPLY WITH ACCESSIBLE STREET CROSSING STANDARD – STANDARD CURB RAMP PLANS AS REQUIRED BY PUBLIC WORKS ORDER 185854.
2. LANDSCAPE AREA DIMENSIONS & PLACEMENT MAY VARY AND SHALL COMPLY WITH PUBLIC WORKS ORDER 178,631 – PLANTING, MAINTENANCE, AND REMOVAL OF TREES AND LANDSCAPE MATERIALS, PUBLIC WORKS BUREAU OF URBAN FORESTRY (BUF) REQUIREMENTS, AND SF BETTER STREETS PLAN.
3. IF LANDSCAPE AREA IS LESS THAN 5' WIDTH OR OTHERWISE NOT PROVIDED, A RAILING IS REQUIRED ALONG THE CURB ON THE SIDE OF THE STREET LEVEL ACCESS AISLE.
4. STREET LEVEL ACCESS AISLE SHALL BE CONCRETE AND HAVE A MINIMUM THICKNESS OF 6-INCHES.
5. PROJECT SPONSOR IS RESPONSIBLE FOR MAINTENANCE AND REPAIR OF RAILING(S) AND ENSURING STREET-LEVEL ACCESS AISLE IS FREE FROM DEBRIS. MECHANICAL STREET SWEEPERS CANNOT ACCESS THIS AREA.
6. ACCESS AISLES SHALL BE MARKED WITH A PAINTED BORDERLINE AROUND THEIR PERIMETER. THE AREA WITHIN THE BORDERLINES SHALL BE MARKED WITH HATCHED LINES A MAXIMUM OF 36 INCHES ON CENTER IN A COLOR CONTRASTING WITH THAT OF THE ACCESS AISLE SURFACE.
7. VEHICLE PULL-UP SPACES AND ACCESS AISLES SHALL PROVIDE A VERTICAL CLEARANCE OF 114 INCHES.
8. COLOR CURB ZONE EXTENTS AND SIGNAGE SHALL BE DETERMINED BY SFMTA COLOR CURB PROGRAM.
9. IF THE STREET-LEVEL ACCESS AISLE SERVES MORE THAN ONE VEHICLE PULL-UP SPACE, A CURB RAMP IS REQUIRED ON BOTH SIDES OF THE ACCESS AISLE.

Not to Scale	Issue Date: 02/25/22	Information Bulletin:	MOD-10
Full size printing: 11x17	Revision Date: —/—/—	Sheet #: 10.1	(1 of 4)

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REVISION HISTORY

NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

CITY STANDARD SITE DETAILS & TEMPLATES

Date
07/18/2023

Scale
1/2" = 1'-0"

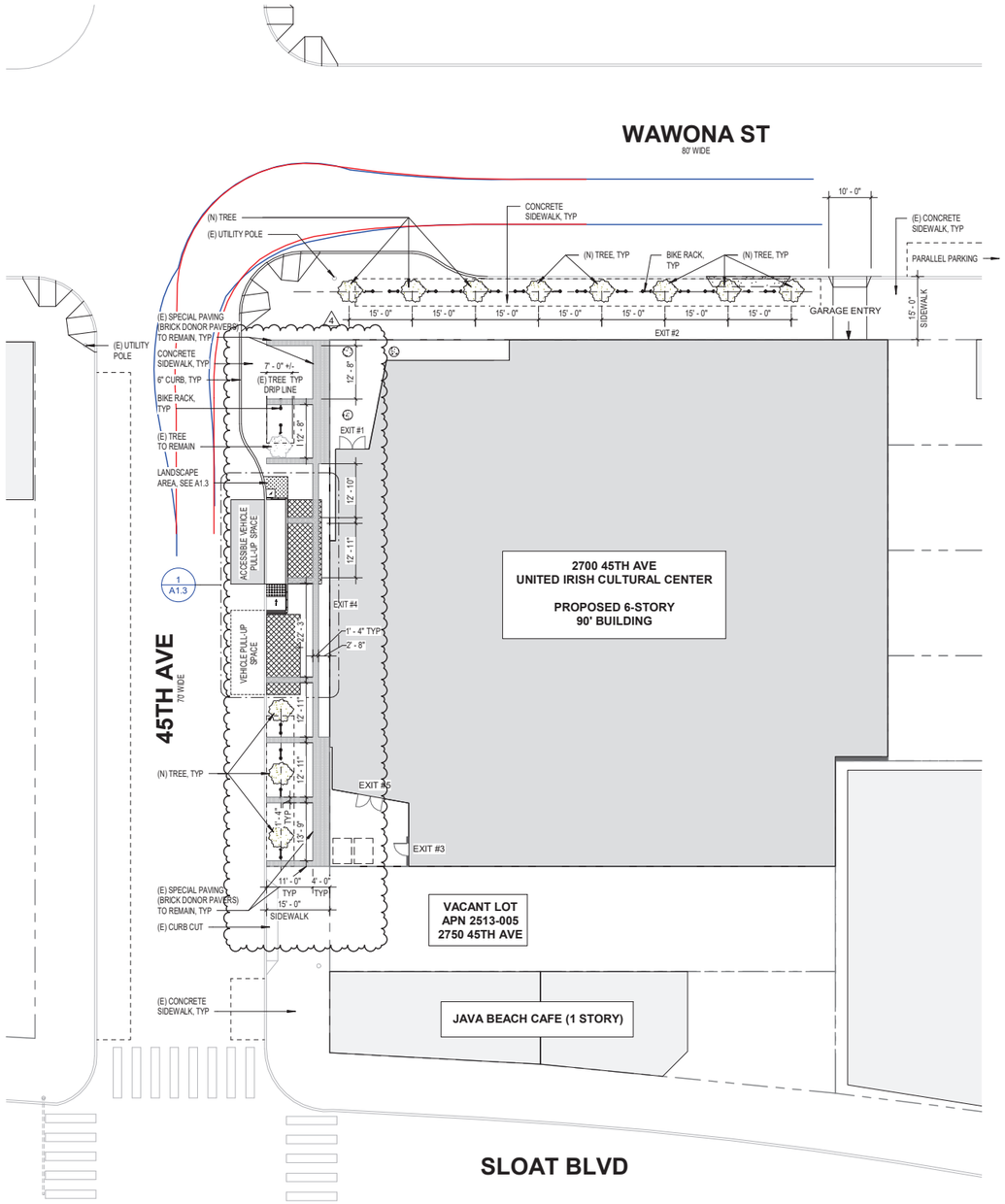
Project Number
20007

Drawing Number
A1.3

GENERAL NOTES

1. NEW STREET TREES TO HAVE A MIN TRUNK DIA OF 2" AT 8-FT OF HEIGHT.
2. MIN TREE SIZE AT PLANTING IS A 24" BOX.
3. TREE BRANCHES THAT EXTEND INTO THE PATH OF TRAVEL MUST MAINTAIN 80" OF VERTICAL CLEARANCE.
4. TREE SPECIES, SIZE, AND SPACING TO BE CONFIRMED WITH BUREAU OF URBAN FORESTRY (BUF) AND ALIGN WITH SF BETTER STREETS PLAN.
5. BIKE RACKS SHOWN ARE THE INVERTED "U" RAIL RACK.
6. REF SHEET A1.2 FOR TURN TEMPLATE DIAGRAMS. TURNING LINEWORK IDENTIFIED ON THIS PLAN AS FOLLOWS:
7. ANY EXCAVATION WITHIN THE DRIPLINE OF TREES WILL REQUIRE A TREE PROTECTION PLAN BY PUBLIC WORKS.

— CUSTOM SFFD ENGINE
— CUSTOM SFFD LADDER



LANDSCAPING/ STREETSCAPE PLAN 1
1/16" = 1'-0"

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NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022
2	SFMTA COMMENTS	11/26/2022
3	SFMTA COMMENTS	4/13/2023
4	PCL REV 2	7/18/2023

KEY

PLANNING APPLICATION

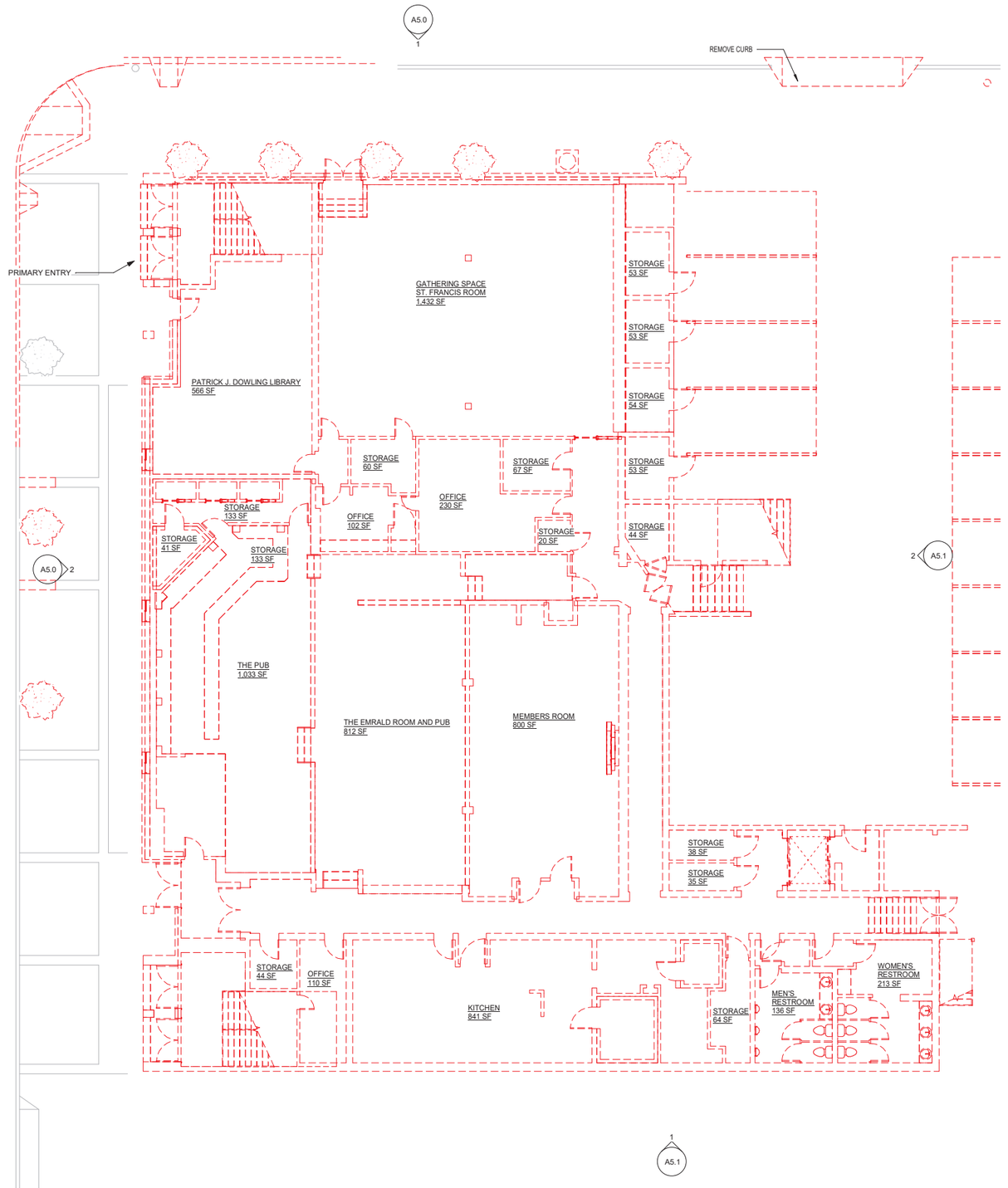
UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

LANDSCAPING/ STREETSCAPE PLAN

Date 07/18/2023
Scale 1/16" = 1'-0"
Project Number 20007
Drawing Number A1.10



EXISTING 1ST FLOOR PLAN 1

1/8" = 1'-0"

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NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

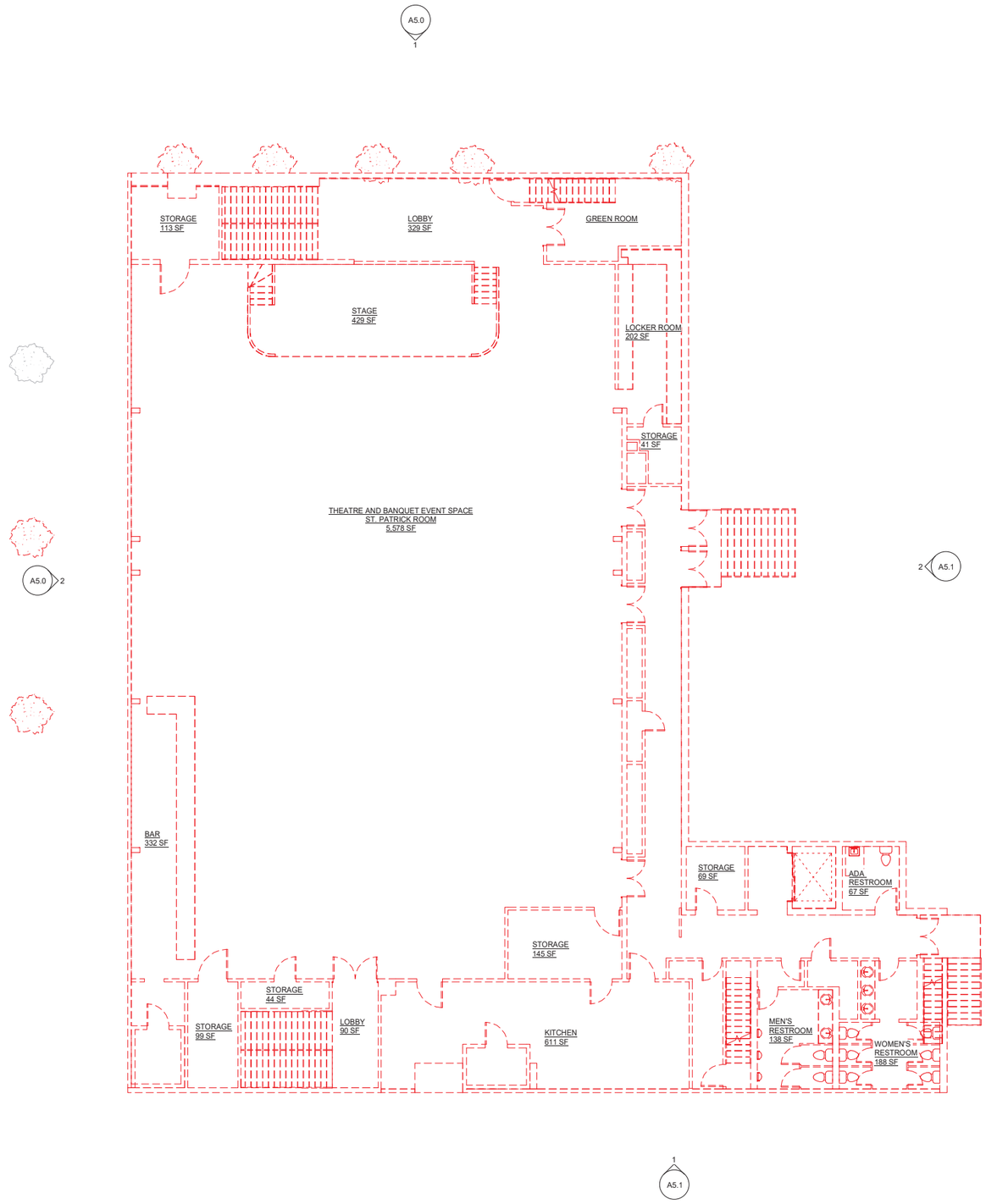
EXISTING 1ST FLOOR PLAN

Date
07/18/2023

Scale
1/8" = 1'-0"

Project Number
20007

Drawing Number
A2.0



N 0 8' 16'

EXISTING SECOND FLOOR PLAN 1

1/8" = 1'-0"

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REVISION HISTORY

NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

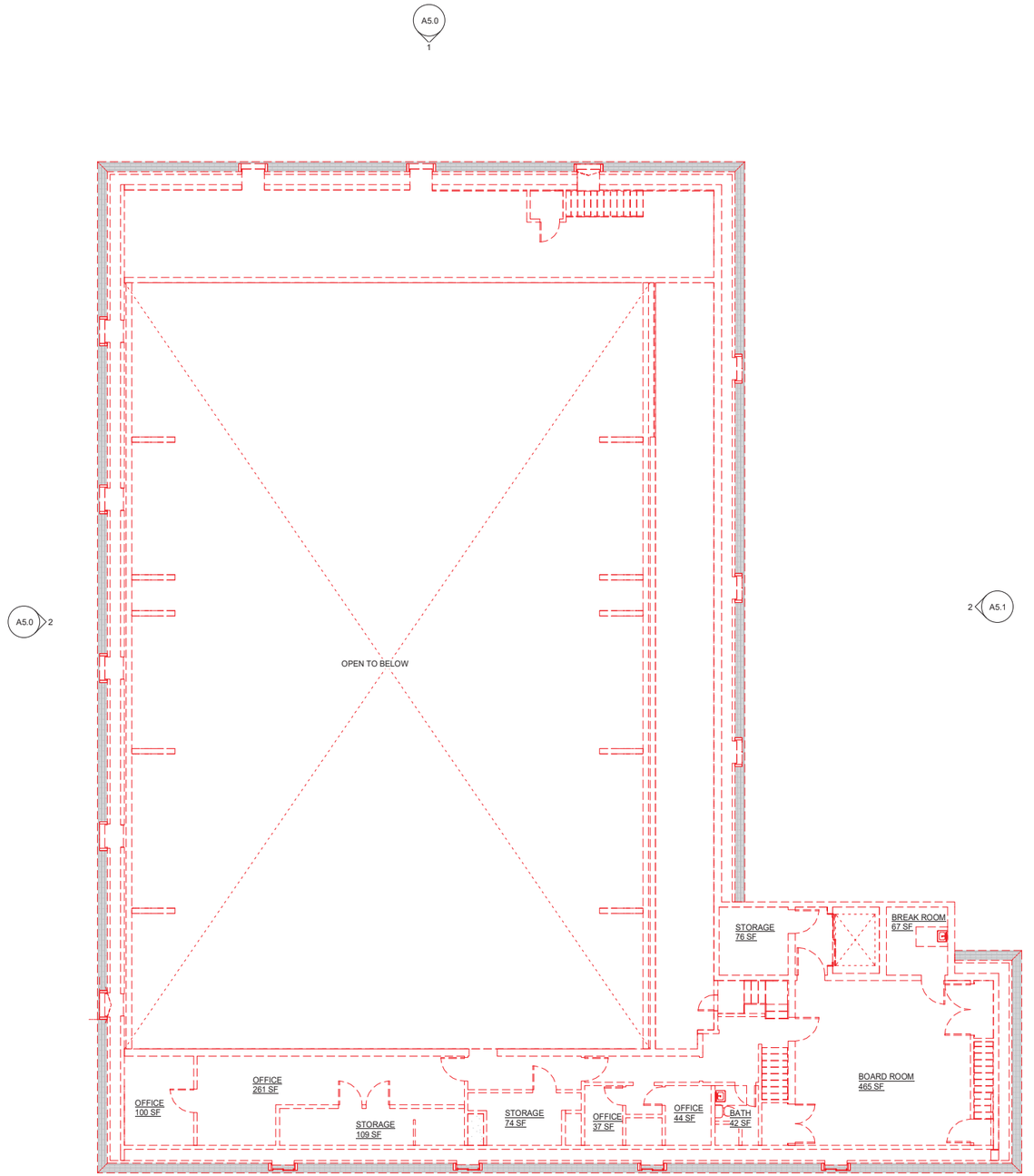
EXISTING 2ND FLOOR PLAN

Date
07/18/2023

Scale
1/8" = 1'-0"

Project Number
20007

Drawing Number
A2.1



N 0 8' 16'

EXISTING 3RD FLOOR PLAN
1/8" = 1'-0"
1

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1	PCL REV 1	10/12/2022

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

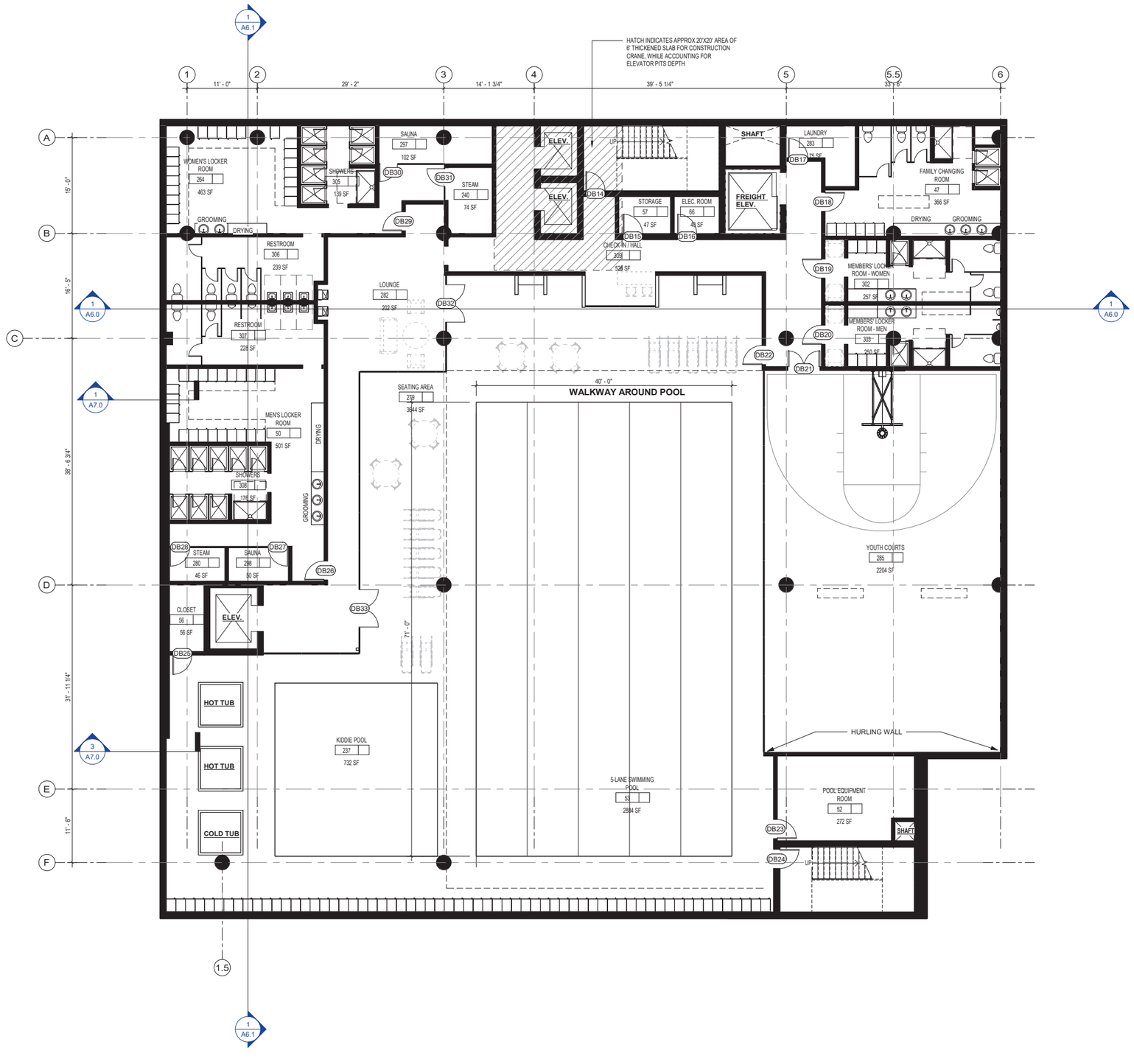
EXISTING 3RD FLOOR PLAN

Date
07/18/2023

Scale
1/8" = 1'-0"

Project Number
20007

Drawing Number
A2.2



B2 FLOOR PLAN 1
1/8" = 1'-0"

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REVISION HISTORY

NO.	REMARKS	DATE

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

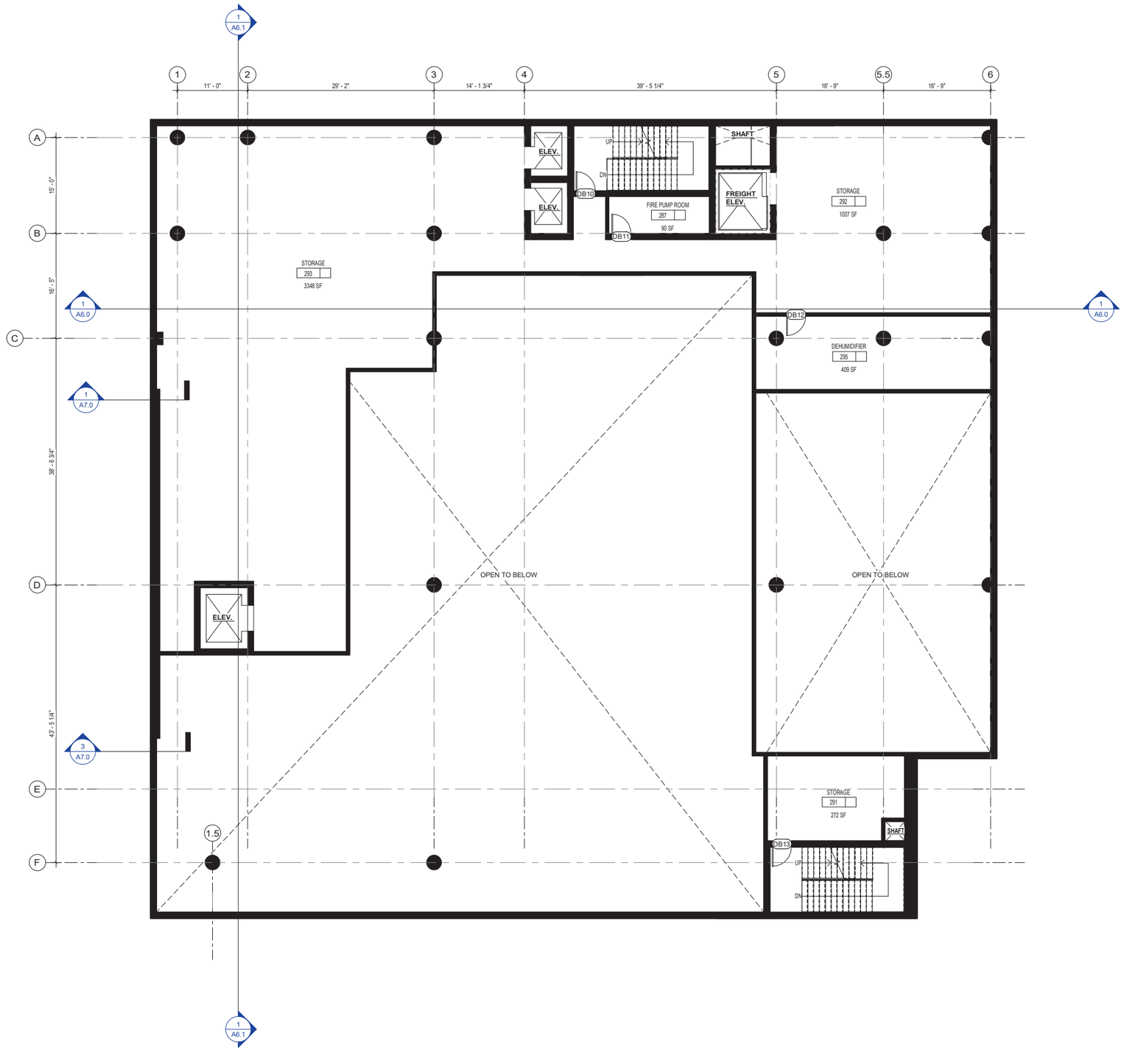
B2 FLOOR PLAN

Date 07/18/2023

Scale 1/8" = 1'-0"

Project Number 20007

Drawing Number A2.3



N

0 8' 16'

B2 FLOOR MEZZANINE PLAN 1

1/8" = 1'-0"

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LICENSED ARCHITECT
DANE W. BUNTON
RENEWAL 08-31-25
C-36022
STATE OF CALIFORNIA

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2700 45TH AVE.

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B2 MEZZANINE PLAN

Date
07/18/2023

Scale
1/8" = 1'-0"

Project Number
20007

Drawing Number
A2.3A

B1 FLOOR PLAN
1/8" = 1'-0"
1

LEGEND

8' - 6 1/2" TYP
17' - 4 3/4" TYP
KLAUS SINGLE VARIO 2015 PARKING LIFT (TWO VEHICLES/LIFT)

9' x 18'
STANDARD PARKING SPACE

9' x 18'
ACCESSIBLE PARKING SPACE WITH 5' WIDE ACCESS AISLE

VAN ACCESSIBLE PARKING SPACE WITH 5' WIDE ACCESS AISLE

4

BICYCLE PARKING COUNT

RESTAURANT/BAR OFA:
10,882 (REST.) + 1,103 (BAR) = 11,985

11,985/7500 = 1.6 = **2 CLASS 1 SPACES**
11,985/750 = **16 CLASS 2 SPACES**

COMMUNITY FACILITY OFA:
1,852 (PRIVATE) + 63,361 (PUBLIC) = 65,213

65,213/5000 = **13 CLASS 1 SPACES**
65,213/2500 = **26 CLASS 2 SPACES**

OFFICE USE OFA:
8,430

8,430/5000 = **1 CLASS 1 SPACE**
8,430/5000 = **2 CLASS 2 SPACES**

TOTAL REQUIRED (FOR PLANNING):
16 CLASS 1 SPACES, 42 PROVIDED
44 CLASS 2 SPACES, 44 PROVIDED

PARKING COUNT

TOTAL SPACES PROVIDED: (54)
REQUIRED ACCCESSIBLE SPACES: (2) PER 11B-208.2
REQUIRED VAN ACCESSIBLE SPACES: 1 PER 11B-208.2.4

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1	PCL REV 1	10/12/2022
4	PCL REV 2	7/18/2023

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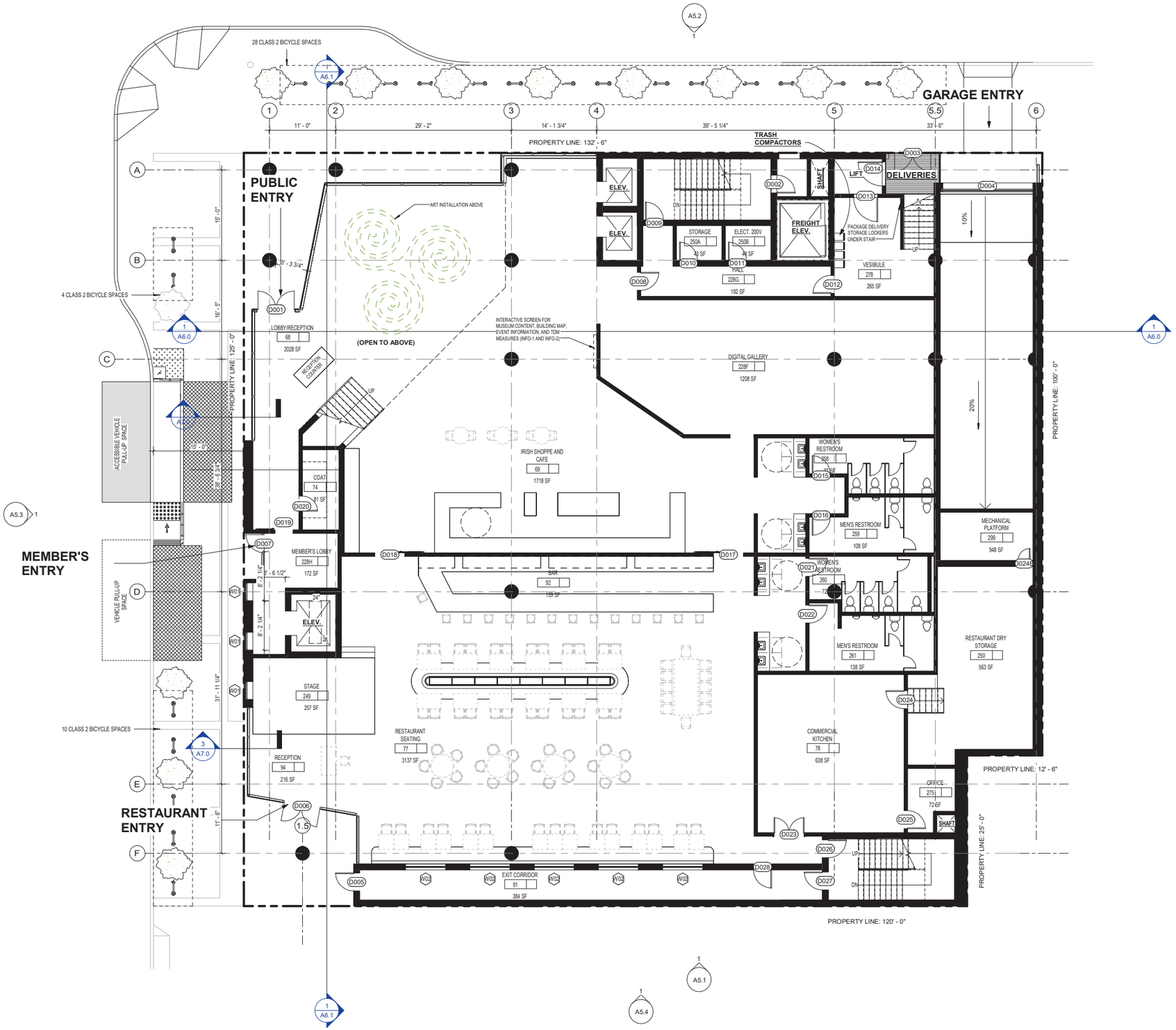
B1 FLOOR PLAN

Date
07/18/2023

Scale
As indicated

Project Number
20007

Drawing Number
A2.4



1ST FLOOR PLAN 1

1/8" = 1'-0"

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2700 45TH AVE.

SAN FRANCISCO, CA 94116

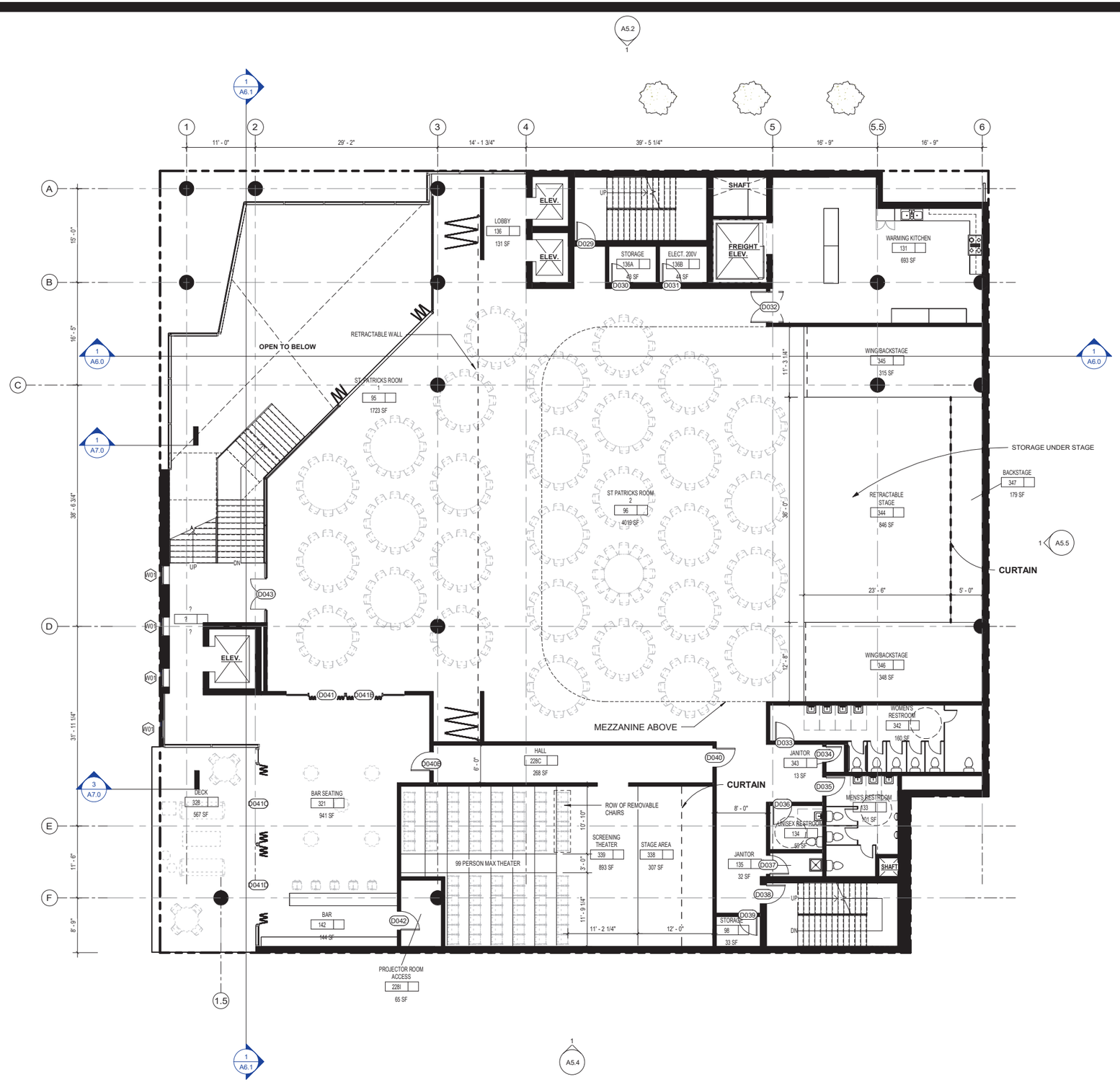
1ST FLOOR PLAN

Date 07/18/2023

Scale 1/8" = 1'-0"

Project Number 20007

Drawing Number A2.5



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2700 45TH AVE.

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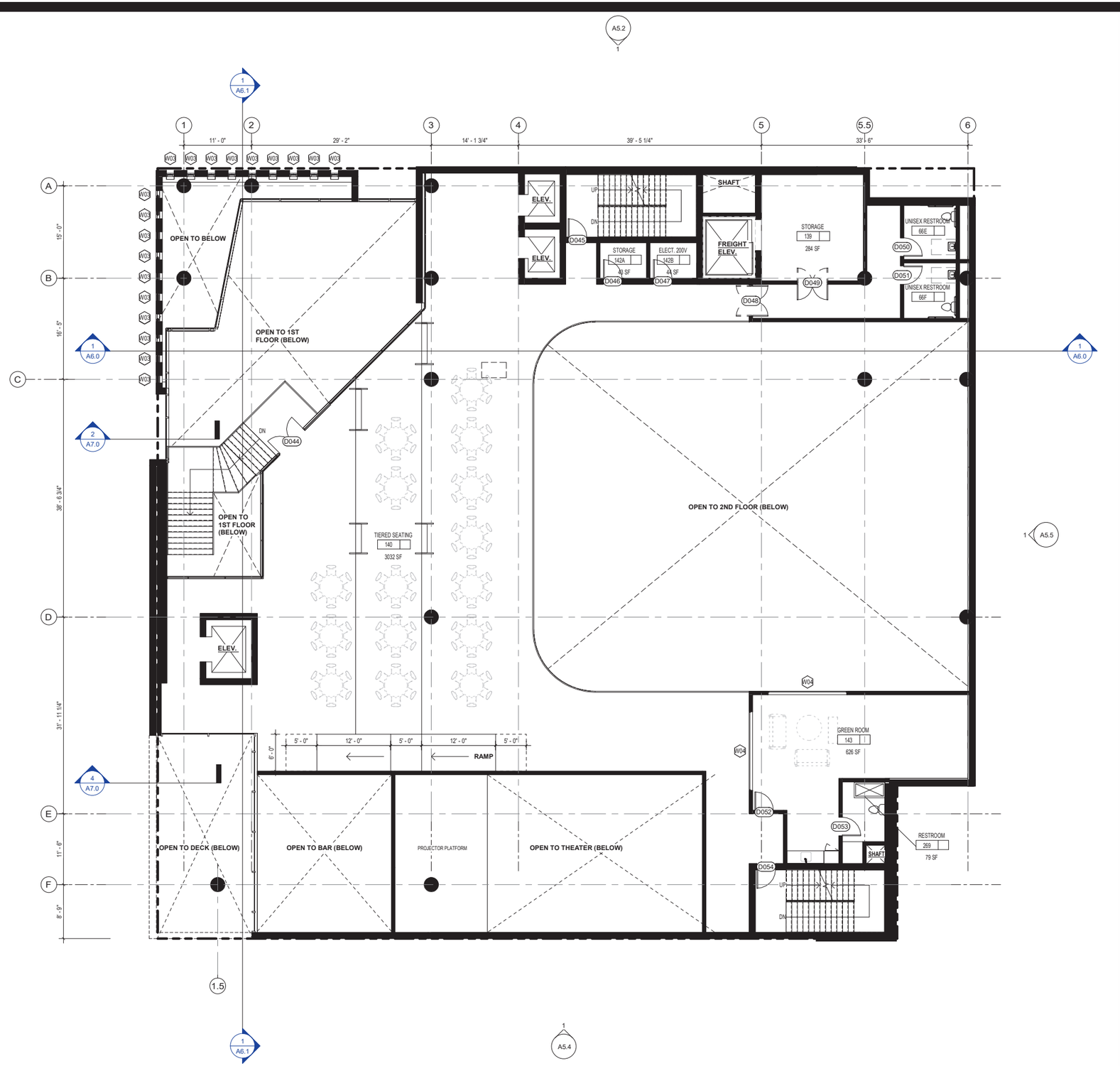
2ND FLOOR PLAN

Date
07/18/2023

Scale
1/8" = 1'-0"

Project Number
20007

Drawing Number
A2.6



N

0 8' 16'

2ND FLOOR MEZZANINE PLAN 1

1/8" = 1'-0"

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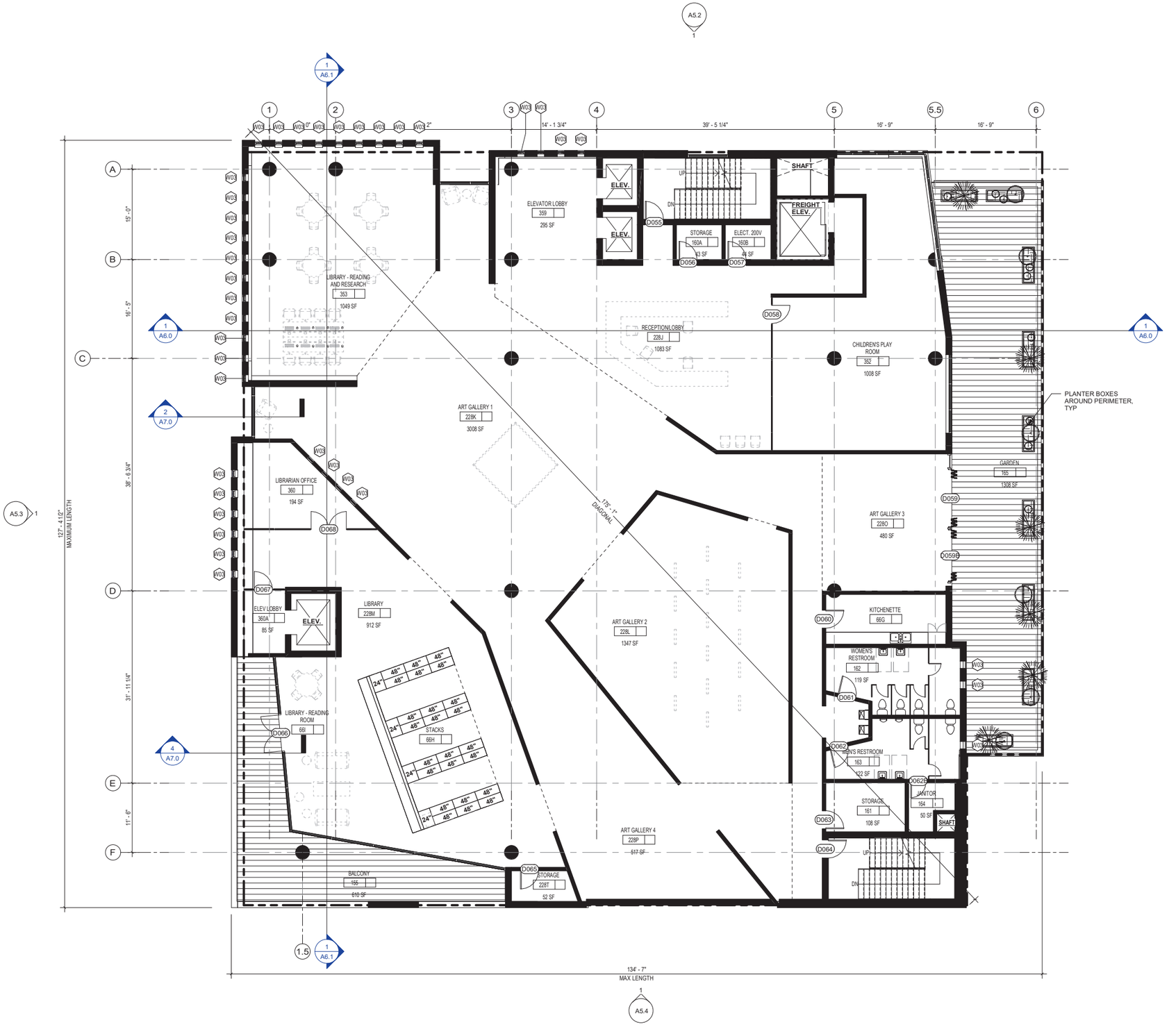
2ND FLOOR MEZZANINE PLAN

Date
07/18/2023

Scale
1/8" = 1'-0"

Project Number
20007

Drawing Number
A2.7



3RD FLOOR PLAN
1/8" = 1'-0"
1

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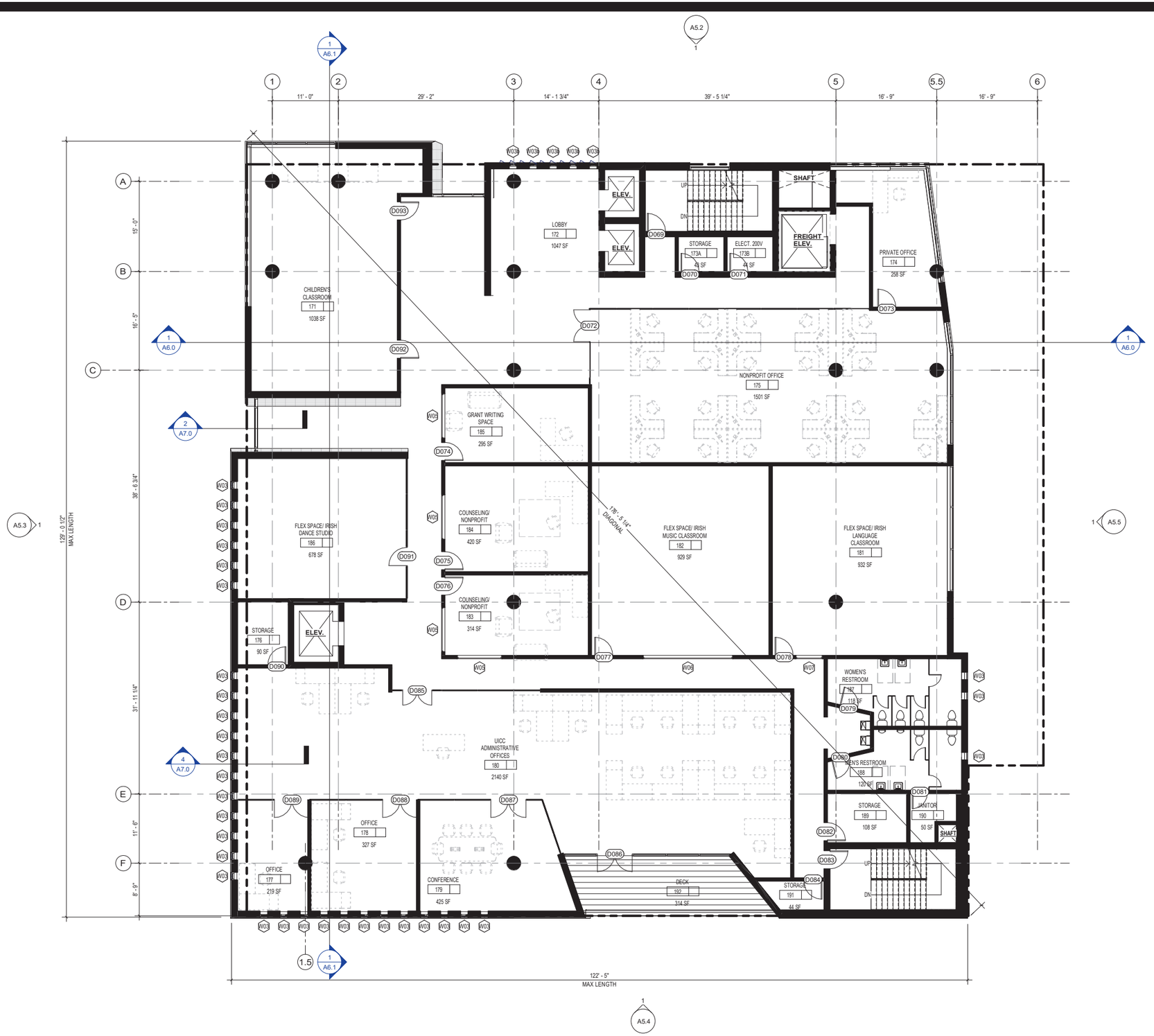
3RD FLOOR PLAN

Date
07/18/2023

Scale
1/8" = 1'-0"

Project Number
20007

Drawing Number
A2.8



N

0 8' 16'

4TH FLOOR PLAN
1/8" = 1'-0"
1

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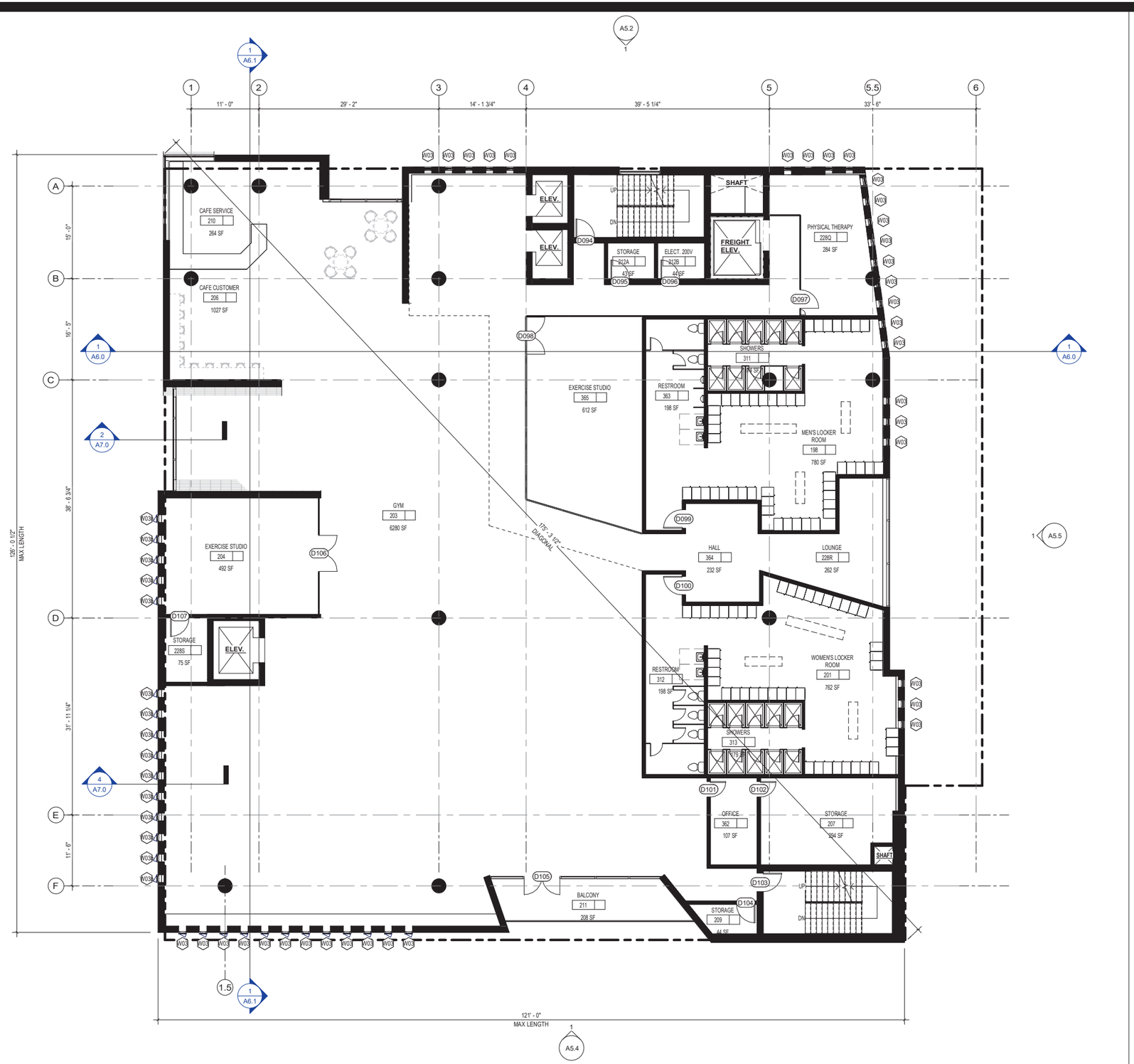
4TH FLOOR PLAN

Date
07/18/2023

Scale
1/8" = 1'-0"

Project Number
20007

Drawing Number
A2.9



5TH FLOOR PLAN
1/8" = 1'-0"
1

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5TH FLOOR PLAN

Date
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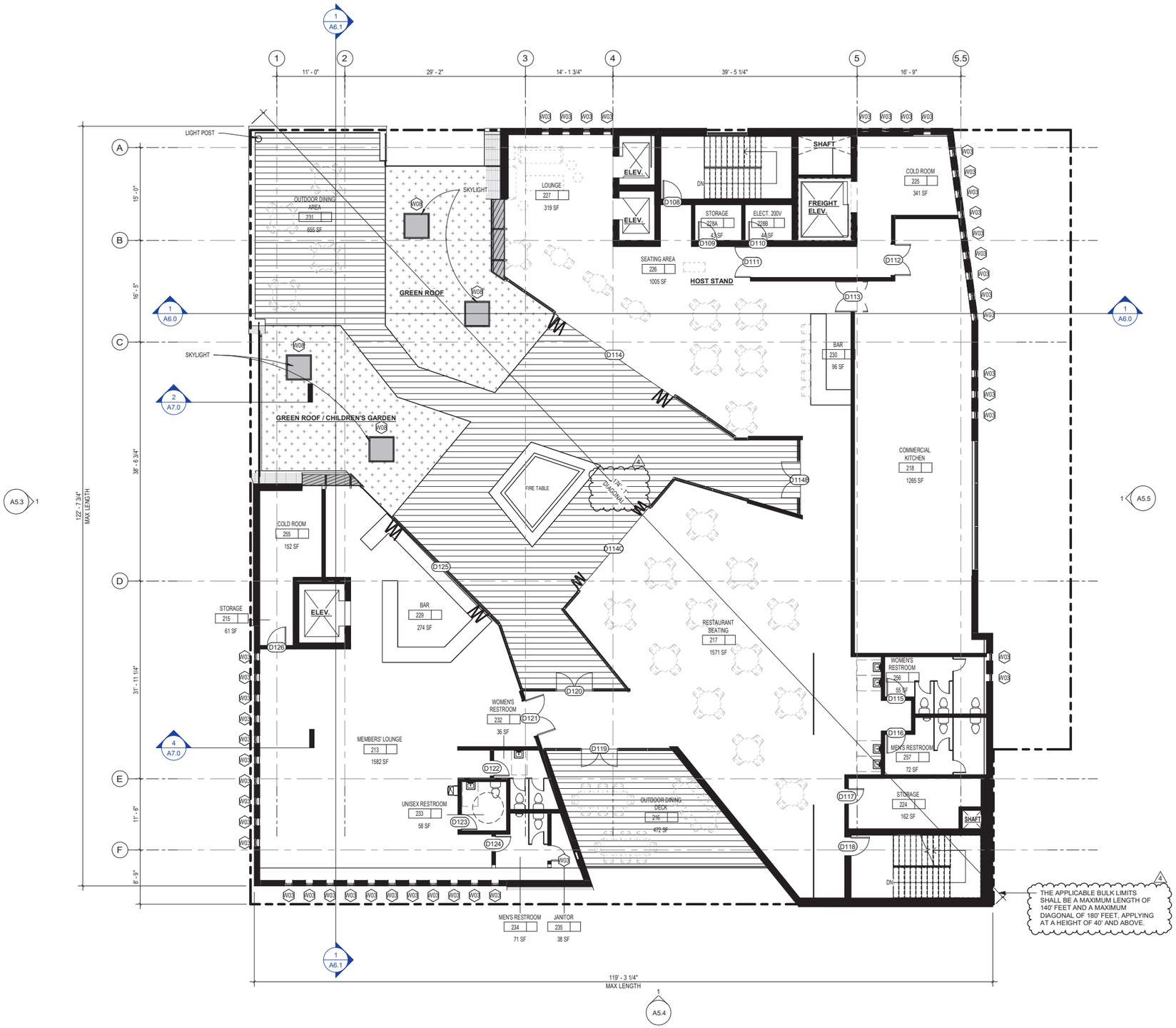
Scale
1/8" = 1'-0"

Project Number
20007

Drawing Number
A2.10



6TH FLOOR PLAN
1/8" = 1'-0"

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PLANNING APPLICATION

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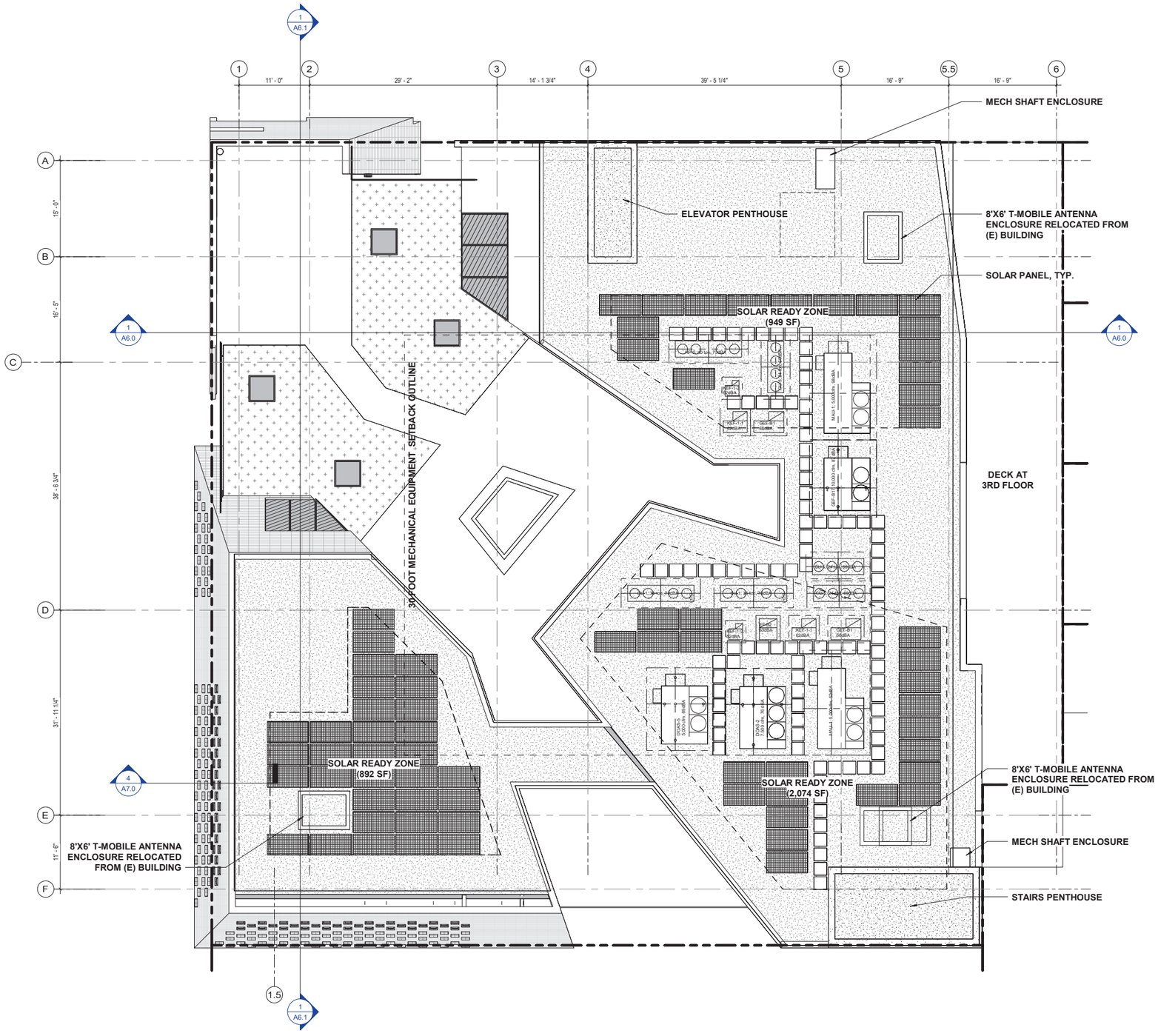
6TH FLOOR PLAN

Date
07/18/2023

Scale
1/8" = 1'-0"

Project Number
20007

Drawing Number
A2.11



ROOF PLAN 1
1/8" = 1'-0"

LEGEND

- PRIMARY ROOF DRAIN
- SECONDARY (OVERFLOW) SCUPPER
- TPO ROOF CRICKET (CRICKETS FRAMED TO SLOPE TOWARDS DRAINS)
- TPO ROOFING
- X'-X" SPOT ELEVATION
- X"/XX" SLOPE ARROW
- MECHANICAL UNIT, SEE MECHANICAL DRAWINGS FOR LOCATION

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PLANNING APPLICATION

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2700 45TH AVE.

SAN FRANCISCO, CA 94116

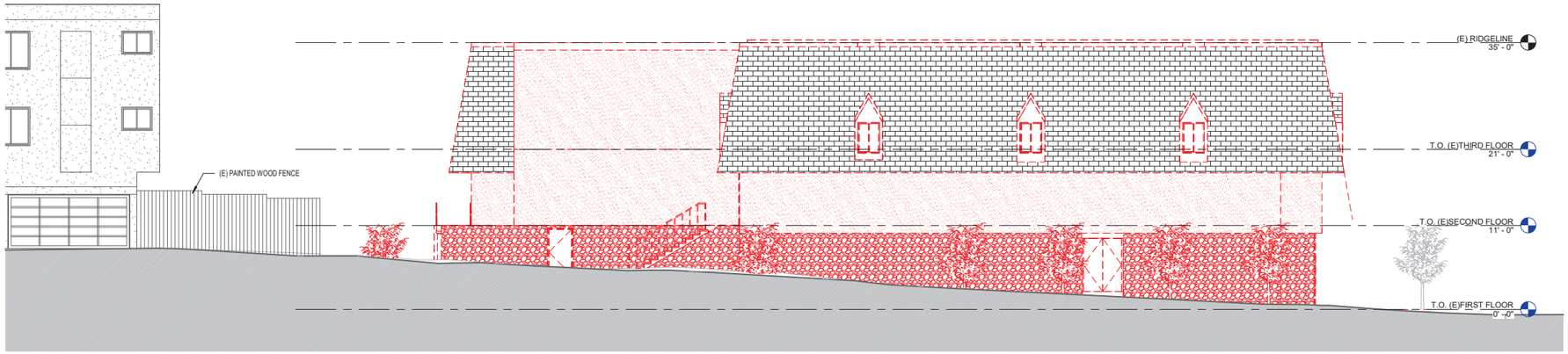
ROOF PLAN

Date
07/18/2023

Scale
As indicated

Project Number
20007

Drawing Number
A4.0

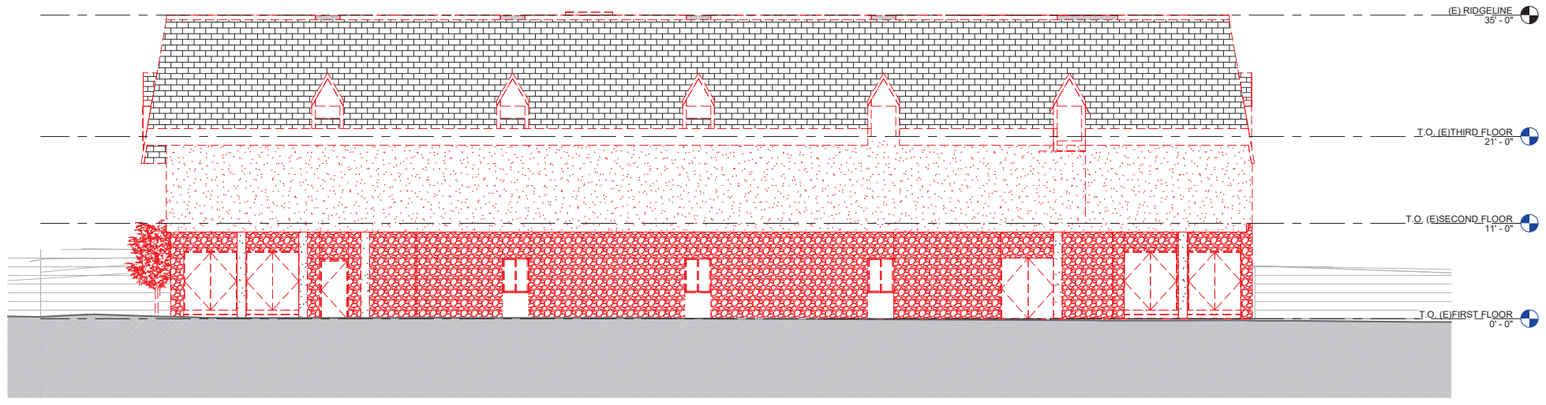


NORTH ELEVATION - EXISTING 1

1/8" = 1'-0"

LEGEND

- (E) STUCCO
- (E) STONE
- (E) ROOFING



WEST ELEVATION - EXISTING 2

1/8" = 1'-0"

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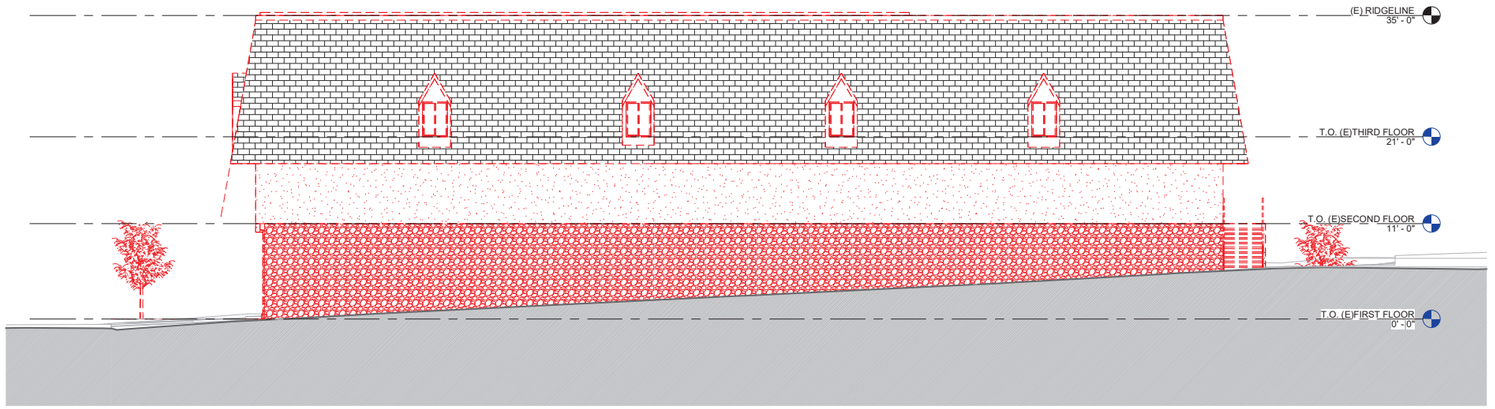
EXTERIOR ELEVATIONS - EXISTING

Date
07/18/2023

Scale
As indicated

Project Number
20007

Drawing Number
A5.0

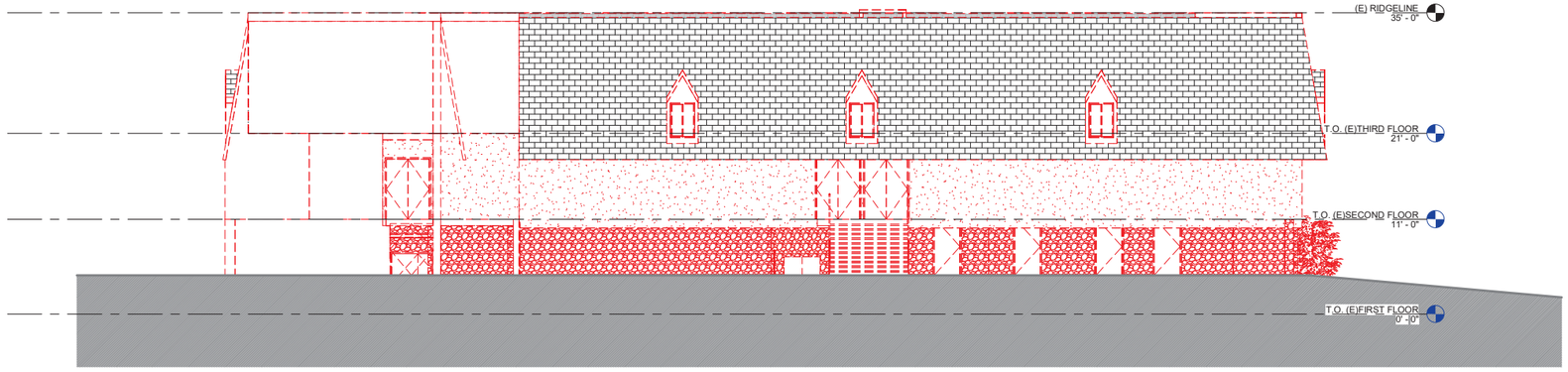


SOUTH ELEVATION - EXISTING 1

1/8" = 1'-0"

LEGEND

- (E) STUCCO
- (E) STONE
- (E) ROOFING



EAST ELEVATION - EXISTING 2

1/8" = 1'-0"

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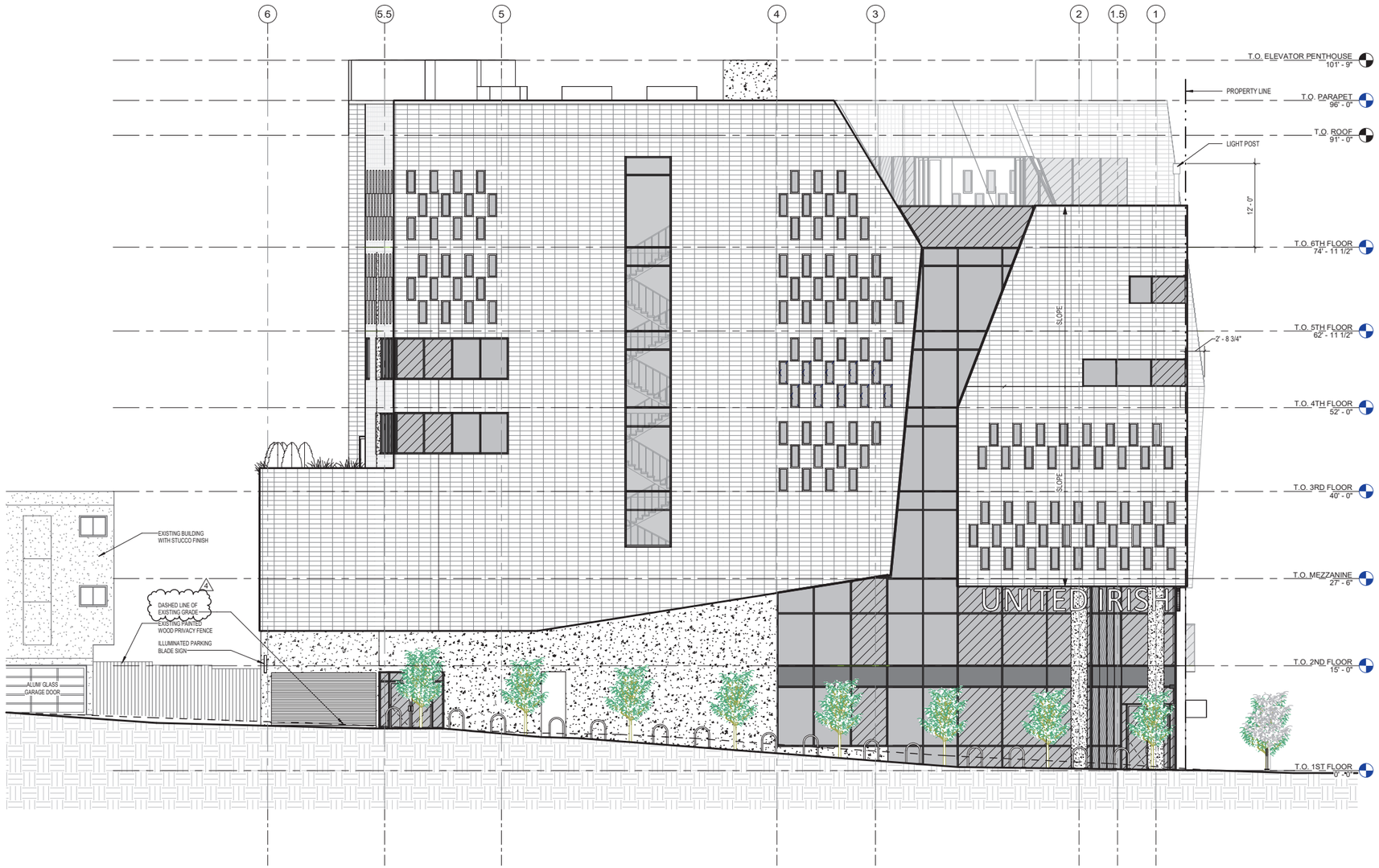
EXTERIOR ELEVATIONS - EXISTING

Date
07/18/2023

Scale
As indicated

Project Number
20007

Drawing Number
A5.1



NORTH ELEVATION - PROPOSED 1

1/8" = 1'-0"

LEGEND

- GLASS
- MURAL
- CONCRETE
- DIGITAL SCREEN
- SLATE TILE RAINSCREEN SYSTEM 4
- BIRD COLLISION ZONE FROM GRADE TO 60 FEET ABOVE GRADE PER STANDARDS FOR BIRD-SAFE BUILDINGS. GLAZING WITHIN ZONE TO RECEIVE FILM TO REFLECT UV LIGHT OR FRITTED GLAZING. SOUTH FACADE WITHIN 300' OF SAN FRANCISCO ZOO.
- GLAZING AREA SUBJECT TO "FEATURE RELATED" HAZARD REQUIREMENTS PER STANDARDS FOR BIRD-SAFE BUILDINGS. GLAZING WITHIN ZONE TO RECEIVE FILM TO REFLECT UV LIGHT OR FRITTED GLAZING.

PLANNING CODE SEC. 145.1(c)(6)

FIRST FLOOR FENESTRATION CALCULATION:

STREET FRONTAGE (WAWONA/ 45TH AVE)
TOTAL SQUARE FEET OF FRONTAGES WITH ACTIVE USES.
GROUND LEVEL: 2,482 SF X 0.60 = 1,490 SF MIN REQ'D
FENESTRATED SQUARE FEET. PROVIDED = 1,618 SF

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REVISION HISTORY

NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022
4	PCL REV 2	7/18/2023

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

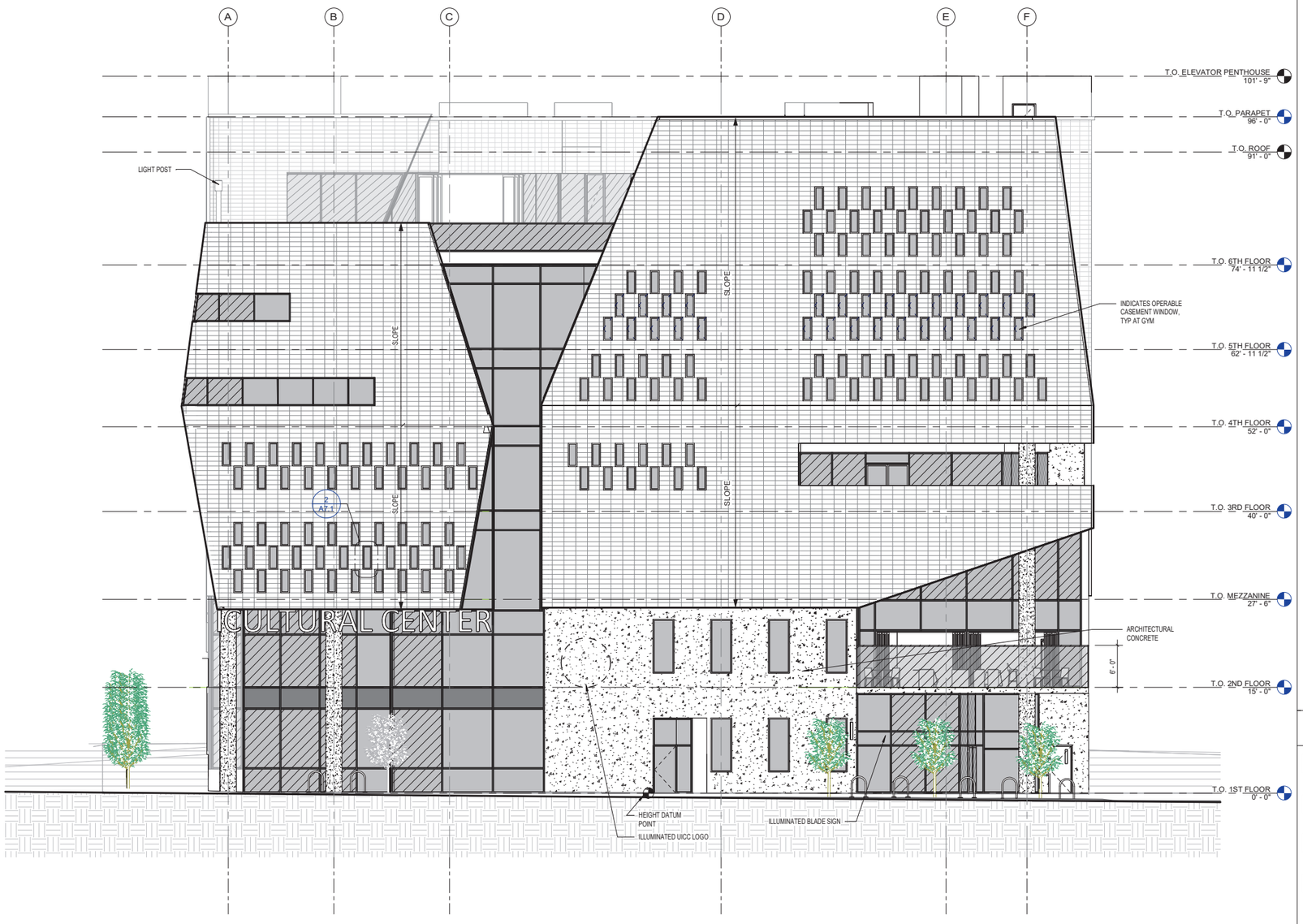
EXTERIOR ELEVATIONS - PROPOSED

Date
07/18/2023

Scale
As indicated

Project Number
20007

Drawing Number
A5.2



WEST ELEVATION - PROPOSED 1

1/8" = 1'-0"

LEGEND

- GLASS
- MURAL
- CONCRETE
- DIGITAL SCREEN
- SLATE TILE RAINSCREEN SYSTEM 4
- BIRD COLLISION ZONE FROM GRADE TO 60 FEET ABOVE GRADE PER STANDARDS FOR BIRD-SAFE BUILDINGS. GLAZING WITHIN ZONE TO RECEIVE FILM TO REFLECT UV LIGHT OR FRITTED GLAZING. SOUTH FACADE WITHIN 300' OF SAN FRANCISCO ZOO.
- GLAZING AREA SUBJECT TO "FEATURE RELATED" HAZARD REQUIREMENTS PER STANDARDS FOR BIRD-SAFE BUILDINGS. GLAZING WITHIN ZONE TO RECEIVE FILM TO REFLECT UV LIGHT OR FRITTED GLAZING.

PLANNING CODE SEC. 145.1(c)(6)
FIRST FLOOR FENESTRATION CALCULATION:
STREET FRONTAGE (WAWONA/ 45TH AVE)
TOTAL SQUARE FEET OF FRONTAGES WITH ACTIVE USES.
GROUND LEVEL: 2,482 SF X 0.60 = 1,490 SF MIN REQ'D
FENESTRATED SQUARE FEET. PROVIDED = 1,618 SF

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REVISION HISTORY

NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022
2	SFMTA COMMENTS	11/26/2022
4	PCL REV 2	7/18/2023

KEY

PLANNING APPLICATION

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EXTERIOR ELEVATIONS - PROPOSED

Date
07/18/2023

Scale
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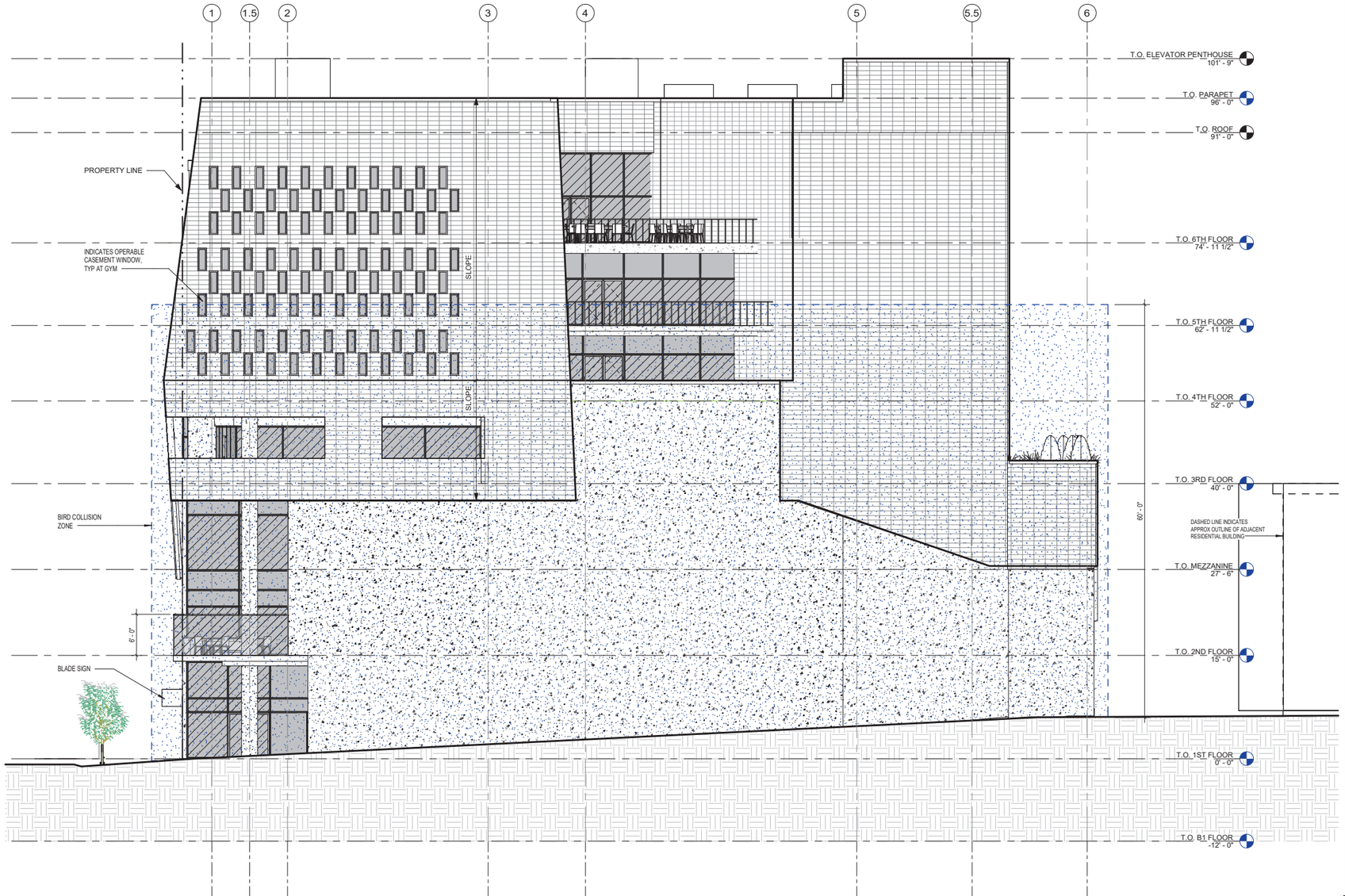
Project Number
20007

Drawing Number
A5.3



SOUTH ELEVATION - PROPOSED (1)
1/8" = 1'-0"

LEGEND

- GLASS
- MURAL
- CONCRETE
- DIGITAL SCREEN
- SLATE TILE RAINSCREEN SYSTEM (4)
- BIRD COLLISION ZONE FROM GRADE TO 60 FEET ABOVE GRADE PER STANDARDS FOR BIRD-SAFE BUILDINGS. GLAZING WITHIN ZONE TO RECEIVE FILM TO REFLECT UV LIGHT OR FRITTED GLAZING. SOUTH FACADE WITHIN 300' OF SAN FRANCISCO ZOO.
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PLANNING CODE SEC. 145.1(c)(6)
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REVISION HISTORY

NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022
2	SFMTA COMMENTS	11/26/2022
4	PCL REV 2	7/18/2023

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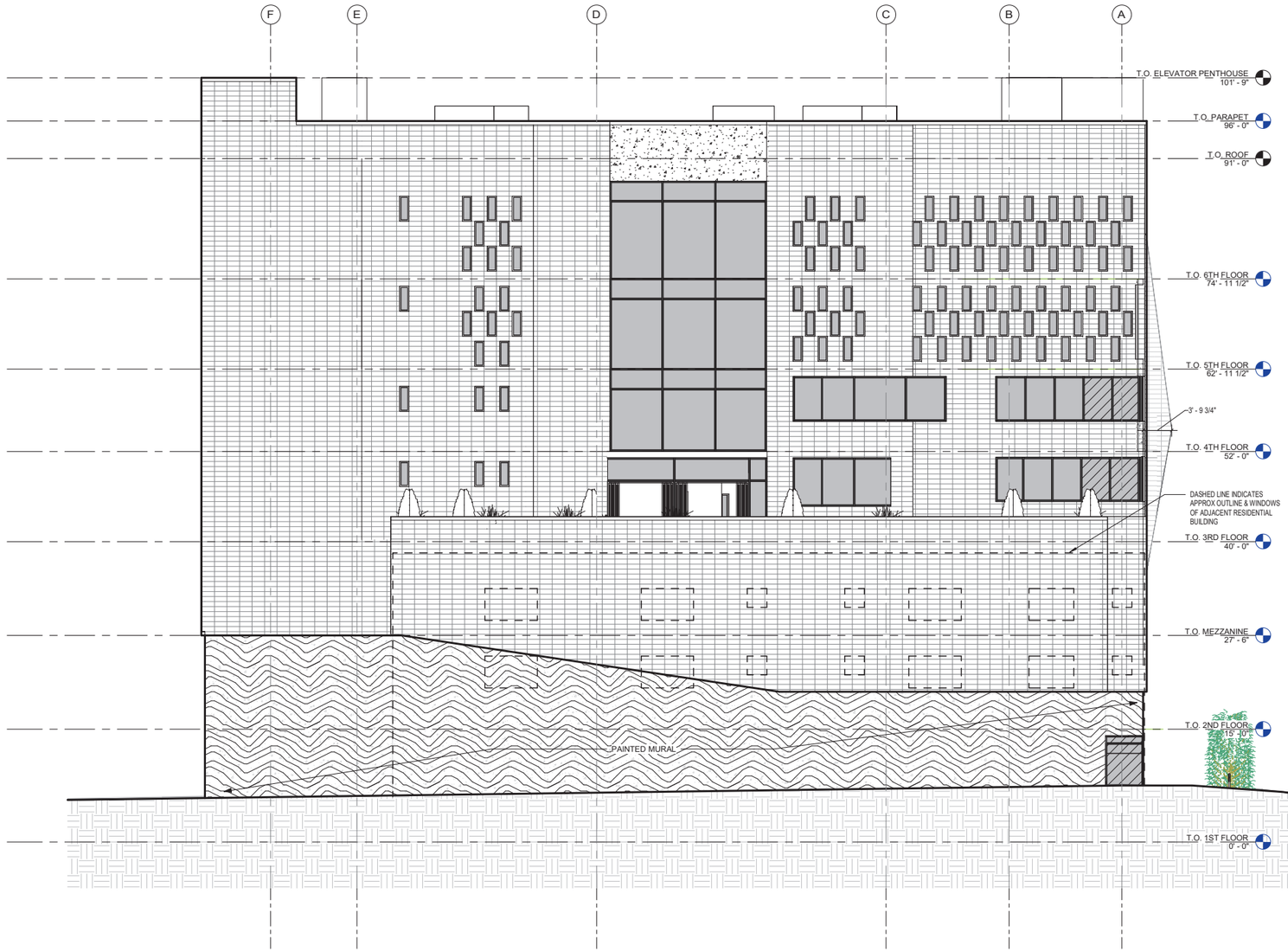
EXTERIOR ELEVATIONS - PROPOSED

Date
07/18/2023
Scale
As indicated
Project Number
20007
Drawing Number
A5.4



EAST ELEVATION - PROPOSED (1)
1/8" = 1'-0"

LEGEND

- GLASS
- MURAL
- CONCRETE
- DIGITAL SCREEN
- SLATE TILE RAINSCREEN SYSTEM (4)
- BIRD COLLISION ZONE FROM GRADE TO 60 FEET ABOVE GRADE PER STANDARDS FOR BIRD-SAFE BUILDINGS. GLAZING WITHIN ZONE TO RECEIVE FILM TO REFLECT UV LIGHT OR FRITTED GLAZING. SOUTH FACADE WITHIN 300' OF SAN FRANCISCO ZOO.
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REVISION HISTORY

NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022
4	PCL REV 2	7/18/2023

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

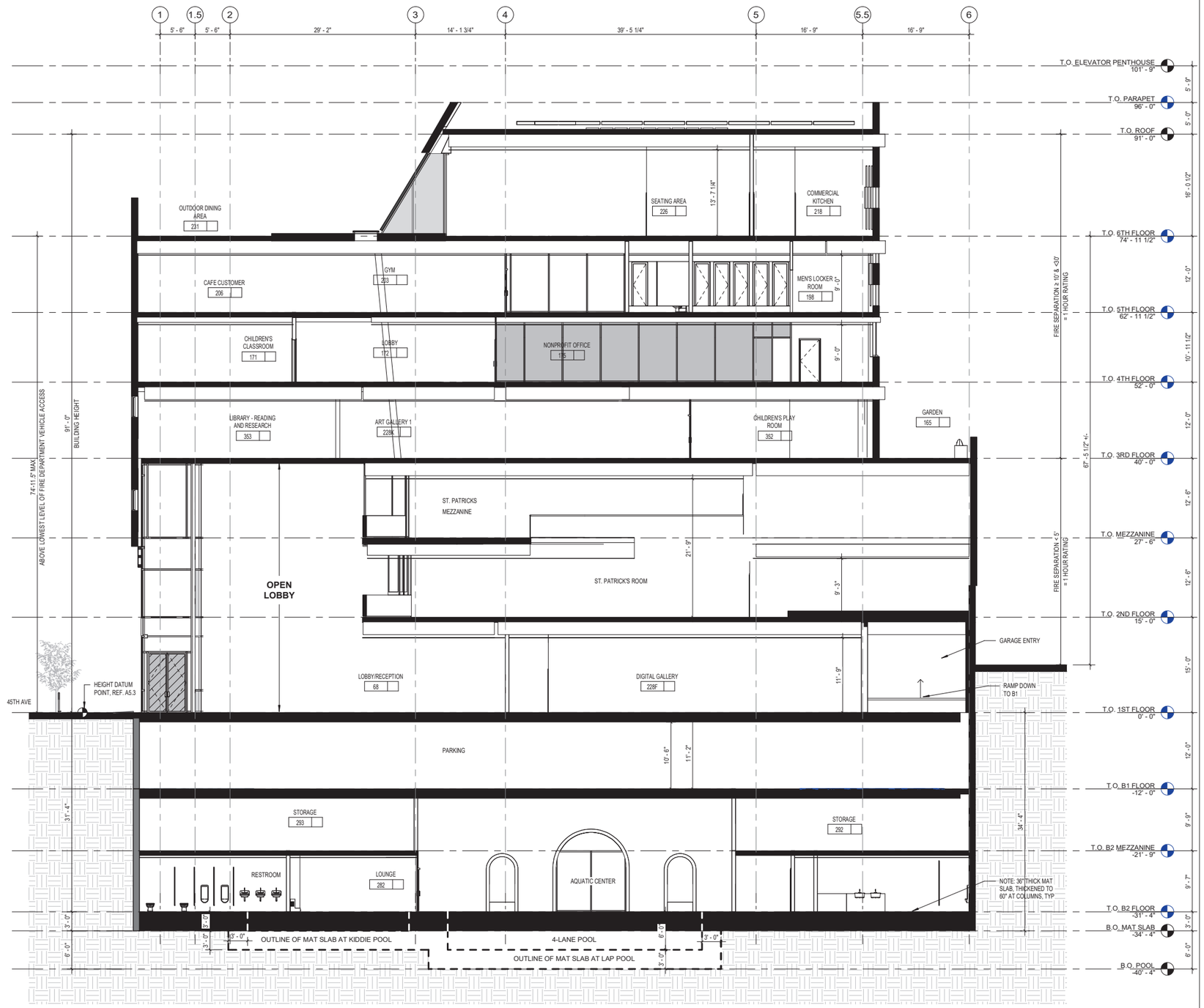
EXTERIOR ELEVATIONS - PROPOSED

Date
07/18/2023

Scale
As indicated

Project Number
20007

Drawing Number
A5.5



BUILDING SECTION A (1)

1/8" = 1'-0"

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REVISION HISTORY

NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022

KEY

PLANNING APPLICATION

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BUILDING SECTIONS

Date
07/18/2023

Scale
1/8" = 1'-0"

Project Number
20007

Drawing Number
A6.0

BUILDING SECTION B (1)
1/8" = 1'-0"

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REVISION HISTORY

NO.	REMARKS	DATE
3	SFMTA COMMENTS	4/13/2023
4	PCL REV 2	7/18/2023

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

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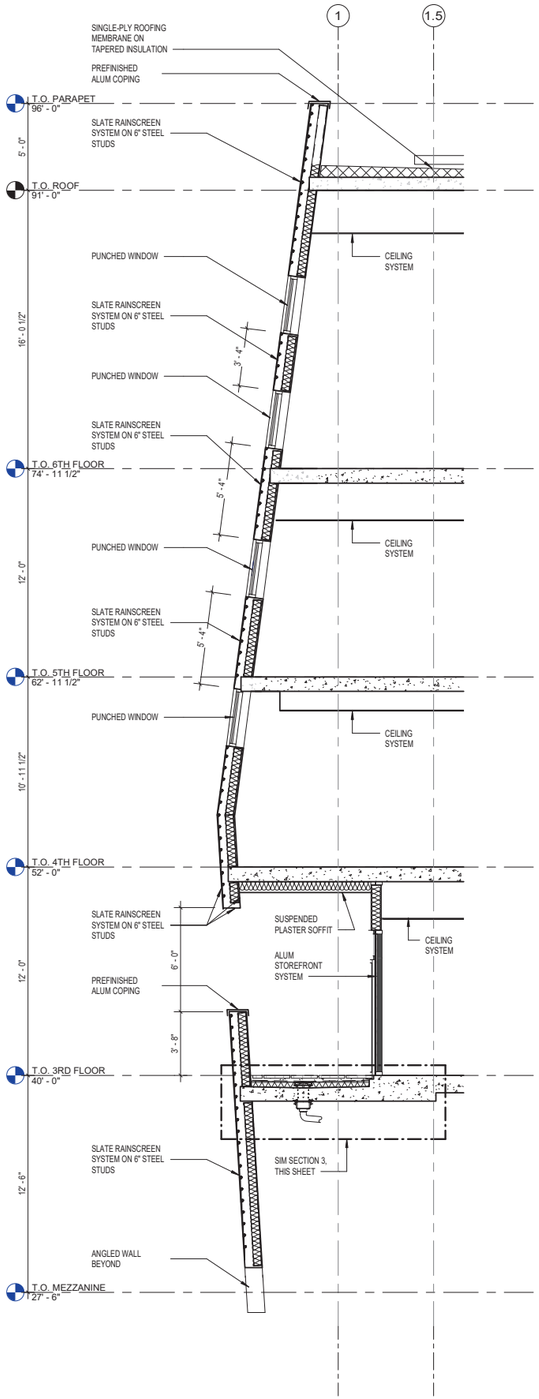
BUILDING SECTIONS

Date
07/18/2023

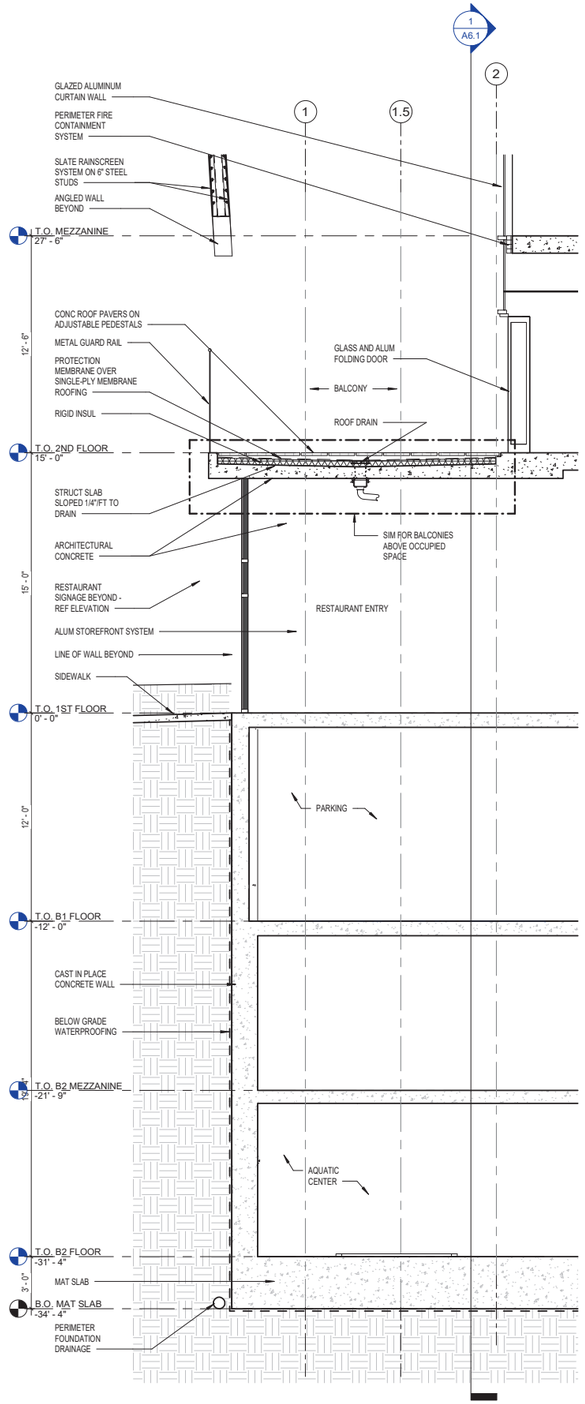
Scale
1/8" = 1'-0"

Project Number
20007

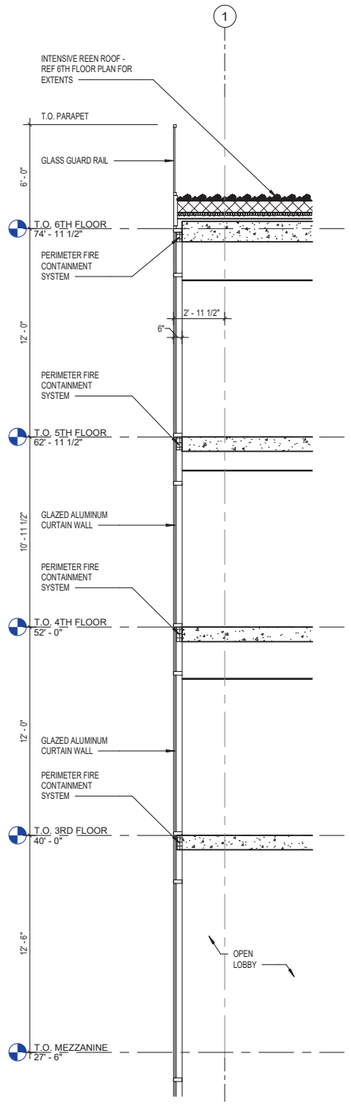
Drawing Number
A6.1



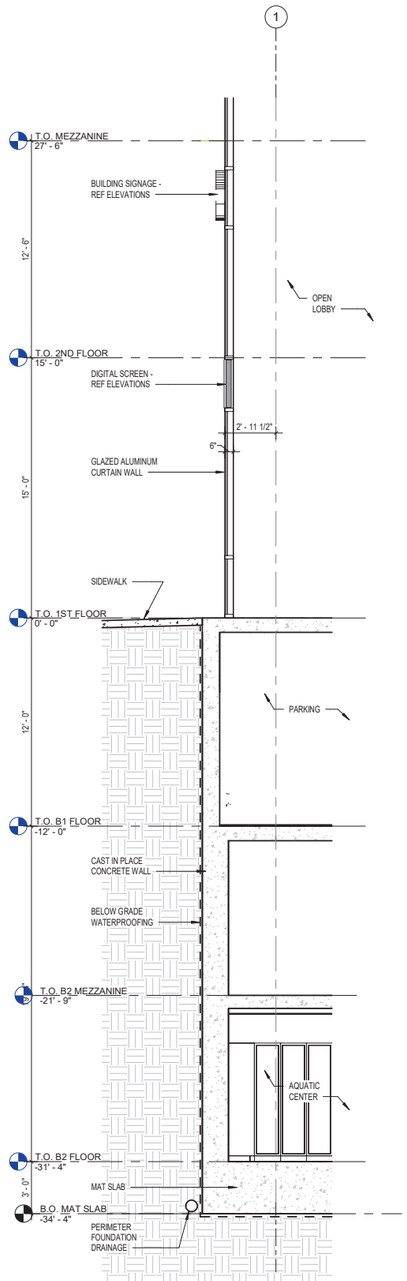
SECTION AT RESTAURANT ENTRY 4
1/4" = 1'-0"



SECTION AT RESTAURANT ENTRY 3
1/4" = 1'-0"



SECTION AT GLAZED ALUM CURTAIN WALL 2
1/4" = 1'-0"



SECTION AT GLAZED ALUM CURTAIN WALL 1
1/4" = 1'-0"

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NO.	REMARKS	DATE

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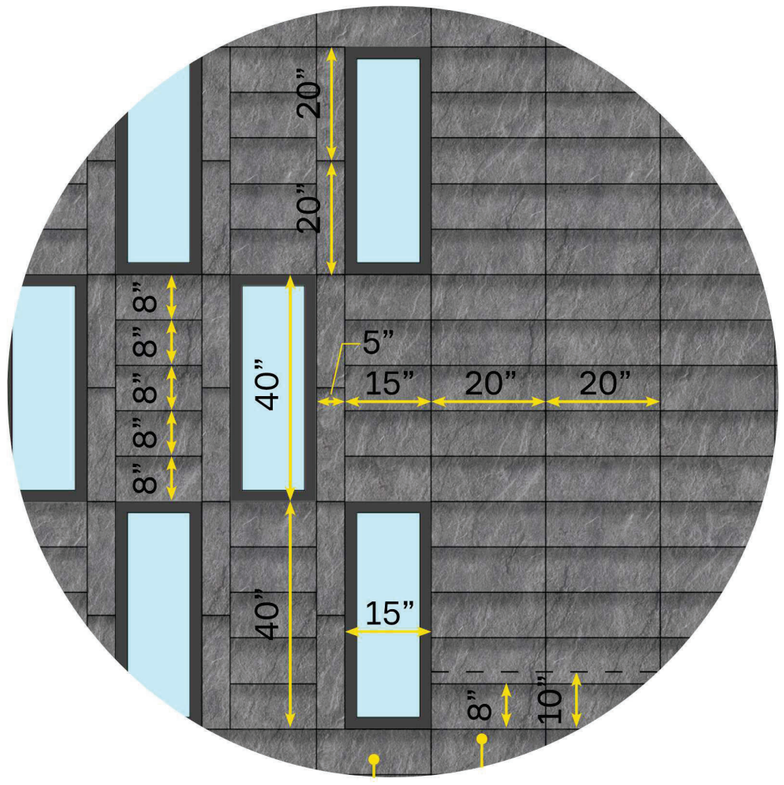
WALL SECTIONS

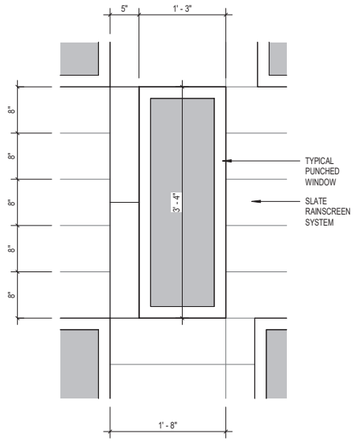
Date 07/18/2023
Scale 1/4" = 1'-0"
Project Number 20007

Drawing Number
A7.0



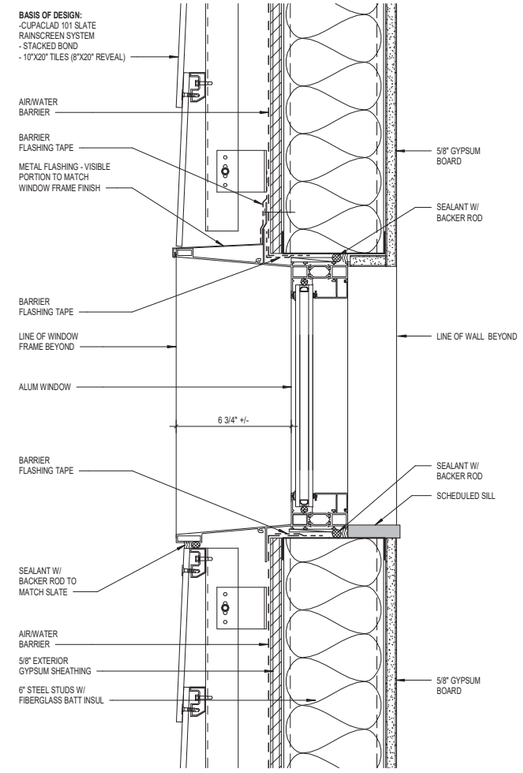
COLOR DETAIL AT TYPICAL RAINSCREEN SYSTEM AND PUNCHED WINDOWS 3

1 1/2" = 1'-0"



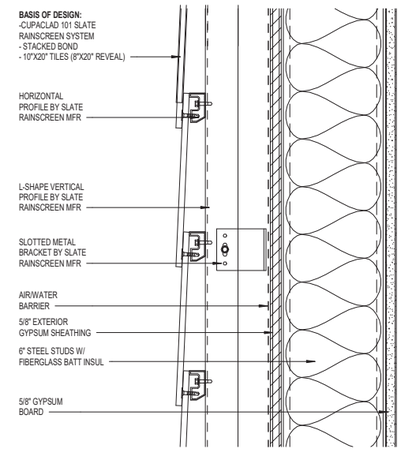
SLATE RAINSCREEN SYSTEM AT TYPICAL PUNCHED WINDOW 2

1" = 1'-0"



TYPICAL HEAD AND SILL AT PUNCHED WINDOWS 4

3" = 1'-0"



TYPICAL EXTERIOR WALL CONSTRUCTION 1

3" = 1'-0"

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EXTERIOR DETAILS

Date
07/18/2023

Scale
As indicated

Project Number
20007

Drawing Number
A7.1

DOOR SCHEDULE

Mark	LEVEL	DOOR TYPE TYPE	DOOR TYPE DESCRIPTION	OPERATION	WIDTH (W)	HEIGHT (H)	DOOR MATERIAL	FIRE RATING	NOTES
D001	1	B	PUBLIC ENTRY	EXT. DOUBLE	6' - 0"	9' - 5"	GLASS, METAL		
D002	1	C	1ST FLOOR STAIR EXIT	EXT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D003	1	B	DELIVERY DOOR	EXT. DOUBLE	6' - 0"	6' - 8"	GLASS, METAL		
D004	1	-	PARKING GARAGE	ROLL UP	15' - 0"	9' - 10"	METAL		
D005	1	C	EXIT	EXT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D006	1	B	RESTAURANT ENTRY	EXT. DOUBLE	6' - 0"	6' - 8"	GLASS, METAL		
D007	1	A	MEMBER'S ENTRANCE	EXT. SINGLE	3' - 0"	6' - 8"	GLASS, METAL		
D008	1	A	SERVICE AREAS	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D009	1	C	1ST FLOOR STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D010	1	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D011	1	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D012	1	A	SERVICE AREAS	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D013	1	E	LIFT DOOR	INT. SINGLE	4' - 0"	3' - 6"	BY MANUFACTURER		
D014	1	E	LIFT DOOR	INT. SINGLE	4' - 0"	3' - 6"	BY MANUFACTURER		
D015	1	A	WOMEN'S RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D016	1	A	MEN'S RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D017	1	B	INTERIOR BARN DOOR	INT. SLIDING	5' - 0"	7' - 0"	SOLID CORE WOOD		
D018	1	B	INTERIOR BARN DOOR	INT. SLIDING	5' - 0"	7' - 0"	SOLID CORE WOOD		
D019	1	B	INTERIOR BARN DOOR	INT. SLIDING	3' - 0"	7' - 0"	SOLID CORE WOOD		
D020	1	A	COAT ROOM	INT. SINGLE	2' - 6"	6' - 8"	SOLID CORE WOOD		
D021	1	A	WOMEN'S RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D022	1	A	MEN'S RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D023	1	F	KITCHEN	INT. DOUBLE	5' - 0"	6' - 8"	HOLLOW METAL		
D024	1	A	DRY STORAGE	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D024B	1	A	MECH. PLATFORM	INT. SINGLE	2' - 0"	6' - 8"	SOLID CORE WOOD		
D025	1	A	OFFICE	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D026	1	C	1ST FLOOR STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D027	1	C	1ST FLOOR STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D028	1	C	EXIT CORRIDOR	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D029	2	C	2ND FLOOR STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D030	2	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D031	2	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D032	2	F	KITCHEN DOOR	INT. DOUBLE	5' - 0"	6' - 8"	HOLLOW METAL		DOUBLE ACTING
D033	2	A	WOMEN'S RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D034	2	A	JANITOR CLOSET	INT. SINGLE	2' - 6"	6' - 8"	SOLID CORE WOOD		
D035	2	A	MEN'S RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D036	2	A	UNISEX RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D037	2	A	JANITOR CLOSET	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D038	2	C	2ND FLOOR STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D039	2	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D040	2	A	SCREENING THEATER	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D040B	2	A	SCREENING THEATER	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D041	2	D	COCKTAIL	INT. FOLDING	6' - 0"	8' - 0"	GLASS, METAL		
D041B	2	D	COCKTAIL	INT. FOLDING	6' - 0"	8' - 0"	GLASS, METAL		
D041C	2	D	COCKTAIL DECK	EXT. FOLDING	12' - 9 1/2"	8' - 0"	GLASS, METAL		
D041D	2	D	COCKTAIL DECK	EXT. FOLDING	12' - 9 1/2"	8' - 0"	GLASS, METAL		
D042	2	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D043	2	B	ST. PATRICK'S ROOM	INT. DOUBLE	4' - 10"	6' - 8"	GLASS, METAL		
D044	2 MEZZ	B	MEZZANINE	INT. DOUBLE	5' - 6"	6' - 8"	GLASS, METAL		
D045	2 MEZZ	C	MEZZANINE STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D046	2 MEZZ	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D047	2 MEZZ	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D048	2 MEZZ	F	RESTROOM HALL	INT. DOUBLE	5' - 0"	6' - 8"	HOLLOW METAL		DOUBLE ACTING
D049	2 MEZZ	F	STORAGE	INT. DOUBLE	5' - 0"	6' - 8"	HOLLOW METAL		DOUBLE ACTING
D050	2 MEZZ	A	UNISEX RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D051	2 MEZZ	A	UNISEX RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D052	2 MEZZ	A	GREEN ROOM	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D053	2 MEZZ	A	GREEN ROOM RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D054	2 MEZZ	C	MEZZANINE STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D055	3	C	3RD FLOOR STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D056	3	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D057	3	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D058	3	A	CHILDREN'S PLAY ROOM	INT. SINGLE	3' - 0"	6' - 8"	GLASS, METAL		
D059	3	D	GARDEN	EXT. FOLDING	9' - 9 1/2"	8' - 0"	GLASS, METAL		
D059B	3	D	GARDEN	EXT. FOLDING	8' - 9 1/2"	8' - 0"	GLASS, METAL		
D060	3	A	KITCHENETTE	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D061	3	A	WOMEN'S RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D062	3	A	MEN'S RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D062B	3	A	JANITOR CLOSET	INT. SINGLE	2' - 6"	6' - 8"	SOLID CORE WOOD		
D063	3	A	STORAGE	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D064	3	C	3RD FLOOR STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D065	3	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D066	3	B	READING BALCONY	EXT. DOUBLE	6' - 0"	6' - 8"	GLASS, METAL		
D067	3	A	ELEVATOR LOBBY	EXT. SINGLE	3' - 0"	6' - 8"	GLASS, METAL		
D068	3	B	LIBRARIAN OFFICE	INT. DOUBLE	5' - 10"	6' - 8"	GLASS, METAL		
D069	4	C	4TH FLOOR STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D070	4	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D071	4	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D072	4	B	NONPROFIT OFFICE	INT. DOUBLE	5' - 3 1/2"	6' - 8"	GLASS, METAL		
D073	4	A	PRIVATE OFFICE	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D074	4	A	GRANT WRITING SPACE	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D075	4	A	COUNSELING/NONPROFIT	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D076	4	A	COUNSELING/NONPROFIT	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D077	4	A	MUSIC CLASSROOM	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D078	4	A	LANGUAGE CLASSROOM	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D079	4	A	WOMEN'S RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D080	4	A	MEN'S RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D081	4	A	JANITOR CLOSET	INT. SINGLE	2' - 6"	6' - 8"	SOLID CORE WOOD		
D082	4	A	STORAGE	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D083	4	C	4TH FLOOR STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D084	4	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D085	4	B	UICC ADMIN OFFICE	INT. DOUBLE	4' - 10"	6' - 8"	GLASS, METAL		
D086	4	B	OFFICE DECK	EXT. DOUBLE	5' - 9 1/2"	6' - 8"	GLASS, METAL		
D087	4	B	CONFERENCE	INT. DOUBLE	5' - 10"	6' - 8"	GLASS, METAL		
D088	4	B	OFFICE	INT. DOUBLE	5' - 10"	6' - 8"	GLASS, METAL		
D089	4	B	OFFICE	INT. DOUBLE	5' - 10"	6' - 8"	GLASS, METAL		
D090	4	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D091	4	A	DANCE CLASSROOM	EXT. SINGLE	3' - 0"	6' - 8"	GLASS, METAL		
D092	4	A	CHILDREN'S CLASSROOM	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D093	4	A	CHILDREN'S CLASSROOM	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D094	5	C	5TH FLOOR STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D095	5	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D096	5	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D097	5	A	PHYSICAL THERAPY	EXT. SINGLE	3' - 0"	6' - 8"	GLASS, METAL		
D098	5	B	EXERCISE STUDIO	INT. DOUBLE	6' - 0"	6' - 6"	GLASS, METAL		
D099	5	A	MEN'S LOCKER ROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D100	5	A	WOMEN'S LOCKER ROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D101	5	A	OFFICE	INT. SINGLE	2' - 6"	6' - 8"	SOLID CORE WOOD		
D102	5	A	STORAGE	INT. SINGLE	2' - 6"	6' - 8"	SOLID CORE WOOD		
D103	5	C	5TH FLOOR STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D104	5	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D105	5	B	BALCONY	EXT. DOUBLE	5' - 9 1/2"	6' - 8"	GLASS, METAL		
D106	5	B	EXERCISE STUDIO	INT. DOUBLE	5' - 10"	6' - 8"	GLASS, METAL		
D107	5	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D108	6	C	6TH FLOOR STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D109	6	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		

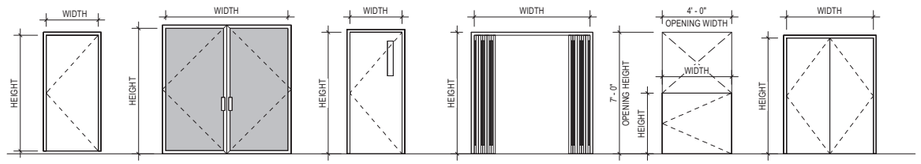
DOOR SCHEDULE

Mark	LEVEL	DOOR TYPE TYPE	DOOR TYPE DESCRIPTION	OPERATION	WIDTH (W)	HEIGHT (H)	DOOR MATERIAL	FIRE RATING	NOTES
D110	6	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
D111	6	F	COLD ROOM	INT. DOUBLE	5' - 0"	6' - 8"	HOLLOW METAL		
D112	6	F	KITCHEN	INT. DOUBLE	5' - 0"	6' - 8"	HOLLOW METAL		
D113	6	F	KITCHEN	INT. DOUBLE	5' - 0"	6' - 8"	HOLLOW METAL		DOUBLE ACTING
D114	6	D	ROOF DECK	EXT. FOLDING	23' - 9 1/2"	13' - 0"	GLASS, METAL		
D114B	6	B	ROOF DECK	EXT. DOUBLE	5' - 9 1/2"	13' - 0"	GLASS, METAL		
D114C	6	D	ROOF DECK	EXT. FOLDING	17' - 9 1/2"	13' - 0"	GLASS, METAL		
D115	6	A	WOMEN'S RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D116	6	A	MEN'S RESTROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
D117	6	A	STORAGE	INT. SINGLE	2' - 6"	6' - 8"	SOLID CORE WOOD		
D118	6	C	6TH FLOOR STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
D119	6	B	ROOF DECK	EXT. DOUBLE	5' - 9 1/2"	6' - 8"	GLASS, METAL		
D120	6	B	ROOF DECK	EXT. DOUBLE	5' - 9 1/2"	13' - 0"	GLASS, METAL		
D121	6	F	MEMBER'S LOUNGE	INT. DOUBLE	6' - 0"	6' - 8"	SOLID CORE WOOD	-	
D122	6	A	WOMEN'S RESTROOM	INT. SINGLE	2' - 6"	6' - 8"	SOLID CORE WOOD		
D123	6	A	MEN'S RESTROOM	INT. SINGLE	2' - 6"	6' - 8"	SOLID CORE WOOD		
D124	6	A	UNISEX RESTROOM	INT. SINGLE	2' - 6"	6' - 8"	SOLID CORE WOOD		
D125	6	D	ROOF DECK	EXT. FOLDING	21' - 11 1/2"	9' - 11"	GLASS, METAL		
D126	6	A	COLD ROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
DB01	B1	C	B1 STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
DB02	B1	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
DB03	B1		ROLL UP DOOR	ROLL UP	7' - 0"	10' - 0"	METAL		
DB03B	B1	F	STORAGE	INT. DOUBLE	6' - 0"	6' - 8"	HOLLOW METAL	-	
DB04	B1	F	TRASH	INT. DOUBLE	5' - 0"	6' - 8"	HOLLOW METAL		
DB05	B1	C	B1 STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
DB06	B1	A	COOLER	INT. SINGLE	3' - 0"	6' - 8"	BY MANUFACTURER		
DB07	B1	A	BIKE CAGE	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
DB08	B1	A	STORAGE	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
DB09	B1	F	METER ROOM	INT. DOUBLE	5' - 0"	6' - 8"	HOLLOW METAL		
DB10	B2 MEZZ	C	B2.5 STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
DB11	B2 MEZZ	A	FIRE PUMP ROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
DB12	B2 MEZZ	A	DEHUMIDIFIER	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
DB13	B2 MEZZ	C	STORAGE	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
DB14	B2	C	B2 STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
DB15	B2	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
DB16	B2	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
DB17	B2	A	LAUNDRY	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
DB18	B2	A	FAMILY CHANGING ROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
DB19	B2	A	MEMBER'S LOCKER ROOM - WOMEN	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
DB20	B2	A	MEMBER'S LOCKER ROOM - MEN	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
DB21	B2	F	COURTS	INT. DOUBLE	5' - 0"	6' - 8"	HOLLOW METAL		
DB22	B2	A	POOL	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
DB23	B2	A	EQUIPMENT	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
DB24	B2	C	B2 STAIR ACCESS	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL	Y	SIDE LITE
DB25	B2	A	CLOSET DOOR	INT. SINGLE	3' - 0"	6' - 8"	SOLID CORE WOOD		
DB26	B2	A	MEN'S LOCKER ROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
DB27	B2	A	SAUNA	EXT. SINGLE	3' - 0"	6' - 8"	GLASS, METAL		
DB28	B2	A	STEAM ROOM	EXT. SINGLE	3' - 0"	6' - 8"	GLASS, METAL		
DB29	B2	A	WOMEN'S LOCKER ROOM	INT. SINGLE	3' - 0"	6' - 8"	HOLLOW METAL		
DB30	B2	A	SAUNA	EXT. SINGLE	2' - 9"	6' - 8"	GLASS, METAL		
DB31	B2	A	STEAM ROOM	EXT. SINGLE	2' - 9"	6' - 8"	GLASS, METAL		
DB32	B2	B	POOL	INT. DOUBLE	5' - 10"	6' - 8"	GLASS, METAL		
DB33	B2	B	POOL	INT. DOUBLE	5' - 10"	6' - 8"	GLASS, METAL		

DOOR SCHEDULE NOTES:

1. ALL DOORS SHALL BE EQUIPPED WITH SINGLE EFFORT NON-GRASP HARDWARE (SUCH AS LEVER HANDLES) THAT IS BETWEEN 34" TO 44" ABOVE THE FINISH FLOOR FROM OPERABLE PARTS. (CBC 11B-404.2.7)
2. THE MAXIMUM EFFORT TO OPERATE DOOR SHALL NOT EXCEED 5 LBS. FOR INTERIOR AND EXTERIOR DOORS AND 15 LBS FOR FIRE DOORS.(CBC 11B-404.2.9)
3. PER CBC 2019 SECTION 1010.1.9, EGRESS DOORS SHALL BE READILY OPENABLE FROM THE EGRESS SIDE WITHOUT THE USE OF A KEY OR SPECIAL KNOWLEDGE OR EFFORT. VERIFY EXISTING DOORS IN FIELD.
4. A READILY VISIBLE DURABLE SIGN POSTED ON THE EGRESS SIDE ON OR ADJACENT TO THE DOORS STATING: THIS DOOR TO REMAIN LOCKED WHEN BUILDING IS OCCUPIED. THE SIGN SHALL BE IN LETTER 1" HIGH ON A CONTRASTING BACKGROUND. REFERENCE 2019 CBC SECTION 1010.1.9.3.
5. ALL FRAMES ARE METAL U.O.N.

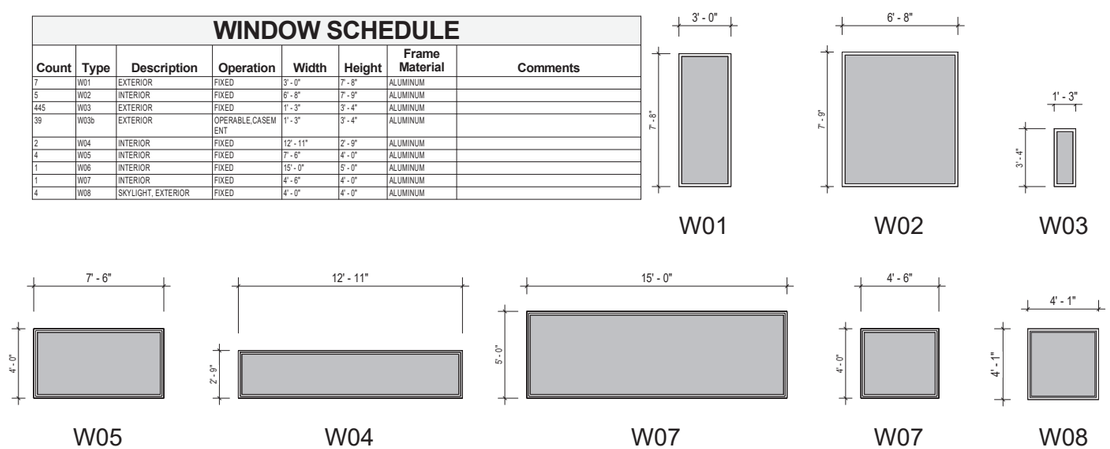
DOOR TYPES



WINDOW TYPES

WINDOW SCHEDULE

Count	Type	Description	Operation	Width	Height	Frame Material	Comments
7	W01	EXTERIOR	FIXED	3' - 0"	7' - 8"	ALUMINUM	
5	W02	INTERIOR	FIXED	6' - 8"	7' - 9"	ALUMINUM	
445	W03	EXTERIOR	FIXED	1' - 3"	3' - 4"	ALUMINUM	
39	W03b	EXTERIOR	OPERABLE,CASEMENT	1' - 3"	3' - 4"	ALUMINUM	
2	W04	INTERIOR	FIXED	12' - 11"	2' - 9"	ALUMINUM	
4	W05	INTERIOR	FIXED	7' - 6"	4' - 0"	ALUMINUM	
1	W06	INTERIOR	FIXED	15' - 0"	5' - 0"	ALUMINUM	
1	W07	INTERIOR	FIXED	4' - 6"	4' - 0"	ALUMINUM	
4	W08	SKYLIGHT, EXTERIOR	FIXED	4' - 0"	4' - 0"	ALUMINUM	



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GENERAL NOTES

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REVISION HISTORY

NO.	REMARKS	DATE
1	PCL REV 1	10/12/2022

KEY

PLANNING APPLICATION

UNITED IRISH CULTURAL CENTER

2700 45TH AVE.

SAN FRANCISCO, CA 94116

SCHEDULES

Date
07/18/2023

Scale
1/4" = 1'-0"

Project Number
20007

Drawing Number
A9.0

EXHIBIT B

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
www.sfplanning.org

STREAMLINED REVIEW FOR INFILL PROJECTS

Case No.:	**2022-001407ENV, 2700 45th Avenue (United Irish Cultural Center)**
Zoning:	NC-2 (Neighborhood Commercial, Small Scale) 100-A Height and Bulk District
Prior EIR:	San Francisco Housing Element 2022 Update EIR
Block/Lot:	2513/026
Lot Size:	16,120 square feet
Project Sponsor:	Dane Bunton, Studio BANAA, 510.612.7758
Staff Contacts:	Josh Pollak, josh.pollak@sfgov.org, 628.652.7493 Ryan Shum, ryan.shum@sfgov.org, 628.652.7542

A. Project Description

Existing Project Site and Uses

The project site at 2700 45th Avenue is located in San Francisco's Parkside neighborhood. The project site (Assessor's Block 2513, Lot 026) is a 16,120-square-foot, rectangular-shaped corner parcel on the northwest corner of the block bound by 45th Avenue to the west, Wawona Street to the north, 44th Avenue to the east, and Sloat Boulevard to the south. The San Francisco Zoo is approximately one block away, across Sloat Boulevard, and Ocean Beach and the Pacific Ocean are four blocks away to the west. The project site is located within a quarter mile of the Great Highway, Sloat Boulevard, and Skyline Boulevard/California State Route 35. The L-Taraval Muni light rail and Muni 23-Monterey bus lines run within a quarter mile of the project site. The project site is located within the NC-2-Small Scale Neighborhood Commercial zoning district. The site has a permitted floor area ratio (FAR) of 2.5. It is within the 100-A Height and Bulk district, the Scenic Streets Special Sign district and the Sunset Chinese Cultural district.

The site is presently developed with an existing 21,263-square-foot, 35-foot-tall (to the top of the roof ridgeline), three-story United Irish Cultural Center (Irish Center) building, which was constructed in 1975 and covers approximately 70 percent of the parcel. The Irish Center is a nonprofit corporation that provides various aspects of Irish culture, San Francisco Irish history, and event space to the local community. The existing structure contains several facilities, including a ballroom and several meeting spaces and offices, a library, restaurant space (currently vacant), and catering kitchens. The Irish Center hosts large events, which attract approximately 400 people to the site, about four times a year. Smaller events, such as workshops, performances, and sporting events, as well as ongoing programming, such as summer camp sessions, occur

more frequently throughout the year and host an average of 30 people (although attendance varies widely depending on the specific event).

There are 12 off-street parking spaces located in an on-site parking lot at the rear of the building, accessed via an approximate 23-foot-wide curb cut along Wawona Street. There is one approximately 30-foot-long passenger loading zone in front of the existing building entrance on 45th Avenue. There are also three street trees along the 45th Avenue sidewalk, and seven street trees adjacent to the building and parking lot along Wawona Street. The eastern perimeter of the parking lot includes nine brick planters.

Project Characteristics

The project would demolish the existing building and construct a new 91-foot-tall, six-story-over-two-basement-levels building containing approximately 129,540-gross-square-feet of mixed-use cultural/institutional/educational uses with office, restaurant, recreational/fitness facilities, and event space. **Table 1,** Project Description, below presents a summary of the existing and proposed project characteristics. Plans associated with the proposed project are provided in Attachment A.

Table 1: Project Description

	EXISTING	PROPOSED	NET CHANGE
GENERAL			
Number of Building(s)	1	1	0
Building Stories	3	6	3
Building Height (feet-inches)	35	91	56
LAND USE			
Cultural, Institutional or Educational (gsf)	18,163	97,730	+79,567
Restaurant/Bar (gsf)	1,200	15,040	+13,840
Office (gsf)	1,900	8,831	+6,931
OTHER			
Class 1 Bicycle Parking Spaces	0	42 spaces	+42 spaces
Class 2 Bicycle Parking Spaces	0	44 spaces	+44 spaces
Vehicular Parking Spaces	13 spaces	54 spaces	+ 41 spaces
Car Share Parking Spaces	0	2 spaces	+2 spaces
Passenger Loading (on 45th Avenue)	30-foot-wide white zone	90-foot-wide dual-use zone	+60 feet
Passenger Loading (on Wawona Street)	n/a	1 80-foot wide dual-use zone	+80 feet
Curb Cuts/Driveway Width (on Wawona Street)	1 23-foot-wide	1 10-foot-wide	-13 feet

An approximately 39,200-gross-square-foot two-level **basement** with a mezzanine would provide 54 vehicle parking spaces and two standard accessible vehicle parking spaces, 42 Class 1 bicycle parking spaces, trash rooms and an electrical/solar meter room on the first level. The second level of the basement would include a swimming pool and community/recreation facilities.

Above the basement, the project would provide six levels of mixed-use commercial, office, and institutional space. The **first floor** would provide three points of pedestrian entry along the building's 45th Avenue frontage, including a public entry, a members-only entry, and a restaurant entry. The first floor would also contain a lobby, two reception areas and a coat closet along with a 1,720-square-foot Irish shop and café , a 1,210-square-foot digital gallery, restrooms, a 3,140-square-foot restaurant with a 260-square-foot stage area, a 160-square-foot bar area, a 640-square-foot commercial kitchen with a 570-square-foot restaurant dry storage space, a 80-square-foot office space, mechanical, electrical and storage space, and a delivery space, also accessed from the building's Wawona Street frontage, with an adjoining interior 270-square-foot vestibule space .

The **second floor** would provide a 5,810-square-foot St. Patricks' Room banquet hall with an adjoining 850-square-foot retractable stage surrounded by three backstage areas and a 690-square-foot warming kitchen. On this floor would also be a 99-person theater with a 310-square-foot stage area, a 1,090-square-foot bar with bar seating and a 570-square-foot deck, restrooms, storage and mechanical space.

The **second-floor mezzanine** level would mostly be open space to the floor below but would also allow for additional seating for the St. Patrick's Room in a 3,310-square-foot area. There would also be a 630-square-foot green room for performer use, restrooms, storage and mechanical space.

The **third floor** would house four art galleries for a total of approximately 5,900 square feet, a library with two reading rooms (one for research) totaling 2,620 square feet, a 200 square foot librarian's office, a 1,080-square-foot reception/lobby area, a 1,010-square-foot children's play room, an approximately 100-square-foot kitchenette, restrooms, storage and mechanical space, a 50-square-foot janitor's closet, a 610-square-foot balcony and a 1,310-square-foot garden/deck area.

The **fourth floor** would provide a lobby area, 2,530 square feet of non-profit use and 2,940 square feet of administrative office space, 2,540 square feet of flexible classroom and dance studio space, a 310 square-foot conference room, a 1,038 square-foot children's classroom, restrooms, storage and mechanical space, and a 310-square-foot deck.

The **fifth floor** would have a 5,290-square-foot gym, two exercise studios totaling 1,100 square feet, a 1,290 square-foot café with tables and chairs, a 280-square-foot physical therapy area, two locker rooms with showers, lockers and bathrooms, a 260-square-foot lounge, storage and mechanical space, and a 210-square-foot balcony.

The **sixth floor** would provide a roof deck with 1,130 square feet for two outdoor dining areas, a fire pit table and 1,570 square feet of restaurant seating, a 1,270 square foot commercial kitchen, a 1,320 square foot lounge with seating area, a 1,328 square foot green roof and children's garden, two bars and two cold rooms, a 1,580 square foot member's lounge, and restrooms and storage areas.

The project would provide approximately 6,000 square feet of shared open space, distributed amongst decks, balconies, a garden and outdoor dining areas.

Event Uses and Staffing

Once constructed, the Irish Center would continue to host a range of events in the proposed three larger event rooms and in smaller rooms throughout the building. In general, future event types and programming would

be similar to those currently held at the existing facility, although events would be held more frequently, as discussed below.

Smaller meetings, classes, workshops, and similar programs (of around 30 people) would occur regularly throughout the year, potentially weekly or multiple times a week. Large events, attracting upwards of 400 people and utilizing one or more of the three larger event rooms, would occur approximately four times a month. During the larger events, the Irish Center would use valet services, with parking facilities provided in the basement. Overflow parking demand would be met along Sloat Boulevard near the zoo, as such events would typically occur in the evening hours after the zoo is closed and street parking is more widely available.

To be able to accommodate large events, the new structure would increase capacity of the existing event spaces by a total of approximately 227 people in a theater seating configuration (from 690 people to 917 people), and by 98 people in a table seating configuration (from 358 people to 456 people). Theater seating refers to chairs in rows, used for a minority of events, while table refers to banquet-style events with tables. Most events would be table-style events.

The proposed project would employ a total of approximately 45 permanent employees, which would consist of 25 to 30 employees to support cultural/institutional/educational uses and approximately 15 employees to support other uses, such as non-profit offices and café/restaurant/bar uses. In addition, approximately 5 to 7 temporary employees would be hired to support smaller events and approximately 10 to 12 temporary employees would be hired to support larger events.

Parking and Loading

The project would provide a yellow curb approximately 45-feet-long adjacent to an approximate 36-foot-long parallel parking area west of the garage entry on Wawona Street, and a hybrid white and yellow curb approximately 90-feet-long along the building frontage on 45th Avenue. The hybrid white/yellow curb on 45th Avenue is intended for passenger loading (white curb) during the Irish Center's business hours, and for commercial loading (yellow curb) during hours outside of the Irish Center's operations (approximately 10 p.m. to 7 a.m.). Additional streetscape improvements along Wawona Street would include 52 Class 2 bicycle parking spaces, two PG&E transformer vaults, one new 10-foot curb cut for access to the first level basement parking garage, and a sidewalk bulb-out with two new curb ramps at the corner of Wawona Street and 45th Avenue. Additional proposed streetscape improvements along 45th Avenue would also include sidewalk uplighting on both the 45th Avenue and Wawona sides of the building, and removal of the existing power pole on the corner of 45th and Wawona (with electric utilities to be diverted underneath the sidewalk). Street trees would also be planted along both 45th Avenue and Wawona Street sidewalks.

Project Construction

The proposed construction is estimated to last approximately 20 months. The proposed project has been accepted for priority processing pursuant to Director's Bulletin No. 2 for Type 3, Clean Construction projects. Pursuant to this program, the project sponsor has committed to using Tier 4 engines on all diesel-fueled

construction equipment.[1] The proposed foundation would consist of conventional spread footings or a mat foundation, potentially coupled with the use of drilled piers and/or retaining walls for additional support. The maximum depth of excavation would be approximately 52 feet below grade (if drilled piers are used to support the foundation) or 40 feet below grade if drilled piers are determined not to be necessary. Total area of excavation would be approximately 16,120 square feet for a total volume of 19,860 cubic yards.

Project Approvals

The proposed 2700 45th Avenue project would require the following approvals:

Actions by the Board of Supervisors

- Approval of Planning Code and zoning map amendments to establish a Special Use District to allow for modification of Planning Code requirements regarding uses and use categories, floor area ratio, rear yard setbacks, and bulk.

Actions by the Planning Commission

- Adoption of findings with the recommendation of the Recreation and Park Commission, that net new shadow on San Francisco Zoo would not be adverse
- Recommendation to the San Francisco Board of Supervisors to approve Planning Code and zoning map amendments adopting a special use district and associated zoning map amendments
- Approval of a Conditional Use Authorization for the construction on large lot and use size exceedance.

Actions by Department of Building Inspection

- Approval of building permits

Actions by the Recreation and Park Commission

- Recommendation to the Planning Commission that net new shadow on San Francisco Zoo would not be adverse

Actions by the Department of Public Works

- Approval of permits for passenger and freight loading zone and streetscape modifications in the public right-of-way
- Approval of new and removed street trees
- Approval of encroachment permits for private project improvements in the public right-of-way, including a transformer vault

Actions by the Department of Public Health

- Approval of Phase I environmental site assessment report and site mitigation plan, if necessary, pursuant to Maher Ordinance
- Issuance of well permit(s) for dewatering and soil boring

1 San Francisco Planning Department, *Application for Priority Application Processing, 2700 45th Avenue*, April 4, 2022. Project-specific studies prepared for the 2700 45th Avenue project are available for review on the San Francisco Property Information Map, which can be accessed at https://sfplanninggis.org/PIM/. Individual files can be viewed by clicking on the Planning Applications link, clicking the "More Details" link under the project's environmental case number 2022-001407ENV and then clicking on the "Related Documents" link.

Actions by San Francisco Public Utilities Commission

- Approval of a stormwater control plan

Approval Action: Approval of the Conditional Use Authorization would constitute the approval action for the proposed project. The approval action date establishes the start of the 30-day appeal period for this CEQA determination pursuant to section 31.04(h) of the San Francisco Administrative Code.

B. Streamlining for Infill Projects Overview

California Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3 provide~~s~~ a streamlined environmental review process for eligible infill projects by limiting the topics subject to review at the project level where the effects of infill development have been previously addressed in a planning level environmental impact report (EIR) or by uniformly applicable development policies.[2] Further review of the effects of an eligible infill project is not required under CEQA under two circumstances. First, if an effect was addressed as a significant effect in the prior EIR for a planning level decision,[3] then that effect need not be analyzed again for an individual infill project, even when that effect was not reduced to a less than significant level in the prior EIR. Second, an effect need not be analyzed, even if it was not analyzed in a prior EIR or is more significant than previously analyzed, if the lead agency makes a finding that uniformly applicable development policies or standards, adopted by the lead agency or a city or county, apply to the infill project and would substantially mitigate that effect. Depending on the effects addressed in the prior EIR and the availability of uniformly applicable development policies or standards that apply to the eligible infill project, the streamlined environmental review would range from a determination that no further environmental review is required to a narrowed, project-specific environmental document.

Pursuant to CEQA Guidelines Section 15183.3, an eligible infill project is examined in light of the prior EIR to determine whether the infill project will cause any effects that require additional review under CEQA. The evaluation of an eligible infill project must address the following:

(1) whether the project satisfies the performance standards of Appendix M of the CEQA Guidelines;
(2) the degree to which the effects of the infill project were analyzed in the prior EIR;
(3) an explanation of whether the infill project will cause new specific effects[4] not addressed in the prior EIR;
(4) an explanation of whether substantial new information shows that the adverse effects of the infill project are substantially more severe than described in the prior EIR; and

2 Uniformly applicable development policies are policies or standards adopted or enacted by a city or county, or by a lead agency, that reduce one or more adverse environmental effects.

3 Prior EIR means the environmental impact report certified for a planning level decision, as supplemented by any subsequent or supplemental environmental impact reports, negative declarations, or addenda to those documents.

4 A new specific effect is an effect that was not addressed in the prior EIR and that is specific to the infill project or the infill project site. A new specific effect may result if, for example, the prior EIR stated that sufficient site-specific information was not available to analyze the significance of that effect. Substantial changes in circumstances following certification of a prior EIR may also result in a new specific effect.

(5) if the infill project would cause new specific effects or more significant effects than disclosed in the prior EIR, the evaluation shall indicate whether uniformly applied development standards substantially mitigate[5] those effects.

No additional environmental review is required if the infill project would not cause any new site-specific or project-specific effects or more significant effects, or if uniformly applied development standards would substantially mitigate such effects.[6]

Infill Project Eligibility

The proposed project at 2700 45th Avenue would contain mixed-use cultural/institutional/educational uses with office, restaurant, recreational/fitness facilities, and event space. While the project would be classified as an "institutional" use under the Planning Code (specifically, as a "community facility"), the underlying uses are similar to commercial uses. Specifically, the predominant uses of the proposed project would be event space, recreational/fitness facilities, and restaurant/bar/café uses. The Planning Code classifies a commercial use as "a land use with the sole or chief emphasis on making financial gain[7] Although the Irish Center would continue to operate as a non-profit organization, the majority of the proposed uses would function similarly to a commercial use – for example, offering food, drink, exercise and health, cultural, and event services to the public for a fee. Because the proposed project uses would function similarly to a commercial use – and the for-profit versus non-profit distinction is not relevant for the purposes of CEQA – the proposed project would meet the criteria of a commercial project for purposes of this streamlined review. Therefore, for purposes of project's eligibility pursuant to Appendix M performance standards, Table 3b, Commercial Projects would apply to the proposed project. As shown below, the proposed project meets the performance standards for all applicable criteria.

To be eligible for the streamlining procedures prescribed in CEQA Guidelines section 15183.3, an infill project must meet criteria specified in subsection b (listed below). As explained, the proposed project at 2700 45th Avenue satisfies these criteria and is therefore considered an eligible infill project.

a) *The project site must be located in an urban area on a site that either has been previously developed or that adjoins existing qualified urban uses on at least seventy-five percent of the site's perimeter.*

   The project site is located within an urban area and has been previously developed. According to historical Sanborn maps, the project site has been developed since approximately 1975 with the current three-story rectangular building and an adjoining asphalt-paved parking lot.

b) *The proposed project must satisfy the performance standards provided in Appendix M of the CEQA Guidelines.*

5 More significant means an effect will be substantially more severe than described in the prior EIR. More significant effects include those that result from changes in circumstances or changes in the development assumptions underlying the prior EIR's analysis. An effect is also more significant if substantial new information shows that: (1) mitigation measures that were previously rejected as infeasible are in fact feasible, and such measures are not included in the project; (2) feasible mitigation measures considerably different than those previously analyzed could substantially reduce a significant effect described in the prior EIR, but such measures are not included in the project; or (3) an applicable mitigation measure was adopted in connection with a planning level decision, but the lead agency determines that it is not feasible for the infill project to implement that measure.

6 Substantially mitigate means that the policy or standard will substantially lessen the effect, but not necessarily below the levels of significance.

7 San Francisco Planning Code, Section 102. *https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_planning/0-0-0-17783*, accessed on July 15, 2023.

The proposed project satisfies the applicable performance standards provided in Appendix M of the CEQA Guidelines. The Appendix M performance standards that apply to the proposed project are discussed below. As noted, the project site is not included on any list compiled pursuant to Section 65962.5 of the Government Code (i.e., the "Cortese" list), the project site is located within one-half mile of at least 1,800 dwelling units, and the proposed project would include on-site renewable power generation in the form of a photovoltaic system.

c) *The proposed project is consistent with the general use designation, density, building intensity, and applicable policies specified in the Sustainable Communities Strategy.*

Plan Bay Area is the current Sustainable Communities Strategy and Regional Transportation Plan that was adopted by the Metropolitan Transportation Commission (MTC) and Association of Bay Area Governments (ABAG) in July 2013, in compliance with California's governing greenhouse gas reduction legislation, Senate Bill 375.[8] To be consistent with Plan Bay Area, a proposed project must be located within a Priority Development Area (PDA) or must meet all of the following criteria:

- Conform with the jurisdiction's General Plan and Housing Element;
- Be located within 0.5 miles of transit access;
- Be 100% affordable to low- and very-low income households for 55 years; and
- Be located within 0.5 miles of at least six neighborhood amenities.

The project site is located within the Sunset Corridors PDA; therefore, the project is consistent with the general use designation, density, building intensity, and applicable policies specified in Plan Bay Area.

Plan-Level Environmental Impact Report

For purposes of this Streamlined Review for Infill Projects document, the analysis considers the impacts of the proposed 2700 45th Avenue project relative to those described in the San Francisco Housing Element 2022 Update EIR (Housing Element EIR).[9] The Housing Element EIR is a comprehensive programmatic document that presents an analysis of the environmental effects of implementation of the housing element, which is a planning level decision. The Housing Element EIR evaluated the physical impacts on the environment that could result from adoption and implementation of the housing element update, which established goals, policies, and actions to address existing and future housing needs, including the regional housing targets allocated to San Francisco by regional agencies for the 2023–2031 cycle.

The Housing Element is a plan-level document that primarily focused on infill development throughout the City that is residential in nature; however, it also acknowledged that other non-residential uses that support residential uses would continue to be implemented. While the Housing Element EIR did not analyze project-specific environmental impact of any individual project, as part of its underlying assumptions, it considered certain building typologies associated with future development as well as increases in the number of residents and jobs over time. The Housing Element assumed that residential neighborhoods would be interspersed with

8 California Legislative Information, Senate Bill 375, September 30, 2008. Available: https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=200720080SB375, Accessed July 2023.

9 City and County of San Francisco, Planning Department Case No. 2019-016230ENV and State Clearinghouse No. 2021060358, San Francisco Housing Element 2022 Update. Available at: https://sfplanning.org/environmental-review-documents?title=&field_environmental_review_categ_target_id=212&items_per_page=10. Accessed: May 5, 2023.

commercial and institutional uses that would be compatible with and supported by the surrounding residential uses.

As discussed below, the project at 2700 45th Avenue would be generally consistent with the types of uses that were anticipated on the site as part of the Housing Element. Moreover, the proposed project would provide land uses that are compatible with the already present mixed-use character of the neighborhood. The surrounding neighborhood includes variety of land uses, including residential, restaurant, motel, retail, and the Zoo. The proposed project would provide restaurant, bar, and office uses along with a private and public community facility that includes a ballroom, library, gym, classrooms, theater, and art gallery, and restaurant, bar, and administrative office spaces.

This Streamlined Review for Infill Projects document concludes that the proposed project at 2700 45th Avenue: (1) is eligible for an infill streamlining exemption; (2) the effects of the infill project were analyzed in the Housing Element 2022 Update EIR and applicable mitigation measures from the EIR have been incorporated into the proposed project (through adoption of a Mitigation Monitoring and Reporting Program); (3) the proposed project would not cause new specific effects that were not already addressed in the Housing Element EIR; and (4) there is no substantial new information that shows that the adverse environmental effects of the infill project are more significant than described in the prior EIR. Therefore, no further environmental review is required for the project and this document comprises the full and complete CEQA evaluation necessary for the proposed project.

Potential Environmental Effects

The Housing Element EIR included analyses of environmental issues, including: land use and planning, aesthetics, population and housing, greenhouse gas emissions, recreation, public services, biological resources, geology and soils hydrology and water quality, hazards and hazardous materials, energy, cultural and tribal cultural resources, transportation and circulation, noise and vibration, air quality, wind, shadow, utilities and service systems, and paleontological resources. The project site's community center-related uses were assumed as part of the Housing Element since those uses already exist on-site and the proposed project would continue and expand those uses. Moreover, as noted in the transportation section below, the transportation analysis that was prepared for the Housing Element considered potential population and job increases in transportation analysis zone (TAZ) 99, the TAZ in which the project site is located. The increase of jobs associated with cultural, institutional and educational (CIE) uses was estimated to be 43 for this TAZ. Since TAZ 99 does not contain any other CIE-related uses, this jobs increase could therefore be attributed to the proposed project. Moreover, the proposed use is permitted on the site pursuant to the City's Planning Code and the proposed building would be of scale and construction-type within the range of building typologies studied in the Housing Element EIR for future development projects.

The proposed project would be consistent with all relevant requirements and standards of the Planning Code, pending the approval of the Wawona Street and 45th Avenue Cultural Center Special Use District (SUD) and would be generally consistent with objectives and policies of the Housing Element. While the center's programming would have a focus on preserving and reflecting the history of the Irish community, the center would continue to enhance the community life of Outer Sunset residents by providing a space for all types of reactional, educational, and civic activities. The proposed project would also expand the existing community facility's ability to serve the neighborhood with additional neighborhood-serving retail uses, job

opportunities, and business opportunities. Additionally, the proposed project would reinforce and enhance the nearby neighborhood-serving commercial corridor by introducing additional patrons to the area.

Table 2, below, summarizes impact determinations that were made in the Housing Element EIR. As further discussed in this document, the proposed infill project would not result in adverse environmental effects that are more significant than were identified in the Housing Element EIR. Additionally, the proposed project would not result in new specific environmental effects that were not previously identified. The portions of the Housing Element EIR containing the analysis that would be applicable to a typical infill project's environmental effects are cited in each respective topic section in section E of this document. Applicable mitigation measures identified in the Housing Element EIR are incorporated into the proposed project, as discussed below.

Table 2: Summary of Housing Element EIR Impact Determinations by Topic

Significance Determination	Resource Topic
Not Applicable or No Impact	Noise and Vibration (operational groundborne vibration; airport/airstrip related items); Utilities and Service Systems (natural gas facilities and separate sewer systems); Biological Resources (conservation plans); Geology and Soils (septic tanks or alternative wastewater disposal systems; unique geological features; fault rupture); Hazards and Hazardous Materials (airports; wildland fire); Agriculture and Forestry Resources; Mineral Resources; and Wildfire
Less than Significant	Land Use and Planning; Aesthetics; Population and Housing; Transportation (hazards, accessibility, VMT, parking); Air Quality (air quality plan, operational criteria pollutants); Noise and Vibration (cumulative construction vibration); Greenhouse Gas Emissions; Recreation (increased use); Utilities and Service Systems (compliance with laws); Biological Resources; Geology and Soils (all except paleontological resources); Hydrology and Water Quality; Hazards and Hazardous Materials; and Energy.
Less than Significant with Mitigation	Cultural Resources (archeological resources, including human remains); Tribal Cultural Resources; Noise and Vibration (construction vibration, except cumulative); Air Quality (construction criteria pollutants); Recreation (construction or expansion); Utilities and Service Systems (electric power or telecommunications); Public Services; and Geology and Soils (paleontological resources).
Significant and Unavoidable with Mitigation	Cultural Resources (historical resources); Transportation (public transit, loading); Noise and Vibration (construction noise, operational noise); Air Quality (operation criteria air pollutants, toxic air contaminants); Wind; Shadow; and Utilities and Service Systems (wastewater or stormwater, wastewater treatment capacity).
Significant and Unavoidable	Transportation (construction) and Utilities and Service Systems (water supply).

The Housing Element EIR identified feasible mitigation measures to address significant impacts related to cultural and tribal cultural resources, noise and vibration, air quality, wind, shadow, recreation, utilities and service systems, public services, geology and soils, and transportation. Section E of this Streamlined Review for Infill Projects document (Evaluation of Environmental Effects) discusses the applicability of each mitigation

measure from the Housing Element EIR and identifies uniformly applicable development standards that would reduce environmental effects of the project. Table 3, below, summarizes those mitigation measures identified in the Housing Element EIR that would apply to the proposed project.

Table 3: Applicable Housing Element 2022 Update EIR Mitigation Measures

Mitigation Measure	Applicability	Compliance
Project Mitigation Measure M-CR-1 (implements Housing Element EIR Mitigation Measure M-CR-2a): Procedures for Discovery of Archeological Resources for Projects Involving Soil Disturbance (implements HE EIR Mitigation Measure M-CR-2a)	Applicable: the project site has moderate to high sensitivity for surface and buried prehistoric resources and proposed excavation could damage or destroy unknown subsurface archeological resources.	The Planning Department has conducted a Preliminary Archeological Review. The project sponsor has agreed to follow procedures for discoveries of archeological resources made in the absence of an archeologist and discoveries made during archeological monitoring or testing.
Project Mitigation Measure M-CR-2 (implements Housing Element EIR Mitigation Measure M-CR-2c): Archeological Testing Program	Applicable: the project site has moderate to high sensitivity for surface and buried prehistoric resources and proposed excavation could damage or destroy unknown subsurface archeological resources.	The project sponsor has agreed to retain the services of an archeologist from the planning department's list of qualified archeological consultants to develop and implement an archeological testing program.
Project Mitigation Measure M-TCR-1 (implements Housing Element EIR Mitigation Measure M-TCR-1): Tribal Cultural Resources Education	Applicable: the project site has moderate to high sensitivity for surface and buried Native American resources.	The project sponsor has agreed to consult with a Native American representative regarding any identified Native American archeological resources.
Project Mitigation Measure M-TR-1 (implements Housing Element EIR Mitigation Measure M-TR-4a): Parking Maximums and Transportation Demand Management	Applicable: the proposed project would contribute considerably to the significant cumulative transit delay impacts.	The project sponsor is proposing reduced parking as compared to what is allowed under the Planning Code and has agreed to implement various other TDM measures.
Project Mitigation Measure M-NO-1 (implementing Housing Element EIR Mitigation Measure M-NO-1): Construction Noise Control	Applicable: temporary construction noise from the use of heavy equipment would be generated.	The project sponsor has agreed to develop and implement a set of noise attenuation measures during construction.
Project Mitigation Measure M-WI-1 (implementing Housing Element EIR Mitigation Measure M-WI-1a): Wind Minimization	Applicable: the project is located in an area that could have wind hazard criterion exceedances	The project sponsor has conducted a wind analysis and has agreed to implement additional recommendations proposed therein.

Project Mitigation Measure M-WI-2 (implementing Housing Element EIR Mitigation Measure M-WI-1b): Landscape Maintenance	Applicable: the project is located in an area that could have wind hazard criterion exceedances	The project sponsor has agreed to maintain landscaping such that it would continue to provide wind attenuation.

As discussed below in Section E, below, none of the other mitigation measures identified in the Housing Element EIR would be applicable to the proposed project. Please see Attachment B, Mitigation Monitoring and Reporting Program (MMRP) for the complete text of the applicable mitigation measures. With implementation of these mitigation measures and uniformly applicable development standards, the proposed project would not result in significant impacts beyond those analyzed in the Housing Element EIR.

Project Eligibility Under Appendix M Performance Standards

The proposed project satisfies the applicable performance standards of Appendix M of the CEQA Guidelines. Requirements outlined in Table 4, below, are applicable to all projects to be eligible for streamlined environmental review. Requirements outlined in Table 5, below, are based on proposed project type and correspond to Appendix M, Section IV, Subsection B (Commercial/Retail), as explained above under Infill Project Eligibility.

All other applicability requirements included in Appendix M of Section IV are not applicable to the proposed project as it does not propose residential, transit, school, or small walkable community project uses. A small amount of office uses is proposed as part of the project; however, pursuant to Appendix M, Section IV, Subsection G, "where a project includes some combination of residential, commercial and retail, office building, transit station, and/or schools, the performance standards in this Section that apply to the predominant use shall govern the entire project." Therefore, for purposes of applicability requirements of Appendix M, the performance standards for commercial projects are applied to the proposed project.

Table 4: Performance Standards Related to Project Design (Applicable to all Projects) To be eligible for infill streamlining, a project must meet all of three criteria below.	
	1. Does the non-residential infill project include a renewable energy feature? If so, describe below. If not, explain below why it is not feasible to do so.
☒	**The proposed project would include on-site renewable power generation in the form of a photovoltaic system to partially off-set operational electric loads of the project. It would be located on the roof.**
	2. If the project site is included on any list compiled pursuant to Section 65962.5 of the Government Code, either provide documentation of remediation or describe the recommendations provided in a preliminary endangerment assessment or comparable document that will be implemented as part of the project.
☒	**The project site is not listed on any list complied pursuant to Section 65962.5 of the Government Code. The proposed project is subject to Article 22A of the San Francisco Health Code, also known as the Maher Ordinance, which is administered and overseen by the Department of Public Health (DPH). In compliance with the Maher Ordinance, the proposed project would be required to remediate potential soil contamination in accordance with Article**

	22A of the Health Code.
☐	3. If the infill project includes residential units located within 500 feet, or such distance that the local agency or local air district has determined is appropriate based on local conditions, of a high-volume roadway or other significant source of air pollution, describe the measures that the project will implement to protect public health. Such measures may include policies and standards identified in the local general plan, specific plans, zoning code or community risk reduction plan, or measures recommended in a health risk assessment, to promote the protection of public health. Identify the policies or standards, or refer to the site-specific analysis, below. **Not applicable because the proposed project does not include residential units.**

Table 5: Commercial Projects To be eligible for infill streamlining, a commercial project with a single building floor-plate below 50,000 square feet must meet one of the following criteria. See Attachment C for definitions and other terms.	
☐	The project site located within a low vehicle travel area, as defined in Appendix M? **The proposed project does not meet this criterion.**
☒	The project site is within one-half mile of 1,800 dwelling units. **According to the City's Enterprise Addressing System (EAS), the Planning Department's official source for addresses, there are 3,249 units with ½ a mile of the project site. Therefore, the proposed project would meet this criterion.**

Project Specific Studies

The following project-specific studies were prepared and/or reviewed to determine if the project would result in any significant environmental impacts that were not identified in the Housing Element EIR:

Historical resources evaluation, part 1	Greenhouse gas analysis checklist
Historical resources evaluation response	Wind analysis
Archeology review	Shadow analysis
Transportation site circulation review	Geotechnical report
Noise impact analysis	Phase 1 environmental site assessment

C. Project Setting

Site Vicinity

As noted above, the project site is located in San Francisco's Parkside neighborhood, within a quarter mile of the Great Highway, Sloat Boulevard, and Skyline Boulevard/California State Route 35. The San Francisco Zoo is located one block to the south, and Ocean Beach and the Pacific Ocean are located four blocks to the west. The project site is primarily flat, with a gentle grade sloping to the west.

The parcels south and southeast of the project site are with the NC-2 (Neighborhood Commercial) District, while the parcels east of the project site are within the RM-2 (Residential, Mixed) District. North and east of the project block, parcels are within the RH-1 (Residential, House) District, while the parcels in the blocks west of

the project site are located in the NC-2 District. The block the project site is on, as well as those to the west, are within the 100-A height and bulk district, while north and east of the project site is within the 40-X height and bulk district.

Existing development in the vicinity of the project site to the west consists of neighborhood commercial, including the existing Sloat Garden Center west of the project site, a café south of the project site, and a hotel to the southeast of the project site, ranging in height from one- to two-stories. East of the project site are three-story residential buildings. North of the project site is primarily one-story residential uses. South of the project site, across Sloat Boulevard, is the San Francisco Zoo.

Cumulative Setting

CEQA Guidelines section 15130(b)(1) provides two methods for cumulative impact analysis: the "list-based approach" and the "projections-based approach". The list-based approach uses a list of projects producing closely related impacts that could combine with those of a proposed project to evaluate whether the project would contribute to significant cumulative impacts. The projections-based approach uses projections contained in a general plan or related planning document to evaluate the potential for cumulative impacts. This project-specific analysis employs both the list-based and projections-based approaches, depending on which approach best suits the resource topic being analyzed.

The Housing Element EIR's geographic scope is the entire City and County of San Francisco, which includes project site. The EIR evaluated impacts on the environment that could result from the adoption and implementation of the housing element update. The cumulative impact analysis provided in this initial study uses projections from the Housing Element EIR for certain topics, such as population and housing.

The cumulative analysis for certain localized impact topics (e.g., cumulative shadow and wind effects) uses the list-based approach. The following is a list of reasonably foreseeable projects within the project vicinity (approximately one-quarter mile) that are included:

- **2700 Sloat Boulevard (Case Number 2021-012382ENV):** The proposed project would demolish the existing Sloat Garden Center consisting of a commercial building, display areas, storage, and parking lot and construct a new residential development with ground floor commercial/retail and a basement. According to the most recent project application that was considered for purposes of cumulative impact analysis (April 2023), the project proposes a 50-story building with 712 residential units, a 31,075 square-foot fitness center and spa, 21,864 square feet of community facility, 15,302 square feet of retail space, 212 carshare parking spaces, and 327 bicycle parking spaces. The planning department has determined this recent application is incomplete and does not meet the requirements of the planning code and state density bonus law, so there is uncertainty regarding this project. Nonetheless, for the purposes of this environmental review, this project is considered in the cumulative impact analysis as proposed.
- **San Francisco Zoo Recycled Water Pipeline (SFPUC, San Francisco Zoo) (Case Number 2021-006486ENV):** The San Francisco Zoo Recycled Water Pipeline Project would convert the current groundwater supply and distribution system to a recycled water supply and distribution system, except for end uses that need to be converted to potable water (e.g., drinking water for animals). Recycled water would replace groundwater currently used to supply various uses including irrigation, cleaning and replenishment of surface water bodies, animal exhibit washdown and pool refilling, and

general cleaning. A new recycled water pipeline would be installed connecting the zoo's groundwater reservoir to the existing Westside Enhanced Recycled Water Project distribution line. The project would also include a series of small retrofits including signage installation and tagging of fixtures. This project does not include landscaping, irrigation system retrofits, or cross-connection testing.

- **Great Highway Pilot Project (Case Number 2022-007356ENV):** The Great Highway Pilot Project authorized a three-year pilot study using the Upper Great Highway between Lincoln Way and Sloat Boulevard as a car-free promenade on weekends, holidays, and Friday afternoons until 2025.
- **Sloat Boulevard Quick Build Project (Case Number 2023-004188PRJ):** The Sloat Quick-Build Project would upgrade pedestrian crossings, add a two-way protected bikeway, improve accessibility, and consider other measures to reduce vehicle speeds while keeping traffic moving on Sloat Boulevard between the Great Highway and Skyline Boulevard. The two-way protected bikeway would be located on the south side of Sloat Boulevard. Bus boarding islands, painted safety zones at unsignalized intersections, and parking and loading changes near the San Francisco Zoo would also be installed.

D. Summary of Environmental Effects

The proposed project could potentially affect the environmental factor(s) checked below. The following pages present a more detailed checklist and discussion of each environmental topic.

☐ Land Use and Land Use Planning	☐ Greenhouse Gas Emissions	☐ Geology and Soils
☐ Population and Housing	☒ Wind	☐ Hydrology and Water Quality
☒ Cultural Resources	☐ Shadow	☐ Hazards and Hazardous Materials
☒ Tribal Cultural Resources	☐ Recreation	☐ Mineral Resources
☒ Transportation and Circulation	☐ Utilities and Service Systems	☐ Energy Resources
☒ Noise	☐ Public Services	☐ Agriculture and Forestry Resources
☐ Air Quality	☐ Biological Resources	☐ Wildfire

E. Evaluation of Environmental Effects

This Streamlined Review for Infill Projects document was prepared to examine the proposed project in light of a prior EIR to determine whether the project would cause any effects that require additional review under CEQA. As noted above, the prior EIR for this project is the programmatic Environmental Impact Report for San Francisco Housing Element 2022 Update. The Housing Element EIR identified environmental impacts as summarized in Table 2, above. Mitigation measures identified in the Housing Element EIR are discussed under each topic area, and measures that are applicable to the proposed project are shown in the attached Mitigation, Monitoring and Reporting Plan (Attachment B).

The proposed project would include demolition of the existing building and construction of a new 129,540-gross-square-foot, six-story over two-level basement, mixed-use cultural/institutional/educational building with 100,560 square feet of cultural/commercial/retail use and 8,830 square feet of office use. As discussed below in this initial study, the effects of the proposed infill project have already been analyzed and disclosed in the Housing Element EIR and are not substantially greater than previously analyzed.

CEQA Section 21099

In accordance with CEQA section 21099 – Modernization of Transportation Analysis for Transit Oriented Projects – aesthetics and parking shall not be considered in determining if a project has the potential to result in significant environmental effects, provided the project meets the following three criteria:

a) The project is in a transit priority area;
b) The project is on an infill site; and
c) The project is residential, mixed-use residential, or an employment center.

As documented in the project-specific transportation study, the proposed project meets each of the above three criteria and thus, this checklist does not consider aesthetics or parking in determining the significance of project impacts under CEQA.[10]

E.1 Land Use and Land Use Planning

Housing Element Land Use and Planning Findings

The Housing Element EIR land use and planning findings are discussed in the EIR on pages 4.1-19 through 4.1-24. The EIR determined that future development consistent with the housing element update would not create any new physical barriers in established communities. Future development consistent with the housing element update would generally be required to be consistent with applicable zoning, height and bulk district, and land use designations. Future actions consistent with the housing element update would be required to adhere to all applicable environmental regulations and therefore would not be expected to conflict with plans, policies, or regulations adopted for the purpose of avoiding or mitigating environmental effects. Based on this, the Housing Element EIR found impacts to land use and land use planning to be less than significant.

Project Analysis

		Not Analyzed in the Prior EIR			
Topics:	*Analyzed in the Prior EIR*	*No Impact*	*Substantially Mitigated by Uniformly Applicable Development Policies*	*Less than Significant or Less than Significant with Mitigation Incorporated*	*Significant Impact*
Would the project:					
a) Physically divide an established community?	☒	☐	☐	☐	☐
b) Cause a significant physical environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	☒	☐	☐	☐	☐

10 Kittelson & Associates, *Transportation Study, United Irish Cultural Center, 2700 45th Avenue, Case No. 2022-001407ENV*, July 2023.

E.1.a) The proposed project would not result in the construction of a physical barrier to neighborhood access or the removal of an existing means of access as it would replace an existing structure with a new larger building that would be constructed within established lot boundaries. The proposed project would not alter the established street grid or permanently close any streets or sidewalks. Therefore, the proposed project would not physically divide an established community.

E.1.b) Land use impacts could be considered significant if the proposed project would conflict with a mandated plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental impact. The determination as to whether a conflict with a land use plan, policy, or regulation is significant under CEQA is based on whether that conflict would result in a significant physical environmental impact.

Plans, policies, and regulations adopted for the purpose of avoiding or mitigating an environmental effect are those that directly address environmental issues and/or contain targets or standards that must be met in order to maintain or improve characteristics of the City's physical environment. Examples of such plans, policies, or regulations include the Bay Area Air Quality Management District's Bay Area Air Quality Management District 2017 Clean Air Plan and the San Francisco Regional Water Quality Control Board's San Francisco Basin Plan.

The proposed project is in the Small-Scale Neighborhood Commercial zoning district, which allows for community facilities and commercial and retail uses. The proposed project and its proposed uses are consistent with the general plan and the planning code and most of the proposed uses currently exist on the project site. As part of project approvals, a zoning text and map amendment would be undertaken to establish a Special Use District on the project site. This Special Use District would accommodate exceptions to the planning code involving permitted uses, floor area ratio, required rear yard setback, and bulk. The proposed project would not be expected to conflict with any plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect as the proposed project would continue to be subject to all such applicable regulations.

For these reasons, the project would not result in impacts related to conflicts with land use plans, policies, or regulations adopted for the purpose of mitigating an environmental effect, and no mitigation would be required.

Cumulative

Cumulative development in the project vicinity (within a quarter-mile radius of the project site) includes projects for which the planning department has a project application on file. Nearby cumulative development projects, including the proposed project at 2700 Sloat Avenue, may require temporary closure of streets and sidewalks; however, all construction within San Francisco is required to comply with *Regulations for Working in San Francisco Streets*, which would maintain safe access through the community. Further, upon completion of construction activities, cumulative projects would not be expected to physically divide an established community by constructing a physical barrier to neighborhood access or removing a means of access.

Like all projects proposed in San Francisco, the nearby cumulative development projects would be required to comply with applicable plans, policies, and regulations, including those adopted for the purpose of avoiding or mitigating an environmental effect. For these reasons, the proposed project would not combine with past, present, and reasonably foreseeable future projects to conflict with such plans, policies, or regulations and would not create a significant cumulative land use impact, and no mitigation measures are required.

Conclusion

Based on the above, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR related to land use and land use planning, nor a more severe adverse significant impact due to substantial new information. No project-specific mitigation measures or additional environmental review is required for this topic.

E.2 Population and Housing

Housing Element Population and Housing Findings

The Housing Element EIR population and housing findings are discussed in the EIR on pages 4.1-73 through 4.1-78. The EIR found that increases in population in San Francisco are forecasted to continue through 2050, and that implementation of the housing element update would not directly induce substantial unplanned population growth but, rather, would address an existing need for housing and plan for future housing demand in San Francisco. The housing element update is the City's proposed plan to accommodate anticipated growth, and, as such, would not induce unplanned population growth. Implementation of the housing element update would reduce both direct and indirect displacement compared to the environmental baseline and, therefore, would not be expected to displace substantial numbers of existing people or housing units necessitating the construction of replacement housing.

Project Analysis

		Not Analyzed in the Prior EIR			
Topics:	*Analyzed in the Prior EIR*	*No Impact*	*Substantially Mitigated by Uniformly Applicable Development Policies*	*Less than Significant or Less than Significant with Mitigation Incorporated*	*Significant Impact*
Would the project:					
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	☒	☐	☐	☐	☐
b) Displace substantial numbers of existing people or housing units necessitating the construction of replacement housing?	☒	☐	☐	☐	☐

E.2.a) The project would demolish the existing 21,263-square-foot, 35-foot-tall, three-story United Irish Cultural Center building and construct a new 91-foot-tall, six-story over two-basement level building with approximately 129,540-gross-square-foot of mixed-use cultural/institutional/educational uses with office, restaurant, recreational/fitness facilities, and event space. As discussed in the Project Description, the proposed project would employ a total of approximately 45 permanent employees, which would consist of 25 to 30 employees to support cultural/institutional/educational uses and approximately 15 employees to support other uses, such as non-profit offices and café/restaurant/bar uses. In addition, approximately 5 to 7

temporary employees would be hired to support smaller events and approximately 10 to 12 temporary employees would be hired to support larger events.

The Association of Bay Area Governments (ABAG) prepares projections of employment and housing growth for the Bay Area. The latest projections were prepared as part of Plan Bay Area 2050, adopted by ABAG and the Metropolitan Transportation Commission in 2021. ABAG's growth projections anticipate that by 2050 San Francisco will have approximately 918,000 employees.[11]

The project's cultural/institutional/educational uses, fitness center, restaurant/bar/café and office space would contribute to growth that is projected by ABAG. As part of the planning process for Plan Bay Area, San Francisco identified *priority development areas*, which are areas where new development will support the day-to-day needs of residents and workers in a pedestrian-friendly environment served by transit. The project site is located within a priority development area (Sunset Corridors);[12] thus, it would be implemented in an area where new population and employment growth is both anticipated and encouraged.

The project would also be located in a developed urban area with available access to necessary infrastructure and services (transportation, utilities, schools, parks, hospitals, etc.). Since the project site is located in an established urban neighborhood and is not an infrastructure project, it would not indirectly induce substantial population growth. The physical environmental impacts resulting from employment growth generated by the project are evaluated in the relevant resources topics in this Streamlined Review for Infill Projects document.

E.2.b) The proposed project would not displace any residents or housing units because no housing units currently exist on the project site. Therefore, the proposed project would have no direct impact related to the displacement of housing units or people and would not necessitate the construction of replacement housing elsewhere that could result in physical environmental effects.

Cumulative Analysis

The cumulative context for the population and housing topic is the City and County of San Francisco. The proposed project would provide mixed-use cultural/institutional/educational uses with office, restaurant, recreational/fitness facilities, and event space, which would result in increases in population (jobs). As discussed above, ABAG projects that by 2050 San Francisco will have 918,000 employees.[13,14] According to 2020 census information (based on 2020 data) San Francisco's population is 873,965 with 720,508 employees. As of the third quarter of 2022, approximately 68,348 net new housing units are in the development pipeline, i.e.,

11 Metropolitan Transportation Commission and Association of Bay Area Government, Plan Bay Area 2050: The Final Blueprint: Growth Pattern: Projected Household and Job Growth, By County: San Francisco. Updated January 21, 2021. Available online at: https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease_December2020_GrowthPattern_Jan2021Update.pdf. Accessed: April 26, 2023.

12 Metropolitan Transportation Commission, Priority Development Areas (Plan Bay Area 2050). Available online at: https://opendata.mtc.ca.gov/datasets/priority-development-areas-plan-bay-area-2050/explore?location=37.899147%2C-122.289021%2C8.81. Accessed: April 26, 2023.

13 Metropolitan Transportation Commission and Association of Bay Area Government, Plan Bay Area 2050: The Final Blueprint: Growth Pattern: Projected Household and Job Growth, By County: San Francisco. Updated January 21, 2021. Available online at: https://www.planbayarea.org/sites/default/files/FinalBlueprintRelease_December2020_GrowthPattern_Jan2021Update.pdf. Accessed January 4, 2023.

14 Population is estimated based on the total number of households projected as part of the Plan Bay Area 2050 multiplied by the citywide average persons per household from the U.S. Census for San Francisco County, currently 2.34 persons per household. Available online at: https://www.census.gov/quickfacts/sanfranciscocountycalifornia. Accessed January 4, 2023.

are either under construction, have building permits approved or filed, or applications filed, including remaining phases of major multi-phased projects.[15] The pipeline also includes projects with land uses that would result in an estimated 76,841new employees.[16] As shown in **Table 6** below, cumulative employment growth is below the ABAG projections for planned growth in San Francisco. Therefore, the proposed project in combination with citywide development, would not be expected to result in significant cumulative environmental effects associated with inducing unplanned population growth or displacing substantial numbers of people or housing, necessitating the construction of replacement housing elsewhere.

Table 6: Citywide Employee Pipeline Projections as Compared to ABAG 2050 Projections

Data Source	Employees
2022 Q3 Development Pipeline	76,841
2020 Census	720,508
Cumulative Total Population/Jobs	797,349
ABAG 2050 Projections	918,000
Pipeline Development within ABAG 2050 Projection? (Y/N)	**Y**; Cumulative development within planned growth

[1] References to information presented in this table are included in the text above.

Conclusion

The proposed project would contribute a small portion of the growth in employment anticipated for San Francisco as a whole under Plan Bay Area. The project's incremental contribution to this anticipated growth would not result in a significant individual or cumulative impact related to population and housing. As discussed above, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR related to population and housing, nor a more severe adverse significant impact due to substantial new information. No project-specific mitigation measures or additional environmental review is required for this topic.

E.3 Cultural Resources

Housing Element Cultural Resources Findings

The Housing Element EIR cultural resource findings are discussed in the EIR on pages 4.2-78 through 4.2-127. The EIR found that future development could cause a substantial adverse change in the significance of a historical resource. Mitigation measures M-CR-1a through M-CR-1l would reduce this significant impact. However, the Housing Element EIR found that demolition of built-environment historic resources or alteration in an adverse manner could still occur because the design of future development is uncertain and it is unknown whether mitigation measures can be implemented; therefore, this impact was found to be significant and unavoidable with mitigation. The EIR also found that future development consistent with the

15 Data SF. SF Development Pipeline 2022 Q3. Available online at: https://sfplanning.org/project/pipeline-report#current-dashboard. Accessed January 4, 2023.

16 Data SF. SF Development Pipeline 2022 Q3. Available online at: https://sfplanning.org/project/pipeline-report#current-map-and-data-set. Accessed January 4, 2023.

housing element update could cause a significant impact to archeological resources and human remains if they are encountered during construction activities. However, mitigation measures M-CR-2a through M-CR-2d and M-TCR-1 would reduce these impacts to a less than significant level.

Project Analysis

		Not Analyzed in the Prior EIR			
Topics:	*Analyzed in the Prior EIR*	*No Impact*	*Substantially Mitigated by Uniformly Applicable Development Policies*	*Less than Significant or Less than Significant with Mitigation Incorporated*	*Significant Impact*
Would the project:					
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5, including those resources listed in article 10 or article 11 of the San Francisco *Planning Code*?	☒	☐	☐	☐	☐
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	☒	☐	☐	☐	☐
c) Disturb any human remains, including those interred outside of formal cemeteries?	☒	☐	☐	☐	☐

E.3.a) Pursuant to CEQA Guidelines sections 15064.5(a)(1) and 15064.5(a)(2), historical resources are buildings or structures that are listed, or are eligible for listing, in the California Register of Historical Resources or are identified in a local register of historical resources, such as Articles 10 and 11 of the San Francisco Planning Code. The following discussion regarding historical resources at the project site is based on a Part I Historic Resource Evaluation completed for the building at 2700 45th Avenue and the planning department's response[17,18]

The project site consists of a three-story rectangular building constructed in 1975 and an adjoining asphalt-paved parking lot at the rear of the building on the east side. The Part I Historic Resource Evaluation (HRE) for the building was completed in December 2021, and concluded that the existing building on the site is not eligible for listing in the California register, largely because it lacks architectural significance.[19] Planning department staff subsequently issued the Part I Historic Resource Evaluation Response in October 2022, concurring with the Part I HRE's determination that the property at 2700 45th Avenue is not eligible for listing in the California register—not individually, as a stand-alone historic district, or as a district contributor. Therefore, no historical resources are located on the project site. In addition, the project site is not directly

17 Ver Planck Historic Preservation Consulting, Historical Resource Evaluation Part 1, United Irish Cultural Center, 2700 45th Avenue, December 13, 2021.

18 San Francisco Planning Department, Historic Resource Evaluation Response, 2700 45th Avenue, October 25, 2022.

19 Ibid

adjacent to any known historical resources. The nearest historic resources are the following two landmarks: the Doggie Diner Sign, which is located approximately 110 feet to the south of the project site in the median along Sloat Boulevard, and the Mother's Building, which is located approximately 340 feet to the southwest within the San Francisco Zoo property. In addition, the nearest historic district to the project site, the Mid-century Recreation Historic District (discontiguous), is located approximately 1,000 feet to the northeast of the project site along Wawona Street and 41st Avenue, and approximately 2,000 feet to the southeast near the intersection of Skyline and Lake Merced boulevards. Therefore, demolition of the existing structure on the project site and its replacement with a larger building would be less than significant and the proposed project would not contribute to the significant historic resource impacts identified in the Housing Element EIR; thus, no historic resource mitigation measures would apply to the proposed project.

E.3.b) A project-specific preliminary archeological assessment was conducted for the proposed project. The results of this assessment are described in this section. Project construction would require excavation to a maximum depth of 40 feet below grade (approximately 52 feet below grade if drilled piers are used to support the foundation) over an area of approximately 16,120 square feet, for a total disturbance of 19,860 cubic yards of soil. A preliminary archeological review was performed by a planning department staff archeologist to determine the potential for encountering archeological resources during project construction. The review determined that, although no archeological resources have been recorded in the project area, the project site has moderate to high sensitivity for surface and buried prehistoric resources. In addition, the project site has potential for prehistoric resources and low potential for historical resources based on available data. The dune sand is sensitive for surface and buried Native American resources. The preliminary archaeological review indicates that historical maps and aerial photographs from the twentieth century shows that development was not present where the project site is located until the existing building was constructed in 1975. Therefore, historic-period archaeological resources from the nineteenth century occupation of 45th Avenue are not likely present at the project site.

The project site is underlain by poorly graded brown (dune) sand, and potentially fill in the southern part of the project parcel.[20] As noted above, dune sand is sensitive for surface and buried Native American resources. An excavation of 40 to 52 feet in depth would extend into the dune sand (and potential fill) underlying the project site and could damage or destroy unknown subsurface archeological resources, causing a significant impact on these resources if present. Implementation of **Project Mitigation Measure M-CR-1, Procedures for Discovery of Archeological Resources for Projects Involving Soil Disturbance** (implementing Housing Element EIR Mitigation Measure M-CR-2a) would be required and establishes a set of procedures to be followed for discoveries of archeological resources made in the absence of an archeologist and discoveries made during archeological monitoring or testing. Implementation of **Project Mitigation Measure M-CR-2, Archeological Testing Program** (implementing Housing Element Mitigation Measure M-CR-2c), would require the project sponsor to retain the services of an archeologist from the planning department's list of qualified archeological consultants to develop and implement an archeological testing program. With implementation of project mitigation measures M-CR-1 and M-CR-2, the impact on archeological resources would be reduced to a less-than-significant level. The proposed project would have a less-than-significant impact with mitigation incorporated on archaeological resources and previously unknown human remains.

20 H. Allen Gruen, *Geotechnical Investigation: Planned Development at 2700 45th Avenue, San Francisco, California*, September 23, 2021.

E.3.c) Archeological resources may include human burials. Human burials outside of formal cemeteries often occur in prehistoric or historic period archeological contexts. The potential for the proposed project to affect archeological resources, which may include human burials, is addressed above under E.3.b. Furthermore, the treatment of human remains and of associated or unassociated funerary objects must comply with applicable state laws. This includes immediate notification to the county coroner (San Francisco Office of the Chief Medical Examiner) and, in the event of the coroner's determination that the human remains are Native American, notification of the California Native American Heritage Commission, which shall appoint a most likely descendant.[21]

Cumulative Analysis

As discussed above, the proposed project would have a less-than-significant impact on historic architectural resources and would not have the potential to contribute to any cumulative impacts related to this topic. The cumulative context for archeological resources and human remains is generally site-specific; however, a potentially significant cumulative archeological impact could occur if two projects could combine in a way that could significantly impact the same known or potential resource. The 2700 Sloat Boulevard, which is located across the street from the project site, has the potential to impact the same known or potential archeological resources as the proposed project. For this reason, the proposed project, in combination with cumulative projects, has the potential to result in a significant cumulative impact to archeological resources. The proposed project's contribution to such impact could be cumulatively considerable. However, with implementation of Project Mitigation Measures M-CR-1 and M-CR-2, the proposed project's contribution to this impact would be reduced to a less than significant level. For these reasons, with mitigation measures incorporated, the proposed project, in combination with other cumulative projects, would not result in a cumulatively considerable impact on archeological resources or human remains.

Conclusion

Based on the above, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR related to cultural resources, nor a more severe adverse significant impact due to substantial new information. Project Mitigation Measures M-CR-1 and M-CR-2 would apply to the proposed project to reduce project-specific and cumulative impacts related to archeological resources. Therefore, no additional environmental review is required for this topic.

E.4 Tribal Cultural Resources

Housing Element Tribal Cultural Resources Findings

The Housing Element EIR tribal cultural resources findings are discussed in the EIR on pages 4.3-20 through 4.3-27. Based on tribal consultation conducted for the housing element update, Mitigation Measure M-TCR-1 was developed to require notification of Native American tribal representatives regarding environmental review of future development under the proposed action. If consultation is requested by a Native American tribal representative, Mitigation Measure M-TCR-1 specifies that consultation regarding archeological tribal cultural resources shall focus on, but not be limited to, opportunities for tribal representatives to provide input

21 California Public Resources Code section 5097.98

on the treatment and interpretation of archeological resources and participate in archeological treatment if so desired.

Based on previous tribal cultural resources consultation undertaken for the Housing Element EIR, mitigation measures M-CR-2a, M-CR-2b, M-CR-2c, and M-CR-2d require that tribal representative be afforded the opportunity to consult on development of archeological investigation plans, participate in implementation of such plans as they relate to tribal cultural resources, and present or request that cultural resources awareness training programs for construction workers include Native American tribal representatives and specific training on the treatment of Native American archeological and tribal cultural resources. These measures also identify preservation in place, if feasible, as the preferred treatment for resources that are known or discovered during archeological investigations or during construction and require that tribal representatives be offered the opportunity to consult on preservation-in-place determinations and plans, if requested. In addition, these measures require that tribal representatives be offered meaningful opportunities to participate in the development of public interpretive materials that address Native American archeological and tribal cultural resources and that these materials include acknowledgement that the project is located on traditional Ohlone lands. The Housing Element EIR found that implementation of mitigation measures M-CR-2a, M-CR-2b, M-CR-2c, M-CR-2d and M-TCR-1 would fully mitigate any significant impacts on Native American tribal cultural resources, and impacts would be less than significant with mitigation.

Project Analysis

		Not Analyzed in the Prior EIR			
Topics:	*Analyzed in the Prior EIR*	*No Impact*	*Substantially Mitigated by Uniformly Applicable Development Policies*	*Less than Significant or Less than Significant with Mitigation Incorporated*	*Significant Impact*
Would the project:					
a) Cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, or cultural landscape that is geographically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is: (i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or (ii) A resource determined by the lead agency in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in this subdivision, the lead agency shall consider the significance of the resource to a California Native American tribe.	☒	☐	☐	☐	☐

E.4.a) As discussed in the Cultural Resources section of this document, the project site is sensitive for prehistoric resources, which may also represent tribal cultural resources. Therefore, the project's proposed excavation may result in a significant impact, should tribal cultural resources be encountered. Consistent with the Housing Element EIR, Native American tribal representatives were notified regarding the proposed project, and **Project Mitigation Measure M-TCR-1, Tribal Cultural Resources Education** (implementing Housing Element EIR Mitigation Measure M-TCR-1) was developed in coordination with tribal representatives. Consistent with this measure, if a significant Native American archeological resource is identified during the course of the archaeological testing program, the project sponsor shall hold an event wherein Native American representatives and the archeological consultant involved in the project mitigation effort educate the landowner, prospective tenants/occupants, and the general public about the archeology and history of the land of the project. With implementation of Project Mitigation Measure M-TCR-1, the proposed project would result in a less than significant impact on tribal cultural resources.

Cumulative Analysis

The cumulative context for tribal cultural resources is generally site specific and limited to the immediate construction area; however, a potentially significant cumulative impact to tribal cultural resources could occur if two projects could combine in a way that could significantly impact the same known or potential resource.

The 2700 Sloat Boulevard, which is located across the street from the project site, has the potential to impact the same known or potential tribal cultural resources as the proposed project. For this reason, the proposed project, in combination with cumulative projects, has the potential to result in a significant cumulative impact to tribal cultural resources. The proposed project's contribution to such impact could be cumulatively considerable. However, with implementation of Project Mitigation Measure M-TCR-1, the proposed project's contribution to this impact would be reduced to a less than significant level. For these reasons, with mitigation measure incorporated, the proposed project, in combination with other cumulative projects, would not result in a cumulatively considerable impact on tribal cultural resources.

Conclusion

Based on the above, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR related to archeological resources that constitute tribal cultural resources, nor a more severe adverse significant impact due to substantial new information. Project Mitigation Measure M-TRC-1 would apply to the proposed project to reduce project-specific and cumulative impacts related to tribal cultural resources. Therefore, no additional environmental review is required for this topic.

E.5 Transportation and Circulation

Housing Element Transportation and Circulation Findings

The Housing Element EIR transportation and circulation findings are discussed in the EIR on pages 4.4-86 through 4.4-135. The EIR found that the potential magnitude of future development could require a substantially extended duration or intense activity due to construction, and the secondary effects of that construction could create potentially hazardous conditions for people walking, bicycling, or driving, or public transit operations; interfere with emergency access or accessibility for people walking or bicycling; or

substantially delay public transit. City regulations would apply to the construction of future development (e.g., SFMTA blue book regulations and Public Works code and construction work requirements); however, no other measures to reduce impacts are known. Therefore, the Housing Element concluded that this impact would be significant and unavoidable under project-specific and cumulative scenarios.

The Housing Element EIR also found that traffic generated by future development resulting from implementation of the housing element would substantially delay public transit and that some future development projects could contribute considerably to this significant impact. Mitigation measures M-TR-4a, M-TR-4b, and M-TR-4c would reduce the impact, but not fully. The Housing Element concluded this impact to be significant and unavoidable with mitigation for project-specific and cumulative scenarios.

Lastly, the Housing Element EIR found that future development could result in a loading deficit that could create potentially hazardous conditions for people walking, bicycling, or driving; or potentially delay public transit. Mitigation measures M-TR-4b and M-TR-6 would reduce loading impacts, although their feasibility and effectiveness of fully reducing this impact to a less-than-significant level was found to be uncertain. Therefore, this impact was determined to be significant and unavoidable with mitigation for both project-specific and cumulative scenarios.

Project Analysis

		Not Analyzed in the Prior EIR			
Topics:	*Analyzed in the Prior EIR*	*No Impact*	*Substantially Mitigated by Uniformly Applicable Development Policies*	*Less than Significant or Less than Significant with Mitigation Incorporated*	*Significant Impact*
Would the project:					
a) Involve construction that would require a substantially extended duration or intensive activity, and the effects would create potentially hazardous conditions for people walking, bicycling, or driving, or public transit operations; or interfere with emergency access or accessibility for people walking or bicycling; or substantially delay public transit?	☒	☐	☐	☐	☐
b) Create potentially hazardous conditions for people walking, bicycling, or driving or public transit operations?	☒	☐	☐	☐	☐
c) Interfere with accessibility of people walking or bicycling to and from the project site, and adjoining areas, or result in inadequate emergency access?	☒	☐	☐	☐	☐
d) Substantially delay public transit?	☒	☐	☐	☐	☐

Topics:	Analyzed in the Prior EIR	Not Analyzed in the Prior EIR: No Impact	Substantially Mitigated by Uniformly Applicable Development Policies	Less than Significant or Less than Significant with Mitigation Incorporated	Significant Impact
e) Cause substantial additional vehicle miles travelled or substantially induce additional automobile travel by increasing physical roadway capacity in congested areas (i.e., by adding new mixed-flow travel lanes) or by adding new roadways to the network?	☒	☐	☐	☐	☐
f) Result in a loading deficit, and the secondary effects would create potentially hazardous conditions for people walking, bicycling, or driving; or substantially delay public transit?	☒	☐	☐	☐	☐
g) Result in a substantial vehicular parking deficit, and the secondary effects would create potentially hazardous conditions for people walking, bicycling, or driving; or interfere with accessibility for people walking or bicycling or inadequate access for emergency vehicles; or substantially delay public transit?	☒	☐	☐	☐	☐

E.5.a to d) A project-specific site circulation study was prepared for the proposed project.[22] As part of this analysis, PM peak and daily person trip estimates to and from project the site were calculated using methodology in the department's 2019 Transportation Impact Analysis Guidelines (2019 guidelines).[23] Table 7, below, presents weekday PM peak and daily person trip estimates for the proposed project.

Table 7: Person Trip Estimates – PM Peak and Daily

	Weekday PM Peak Hour Person Trips						Daily Person Trips[1]
	Automobile	For-Hire[2]	Transit	Walking	Bicycling	Total	
Community Center	449	13	144	37	4	647	4,792
Office	2	0	0	0	0	2	28
Restaurant/Bar	84	2	24	42	2	154	1,143
Project Total	**534**	**15**	**169**	**79**	**6**	**803**	**5,693**

1 Includes vehicle trips from both automobile person trips and for-hire person trips, accounting for average vehicle occupancy data (persons per vehicle). Source: San Francisco Planning Department, Transportation Impact Analysis Guidelines.

2 For-hire person trips are trips taken by transportation network companies (e.g., Uber/Lyft) and taxis.

22 Kittelson & Associates, *Transportation Study: United Irish Cultural Center. Project Number 22126.018*, July 2023.

23 San Francisco Planning Department. Transportation Impact Analysis Guidelines for Environmental Review. Available: https://sfplanning.org/project/transportation-impact-analysis-guidelines-environmental-review-update#impact-analysis-guidelines. Accessed: June 27, 2023.

Source: San Francisco Planning Department, Transportation Impact Analysis Guidelines; Kittelson & Associates, 2023

The department used these estimates to inform the analysis of the project's impacts on transportation and circulation during both construction and operational phases. The following analysis discusses the proposed project's impacts related to potentially hazardous conditions, accessibility (including emergency access), public transit delay, vehicle miles traveled, and loading.

Construction

The 2019 guidelines set forth screening criteria for types of construction activities that would typically not result in significant construction-related transportation effects based on project site context[24] and construction duration and magnitude. Project construction would last approximately 20 months. During construction, the project may require temporary closures of public right-of-ways, including portions of street frontages along 45th Avenue and Wawona Street. Nevertheless, given the project site context and construction duration and magnitude, the project meets the screening criteria for not requiring additional analysis on the presumption that it would not result in significant impacts with respect to construction-related transportation effects; thus, no mitigation measures would be required.[25]

Furthermore, the project would be subject to the San Francisco Municipal Transportation Agency's Regulations for Working in San Francisco Streets (the blue book). The blue book establishes rules and guidance so that construction work can be done safely and with the least possible interference to pedestrian, bicycle, transit, and vehicular traffic. Prior to construction of the proposed project, the project sponsor and construction contractor(s) would be required to meet with SFMTA and public works staff to develop and review the project's construction plans in preparation for obtaining relevant construction permits. In addition, the project would be subject to the San Francisco Public Works Code section 724, which addresses temporary occupation of the public right-of-way. Section 724 requires, among other things, the project contractor to provide a minimum clear width of four feet to provide a continuous pedestrian access route.

Potentially Hazardous Conditions and Accessibility

The project would remove the existing driveway on Wawona Street and construct a new driveway leading to the underground parking garage, also from Wawona Street. As shown in Table 7, the proposed project is expected to generate 803 person-trips, including 534 auto person-trips, 15 taxi/TNC (transportation network company) trips, 169 transit trips (including shuttle trips), 79 walking trips, and 6 bicycling trips during the weekday p.m. peak hour. When accounting for average vehicle occupancy, the proposed project would generate approximately 485 vehicle trips and 18 TNC vehicle trips (two-way) for a total of 503 vehicle trips during the weekday p.m. peak hour. These vehicle trips would likely start from or end the project's loading zones or the project's new driveway and be dispersed along nearby streets. This number of vehicle trips that would be accessing the driveway and crossing over the sidewalk along the street shared by nearby emergency

24 "Site context" in relation to construction transportation analysis refers to how people travel to and around the project area and how that may be affected by construction activities. Site context is further defined in the Appendix N of the 2019 guidelines (see Attachment A of Appendix N) available at: https://sfplanning.org/project/transportation-impact-analysis-guidelines-environmental-review-update#impact-analysis-guidelines. Accessed: April 2023.

25 Kittelson & Associates. June 2023. *Transportation Study: United Irish Cultural Center.* Project Number 22126.018.

services is not substantial within the context of existing uses on the site. Given that project-generated vehicle trips would not be substantial, the proposed project is not expected to result in inadequate emergency access.

Drivers would have adequate visibility of people walking and bicycling and transit and private vehicles. Vehicle speed entering and exiting the driveway would be slow given the width of the proposed curb cut (10 feet) to avoid potentially hazardous conditions. In addition, the design of the project's driveway would be able to accommodate the anticipated number of vehicle trips without blocking access to a substantial number of people walking and bicycling within the sidewalk and bicycle lane. Further, the project would include several changes to the public right-of-way that would lessen impacts, including constructing a new bulbout on the corner of 45th Avenue and Wawona Street, as well as new two-directional curb ramps on the project corner and the corners north and west of the project site. Therefore, the project would result in less-than-significant potentially hazardous conditions and accessibility impacts.

Public Transit Delay

The Housing Element EIR identified a significant transit delay for routes along 19th Avenue and Geary Boulevard, which are considered to be transit corridors. The project-specific circulation study (also referenced as transportation study in this document) analyzed the potential for the proposed project to result in delays to transit, which is typically based on the number of net new p.m. peak hour vehicle trips, the location of the project site and its driveways, and proximity to Muni lines and stops. Transit delay impacts from a single project are typically found where there are high volumes of vehicular traffic and high frequency buses lines operating in the same corridor and/or when there are conflicts between a high-volume driveway (such as for a public parking garage) and nearby transit stops.

Streets adjacent to the project site include Wawona Street, 45th Avenue, and Sloat Boulevard. In the Better Streets Plan, Wawona Street and 45th Avenue are classified as neighborhood residential streets, which are quieter residential streets with relatively low traffic volumes and speeds.[26] Sloat Boulevard is classified as a park edge street in the Better Streets Plan; park edge streets characteristically border major parks, have unique spatial constraints, and typically have higher pedestrian volumes associated with them.

The existing transit service and stop locations closest to the project site include the18-Sunset Muni bus line, which travels along Sloat Boulevard (between 47th Avenue and Lake Merced Boulevard), 47th Avenue, Vicente Street, and 46th Avenue and the 23-Monterey bus line, which travels along Sloat Boulevard (between the Lower Great Highway and Santa Clara Avenue). Both bus lines stop at Sloat Boulevard and 45th Avenue, the nearest bus stop to project site. The L Taraval Muni light rail line runs along Taraval Street and 46th Avenue, making a loop on Wawona Street, 47th Avenue, and Vicente Street. Taraval Street is three blocks north of the project site.

As discussed in the transportation study, the proposed project would generate an estimated 352 *net* new vehicle trips during the weekday p.m. peak hour, including 334 trips by vehicle and 18 trips by taxi or transportation network company. This exceeds the Planning Department's screening criterion for potential transit delay impacts, which is 300 net new p.m. peak hour vehicle trips. However, a significant transit delay impact generally occurs when vehicle trips substantially delay a public transit route by adding four or more

26 San Francisco Planning Department. San Francisco Transportation Information Map. Available at: https://sfplanninggis.org/tim/. Accessed July 13, 2023.

minutes to its headway and, as previously discussed, this generally occurs when a substantial number of project-generated vehicle are added to a high-volume roadway where transit operates resulting in a significant delay.

The proposed project would not generate a substantial number of vehicle trips onto a high-volume roadway. The entrance to the proposed underground garage would be located on Wawona Street. However, as previously discussed, Wawona Street is not a high-volume roadway and therefore vehicles entering and exiting the proposed garage would not conflict with transit operations. Furthermore, the proposed project only includes 56 vehicle parking spaces onsite (50 percent of what is allowed under the Planning Code). Generally, vehicle volume to and from the project site would be limited by the amount of parking available onsite and in the immediate project vicinity. Given that the project only includes 56 vehicle parking spaces, it is unlikely that the proposed project would generate a significant volume of vehicular traffic such that public transit operations on nearby roadways would be affected.

Additionally, there are no transit stops on the project site's frontages and, while the 18-Sunset and the 23-Monterey bus lines operate near the project site, they operate with 20- to 30-minute headways. This relatively low service frequency, with two or three buses per hour on each line, reduces the potential for conflicts between project-generated vehicle trips and transit vehicles. In addition, the SFMTA will implement the Sloat Quick-Build project before the end of 2023, which will install transit boarding islands at 47th, 45th and 41st Avenues, and consolidate and relocate nearby transit stops. These improvements are designed to increase transit reliability and reduce transit travel time.[27]

The operation of the L Taraval relative to the project site is west and north such that project traffic is unlikely to adversely affect the L Taraval operation. As such, the project-specific transportation study found that none of the conditions that typically create transit delay impacts are present and transit delay impacts would be less than significant. For these reasons, the proposed project would not result in a substantial transit delay impact.

Vehicle Miles Traveled

The 2019 guidelines set forth screening criteria for types of projects that would typically not result in significant vehicle miles traveled impacts. As discussed in the transportation study, given the project site is located in an area where existing vehicle miles traveled (VMT) is more than 15 percent below the existing Bay Area regional average VMT per capita (or employee), the proposed project would not cause substantial additional VMT. Furthermore, the proposed project would not include features that would be considered to substantially induce automobile travel (e.g., additional roadway capacity). For these reasons, the proposed project would result in less than significant project-level and cumulative impacts related to vehicle miles traveled and a more detailed analysis is not required.[28]

Loading

The proposed project would generate approximately seven daily delivery and service vehicle trips and generate demand for approximately one loading space during the weekday peak hour for freight delivery,

27 Boarding islands reduce or eliminate Muni delays associated with bus re-entry into the travel lane after pulling to the curb for passenger boarding and alighting activities.

28 Kittelson & Associates. *Transportation Study: United Irish Cultural Center*. Project Number 22126.018, July 2023.

which typically occurs between 10 a.m. and 1 p.m. and does not coincide with the weekday peak hour of traffic. The project would provide 90 feet of dual-use loading on 45th Avenue, and approximately 80 feet of dual-use loading on Wawona Street. The project would provide sufficient loading space to accommodate the anticipated demand of loading space during the weekday peak hour for freight delivery. Therefore, the project would meet the demand and the project would not result in secondary effects resulting from insufficient freight loading.

On a typical day, the proposed project would generate a passenger loading demand for up to two spaces during the peak 15-minute period of the peak hour during typical operations. During event conditions, including smaller events that would occur weekly or multiple times a week and larger events that would occur approximately four times a month, the peak 15-minute passenger loading demand would be six spaces. The peak 15-minute passenger loading demand during events would be adequately accommodated by the proposed dual-loading zones on 45th Avenue and Wawona Street along the project frontage. Therefore, the project would not result in secondary effects resulting from insufficient passenger loading. Overall, the project would have a less-than-significant loading impact.[29]

Cumulative Analysis

Construction

The cumulative project at 2700 Sloat Boulevard could have construction timelines that could overlap with the project's construction activities. No other cumulative projects are likely to overlap with the proposed project during construction. Individually and in combination, these projects could result in temporary closures of the public right-of-ways, including portions of 45th Avenue and Wawona Street. Similar to the proposed project, cumulative projects, including one proposed for 2700 Sloat Boulevard, would be subject to the blue book and the public works code section 724 to regulate construction work in the public right-of-ways. Conformance with blue book and existing regulations would ensure that the project, in combination with cumulative projects, would not result in a significant cumulative construction-related transportation impact.

Potentially Hazardous Conditions and Accessibility

The Housing Element EIR disclosed that vehicular and other modes of travel (e.g., walking, bicycling) volumes would increase with the implementation of the housing element update. This increase would result in a potential for more conflicts between various modes of travel. Person and vehicle trips from the cumulative project at 2700 Sloat Boulevard could combine with the project's vehicle trips near the project site, as patrons/residents of both projects would use some of the same streets in the neighborhood.

However, cumulative projects, including 2700 Sloat Boulevard, would be subject to existing regulations and city review processes that would ensure safe turning movements and access and egress points. Furthermore, proposed project's garage entrance is located on Wawona Street. Although the design of the 2700 Sloat Boulevard project has not been finalized yet, the vehicle garage access would not directly conflict with the proposed project's garage entrance. Vehicle trips from this cumulative project would also not combine to result in a potentially hazardous condition at any nearby vehicular turning movement. The cumulative project would also not block access to a substantial number of people walking and bicycling within the sidewalk and bicycle lane. As described above, the project would include several changes to the public right-of-way that

29 Ibid.

would likely lessen potentially hazardous conditions for people driving, walking, bicycling, or public transit operations. Cumulative projects may also include similar changes to the public right-of-way that would lessen such impacts. Therefore, the project, in combination with cumulative projects, would not result in significant cumulative impacts related to potentially hazardous conditions and accessibility.

Public Transit Delay

Public transit delay typically occurs from traffic congestion, including transit reentry, and passenger boarding delay. The Housing Element EIR identified significant and unavoidable traffic congestion impacts to public transit on both 19th Avenue and Geary Boulevard. As discussed in the transportation study, up to 52 project vehicles (18 inbound, 34 outbound) could use 19th Avenue for some part of the journey. As such, the proposed project could make a considerable contribution to the significant cumulative transit delay impact on 19th Avenue identified in the Housing Element EIR (based on the analysis provided in the transportation study, the proposed project would not be expected to make a considerable contribution to the significant cumulative transit delay impact on Geary Boulevard).

Given the project's size and associated estimated number of vehicle trips, as noted above, it would contribute considerably to significant cumulative transit delay impacts. To reduce these impacts, the proposed project would be required to implement **Project Mitigation Measure M-TR-1, Parking Maximums and Transportation Demand Management** (implementing Housing Element EIR Mitigation Measure M-TR-4a) to reduce project-generated vehicle trips. Consistent with Mitigation Measure M-TR-4a, the project would include 56 vehicle parking spaces onsite, which is 50 percent of what is allowed under the Planning Code. In addition, the project would be required to implement various other transportation demand management measures to further reduce project-generated vehicle trips. The project would implement Project Mitigation Measure M-TR-1 to reduce its considerable contribution to the significant cumulative transit delay previously identified in the Housing Element EIR. However, because it is unknown if all of the measures applicable to the proposed project would reduce project's contribution to the cumulative impact, this impact would remain cumulatively considerable. Nevertheless, given that this impact would not be more severe than was previously identified in the Housing Element EIR, no additional analysis is required.

Vehicle Miles Traveled

VMT by its nature is largely a cumulative impact. As described above, the project would meet the project-level screening criteria and therefore would not result in a significant VMT impact. Furthermore, the project site is an area where projected year 2040 VMT per capita is more than 15 percent below the future regional per employee average. Therefore, the project, in combination with cumulative projects, would not result in a significant cumulative VMT impact.

Loading

The cumulative project at 2700 Sloat Boulevard could generate loading demands that interact with the project's loading demand. However, this project would be subject to planning code provisions related to loading and would also be required to include parking and loading spaces. None of the other cumulative projects would combine with the proposed project in a way that could result in a loading deficit. Given that the proposed project and cumulative project would not result in a loading deficit, the project, in combination with the cumulative projects, would not result in a significant cumulative loading impact.

Conclusion

The Housing Element EIR projected substantial increases in public transit delay from future development projects. While the proposed project would not result in a significant project-specific impact related to transit delay and would be required to incorporate Project Mitigation Measure M-TR-1, it would nevertheless contribute to the cumulative impact to transit delay that was identified in the Housing Element EIR. As discussed above, the proposed project would not result in any other transportation-related impacts. Given that the impact to transit delay was already disclosed in the programmatic EIR, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR related to transportation and circulation, nor a more severe adverse significant impact due to substantial new information. Therefore, no additional environmental review is required for this topic.

E.6 Noise

Housing Element Noise Findings

The Housing Element EIR noise findings are discussed in the EIR on pages 4.5-31 through 4.5-67. The EIR found that future development consistent with the housing element update would result in an increase in construction activity relative to the baseline and could contribute to significant impacts due to construction noise. Implementation of Mitigation Measure M-NO-1 (Construction Noise Control) would reduce construction noise impacts on an individual project basis and impacts would be mitigated to a less-than-significant level. However, simultaneous or consecutive construction of multiple development projects could affect the same sensitive receptors and could result in a significant and unavoidable impact, even with mitigation incorporated.

The EIR identified two mitigation measures addressing operational noise, Mitigation Measure M-TR-4a (Parking Maximums and Transportation Demand Management) and Mitigation Measure M-NO-2 (Noise Analysis and Attenuation) and found there would be significant and unavoidable noise impacts related to traffic noise, but implementing the mitigation measures noted above would ensure that operational sources would be compliant with noise ordinance limits; nevertheless, the impact conclusion for operational noise impacts overall was significant and unavoidable with mitigation. The Housing Element EIR found that impacts to vibration (both construction- and operations-related) would be less than significant with implementation of mitigation measures M-NO-3a (Protection of Adjacent Buildings/Structures and Vibration Monitoring During Construction) and M-NO-3b (Prevent Interference with Vibration-Sensitive Equipment).

Project Analysis

		Not Analyzed in the Prior EIR			
Topics:	*Analyzed in the Prior EIR*	*No Impact*	*Substantially Mitigated by Uniformly Applicable Development Policies*	*Less than Significant or Less than Significant with Mitigation Incorporated*	*Significant Impact*
Would the project:					

Topics:	Analyzed in the Prior EIR	Not Analyzed in the Prior EIR			
		No Impact	Substantially Mitigated by Uniformly Applicable Development Policies	Less than Significant or Less than Significant with Mitigation Incorporated	Significant Impact
a) Generate substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☒	☐	☐	☐	☐
b) Generate excessive groundborne vibration or groundborne noise levels?	☒	☐	☐	☐	☐
c) For a project located within the vicinity of a private airstrip or an airport land use plan area, or, where such a plan has not been adopted, in an area within two miles of a public airport or public use airport, would the project expose people residing or working in the area to excessive noise levels?	☒	☐	☐	☐	☐

E.6.a)

Construction Noise

The project's geotechnical investigation indicated that the proposed building's foundation design would consist of conventional spread footings or a mat foundation, potentially coupled with the use of drilled piers and/or retaining walls for additional support.[30] The proposed project would not require impact pile-driving.

As the final foundation and reinforcement design would be determined by the project engineers at the time of engineering design (construction documents), this analysis conservatively assumes the possibility of particularly noisy construction activities during foundation construction, including the use of construction equipment such as jackhammers, concrete/industrial saws, and bulldozers. In addition, implementation of the proposed project could include simultaneous use of two or more loud pieces of equipment.

Construction noise is regulated by Article 29 of the Police Code (noise ordinance). Noise ordinance section 2907(a) limits construction noise from individual pieces of equipment to 80 dBA[31] at 100 feet from the noise source (or equivalent sound level at some other appropriate distance such as 86 dBA at 50 feet). The Department of Building Inspection (building department) is responsible for enforcing the noise ordinance for private construction projects during normal business hours (8:00 a.m. to 5:00 p.m., 7 days a week). The Police Department is responsible for enforcing the noise ordinance during all other hours. Nonetheless, during the approximately 20-month construction period for the proposed project, sensitive receptors and occupants of

30 H. Allen Gruen, Geotechnical Investigation: Planned Development at 2700 45th Avenue, San Francisco, California , September 23, 2021.

31 dBA are A-weighted decibels, or a decibel scale based on intensity and how the human ear responds.

nearby properties could be disturbed by construction noise. The closest sensitive receptors are four residential buildings located adjacent to the project side to the east, along 44th Avenue.

There may be times when construction noise could interfere with indoor activities in residences and businesses near the project site. Given the proximity of noise sensitive receptors to the project site, the project's construction activities could result in a significant impact. Therefore, **Project Mitigation Measure M-NO-1, Construction Noise Control** (implementing Housing Element EIR Mitigation Measure M-NO-1), applies to the project. With implementation of Project Mitigation Measure M-NO-1, the increase of noise in the project area during project construction would not be considered a significant impact because construction noise would be temporary, intermittent, and restricted in occurrence and level, as the contractor would be required to comply with the noise ordinance and other noise control measures as specified in Project Mitigation Measure M-NO-1. Implementation of Project Mitigation Measure M-NO-1 would reduce construction noise impacts resulting from the project to a less-than-significant level.

Operational Noise

As discussed above, the Housing Element EIR determined that significant and unavoidable noise impacts could occur due to traffic noise, but that implementing noise attenuation measures pursuant to Mitigation Measure M-NO-2 would ensure that operational sources would be compliant with noise ordinance limits. Accordingly, Housing Element EIR Mitigation Measure M-NO-2 requires that project-specific noise studies be completed for new noise-generating uses.

The proposed project would not include excessive noise-generating land uses. The proposed project does not propose any emergency generators, fire pumps, or other equipment that could be considered noise-generating, except for rooftop mechanical equipment. In compliance with Housing Element EIR Mitigation Measure M-NO-2, a project-specific noise study was completed for the proposed project,[32] which analyzed rooftop stationary noise sources for compliance with the noise limits set forth in the noise ordinance. The noise ordinance requires that, for the commercial uses, the noise level shall not exceed 8 dBA above the local ambient noise level at any point outside the property plane, and also sets both daytime and nighttime residential interior noise limits for fixed equipment (noise levels attributable to exterior noise sources shall not exceed 45 dBA Ldn in any habitable room).

Noise measurements were taken at the site between October and November of 2022 to determine the ambient noise levels at the project property plane. The ambient noise levels ranged from 44.5 dBA (L90[33]) along the northern edge of the property plane to 52.5 dBA (L90) along the western edge of the property plane. The rooftop mechanical equipment would be set back a minimum of 30 feet from the property plane, and would include variable refrigerant flow heating and cooling units, as well as supply and exhaust fans. The noise study analyzed a worst-case scenario with all rooftop equipment operating simultaneously. The noise study found that the proposed project would produce a maximum noise level of 45 dBA on the south property plane, which would meet the property plane noise levels specified in the noise ordinance. Additionally, the noise study found that the project would meet the property plane noise limit of 8 dBA above ambient noise level along all property lines, as required by the noise ordinance. With a maximum noise of 45 dBA at the property plane and

32 Robert J. King, *Technical Memorandum: Operational Noise Study—2700 45th Avenue Project*, June 2023.

33 L90 is a statistical descriptor of the sound level exceeded 90 percent of the time during the measurement period. The noise ordinance defines the L90 as the ambient noise level.

assuming a noise reduction of 15 dB from windows open, the noise study determined that the mechanical equipment would also meet the noise ordinance daytime interior residential noise limit of 55 dBA and nighttime residential noise limit of 45 dBA. Therefore, the proposed project's mechanical equipment would meet the limits set forth in the noise ordinance and the project's mechanical equipment would have a less-than-significant noise impact on the surrounding noise-sensitive uses.

In addition, the proposed project would contribute vehicle trips onto the local and regional roadway network. Consequently, traffic noise levels would increase with the project's contribution of additional vehicles. The proposed project would increase traffic on streets surrounding the project site; however, it would be unlikely to double the roadway volumes on nearby roads. Furthermore, the proposed project's traffic-related noise increases were adequately accounted for in the Housing Element EIR traffic noise analysis[34] and therefore, the proposed project would not result in a new project-specific traffic-related noise impact and no further analysis is required.

As noted above, under Project Description, once constructed, the Irish Center would continue to host a range of events in the proposed three larger event rooms and in smaller rooms in the building. In general, future event types and programming would be similar to existing conditions, although events would likely be held more frequently. Smaller meetings, classes, workshops, and similar programs (of around 30 people) would occur regularly throughout the year, potentially weekly or multiple times a week, while large events, attracting upwards of 400 people and utilizing one or more of the three larger event rooms, would occur approximately four times a month (currently, they are held about four times a year). Similar to existing conditions, smaller events under the proposed project would likely occur during both daytime and evening hours, while larger events would generally occur in the evening. All events would be held inside of the proposed building and, while outdoor areas may be available during events, no amplified sound is proposed outside of the building. For these reasons, it is anticipated that all event-related noise, which would be temporary in nature, would meet all applicable regulations and would not result in significant noise impacts. While it is likely that some noise would be generated by people talking outside of the building before, during, and after the smaller and larger events, noise attributed to unamplified human voices is generally not considered a significant impact under CEQA.

E.6.b) Pile driving, usually during construction, generates the greatest amount of vibration. As discussed above, the proposed project does not propose pile driving activities. However, other construction equipment could also result in construction vibration impacts to certain types of buildings, in particular historical and older buildings, if such buildings are located in close proximity to the construction site. Project-related construction activities were evaluated to determine whether such activities could generate vibration at levels that would have the potential to damage nearby buildings. None of the properties adjacent to the project site are considered historical resources, and the proposed project would only directly abut (i.e., not have a setback from) the existing motel at 2600 Sloat Boulevard, which is not considered to be a historic resource and is therefore not considered to be sensitive to groundborne vibration. Moreover, the proposed project's construction activities would not result in excessive groundborne vibration during construction such that it

34 The transportation analysis that was prepared for the Housing Element considered potential population and job increases in transportation analysis zone (TAZ) 99, the TAZ where the project site is located. The increase of jobs associated with cultural, institutional and educational (CIE) uses was estimated to be 43 for this TAZ. Since TAZ 99 does not contain any other CIE-type uses, this jobs increase could therefore be attributable to the proposed project.

could result in damage to the adjacent building at 2600 Sloat Boulevard. Once operational, the project would also likely not result in vibration impacts, as the proposed community center and restaurant uses are not typically considered to be sources of operational vibration. Therefore, the proposed project would not result in significant impacts related to vibration.

E.6.c) The project site is not located within an airport land use plan area, within 2 miles of a public airport, or in the vicinity of a private airstrip. Therefore, initial study checklist question E.6.c is not applicable to the proposed project.

Cumulative Analysis

The construction schedule for the proposed project at 2700 Sloat Boulevard, which is across the street from the project site, is uncertain. However, for purposes of this environmental review, this project is assumed to have a construction timeline that overlaps with the project's construction activities. The 2700 Sloat Boulevard project would likely make the largest contribution to cumulative noise impacts, given its size and proximity. Cumulative construction-related noise impacts could result from the concurrent construction of the proposed project, combined with the proposed project at 2700 Sloat Boulevard, affecting nearby sensitive receptors. The project's contribution to this cumulative impact could be considerable. As discussed above, the proposed project is required to implement Project Mitigation Measure M-NO-1, Construction Noise Control, which would reduce those impacts to a less than cumulatively considerable level. The Housing Element EIR determined that plan-level construction impacts could be significant and unavoidable because of the possibility of multiple projects undergoing construction at the same time. With implementation of Project Mitigation Measure M-NO-1, the proposed project would not make a cumulative considerable contribution to the cumulative construction noise impact than were disclosed in the Housing Element EIR.

The cumulative context for traffic noise analyses is typically confined to the local roadways nearest to the project site. As project-generated vehicle trips disperse along the local roadway network, the contribution of project-generated traffic noise along any given roadway segment would similarly be reduced. As described above, the proposed project would not double vehicle trips on the surrounding roadways. It is also unlikely that vehicle trips would be doubled under the cumulative scenario, given that future projects would be required to minimize off-street parking and implement various TDM measures to maximize transit, walking, and bicycling. Thus, the proposed project, in combination with other cumulative projects in the area, would not result in a cumulative impact related to roadway noise.

All cumulative projects are required to meet the noise limits set forth in the noise ordinance for operational noise associated with the projects' fixed noise sources, such as mechanical equipment. Compliance with the noise ordinance would limit increases in ambient noise and ensure adequate interior daytime and nighttime noise levels for residential uses are maintained. As such, the proposed project, in combination with the cumulative projects, would not result in more severe cumulative operational noise impacts than disclosed in the Housing Element EIR.

Vibration impacts are highly localized and site-specific and generally do not combine with vibration from cumulative projects to create a cumulative vibration impact. Therefore, no cumulative vibration impacts would be expected and no additional analysis is required.

The cumulative context for point sources of noise, such as building heating, ventilation and air conditioning systems and construction noise are typically confined to nearby noise sources located within approximately

900 feet of the project site.[35] Based on the list of projects under the Cumulative Setting section, above, the proposed project across the street at 2700 Sloat Boulevard, given its proposed size and programming, could combine with the proposed project's noise impacts to generate significant cumulative construction or operational noise impacts. However, both projects would be required to comply with the Noise Ordinance, which established noise limits from stationary sources and construction equipment and would ensure that no significant impact would occur. Furthermore, the noise ordinance establishes limits for both construction equipment and operational noise sources. All projects within San Francisco are required to comply with the noise ordinance. Compliance with the noise ordinance would ensure that no significant cumulative noise impact would occur.

Conclusion

Based on the above, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR related to noise and vibration, nor a more severe adverse significant impact due to substantial new information. Mitigation Measure M-NO-1, Construction Noise Control, would apply to the proposed project to reduce project-specific noise impacts. Therefore, no additional environmental review is required for this topic.

E.7 Air Quality

Housing Element Air Quality Findings

The Housing Element EIR air quality findings are discussed in the EIR on pages 4.6-41 through 4.6-73. The EIR found that the housing element update would not conflict with or obstruct implementation of an applicable air quality plan. Future development consistent with the housing element update would result in a cumulatively considerable net increase in criteria air pollutants. The Housing Element EIR identified Mitigation Measure M-TR-4a, addressing parking maximums and transportation demand management, and found that the impact would be significant and unavoidable with mitigation. Construction of future development consistent with the housing element was found to have a less than significant impact with respect to criteria air pollutant with the application of Mitigation Measure M-AQ-3, addressing the use of clean construction equipment. The proposed action was found to expose sensitive receptor to health risk impacts and was found significant and unavoidable with the application of M-TR-4, M-AQ-3 (both described above), and Mitigation Measure M-AQ-5, applying best available control technology for diesel engines.

35 Typical construction noise levels can affect a sensitive receptor at a distance of 900 feet if there is a direct line-of-sight between a noise source and a noise receptor (i.e., a piece of equipment generating 85 dBA would attenuate to 60 dBA over a distance of 900 feet). An exterior noise level of 60 dBA will typically attenuate to an interior noise level of 35 dBA with the windows closed and 45 dBA with the windows open.

Project Analysis

Topics:	Analyzed in the Prior EIR	Not Analyzed in the Prior EIR			
		No Impact	Substantially Mitigated by Uniformly Applicable Development Policies	Less than Significant or Less than Significant with Mitigation Incorporated	Significant Impact
Would the project:					
a) Conflict with or obstruct implementation of the applicable air quality plan?	☒	☐	☐	☐	☐
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal, state, or regional ambient air quality standard?	☒	☐	☐	☐	☐
c) Expose sensitive receptors to substantial pollutant concentrations?	☒	☐	☐	☐	☐
d) Result in other emissions (such as those leading to odors) adversely affecting a substantial number of people?	☒	☐	☐	☐	☐

E.7.a) The most recently adopted air quality plan for the air basin is the Bay Area Air Quality Management District's 2017 Clean Air Plan. The primary goals of the clean air plan are to: (1) protect air quality and health at the regional and local scale; (2) eliminate disparities among Bay Area communities in cancer health risk from toxic air contaminants; and (3) reduce greenhouse gas emissions. The clean air plan recognizes that to a great extent, community design dictates individual travel modes, and that a key long-term control strategy to reduce emissions of criteria pollutants, air toxics, and greenhouse gases from motor vehicles is to channel future Bay Area growth into vibrant urban communities where goods and services are close at hand, and people have a range of viable transportation options. The compact development of the proposed project and the availability of non-auto transportation options in the project area would ensure that the project would avoid substantial growth in automobile trips and consequent air pollutant emissions. In addition, as discussed above in the Population and Housing resource topic, the project site is located within the Sunset Corridors priority development area. Focusing development within such areas is a key land use strategy under Plan Bay Area to meet statewide greenhouse gas reduction goals pursuant to Senate Bill 375. Furthermore, for the reasons described below under topics E.7.b and c, the proposed project would not result in significant air pollutant emissions or expose sensitive receptors to substantial pollutant concentrations. Therefore, the proposed project would not conflict with or obstruct implementation of the 2017 Clean Air Plan.

E.7.b) In accordance with the state and federal Clean Air Acts, air pollutant standards are identified for the following six criteria air pollutants: ozone, carbon monoxide (CO), particulate matter ($PM_{2.5}$, and PM_{10}[36]), nitrogen dioxide (NO2), sulfur dioxide (SO2), and lead. These air pollutants are termed criteria air pollutants

36 PM_{10} is often termed "coarse" particulate matter and is made of particulates that are 10 microns in diameter or smaller. $PM_{2.5}$, termed "fine" particulate matter, is composed of particles that are 2.5 microns or less in diameter.

because they are regulated by developing specific public health- and welfare-based criteria as the basis for setting permissible levels. The bay area air basin is designated as either in attainment or unclassified for most criteria pollutants except for ozone, $PM_{2.5}$, and PM_{10}. For these pollutants, the air basin is designated as non-attainment for either the state or federal standards. By its very nature, regional air pollution is largely a cumulative impact in that no single project is sufficient in size to, by itself, result in non-attainment of air quality standards. Instead, a project's individual emissions contribute to existing cumulative air quality impacts. If a project's contribution to cumulative air quality impacts is considerable, then the project's impact on air quality would be considered significant.[37] Regional criteria air pollutant impacts resulting from the proposed project are evaluated below.

Construction Dust Control

In 2008, the San Francisco Board of Supervisors approved amendments to the San Francisco Building and Health Codes, generally referred to as the Construction Dust Control Ordinance (Ordinance 176-08). The intent of the dust control ordinance is to reduce the quantity of fugitive dust generated during site preparation, demolition, and construction work to protect the health of the general public and of construction workers, minimize public nuisance complaints, and to avoid orders to stop work in response to dust complaints. Project-related construction activities would result in construction dust, primarily from ground-disturbing activities. In compliance with the dust control ordinance, the project sponsor and contractor responsible for construction activities at the project site would be required to control construction dust on the site through a combination of watering disturbed areas, covering stockpiled materials, street and sidewalk sweeping, and other measures.

Criteria Air Pollutants

The Bay Area Air Quality Management District prepared 2022 CEQA Air Quality Guidelines,[38] which provide suggested methodologies for analyzing air quality impacts. These guidelines also provide thresholds of significance for ozone and particulate matter. The planning department uses these thresholds to assist in the evaluation of air quality impacts under CEQA.

The air district has developed screening criteria to determine whether to undertake detailed analysis of criteria pollutant emissions for construction and operations of development projects. Projects that are below the screening criteria would result in less-than-significant criteria air pollutant impacts, and no further project-specific analysis is required. The project would construct a 91-foot-tall, six-story over two-basement level building with 129,540-gross-square-foot of mixed-use cultural/institutional/educational building with office, restaurant, recreational/fitness facilities, and event space. Therefore, because the proposed project is below the construction and operational screening levels for criteria air pollutants, the proposed project would not result in a significant impact with regards to a cumulatively considerable net increase in non-attainment criteria air pollutants. Criteria air pollutant impacts would be less than significant.

E.7.c) In addition to regional criteria air pollutants analyzed above, the following air quality analysis evaluates localized health risks to determine whether sensitive receptors would be exposed to substantial pollutant concentrations. The San Francisco Board of Supervisors approved amendments to the San Francisco Building

37 Bay Area Air Quality Management District (BAAQMD), *2022 CEQA Guidelines Chapters.* Available: https://www.baaqmd.gov/?sc_itemid=CDA5FAE5-BBDC-4337-A10C-5648BCD2D71F Accessed: May 3, 2023.

38 *Ibid*.

and Health Codes, referred to as Enhanced Ventilation Required for Urban Infill Sensitive Use Developments or health code article 38 (Ordinance 224-14, amended December 8, 2014). The purpose of article 38 is to protect the public health and welfare by establishing an *air pollutant exposure zone* and imposing an enhanced ventilation requirement for all new sensitive uses within this zone. The air pollutant exposure zone as defined in article 38 includes areas that exceed health protective standards for cumulative $PM_{2.5}$ concentrations and cumulative excess cancer risk and incorporates health vulnerability factors and proximity to freeways. Projects within the air pollutant exposure zone require special consideration to determine whether the project's activities would expose sensitive receptors to substantial air pollutant concentrations or add emissions to areas already adversely affected by poor air quality.

Construction Health Risk

The project site is not located within an identified air pollutant exposure zone. However, there is a potential that the project may result in the expansion of the geography of the air pollutant zone because of the use of heavy-duty diesel offroad equipment during project construction, which may be considered substantial. The proposed project would require heavy-duty off-road diesel vehicles and equipment during 16 months of the anticipated 20-month construction period. The proposed project has been accepted for priority processing pursuant to Director's Bulletin No. 2 for Type 3, Clean Construction projects. Pursuant to this program, the project sponsor has committed to using Tier 4 engines on all diesel-fueled construction equipment, reducing diesel particulate matter exhaust from construction equipment by 93 to 96 percent compared to uncontrolled construction equipment.[39] Therefore, impacts related to construction health risks would be less than significant.

Operational Health Risk

The project's incremental increase in localized TAC emissions resulting from new vehicle trips would be minor and would not contribute substantially to localized health risks. The proposed project would also not include a backup diesel generator. Therefore, health risk impacts related to the siting of new air pollution sources would be less than significant and no mitigation measures would be required.

E.7.d) Typical odor sources of concern include wastewater treatment plants, sanitary landfills, transfer stations, composting facilities, petroleum refineries, asphalt batch plants, chemical manufacturing facilities, fiberglass manufacturing facilities, auto body shops, rendering plants, and coffee roasting facilities. During construction, diesel exhaust from construction equipment would generate some odors. However, construction-related odors would be temporary and would not persist upon project completion. The proposed project includes community-serving uses that would not be expected to create significant sources of new odors. Therefore, odor impacts would be less than significant.

Cumulative Analysis

As discussed above, regional air pollution is by its nature a cumulative impact. Emissions from past, present, and future projects contribute to the region's adverse air quality on a cumulative basis. No single project by

39 PM emissions benefits are estimated by comparing off-road PM emission standards for Tier 1 and Tier 2 with Tier 4 final emissions standards. Tier 1 PM emissions standards were established for equipment with 25-<50 horsepower and equipment with horsepower <175. Tier 1 emissions standards for these engines were compared against Tier 4 final emissions standards, resulting in a 96 percent reduction in PM. The EPA established PM standards for engines with horsepower between 50-<175 as part of the Tier 2 emission standards. For these engines Tier 2 emissions standards were compared against Tier 4 final emissions standards, resulting in between 93-95 percent reduction in PM.

itself would be sufficient in size to result in regional nonattainment of ambient air quality standards. Instead, a project's individual emissions contribute to existing cumulative adverse air quality impacts.[40] The project-level thresholds for criteria air pollutants are based on levels below which new sources are not anticipated to contribute considerably to cumulative non-attainment criteria air pollutants. Therefore, because the proposed project's construction and operational (Topic E.7.b) emissions would not exceed the project-level thresholds for criteria air pollutants, the proposed project would not result in a cumulatively considerable contribution to regional air quality impacts.

Although the project would add new sources of TACs (e.g., new vehicle trips), the project site is not located within an air pollutant exposure zone and would be subject to requirements articulated in Director's Bulletin No. 2 for Type 3, Clean Construction projects. The project's incremental increase in localized toxic air contaminant emissions resulting from new vehicle trips would be minor and would not contribute substantially to cumulative toxic air contaminant emissions that could affect nearby sensitive land uses. Therefore, cumulative localized health risk impacts would be less than significant.

Conclusion

Based on the above, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR related to air quality, nor a more severe adverse significant impact due to substantial new information. None of the Housing Element EIR air quality mitigation measures are applicable to the proposed project. Therefore, no additional environmental review is required for this topic.

E.8 Greenhouse Gas

Housing Element Greenhouse Gas Findings

The Housing Element EIR greenhouse gas findings are discussed in the EIR on pages 4.1-92 through 4.1-97. The EIR concluded that physical development consistent with the housing element update would emit GHGs during construction and operation and would contribute to annual long-term increases in GHG emissions. New development would be in areas with low VMT levels and would be subject to the city's TDM program as well as applicable building code and other requirements that would reduce GHG emissions and would therefore have a less-than-significant impact with respect to GHG emissions, with no mitigation measures necessary. The Housing Element EIR also found that the future development implementing the housing element update would be consistent with plans, policies, and regulations adopted to reduce GHG emissions, such as Plan Bay Area 2050 and the city's GHG emission reduction strategy. Accordingly, the Housing Element EIR found that impacts related to GHG emissions would be a less than significant with no mitigation measures necessary.

40 BAAQMD, *CEQA Air Quality Guidelines*, May 2017, page 2-1.

Project Analysis

Topics:	Analyzed in the Prior EIR	Not Analyzed in the Prior EIR: No Impact	Substantially Mitigated by Uniformly Applicable Development Policies	Less than Significant or Less than Significant with Mitigation Incorporated	Significant Impact
Would the project:					
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	☒	☐	☐	☐	☐
b) Conflict with any applicable plan, policy, or regulation of an agency adopted for the purpose of reducing the emissions of greenhouse gases?	☒	☐	☐	☐	☐

E.8.a and b) Individual projects contribute to the cumulative effects of climate change by emitting GHGs during demolition, construction, and operation. The following analysis of the proposed project's GHG impact focuses on the project's contribution to cumulatively significant GHG emissions. Because no individual project could emit GHGs at a level that could result in a significant impact on global climate, this analysis is in a cumulative context only, and the analysis of this resource topic does not include a separate cumulative impact discussion.

On April 20, 2022, the air district adopted updated GHG thresholds.[41] Consistent with CEQA Guidelines sections 15064.4 and 15183.5 which address the analysis and determination of significant impacts from a proposed project's GHG emissions, the updated thresholds for land use projects, such as the proposed project, maintains the air district's previous GHG threshold that allow projects that are consistent with a GHG reduction strategy to conclude that the project's GHG impact is less than significant.

San Francisco's 2017 GHG Reduction Strategy Update [42] presents a comprehensive assessment of policies, programs, and ordinances that collectively represent San Francisco's GHG reduction strategy in compliance with the air district's guidelines and CEQA Guidelines. These GHG reduction actions have resulted in a 48 percent reduction in GHG emissions in 2020 compared to 1990 levels,[43] which far exceeds the goal of 2020 GHG emissions equaling those in 1990 set in Executive Order S-3-05[44] and the Global Warming Solutions Act.[45] The

41 Bay Area Air Quality Management District, CEQA Thresholds and Guidelines Update. Available: https://www.baaqmd.gov/plans-and-climate/california-environmental-quality-act-ceqa/updated-ceqa-guidelines. Accessed: March 2023.

42 San Francisco Planning Department, *2017 Greenhouse Gas Reduction Strategy Update,* July 2017. Available: https://sfplanning.org/project/greenhouse-gas-reduction-strategies. Accessed: March 2023.

43 San Francisco Department of the Environment, *San Francisco's 2019 Carbon Footprint*. Available: https://sfenvironment.org/carbonfootprint. Accessed: June 2023.

44 Office of the Governor, Executive Order S-3-05, June 1, 2005. Available: https://www.library.ca.gov/wp-content/uploads/GovernmentPublications/executive-order-proclamation/5129-5130.pdf. Accessed: March 2023.

45 California Legislative Information, Assembly Bill 32, September 27, 2006. Available: http://www.leginfo.ca.gov/pub/05-06/bill/asm/ab_0001-0050/ab_32_bill_20060927_chaptered.pdf. Accessed: March 2023.

city has also met and exceeded the 2030 target of 40 percent reduction below 1990 levels set in Global Warming Solutions Act of 2016[46] and the air district's 2017 Clean Air Plan[47] more than 10 years before the target date.

San Francisco's GHG reduction goals, updated in July 2021 by ordinance 117-02,[48] are consistent with, or more aggressive than, the long-term goals established under executive orders S-3-05,[49] B-30-15,[50] B-55-18,[51] and Global Warming Solutions Act of 2016.[52] The updated GHG ordinance demonstrates the city's commitment to continued GHG reductions by establishing targets for 2030, 2040, and 2050 and setting other critical sustainability goals. In particular, the updated ordinance sets a goal to reach net-zero sector-based GHG emissions by 2040 and sequester any residual emissions using nature-based solutions.[53] Thus, the city's GHG reduction goal is consistent with the state's long-term goal of reaching carbon neutrality by 2045. The updated GHG ordinance requires the San Francisco Department of the Environment to prepare and submit to the mayor a climate action plan (CAP) by December 31, 2021. The CAP, which was released on December 8, 2021, and will be updated every five years, carries forward the efforts of the city's previous CAPs and charts a path toward meeting the GHG commitments of the Paris Agreement (e.g., limit global warming to 1.5 degrees Celsius) as well as the reduction targets adopted in the GHG ordinance.

In summary, the CEQA Guidelines and air district- adopted GHG thresholds allow projects consistent with an adopted GHG reduction strategy to determine a less than significant GHG impact. San Francisco has a GHG reduction strategy that is consistent with near and long-term state and regional GHG reduction goals and is effective because the city has demonstrated its ability to meet state and regional GHG goals in advance of target dates. Therefore, projects that are consistent with San Francisco's GHG reduction strategy would not

46 California Legislative Information, Senate Bill 32, September 8, 2016. Available: https://leginfo.legislature.ca.gov/faces/billPdf.xhtml?bill_id=201520160SB32&version=20150SB3288CHP. Accessed: March 2023.

47 Bay Area Air Quality Management District. 2017. Clean Air Plan. September 2017. Available: http://www.baaqmd.gov/plans-and-climate/air-quality-plans/current-plans. Accessed: March 2023.

48 San Francisco Board of Supervisors. *Ordinance No. 117-21, File No. 210563*. July 20, 2021. Available: https://sfbos.org/sites/default/files/o0117-21.pdf. Accessed: March 2023. San Francisco's GHG reduction goals are codified in section 902(a) of the Environment Code and include the following goals: (1) by 2030, a reduction in sector-based GHG emissions of at least 61 percent below 1990 levels; (2) by 2030, a reduction in consumption-based GHG emissions equivalent to a 40 percent reduction compared to 1990 levels; (3) by 2040, achievement of net zero sector-based GHG emissions by reducing such emissions by at least 90 percent compared to 1990 levels and sequestering any residual emissions; and (4) by 2050, a reduction in consumption-based GHG emissions equivalent to an 80 percent reduction compared to 1990 levels.

49 Executive Order S-3-05 sets forth a goal of an 80 percent reduction in GHG emissions by 2050. San Francisco's goal of net zero sector-based emissions by 2040 requires a greater reduction of GHG emissions.

50 Office of the Governor, *Executive Order B-30-15*, April 29, 2015. Available: https://www.ca.gov/archive/gov39/2015/04/29/news18938/. Accessed: March 2023. Executive Order B-30-15 sets a state GHG emissions reduction goal of 40 percent below 1990 levels by 2030. San Francisco's 2030 sector based GHG reduction goal of 61 percent below 1990 levels requires a greater reduction of GHG emissions.

51 Office of the Governor, *Executive Order B-55-18*, September 18, 2018. Available: https://www.ca.gov/archive/gov39/wp-content/uploads/2018/09/9.10.18-Executive-Order.pdf Accessed: March 2023. Executive Order B-55-18 establishes a statewide goal of achieving carbon neutrality as soon as possible, but no later than 2045, and achieving and maintaining net negative emissions thereafter. San Francisco's goal of net zero sector-based emissions by 2040 is a similar goal but requires achievement of the target five years earlier.

52 Senate Bill 32 amends California Health and Safety Code Division 25.5 (also known as the California Global Warming Solutions Act of 2006) by adding Section 38566, which directs that statewide greenhouse gas emissions be reduced by 40 percent below 1990 levels by 2030. San Francisco's 2030 sector-based GHG reduction goal of 61 percent below 1990 levels requires a greater reduction of GHG emissions.

53 Nature-based solutions are those that remove remaining emissions from the atmosphere by storing them in natural systems that support soil fertility or employing other carbon farming practices.

result in GHG emissions that would have a significant effect on the environment, and would not conflict with state, regional, or local GHG reduction plans and regulations.

The proposed project would increase the intensity of the use of the site by constructing a new six-story cultural/institutional/educational space with restaurant, bar, gym, and café uses. Thus, the proposed project would contribute to the cumulative effects of climate change by directly or indirectly emitting GHGs during construction and operation. Direct operational effects from the proposed project would include GHG emissions from new vehicle trips. Indirect effects would include GHG emissions from electricity providers, including generation of energy required to pump, treat, and convey water and GHG emissions associated with waste removal, waste disposal, and landfill operations.

The proposed project would be subject to regulations adopted to reduce GHG emissions as identified in the department's GHG reduction strategy and demonstrated in the GHG checklist completed for the proposed project.[54] As documented in the GHG checklist, the proposed project would meet the requirements of the Transportation Demand Management Program, the all-electric building ordinance, the Better Roofs ordinance, and meet a LEED v4 Gold building efficiency standard. The proposed project would also be required to meet requirements of the San Francisco green building code. In addition, the proposed project would comply with other applicable regulations that would reduce the project's GHG emissions related to energy use, waste disposal, wood burning, and use of refrigerants. As discussed above, these regulations have proved effective as San Francisco has reduced its GHG emissions by 48 percent below 1990 levels, which far exceed statewide and regional 2020 GHG reduction targets. Furthermore, the city's GHG emission reductions in 2020 also met statewide and regional 2030 targets more than 10 years in advance of the target year. Therefore, because the proposed project would be subject to regulations adopted to reduce GHG emissions, it would be consistent with San Francisco's GHG reduction strategy and would not generate significant GHG emissions nor conflict with state, regional, and local GHG reduction plans and regulations.

Conclusion

For the reasons stated above, the proposed project would not result in a significant individual or cumulative GHG impact. Therefore, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR related to greenhouse gas emissions, nor a more severe adverse significant impact due to substantial new information. No project-specific mitigation measures or additional environmental review is required for this topic.

E.9 Wind

Housing Element Wind Findings

The Housing Element EIR wind findings are discussed in the EIR on pages 4.7-9 through 4.7-13. The EIR analyzed the range of wind impacts that could occur across the city with implementation of the housing element update. Eight key areas were selected to represent the nature and severity of wind impacts that could occur in the city with implementation of the housing element update. This approach provided a screening-

54 San Francisco Planning Department, *Greenhouse Gas Analysis: Compliance Checklist for United Irish Cultural Center (2700 45th Avenue)*, February 10, 2022.

level estimation of potential wind conditions across the city and concluded that significant wind impacts could occur.

The EIR found that implementation of Housing Element Mitigation Measure M-WI-1a, Wind Minimization, and Mitigation Measure M-WI-1b, Maintenance Plan for Landscaping on or off the Project Site and Wind Baffling Measures in the Public Right-of-Way, would be effective at reducing or avoiding the potential for a wind hazard exceedance; both are applicable to the proposed project. Due to uncertainties regarding the design of future projects and the uncertainty for approvals for wind baffling measures, the feasibility of implementing these mitigation measure on a project-by-project basis was found to be uncertain, and impacts were therefore concluded to be significant and unavoidable with mitigation.

Project Analysis

		Not Analyzed in the Prior EIR			
Topics:	*Analyzed in the Prior EIR*	*No Impact*	*Substantially Mitigated by Uniformly Applicable Development Policies*	*Less than Significant or Less than Significant with Mitigation Incorporated*	*Significant Impact*
Would the project:					
a) Create wind hazards in publicly accessible areas of substantial pedestrian use?	☒	☐	☐	☐	☐

E.9.a) Consistent with Planning Department's practice and **Project Mitigation Measure M-WI-1, Wind Minimization** (implementing Housing Element EIR Mitigation Measure M-WI-1a) and based on the height and location of the proposed approximately 91-foot-tall (101-foot-, nine-inches-tall, including rooftop appurtenances) building, a qualified wind consultant prepared a wind technical analysis for the proposed project which included wind tunnel testing.[55] The wind tunnel test measured wind speeds at 56 sensor locations under each configuration. These sensors were located within an approximately a two-block radius of the project site, along 44th Avenue, 45th Avenue, 46th Avenue, Sloat Boulevard and Wawona Street. Wind speeds were measured at approximately 5 feet above local grade. Wind speeds at these locations were compared to the hazard criterion; an equivalent wind speed of 26 miles per hour as averaged for a single full hour of the year.[56] This wind speed is equivalent to a one-minute average wind speed of 36 mph.[57]

55 Rowan, Williams. Davis & Irwin (RWDI) Inc., *2700 45th Avenue, San Francisco, CA, Pedestrian Wind Study, RWDI #2202636*, July 2023.

56 The wind ordinance comfort criteria are defined in terms of equivalent wind speed, which is an average wind speed (mean velocity), adjusted to include the level of gustiness and turbulence. Equivalent wind speed is defined as the mean wind velocity, multiplied by the quantity (one plus three times the turbulence intensity) divided by 1.45. This calculation magnifies the reported wind speed when turbulence intensity is greater than 15 percent. Unless otherwise stated, use of the term "wind speeds" in connection with the wind-tunnel tests refers to equivalent wind speeds that are exceeded 10 percent of the time.

57 The wind hazard criterion is derived from the 26 mph hourly average wind speed that would generate a 3-second gust of wind at 20 meters per second, a commonly used guideline for wind safety. Because the original federal building wind data were collected with one-minute averages, the 26 mph hourly average is converted to a one-minute average of 36 mph, which is used to determine compliance with the 26 mph one-hour hazard criterion in the planning code. (Arens, E. et al., *Developing the San Francisco Wind Ordinance and Its Guidelines for Compliance, Building and Environment, Vol. 24, No. 4*, p. 297–303, 1989.)

Five different scenarios were tested in the wind tunnel including the existing conditions scenario and four project scenarios. The four project scenarios (I, II, III, and IV) considered same building massing with different combinations of wind-reducing features, including overhangs on the west (45th Avenue) and north (Wawona Street) facades of the building and different landscaping schemes along the 45th Avenue and Wawona Street frontages.

The wind tunnel test results are summarized below in Table 8. As shown, there are hazard exceedances at four test point locations, for a total of 4 hours per year under the existing condition. Of the four project configurations, Existing Plus Project I and III would have hazard exceedances at six test point locations, for a total of 8 hours per year. These two configurations added street trees to the public right-of-way, which reduces pedestrian-level winds. The other two configurations included canopies attached to the building facades; these configurations resulted in more hazard exceedance locations (Project IV) and increased duration of hazard exceedances (Project I and IV).

Table 8: 2700 45th Avenue Wind Assessment Hazard Findings

Configuration	One-Hour Wind Hazard Exceedances	Total Hours	Exceedance Locations
Existing Conditions	4/56	4	Test Points: 2, 27, 37 and 42
Existing Plus Project I	6/56	8	Test Points: 2, 14. 16, 27, 38 and 47
Existing Plus Project II	6/56	9	Test Points: 2, 14. 16, 27, 38 and 47
Existing Plus Project III	6/56	8	Test Points: 2, 14. 16, 27, 38 and 47
Existing Plus Project IV	7/56	9	Test Points: 2, 8, 14. 16, 27, 38 and 47

Source: RWDI, 2023

Wind tunnel testing for the proposed project, including testing of various wind-reducing features, fully implements Housing Element EIR Mitigation Measure M-WI-1a. The project sponsor will include as many street trees as possible to attenuate wind speeds around the proposed building, subject to approval by the Department of Public Works.

Also, consistent with Housing Element EIR, **Project Mitigation Measure M-WI-2, Landscape Maintenance** (implementing Housing Element Mitigation Measure M-WI-1b, Maintenance Plan for Landscaping on or off the Project Site and Wind Baffling Measures in the Public Right-of-Way), would be required to provide a maintenance plan for landscaping features.

Accounting for the wind reduction elements, the proposed project would nevertheless result in multiple exceedances of wind hazard criteria. Although the proposed project would incorporate all feasible wind reduction measures, the project would still result in up to 7 exceedances of the one-hour hazard criteria (for Existing Plus Project IV scenario). Considering that the Housing Element EIR already identified this type of impact as significant and unavoidable, and given that the project sponsor would comply with all applicable Housing Element EIR mitigation measures to reduce this impact, this impact conclusion would be consistent with the findings of the Housing Element EIR and no further environmental review is required.

Cumulative

This configuration includes existing buildings as well as reasonably foreseeable cumulative future buildings, including the proposed project to the immediate west of the site, across 45th Avenue (2700 Sloat Boulevard). The wind memorandum conducted a qualitative analysis of cumulative wind scenario. Based on the results of this analysis, while the curved facades and a large podium of the cumulative project at 2700 Sloat Boulevard may reduce wind impacts at nearby locations, the structure's tall height and small podium setback distance on the east side would likely result in increased wind activity and turbulent flows along 45th Avenue. Overall, the addition of the cumulative building to the west of the site was found to increase the wind speeds around the Irish Center building.

Given the above, the proposed project, in combination with cumulative projects (particularly 2700 Sloat Boulevard), has the potential to result in a significant cumulative wind impact. Based on the qualitative analysis discussed in the wind study, the proposed project's contribution to such impact could be cumulatively considerable. Although the proposed project would incorporate all feasible wind reduction elements into the project design, the project would nevertheless result in exceedances of the one-hour hazard criteria. Therefore, even with mitigation incorporated, the proposed project would make a cumulatively considerable contribution to the significant cumulative wind impact. However, this would not be a new or a more severe impact than disclosed in the Housing Element EIR, no further analysis is required.

Conclusion

The proposed project would result in hazardous wind speeds, consistent with the findings of the Housing Element EIR. The proposed project has implemented Project Mitigation Measure M-WI-1 to reduce hazardous wind speeds and would be required to implement Project Mitigation Measure M-WI-2 to maintain future landscaping along the proposed building's two façades. Consistent with the findings of the Housing Element EIR, the proposed project would result in significant and unavoidable project-level and cumulative wind impacts. The proposed project would not result in a new impact that was not previously identified nor a more severe adverse significant impact due to substantial new information. No additional environmental review is required for this topic.

E.10 Shadow

Housing Element Shadow Findings

The Housing Element EIR shadow findings are discussed in the EIR on pages 4.8-18 through 4.8-43. Planning code section 295 generally prohibits new structures above 40 feet in height that would cast additional shadows on open space that is under the jurisdiction of the San Francisco Recreation and Park Commission between one hour after sunrise and one hour before sunset at any time of the year, unless that shadow would not result in a significant adverse effect on the use of the open space. A project that adds new shadow to a public open space or exceeds the absolute cumulative limit[58] on a section 295 park does not necessarily result in a significant impact under CEQA; the City's significance criterion used in CEQA review must also determine

58 The absolute cumulative limit represents the maximum percentage of new shadow, expressed as percentage of the theoretical annual available sunlight. The theoretical annual available sunlight is the amount of sunlight, measured in square-foot-hours, that would fall on a given park during the hours covered by planning code section 295.

whether a project would create new shadow in a manner that could substantially affect outdoor recreation facilities or other public areas. Thus, a review of how these facilities and other public areas are used during the time of potential shading is also considered as part of the City's CEQA review.

The Housing Element EIR determined that a range of shadow effects could occur across the city with implementation of the housing element update. Thirty sites were selected to represent the nature and severity of the shadow impacts that could occur in the city with implementation of the housing element update. The closest open space to the project site that was considered in the Housing Element EIR is the open space extending along Sunset Boulevard. Given the approximately half-mile distance of the project site from this open space, shadow from the project site would not cast shadow on this open space. The Housing Element EIR included Mitigation Measure M-SH-1 (Shadow Minimization), which requires modifying designs of future development projects, to the extent feasible, to reduce or avoid significant shadow impacts. The EIR found that there are uncertainties regarding feasibility of redesigning projects to reduce or avoid significant shadow impacts; as such, shadow impact was concluded to be significant and unavoidable with mitigation.

Project Analysis

		Not Analyzed in the Prior EIR			
Topics:	*Analyzed in the Prior EIR*	*No Impact*	*Substantially Mitigated by Uniformly Applicable Development Policies*	*Less than Significant or Less than Significant with Mitigation Incorporated*	*Significant Impact*
Would the project:					
a) Create new shadow that substantially and adversely affects the use and enjoyment of publicly accessible open spaces?	☒	☐	☐	☐	☐

E.10.a) The proposed project would demolish the existing building on the project site and construct a new 91-foot-tall (102-foot-tall to top of elevator penthouse) building in its place. The planning department prepared a preliminary shadow study which showed the proposed project would cast shadow on the San Francisco Zoo, a publicly accessible open space.[59] Therefore, a more detailed shadow analysis was prepared for the proposed project by a qualified consultant, the results of which are summarized below.[60]

The shadow analysis conducted for the proposed project evaluated an existing-plus-project scenario and a cumulative scenario. The cumulative scenario considered shadows that would be cast by other future projects in the vicinity of the project site that are considered by the planning department to be reasonably foreseeable, which are listed in the Cumulative Setting section, above.

The proposed project was found to cast shadow on the San Francisco Zoo, which is subject to section 295. The shadow analysis identified areas that would likely receive net new project shadow (factoring in the presence of

59 San Francisco Planning Department, *Preliminary Project Assessment, 2700 45th Avenue,* 2021-010236PPA, December 2021.

60 Fastcast, Shadow Analysis Memo for the Proposed United Irish Community Center, 2700 45th Avenue, San Francisco, CA, Case No. 2022-001407ENV, June 2023.

current, intervening shadow from existing buildings) between one hour after sunrise through one hour before sunset throughout the year in 15-minute intervals. Overall, the analysis found that the project would result in a shadow increase of approximately 0.0007 percent above the current level of shadow. Net new shadow from the proposed would occur for 83 days per year, from May 11th to August 1st. The maximum potential shadow impact would occur on June 21st at 6:46 a.m., covering approximately 14,500 square feet of access road and maintenance area of the Zoo's Exploration Zone, representing 0.44 percent of the overall Zoo's space. The average duration of the new shadow on the affected dates would be approximately 13 minutes, and at no time during the year would the potential new shadow exceed 30 minutes in duration. The shadow would occur before 8 a.m., before the Zoo's opening to the public at 10 a.m. The area of potential impact is currently restricted to Zoo staff only and is used for service vehicle storage and maintenance. It is not publicly accessible, which was confirmed by a site visit.[61] As the size and duration of the shadow from the proposed project would be minimal, would affect an area of the Zoo that is not publicly accessible (and does not contain animal enclosures), and would occur outside of the Zoo's operating hours, the impact would be less than significant, and no mitigation would be required.

The proposed project would also shade portions of nearby streets and sidewalks and private property at times within the project vicinity. Shadows on streets and sidewalks would not exceed levels commonly expected in urban areas and would be considered a less-than-significant effect under CEQA. Although occupants of nearby properties may regard the increase in shadow as undesirable, the limited increase in shading of private properties as a result of the proposed project would not be considered a significant impact under CEQA.

Cumulative

The cumulate scenario analyzed other nearby projects that could also result in new shadow on the San Francisco Zoo. Based on the cumulative project list, only the proposed project at 2700 Sloat Boulevard has the possibility of shading the Zoo. The project-specific shadow analysis found that, under the cumulative scenario, potential shadows on the Zoo would increase in duration and expand in coverage within the northwestern quarter of the Exploration Zone. The cumulative shadow coverage would extend further west into the northwestern corner of the Zoo as compared to the project alone. Similar to the existing-plus-project scenario, these potential additional shadows would also be isolated to early morning minutes of the summer months, limited in duration to under an hour. There may be a cumulative shadow impact due to uncertainty about future development in the project area, particularly with respect to design of the future project at 2700 Sloat Boulevard. For this reason, the proposed project, in combination with cumulative projects, has the potential to result in a significant cumulative shadow impact. However, given the minimal amount of shadow that would be cast by the proposed project, its contribution to such impact would not be cumulatively considerable.

Conclusion

Based on the above, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR related to shadow, nor a more severe adverse significant

61 Ibid.

impact due to substantial new information. No project-specific mitigation measures or additional environmental review is required for this topic.

E.11 Recreation

Housing Element Recreation Findings

The Housing Element EIR recreation findings are discussed in the EIR on pages 4.1-107 through 4.1-111. The EIR explained that the housing element update would increase the demand for recreational resources and open space in the city due to increases in population. However, due to San Francisco Recreation and Parks Department's practice of acquiring new open spaces and recreational facilities or expanding existing facilities where needed, the city is anticipated to accommodate future demand from the increase in population associated with the housing element update. No mitigation measures related to recreational resources were identified in the Housing Element EIR. However, the Housing Element EIR noted that construction of any new park land in the future would be subject to project-level environmental review and could result in the application of mitigation measures from other resource topics.

Project Analysis

		Not Analyzed in the Prior EIR			
Topics:	*Analyzed in the Prior EIR*	*No Impact*	*Substantially Mitigated by Uniformly Applicable Development Policies*	*Less than Significant or Less than Significant with Mitigation Incorporated*	*Significant Impact*
Would the project:					
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facilities would occur or be accelerated?	☒	☐	☐	☐	☐
b) Include recreational facilities or require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment?	☒	☐	☐	☐	☐

E.11.a) The neighborhood parks or other recreational facilities closest to the project site are the Lower Great Highway (0.17 miles west), the San Francisco Zoo (0.03 miles south), the South Sunset Playground (0.20 miles northwest), and Lake Merced Park (0.38 miles southeast).

The proposed project does not propose any residential units; therefore, project implementation would not result in a permanent increase in demand for parks and recreational facilities in the vicinity. The proposed project is a cultural center, which would include cultural, institutional, retail, bar, restaurant and event space, which may help satisfy the demand for existing and future recreational uses for nearby residents and employees. On a citywide/regional basis, the increased demand on recreational facilities from the 45 new employees attributable to the proposed project would be negligible given the number of existing and planned recreational facilities in the area and throughout the City as well as the temporary nature of employees'

presence in the area. For these reasons, implementation of the proposed project would not be expected to increase the use of existing recreational facilities such that substantial physical deterioration of these facilities would occur or be accelerated. This impact would be less than significant, and no mitigation measures are necessary.

E.11.b) The proposed project would construct a mixed-use cultural/institutional/educational building with office, restaurant, recreational/fitness facilities, and event spaces. It would include outdoor space in the form of decks, balconies and outdoor dining areas. In addition, it would provide private recreational/fitness facilities (including swimming pools, hot tubs, basketball courts and exercise studios) that would partially offset the demand for recreational facilities. In addition, the project site is located within 0.5 miles of a various existing recreational facilities, including park, playground, open space, and zoo, as discussed above. It is anticipated that these existing recreational facilities would be able to accommodate the increase in demand for recreational resources generated by the project. For these reasons, the construction of new or the expansion of existing recreational facilities would not be required. This impact would be less than significant, and no mitigation measures are necessary.

Cumulative

Cumulative development in the project vicinity would result in an intensification of land uses and an increase in the use of nearby recreational resources and facilities. The Recreation and Open Space Element of the General Plan provides a framework for providing a high-quality open space system for its residents, while accounting for expected population growth through year 2040. In addition, San Francisco voters passed three bond measures, in 2008, 2012 and 2020, to fund the acquisition, planning, and renovation of the City's network of recreational resources. As discussed above, there is a zoo and several other open spaces and recreational facilities within walking distance of the project (typically, one quarter mile). In addition, the proposed project would itself be a source of recreational space for community use. Thus, it is expected that these existing recreational facilities would be able to accommodate the increase in demand for recreational resources generated by nearby cumulative projects without resulting in physical degradation of recreational resources. For these reasons, the proposed project would not combine with other projects in the vicinity to create a significant cumulative impact on recreational facilities.

Conclusion

Based on the above, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR related to recreation, nor a more severe adverse significant impact due to substantial new information. No project-specific mitigation measures or additional environmental review is required for this topic.

E.12 Utilities and Service Systems

Housing Element Utilities and Service Systems Findings

The Housing Element EIR utilities and service system findings are discussed in the EIR on pages 4.9-14 through 4.9-39. The EIR found that effects determined that future development consistent with the housing element update would have significant and unavoidable effects on water supply, with no feasible mitigation available. Development under the housing element update was found to have a significant and unavoidable impacts with the application of mitigation measures from other resource topics related to the construction of new or

expanded wastewater treatment facilities and the capacity of existing wastewater treatment in the westside drainage basin. The housing element update was determined to have less-than-significant impacts related to electric power and telecommunication facilities with the application of mitigation measures from other resource topics. Future development consistent with the housing element update was found to have a less-than-significant impact due to solid waste generation.

Project Analysis

		Not Analyzed in the Prior EIR			
Topics:	*Analyzed in the Prior EIR*	*No Impact*	*Substantially Mitigated by Uniformly Applicable Development Policies*	*Less than Significant or Less than Significant with Mitigation Incorporated*	*Significant Impact*
Would the project:					
a) Require or result in the relocation or construction of new or expanded wastewater treatment, stormwater drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant physical environmental effects?	☒	☐	☐	☐	☐
b) Have sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years? Require or result in the relocation of new or expanded water facilities, the construction or relocation of which could cause significant environmental effects?	☒	☐	☐	☐	☐
c) Result in a determination by the wastewater treatment provider that would serve the project that it has inadequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	☒	☐	☐	☐	☐
d) Generate solid waste in excess of state or local standards, or in excess of the capacity or local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	☒	☐	☐	☐	☐
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	☒	☐	☐	☐	☐

E.12.a and c) The project site is served by San Francisco's combined sewer system, which handles both sewage and stormwater runoff. The Oceanside Water Pollution Control Plant provides wastewater and stormwater treatment and management for the west side of the city, including the project site. Project related wastewater and stormwater would flow into the city's combined sewer system and would be treated to standards contained in the city's National Pollutant Discharge Elimination System Permit for the Oceanside Water Pollution Control Plant prior to discharge into the San Francisco Bay. The treatment and discharge standards

are set and regulated by the Regional Water Quality Control Board. The Oceanside Plant had average dry-weather flows of 14.5 million gallons per day in 2020, or approximately 28.5 million gallons less than the permitted 43 million gallon per day capacity of the plant. Estimated dry-weather flows to the Oceanside Plant in 2050 under the housing element update are projected to be 17.2 million gallons per day, according to the Housing Element EIR.

The proposed project would not substantially increase the amount of stormwater entering the combined sewer system because the project would not increase impervious surfaces at the project site. Compliance with the city's Stormwater Management Ordinance and the Stormwater Management Requirements and Design Guidelines would ensure that the design of the proposed project includes installation of appropriate stormwater management systems that retain runoff on site, promote stormwater reuse, and limit discharges from the site from entering the city's combined stormwater/sewer system. Under the Stormwater Management Ordinance, stormwater generated by the proposed project is required to meet a performance standard that reduces the existing runoff flow rate and volume by 25 percent for a two-year 24-hour design storm and therefore would not contribute additional volume of polluted runoff to the city's stormwater infrastructure.

The project site is located within a developed area served by existing electric power, natural gas, and telecommunications. While the project would require local connections to those utilities, it would not necessitate the construction of new power generation, natural gas, or telecommunications infrastructure. Although the proposed project would add new employees to the project site, the combined sewer system has capacity to serve the increase in wastewater generated from the proposed project through year 2050. Therefore, the incremental increase in wastewater treatment resulting from the project would be met by the existing sewer system and would not require expansion of existing wastewater facilities or construction of new facilities and this impact would be less than significant.

E.12.b) The San Francisco Public Utilities Commission (SFPUC) adopted the 2020 Urban Water Management Plan (2020 plan) in June 2021.[62] The 2020 plan estimates that current and projected water supplies will be sufficient to meet future demand for retail water[63] customers through 2045 under wet- and normal-year conditions; however, in dry years, the SFPUC would implement water use and supply reductions through its Water Shortage Contingency Plan and a corresponding Retail Water Shortage Allocation Plan.[64]

In December 2018, the State Water Resources Control Board adopted amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary, which establishes water quality objectives to maintain the health of our rivers and the Bay-Delta ecosystem (the Bay-Delta Plan

62 SFPUC, 2020 Urban Water Management Plan for the City and County of San Francisco, adopted June 11, 2021. This document is available at https://www.sfpuc.org/about-us/policies-plans/urban-water-management-plan

63 "Retail" demand represents water the SFPUC provides to individual customers within San Francisco. "Wholesale" demand represents water the SFPUC provides to other water agencies supplying other jurisdictions.

64 San Francisco Public Utilities Commission, 2020 Urban Water Management Plan for the City and County of San Francisco, Appendix K – Water Shortage Contingency Plan, adopted June 11, 2021. This document is available at https://www.sfpuc.org/about-us/policies-plans/urban-water-management-plan

Amendment).[65] Implementation of the Bay-Delta Plan Amendment would result in a substantial reduction in the SFPUC's water supplies from the Tuolumne River watershed during dry years, requiring rationing to a greater degree in San Francisco than previously anticipated to address supply shortages.

Implementation of the Bay-Delta Plan Amendment is uncertain for several reasons and whether, when, and the form in which the Bay-Delta Plan Amendment would be implemented, and how those amendments could affect SFPUC's water supply, is currently unknown. In acknowledgment of these uncertainties, the 2020 plan presents future supply scenarios both with and without the Bay-Delta Plan Amendment, as follows:

1. Without implementation of the Bay-Delta Plan Amendment wherein the water supply and demand assumptions contained in Section 8.4 of the 2020 plan would be applicable;
2. With implementation of a voluntary agreement between the SFPUC and the State Water Resources Control Board that would include a combination of flow and non-flow measures that are designed to benefit fisheries at a lower water cost, particularly during multiple dry years, than would occur under the Bay-Delta Plan Amendment); and
3. With implementation of the Bay-Delta Plan Amendment as adopted wherein the water supply and demand assumptions contained in Section 8.3 of the 2020 plan would be applicable.[66]

Water supply shortfalls during dry years would be lowest without implementation and highest with implementation of the Bay-Delta Plan Amendment. Shortfalls under the proposed voluntary agreement would be between those with and without implementation of the Bay-Delta Plan Amendment.

Under these three scenarios, the SFPUC would have adequate water to meet demand in San Francisco through 2045 in wet and normal years.[67] Without implementation of the Bay-Delta Plan Amendment, water supplies would be available to meet demand in all years except for a 4.0 million gallons per day (5.3 percent shortfall in years four and five of a multiple year drought based on 2045 demand.

With implementation of the Bay-Delta Plan Amendment, shortfalls would range from 11.2 million gallons per day (15.9 percent) in a single dry year to 19.2 million gallons per day (27.2 percent) in years two through five of a multiple year drought based on 2025 demand levels and from 20.5 million gallons per day (25.4 percent) in a single dry year to 28.5 million gallons per day (35.4 percent) in years four and five of a multiple year drought based on 2045 demand.

65 State Water Resources Control Board Resolution No. 2018-0059, Adoption of Amendments to the Water Quality Control Plan for the San Francisco Bay/Sacramento-San Joaquin Delta Estuary and Final Substitute Environmental Document, December 12, 2018, available at https://www.waterboards.ca.gov/plans_policies/docs/2018wqcp.pdf.

66 On March 26, 2019, the SFPUC adopted Resolution No. 19-0057 to support its participation in the voluntary agreement negotiation process. To date, those negotiations are ongoing under the California Natural Resources Agency. The SFPUC submitted a proposed project description that could be the basis for a voluntary agreement to the state water board on March 1, 2019. As the proposed voluntary agreement has yet to be accepted by the state water board as an alternative to the Bay-Delta Plan Amendment, the shortages that would occur with its implementation are not known with certainty; however, if accepted, the voluntary agreement would result in dry year shortfalls of a lesser magnitude than under the Bay-Delta Plan Amendment.

67 Based on historic records of hydrology and reservoir inflow from 1920 to 2017, current delivery and flow obligations, and fully implemented infrastructure under the 2018 Phased Water System Improvement Program Variant, normal or wet years occurred 85 out of 97 years. This translates into roughly nine normal or wet years out of every 10 years. Conversely, system-wide rationing is required roughly one out of every 10 years. This frequency is expected to increase as climate change intensifies.

The proposed project does not require a water supply assessment under the California Water Code. Under sections 10910 through 10915 of the California Water Code, urban water suppliers like the SFPUC must prepare water supply assessments for certain large "water demand" projects, as defined in CEQA Guidelines section 15155.[68] The proposed mixed-use project would result in approximately 129,540 square feet of mixed-use cultural/institutional/educational space; as such it does not qualify as a "water-demand" project as defined by CEQA Guidelines section 15155(a)(1) and a water supply assessment is not required and has not been prepared for the project. The following discussion considers the potential water supply impacts for projects – such as the proposed project – that do not qualify as "water-demand" projects.

No single development project alone in San Francisco would require the development of new or expanded water supply facilities or require the SFPUC to take other actions, such as imposing a higher level of rationing across the city in the event of a supply shortage in dry years. Therefore, a separate project-only analysis is not provided for this topic. The following analysis instead considers whether the proposed project in combination with both existing development and projected growth through 2045 would require new or expanded water supply facilities, the construction or relocation of which could have significant impacts on the environment that were not identified in the PEIR. It also considers whether a high level of rationing would be required that could have significant cumulative impacts. It is only under this cumulative context that development in San Francisco could have the potential to require new or expanded water supply facilities or require the SFPUC to take other actions, which in turn could result in significant physical environmental impacts related to water supply. If significant cumulative impacts could result, then the analysis considers whether the project would make a considerable contribution to the cumulative impact.

Based on guidance from the California Department of Water Resources and a citywide demand analysis, the SFPUC has established 50,000 gallons per day as the maximum water demand for projects that do not meet the definitions provided in CEQA Guidelines section 15155(a)(1).[69] The development proposed by the project would represent 26 percent of the 500,000 square feet of commercial space provided in section 15155(1)(B). In addition, the proposed project would incorporate water-efficient fixtures as required by Title 24 of the California Code of Regulations and the city's Green Building Ordinance. It is therefore reasonable to assume that the proposed project would result in an average daily demand of substantially less than 50,000 gallons per day of water.

Assuming the project would demand no more than 50,000 gallons of water per day, its water demand would represent a small fraction of the total projected demand, ranging at most from 0.07 to 0.06 percent between 2025 and 2045. As such, the project's water demand would not require or result in the relocation or

68 Pursuant to CEQA Guidelines section 15155(1), "a water-demand project" means:
(A) A residential development of more than 500 dwelling units.
(B) A shopping center or business establishment employing more than 1,000 persons or having more than 500,000 square feet of floor space.
(C) A commercial office building employing more than 1,000 persons or having more than 250,000 square feet of floor area.
(D) A hotel or motel, or both, having more than 500 rooms, (e) an industrial, manufacturing, or processing plant, or industrial park planned to house more than 1,000 persons, occupying more than 40 acres of land, or having more than 650,000 square feet of floor area.
(F) a mixed-use project that includes one or more of the projects specified in subdivisions (a)(1)(A), (a)(1)(B), (a)(1)(C), (a)(1)(D), (a)(1)(E), and (a)(1)(G) of this section.
(G) A project that would demand an amount of water equivalent to, or greater than, the amount of water required by a 500 dwelling unit project.

69 Memorandum, from Steven R. Ritchie, Assistant General Manager, Water Enterprise, San Francisco Public Utilities Commission to Lisa Gibson, Environmental Review Officer, San Francisco Planning Department – Environmental Planning, May 31, 2019.

construction of new or expanded water facilities the construction or relocation of which could cause significant environmental effects.

Sufficient water supplies are available to serve the proposed project and reasonably foreseeable future development in normal, dry, and multiple dry years unless the Bay-Delta Plan Amendment is implemented. As indicated above, the proposed project's maximum demand would represent less than 0.06 percent of the total demand in 2045 when the retail supply shortfall projected to occur with implementation of the Bay-Delta Plan Amendment would be up to 35.4 percent in a multi-year drought. The SFPUC has indicated that it is accelerating its efforts to develop additional water supplies and explore other projects that would improve overall water supply resilience through an alternative water supply program. The SFPUC has taken action to fund the study of additional water supply projects, but it has not determined the feasibility of the possible projects and has determined that the identified potential projects would take anywhere from 10 to 30 years or more to implement. The potential impacts that could result from the construction and/or operation of any such water supply facility projects cannot be identified at this time. In any event, under such a worst-case scenario, the demand for the SFPUC to develop new or expanded dry-year water supplies would exist regardless of whether the proposed project is constructed.

Given the long lead times associated with developing additional water supplies, in the event the Bay-Delta Plan Amendment were to take effect sometime after 2022 and result in a dry-year shortfall, the expected action of the SFPUC for the next 10 to 30 years (or more) would be limited to requiring increased rationing. As discussed in the SFPUC memorandum, the SFPUC has established a process through its Retail Water Shortage Allocation Plan for actions it would take under circumstances requiring rationing. The level of rationing that would be required of the proposed project is unknown at this time. Both direct and indirect environmental impacts could result from high levels of rationing. However, the small increase in potable water demand attributable to the project compared to citywide demand would not substantially affect the levels of dry-year rationing that would otherwise be required throughout the city. Therefore, the proposed project would not make a considerable contribution to a cumulative environmental impact caused by implementation of the Bay-Delta Plan Amendment. Project impacts related to water supply would be less than significant.

E.12.d and e) The city disposes of its municipal solid waste at the Recology Hay Road Landfill, and that practice is anticipated to continue until 2025, with an option to renew the agreement thereafter for an additional six years. San Francisco Ordinance No. 27-06 requires mixed construction and demolition debris to be transported to a facility that must recover for reuse or recycling and divert from landfill at least 65 percent of all received construction and demolition debris. San Francisco's Mandatory Recycling and Composting Ordinance No. 100-09 requires all properties and persons in the city to separate their recyclables, compostables, and landfill trash.

The proposed project would incrementally increase total city waste generation; however, the proposed project would be required to comply with San Francisco ordinance numbers 27-06 and 100-09. Due to the existing and anticipated increase of solid waste recycling in the city and the requirements to divert construction debris from the landfill, any increase in solid waste resulting from the proposed project would be accommodated by the existing Hay Road landfill. Thus, the proposed project would have less-than-significant impacts related to solid waste.

Cumulative Analysis

As explained in the analysis above, existing service management plans for water, wastewater, and solid waste disposal account for anticipated citywide growth. Furthermore, all projects in San Francisco would be required to comply with the same regulations described above which reduce stormwater, potable water, and waste generation. Therefore, the proposed project, in combination with other cumulative development projects would not result in a cumulative utilities and service systems impact.

Conclusion

Based on the above, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR with respect to utilities and service systems, nor a more severe adverse significant impact due to substantial new information. No project-specific mitigation measures or additional environmental review is required for this topic.

E.13 Public Services

Housing Element Public Services Findings

The Housing Element EIR public services findings are discussed in the EIR on pages 4.1-121 through 4.1-129. The EIR found that effects determined that future development consistent with the housing element update could have effects on public services that could increase the demand for public services and public facilities in the city. No mitigation measures related to public services were identified in the Housing Element EIR. However, the Housing Element EIR noted that the provision of new or physically altered governmental facilities and associated services would be subject to project-level environmental review and could result in the application of mitigation measures from other resource topics.

Project Analysis

		Not Analyzed in the Prior EIR			
Topics:	*Analyzed in the Prior EIR*	*No Impact*	*Substantially Mitigated by Uniformly Applicable Development Policies*	*Less than Significant or Less than Significant with Mitigation Incorporated*	*Significant Impact*
Would the project:					
a) Result in substantial adverse physical impacts associated with the provision of, or the need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any public services such as fire protection, police protection, schools, parks, or other services?	☒	☐	☐	☐	☐

E.13.a) Project employees and patrons would be served by the San Francisco Police Department and Fire Departments. The project site is located within the Taraval District of the San Francisco Police Department,

and the closest police station is the Central Station, located approximately 1.25 miles northeast of the project site at 2345 24th Avenue.[70] The project site would be served by Fire Station No. 18, located at 1935 32nd Avenue, approximately 1.2 miles northeast of the project site.[71] The increased number of people at the project site could result in more calls for police, fire, and emergency response. However, the increase in demand for these services would not be substantial given the overall demand for such services on a citywide basis. Moreover, the proximity of the project site to police and fire stations would help minimize the response time for these services should incidents occur at the project site.

The proposed project would not be expected to generate school-aged children who would attend San Francisco public schools, as it is a community center with no residential uses, so there would be no impact to schools.

Impacts on parks and recreational facilities are addressed above in Topic E.11, Recreation.

Cumulative Analysis

The proposed project, combined with projected citywide growth through 2050, would increase demand for public services, including police and fire protection and public schools. The fire department, the police department, and other city agencies account for such growth in providing public services to the residents of San Francisco. There would be no impact with respect to public schools since there would be no additional students generated by the proposed project. For the above reasons, the proposed project, in combination with projected cumulative development, would not result in a significant physical cumulative impact associated with the construction of new or expanded governmental facilities.

Conclusion

Based on the above, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR with respect to public services, nor a more severe adverse significant impact due to substantial new information. No project-specific mitigation measures or additional environmental review is required for this topic.

E.14 Biological Resources

Housing Element Biological Resources Findings

The Housing Element EIR biological resources findings are discussed in the EIR on pages 4.1-139 through 4.1-149. The EIR found that through implementation of existing federal, state, and local regulations, the impacts of future development consistent with the housing element update would have a less than significant impact on biological resources, and no mitigation measures are required.

70 San Francisco Police Department, Police District Maps. Available: http://sanfranciscopolice.org/police-district-maps. Accessed: March 2023.

71 San Francisco Fire Department, Fire Station Locations. Available: https://sf-fire.org/sites/default/files/FileCenter/Documents/1975-Station%20Location%20Map%20-%20w%20FS51.pdf. Accessed: March 2023.

Project Analysis

Topics:	Analyzed in the Prior EIR	Not Analyzed in the Prior EIR			
		No Impact	Substantially Mitigated by Uniformly Applicable Development Policies	Less than Significant or Less than Significant with Mitigation Incorporated	Significant Impact
Would the project:					
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☒	☐	☐	☐	☐
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	☒	☐	☐	☐	☐
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	☒	☐	☐	☐	☐
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	☒	☐	☐	☐	☐
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	☒	☐	☐	☐	☐
f) Conflict with the provisions of an adopted habitat conservation plan, natural community conservation plan, or other approved local, regional, or state habitat conservation plan?	☒	☐	☐	☐	☐

The project site contains the existing two-story United Irish Cultural Center and an approximate 4,968-square-foot paved parking lot and is completely covered by impervious surfaces. The project site does not contain federally protected wetlands as defined by section 404 of the Clean Water Act, riparian habitat, or other sensitive natural communities. In addition, the project site is not located within an adopted habitat conservation plan, a natural community conservation plan, or other approved local, regional, or state habitat conservation plan areas. Therefore, Topics E.14.b), E.14.c), and E.14.f) are not applicable to the proposed project.

E.14.a) As the project site is covered entirely by impervious surfaces and is located in a built urban environment with high levels of human activity, the project site does not provide suitable habitat for any rare or endangered plant or wildlife species. For these reasons, the proposed project would result in less-than-significant impacts to any species identified as a candidate, sensitive or special-status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service. Therefore, this impact would be less than significant and would not result in new or more severe impacts related to biological resources not identified in the Housing Element EIR.

E.14.d) As noted in discussion under E.14.a, above, the project site is covered entirely by impervious surfaces. A total of three street trees are currently located along the site's 45th Avenue frontage, and a total of seven street trees are currently located along the site's Wawona Street frontage. Due to the developed nature of the project site, the project site does not provide suitable habitat for any rare or endangered plant or wildlife species. The existing street trees along 45th Avenue and Wawona Street could support habitat for migratory nesting birds protected under the California Fish and Game Code or the Migratory Bird Treaty Act. As part of the proposed project, one tree along the Wawona Street frontage would remain while six trees along this frontage would be removed and replaced. In addition, the project would remove and replace two trees along 45th Avenue. The project would be required to comply with requirements from the Migratory Bird Treaty Act applicable to migratory nesting birds should construction occur during nesting season.

Structures in an urban setting may present risks for birds as they traverse their migratory paths due to building locations and/or features. The city has adopted guidelines to address this issue and provided regulations for bird-safe design within the city.[72] Section 139 of the planning code, Standards for Bird-Safe Buildings, establishes building design standards to reduce avian mortality rates associated with bird strikes. The building standards are based on two types of hazards: (1) location-related hazards which pertain to new buildings within 300 feet of an urban bird refuge, and (2) building feature-related hazards such as freestanding glass walls, wind barriers, skywalks, balconies, and greenhouses on rooftops that have unbroken glazed segments 24 square feet or larger in size. Any project that contains building feature-related hazards must apply bird-safe glazing treatments to 100 percent of the feature in compliance with section 139.

The project site is located within 300 feet of an Urban Bird Refuge; therefore, the standards for location-related hazards would apply.[73] The proposed project would be required to comply with the building feature-related hazard standards of planning code section 139 by using bird-safe glazing treatments on 100 percent of any building feature-related hazards such as free-standing glass walls, wind barriers, and balconies. Compliance with the city's bird-safe building standards and the standards for location-related hazards would ensure the proposed project does not interfere with the movement of a native resident or wildlife species, or with an established native resident or migratory wildlife corridor.

For the reasons stated above, the proposed project would result in less-than-significant impacts to special-status species and native resident, wildlife species, or migratory birds, and no mitigation would be required.

72 San Francisco Planning Department. *Standards for Bird-Safe Buildings*. Available: https://sfplanning.org/sites/default/files/documents/reports/bird_safe_bldgs/Standards%20for%20Bird%20Safe%20Buildings%20-%2011-30-11.pdf. Accessed: April 2023.

73 San Francisco Planning Department. 2014. *Urban Bird Refuge Map*. Available: https://sfplanning.org/sites/default/files/resources/2018-08/Urban%20Bird%20Refuge.pdf. Accessed: April 2023.

E.14.e) The city's Urban Forestry Ordinance, public works code section 801, et seq., requires a permit from public works to remove any protected trees.[74] As discussed above, the proposed project would retain one existing tree and remove and replace two trees along 45th Avenue and retain one street tree and remove and replace six trees along the Wawona Street frontage. The project sponsor would be required to have a tree protection plan prepared by a certified arborist to protect the one adjacent tree during construction. Such protection plan would be reviewed and approved by San Francisco Public Works staff.[75] Therefore, the proposed project would not conflict with the city's local tree ordinance. This impact would be less than significant and would not result in new or more severe impacts related to biological resources not identified in the Housing Element EIR.

Cumulative Analysis

The project site does not support any candidate, sensitive, or special-status species, wetlands as defined by section 404 of the Clean Water Act, riparian habitat, or any other sensitive natural community identified in local or regional plans, policies, or regulations. The cumulative development project at 2700 Sloat Boulevard would also be subject to the requirements of the Migratory Bird Treaty Act, California Fish and Game Code, and the city's bird-safe building standards and Urban Forestry Ordinance. Therefore, the proposed project would not be expected to combine with cumulative development projects to result in a cumulative impact related to biological resources and cumulative impacts would be less than significant. No mitigation would be required.

Conclusion

Based on the above, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR with respect to biological resources, nor a more severe adverse significant impact due to substantial new information. No project-specific mitigation measures or additional environmental review is required for this topic.

E.15 Geology and Soils

Housing Element Geology and Soils Findings

The Housing Element EIR geology and soils findings are discussed in the EIR on pages 4.1-166 through 4.1-172. The EIR found that development consistent with the housing element update would be designed to resist landslides and other geologic hazards, in compliance with applicable codes and design standards, which take into account the expected conditions in the project vicinity. Development consistent with the housing element update would not exacerbate the existing hazards related to geology and soils in San Francisco. The Housing Element EIR also noted that new development is generally safer than comparable older development due to improvements in building codes and construction techniques. Compliance with applicable codes and recommendations made in project-specific geotechnical analyses would not eliminate earthquake risks, given

74 San Francisco Public Works Code. 1995. Article 16: Urban Forestry Ordinance. Available online at https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_publicworks/0-0-0-4068. Accessed October 14, 2022.

75 San Francisco Public Works. Public Works Code Section 808, Protection of Trees and Landscape Material. Online at https://codelibrary.amlegal.com/codes/san_francisco/latest/sf_publicworks/0-0-0-4194#JD_808. Accessed October 14, 2022.

the seismically active characteristics of the Bay Area but would reduce them to an acceptable level. Thus, the EIR concluded that implementation of the plan would not result in significant impacts with regards to geology and soils, and no mitigation measures were identified in the Housing Element EIR.

Project Analysis

		Not Analyzed in the Prior EIR			
Topics:	*Analyzed in the Prior EIR*	*No Impact*	*Substantially Mitigated by Uniformly Applicable Development Policies*	*Less than Significant or Less than Significant with Mitigation Incorporated*	*Significant Impact*
Would the project:					
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	☒	☐	☐	☐	☐
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Refer to Division of Mines and Geology Special Publication 42.)	☒	☐	☐	☐	☐
ii) Strong seismic ground shaking?	☒	☐	☐	☐	☐
iii) Seismic-related ground failure, including liquefaction?	☒	☐	☐	☐	☐
iv) Landslides?	☒	☐	☐	☐	☐
b) Result in substantial soil erosion or the loss of topsoil?	☒	☐	☐	☐	☐
c) Be located on geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	☒	☐	☐	☐	☐
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code, creating substantial direct or indirect risks to life or property?	☒	☐	☐	☐	☐
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	☒	☐	☐	☐	☐
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☒	☐	☐	☐	☐

The proposed project would not include the use of septic tanks or alternative wastewater disposal systems; it would be connected to the existing wastewater disposal system. For these reasons, Topic E.15(e) is not applicable to the proposed project. A unique geologic or physical feature embodies distinctive characteristics of any regional or local geologic principles, provides a key piece of information important to geologic history, contains minerals not known to occur elsewhere in the county, and/or is used as a teaching tool. The project site is entirely developed with the current two-story cultural/institutional/commercial building (the United Irish Cultural Center) and a paved parking lot. No unique geologic features exist at the project site. Therefore, the proposed project would have no impact on unique geologic features as referenced in Topic E.15(f), and unique geologic features will not be discussed further.

E.15.a, c, and d) A geotechnical investigation was prepared for the proposed project.[76] The geotechnical investigation reviewed available geologic and geotechnical data in the site vicinity to develop preliminary recommendations regarding soil and groundwater conditions, site seismicity and seismic hazards, the most appropriate foundation type(s) for the proposed structure, and construction considerations, among other topics. From a boring drilled at the subject site at the corner of 45th Avenue and Wawona Street, poorly graded sand was encountered from the ground surface to the maximum depth explored at 50 feet below ground surface. Groundwater was encountered in the boring at a depth of about 21 feet below grade. Materials encountered in the boring were of a dense consistency below the groundwater table. From review of the California Division of Mines and Geology, Seismic Hazard Zones map, artificial fill materials were found to be historically located beneath Sloat Boulevard and the southern margin of the project site. The geotechnical report includes recommendations related to construction, including site preparation and grading, seismic design, foundations, retaining walls, slab-on-grade floors, site drainage, underpinning, temporary and finished slopes, and temporary shoring. Implementation of these recommendations, which would be overseen by the Department of Building Inspection, would ensure that the proposed project would not cause the soil underlying the project site to become unstable and result in on or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse.

The project site is not within an Alquist-Priolo Earthquake Fault Zone, and there are no known active faults that run underneath the project site. The closest active fault to the project site is the San Andreas Fault, which is about 1.7 miles to the southwest of the site.

The project site is not in a landslide or liquefaction hazard zones, so the potential for risk of loss, injury, or death related to landslides of liquefaction would be low. However, the geotechnical investigation evaluated the liquefaction potential of soil encountered at the site and found that artificial fill materials that were placed historically beneath Sloat Boulevard and the southern margin of the project site may be subject to liquefaction and lateral spreading. The report recommendations included a stiffened mat foundation with planned improvements, which would address the potential effects of liquefaction and lateral spreading. As the site is underlain by dune sand that is typically medium dense in consistency near the ground surface, seismic shaking may result in settling of up to a half inch. The report indicates that proposed improvements would be limited to the- amount of settlement near the existing ground surface.

76 H. Allen Gruen, *Geotechnical Investigation: Planned Development at 2700 45th Avenue, San Francisco, California*, September 23, 2021.

For these reasons, the proposed project would not cause potential substantial adverse effects, including risk of loss, injury, or death involving rupture of a known earthquake fault, strong seismic ground shaking, seismic-related ground failure, liquefaction, or landslides.

To ensure that the potential for adverse effects related to geology and soils are adequately addressed, San Francisco relies on the state and local regulatory process for review and approval of building permits pursuant to the California Building Code and the San Francisco Building Code, which is the state building code plus local amendments that supplement the state code, including the building department's administrative bulletins. The building department also provides its implementing procedures in information sheets. The project is required to comply with the building code, which ensures the safety of all new construction in the city. The building department will review the project plans for conformance with the recommendations in the project-specific geotechnical report during its review of the building permit for the project. In addition, the building department may require additional site-specific report(s) through the building permit application process and its implementing procedures, as needed. The building department's requirement for a geotechnical report and review of the building permit application pursuant to its implementation of the building code would ensure that the proposed project would not result in any significant impacts related to soils, seismicity or other geological hazards.

E.15.b) The project site is occupied by an existing building with a paved parking area and is entirely covered with impervious surfaces. For these reasons, construction of the proposed project would not result in the loss of substantial topsoil. Site preparation and excavation activities would disturb soil to a depth of approximately 40 feet below ground surface (52 feet below ground surface if drilled piers are required), creating the potential for windborne and waterborne soil erosion. However, the project would be required to comply with the Construction Site Runoff Ordinance, which requires all construction sites to implement best management practices to prevent the discharge of sediment, stormwater, non-stormwater and waste runoff from a construction site. For construction projects disturbing 5,000 square feet or more, such as the proposed project, a project must also implement an approved erosion and sediment control plan that details the use, location and emplacement of sediment and control devices. These measures would reduce the potential for erosion during construction. Therefore, the proposed project would not result in significant impacts related to soil erosion or the loss of topsoil.

E.15.f) Paleontological resources, or fossils, are the remains, imprints, or traces of mammals, plants, and invertebrates from a previous geological period. Such fossil remains as well as the geological formations that contain them are also considered a paleontological resource. Together, they represent a limited, nonrenewable scientific and educational resource. The potential to affect fossils varies with the depth of disturbance, construction activities, and previous disturbance.

The project site is underlain by poorly graded sand from the ground surface to the maximum depth explored at 50 feet below ground surface. Materials that were bored as part of the geotechnical investigation were of a dense consistency below the groundwater table that was located at 21 feet below grade. From a review of the California Division of Mines and Geology, Seismic Hazard Zones map, artificial fill materials were placed historically beneath Sloat Boulevard and the southern margin of the project site. The proposed project would excavate to a depth of 40 feet below grade (approximately 52 feet below grade if drilled piers are used to support the foundation), which would occur mainly in the poorly graded sand and in artificial fill material at a small portion of the southern end of the site. Due to the lack of fossils contained in artificial fill material, the possibility that fossils would be encountered during project construction is low. Based on the underlying site

conditions and the depth of excavation, construction of the proposed project would not affect a unique paleontological resource or site. Therefore, this impact would be less than significant, and no mitigation measures are necessary.

Cumulative Analysis

The project would not include septic systems or alternative waste disposal systems and would have no impacts on paleontological resources or unique geologic features. Therefore, the proposed project would not have the potential to combine with effects of cumulative projects to result in cumulative impacts related to those topics.

Environmental impacts related to geology and soils are generally site-specific. Nearby cumulative development projects would be subject to the same seismic safety standards in the building code and design review procedures applicable to the proposed project. The building department in its review of the permits for the project and cumulative projects would ensure conformance with geotechnical recommendations in site-specific geotechnical reports. These regulations would ensure that cumulative effects of development on seismic safety, geologic hazards, and erosion are less than significant. The project excavation would encounter poorly graded sand and artificial fill in a small area in the southern portion of the site, which is unlikely to contain paleontological resources; therefore, it would have a less-than-significant effect on paleontological resources. For these reasons, the proposed project would not combine with cumulative projects in the project vicinity to create a significant cumulative impact related to geology and soils, including paleontology.

Conclusion

For the reasons stated above, the proposed project would not result in a significant individual or cumulative impact related to geology and soils. Therefore, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR related to geology and soils, nor a more severe adverse significant impact due to substantial new information. No project-specific mitigation measures or additional environmental review is required for this topic.

E.16 Hydrology and Water Quality

Housing Element Hydrology and Water Quality Findings

The Housing Element EIR hydrology and water quality findings are discussed in the EIR on pages 4.1-196 through 4.1-204. The EIR determined that future development consistent with the housing element update would not result in a significant impact on hydrology and water quality, including the combined sewer system and the potential for combined sewer outflows. No mitigation measures were identified in the Housing Element EIR.

Project Analysis

Topics:	Analyzed in the Prior EIR	Not Analyzed in the Prior EIR: No Impact	Substantially Mitigated by Uniformly Applicable Development Policies	Less than Significant or Less than Significant with Mitigation Incorporated	Significant Impact
Would the project:					
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or ground water quality?	☒	☐	☐	☐	☐
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	☒	☐	☐	☐	☐
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner that would:	☒	☐	☐	☐	☐
(i) Result in substantial erosion or siltation on- or off-site;	☒	☐	☐	☐	☐
(ii) Substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site;	☒	☐	☐	☐	☐
(iii) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff; or	☒	☐	☐	☐	☐
(iv) Impede or redirect flood flows?	☒	☐	☐	☐	☐
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	☒	☐	☐	☐	☐
e) Conflict or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	☒	☐	☐	☐	☐

E.16.a) The project would generate wastewater and stormwater discharges typical of urban commercial uses. Wastewater and stormwater from the project site would be accommodated by the city's sewer system and treated at the Oceanside Water Pollution Control Plant to the standards set by the San Francisco Bay Regional Water Quality Control Board, therefore, the proposed project would not exceed the waste discharge requirements of the water quality board. Furthermore, as discussed in topic E. 15.b, the project is required to

comply with the Construction Site Runoff Ordinance, which requires all construction sites to implement best management practices to prevent the discharge of sediment, non-stormwater and waste runoff from a construction site. The city's compliance with the requirements of its NPDES permit and the project's compliance with Construction Site Runoff Ordinance would ensure that the project would not result in significant impacts to water quality.

E.16.b) As discussed under topic E.15, groundwater is approximately 21 feet below the ground surface at the project site and may be encountered during excavation, which would occur to a depth of at least 40 feet and potentially up to 52 feet below ground surface. Therefore, dewatering is likely to be necessary during construction. The project would not require long-term dewatering and does not propose to extract any underlying groundwater supplies during project operation. The project site is located in the Westside San Francisco Groundwater Basin. As stated in the Housing Element EIR, the Westside Basin provides up to 0.49 percent of the city's potable water supply, as well as non-potable uses at the nearby San Francisco Zoo and Lake Merced Golf Course. The EIR further noted the possibility that construction dewatering in areas with shallow groundwater may be required during excavation activities associated with future construction and found that dewatering during construction would not result in a loss of water that would substantially decrease groundwater supplies because dewatering activities would be temporary and short-term in duration. Consistent with findings in the EIR, the proposed project would only require temporary dewatering activities over a short-term period. For these reasons, the proposed project would not deplete groundwater supplies or substantially interfere with groundwater recharge. This impact would be less than significant, and no mitigation measures are necessary.

E.16.c) No streams or rivers exist in the vicinity of the project site. Therefore, the proposed project would not alter the course of a stream or river, or substantially alter the existing drainage pattern of the project site or area. For the reasons discussed in topics E.12.a and E.15.b, the proposed project would not substantially increase the rate or amount of surface runoff such that substantial flooding, erosion, or siltation would occur on or offsite. Compliance with the city's Stormwater Management Ordinance would ensure that design of the proposed project would include installation of appropriate stormwater management systems that retain runoff on site and limit substantial additional sources of polluted runoff.

E.16.d) The project site is not located within a 100-year flood hazard zone, or a tsunami or seiche hazard area. Therefore, topic 16.d is not applicable to the proposed project.

E.16.e) For the reasons discussed in topic E.16a, the project would not interfere with the San Francisco Bay water quality control plan. Further, the project site is not located within an area subject to a sustainable groundwater management plan and the project would not routinely extract groundwater supplies.

Cumulative Analysis

The proposed project would have no impact with respect to the following topics and therefore would not have the potential to contribute to any cumulative impacts for those resource areas: location of the project site within a 100-year flood hazard area, tsunami or seiche zone, alterations to a stream or river or changes to existing drainage patterns. The proposed project and other development within San Francisco would be required to comply with the stormwater management and construction site runoff ordinances that would reduce the amount of stormwater entering the combined sewer system and prevent discharge of construction-related pollutants into the sewer system. As the project site is not located in a groundwater basin that is used for water supply, the project would not combine with cumulative projects to result in significant cumulative

impacts to groundwater. Therefore, the proposed project in combination with other projects would not result in significant cumulative impacts related to hydrology and water quality.

Conclusion

For the reasons stated above, the proposed project would not result in a significant individual or cumulative impact related to hydrology and water quality. Therefore, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR related to hydrology and water quality, nor a more severe adverse significant impact due to substantial new information. No project-specific mitigation measures or additional environmental review is required for this topic.

E.17 Hazards and Hazardous Materials

Housing Element Hazards and Hazardous Materials Findings

The Housing Element EIR hazards and hazardous materials findings are discussed in the EIR on pages 4.1-217 through 4.1-224. The EIR found that implementation of the housing element update would not result in any significant impacts with respect to hazards or hazardous materials that could not be mitigated to a less-than-significant level. The EIR determined that compliance with the Health Code, which incorporates state and federal requirements, would minimize potential exposure of site personnel and the public to any accidental releases of hazardous materials or waste and would also protect against potential environmental contamination. In addition, transportation of hazardous materials is regulated by the California Highway Patrol and the California Department of Transportation. Therefore, potential impacts related to the routine use, transport, and disposal of hazardous materials associated with housing element update implementation were founds to be less than significant.

The EIR determined that compliance of subsequent development projects with the San Francisco fire and building codes, which are implemented through the City's ongoing building permit review process, would ensure that potential fire hazards related to development activities would be minimized to less-than-significant levels. San Francisco is not within two miles of an airport land use plan or an airport or private air strip, and, therefore, would not interfere with air traffic or create safety hazards in the vicinity of an airport. The Housing Element EIR determined that cumulative impacts related to hazards or hazardous materials would be less than significant.

The Housing Element EIR determined that demolition and renovation of buildings in the city could expose workers and the public to hazardous building materials or release those materials into the environment. However, local, state, and federal regulations for the safe handling and disposal of hazardous building materials are in place, which would reduce any potential impacts to a less-than-significant level.

Project Analysis

Topics:	Analyzed in the Prior EIR	Not Analyzed in the Prior EIR			
		No Impact	Substantially Mitigated by Uniformly Applicable Development Policies	Less than Significant or Less than Significant with Mitigation Incorporated	Significant Impact
Would the project:					
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	☒	☐	☐	☐	☐
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	☒	☐	☐	☐	☐
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	☒	☐	☐	☐	☐
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	☒	☐	☐	☐	☐
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	☒	☐	☐	☐	☐
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	☒	☐	☐	☐	☐
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury, or death involving wildland fires?	☒	☐	☐	☐	☐

The project site is not included on the list of hazardous materials sites compiled by the California Department of Toxic Substance Control pursuant to Government Code section 65962.5; is not located within an airport land use plan area or within an airport land use plan, or within two miles of a public airport or public use airport which would result in a safety hazard or excessive noise for people residing or working in the area; and is not located within or adjacent to a wildland area. Therefore, Topics E.17.d), E.17.e), and E.17.g) are not applicable to the proposed project.

E.17.a) Hazardous materials may be stored on site during construction of the proposed project. These hazardous materials may include fuel for construction equipment, paints, solvents, and other types of

construction materials that may contain hazardous ingredients. Transportation of hazardous materials to and from the project site would occur on designated hazardous materials routes, by licensed hazardous materials handlers, as required, and would be subject to regulation by the California Highway Patrol and the California Department of Transportation. Compliance with these regulations would reduce any risk from the routine transport, use, or disposal of hazardous materials to a less-than-significant level and no mitigation would be required.

The proposed project's cultural/institutional/educational, restaurant/bar/event space, and recreational uses would likely result in the use of common types of hazardous materials, such as cleaning products, disinfectants, and pool chemicals. These products are labeled to inform users of their potential risks and to instruct them in appropriate handling procedures. Most of these materials are consumed through use, resulting in relatively little waste. Any chemical waste generated by the project would be used, stored, and disposed of according to manufacturer requirements and subject to existing regulatory programs. For these reasons, hazardous materials used during project operation would not pose any substantial public health or safety hazards through their routine transport, use, or disposal. Therefore, this impact would be less than significant and would not result in new or more severe impacts related to the use of hazardous materials not identified in the Housing Element EIR.

E.17.b)

Hazardous Building Materials

The project site is occupied by a building that was constructed in 1975, which would be demolished by the proposed project. Based on the date of construction of the building, asbestos-containing materials (ACMs) may still be present in building materials that could become airborne as a result of demolition disturbance.

The California Department of Toxic Substance Control considers asbestos hazardous, and removal of ACMs is required prior to demolition or construction activities that could result in disturbance of these materials. Asbestos-containing materials must be removed in accordance with local and state regulations, Bay Area Air Quality Management District (air district), the California Occupational Safety and Health Administration (occupational safety and health administration), and California Department of Health Services requirements.

Specifically, section 19827.5 of the California Health and Safety Code requires that local agencies not issue demolition or alteration permits until an applicant has demonstrated compliance with notification requirements under applicable federal regulations regarding hazardous air pollutants, including asbestos. The California legislature vests the air district with the authority to regulate airborne pollutants, including asbestos, through both inspection and law enforcement, and the air district is to be notified 10 days in advance of any proposed demolition or abatement work. Any asbestos-containing material disturbance at the project site would be subject to the requirements of air district Regulation 11, Rule 2: Hazardous Materials—Asbestos Demolition, Renovation, and Manufacturing. The local office of the occupational safety and health administration must also be notified of any asbestos abatement to be carried out. Asbestos abatement contractors must follow state regulations contained in Title 8 of California Code of Regulations section 1529 and sections 341.6 through 341.14, where there is asbestos related work involving 100 gsf or more of asbestos-containing material. The owner of the property where abatement is to occur must have a Hazardous Waste Generator Number assigned by and registered with the Office of the California Department of Health Services. The contractor and hauler of the material are required to file a Hazardous Waste Manifest that details the

hauling of the material from the site and the disposal of it. Pursuant to California law, the building department would not issue the required permit until the applicant has complied with the requirements described above.

These regulations and procedures already established as part of the building permit review process would ensure that any potential impacts due to asbestos would be reduced to a less-than-significant level.

Similar to ACMs, lead-based paint could be present at the site, based on the age of the building. Work that could result in disturbance of lead paint must comply with section 3426 of the San Francisco Building Code, Work Practices for Lead-Based Paint on Pre-1979 Buildings and Steel Structures. Where there is any work that may disturb or remove lead paint on the exterior of any building built prior to 1979, section 3426 requires specific notification and work standards, and identifies prohibited work methods and penalties.

Section 3426 applies to the exterior of all buildings or steel structures on which original construction was completed prior to 1979 (which are assumed to have lead-based paint on their surfaces, unless demonstrated otherwise through laboratory analysis), and to the interior of residential buildings, hotels, and childcare centers. The ordinance contains performance standards, including establishment of containment barriers, at least as effective at protecting human health and the environment as those in the U.S. Department of Housing and Urban Development Guidelines (the most recent Guidelines for Evaluation and Control of Lead-Based Paint Hazards) and identifies prohibited practices that may not be used in disturbances or removal of lead-based paint. Any person performing work subject to the ordinance shall, to the maximum extent possible, protect the ground from contamination during exterior work; protect floors and other horizontal surfaces from work debris during interior work; and make all reasonable efforts to prevent migration of lead paint contaminants beyond containment barriers during the course of the work. Clean-up standards require the removal of visible work debris, including the use of a High Efficiency Particulate Air Filter vacuum following interior work.

The ordinance also includes notification requirements and requirements for signs. Prior to the commencement of work, the responsible party must provide written notice to the director of the building department, of the address and location of the project; the scope of work, including specific location within the site; methods and tools to be used; the approximate age of the structure; anticipated job start and completion dates for the work; whether the building is residential or nonresidential, owner-occupied or rental property; the dates by which the responsible party has fulfilled or will fulfill any tenant or adjacent property notification requirements; and the name, address, telephone number, and pager number of the party who will perform the work. Further notice requirements include a Posted Sign notifying the public of restricted access to the work area, a Notice to Residential Occupants, Availability of Pamphlet related to protection from lead in the home and Notice of Early Commencement of Work (by Owner, Requested by Tenant), and Notice of Lead Contaminated Dust or Soil, if applicable. Section 3426 contains provisions regarding inspection and sampling for compliance by the San Francisco Department of Building Inspection, as well as enforcement, and describes penalties for non-compliance with the requirements of the ordinance.

The proposed demolition would also be subject to the occupational safety and health administration's Lead in Construction Standard (8 CCR section 1532.1). This standard requires development and implementation of a lead compliance plan when materials containing lead would be disturbed during construction. The plan must describe activities that could emit lead, methods that will be used to comply with the standard, safe work practices, and a plan to protect workers from exposure to lead during construction activities. The occupational

safety and health administration would require 24-hour notification if more than 100 square feet of materials containing lead would be disturbed.

Implementation of procedures required by section 3426 of the building code and the Lead in Construction Standard would ensure that potential impacts of demolition or renovation of structures with lead-based paint would be less than significant.

Soil and Groundwater Contamination

Article 22A of the Health Code, also known as the Maher Ordinance, addresses properties throughout the city where there is potential to encounter hazardous materials, primarily industrial zoning districts, sites with current or former industrial uses or underground storage tanks, sites with historic bay fill, and sites close to freeways or underground storage tanks. The Maher Ordinance, which is implemented by the San Francisco Department of Public Health, requires appropriate handling, treatment, disposal, and remediation of contaminated soils that are encountered in the building construction process. All projects in the city that disturb 50 cubic yards or more of soil that are located on sites with potentially hazardous soil or groundwater are subject to this ordinance. Some projects that disturb less than 50 cubic yards may also be subject to the Maher Ordinance if they propose to a change of use from industrial (e.g., gas stations, dry cleaners, etc.) to sensitive uses (e.g., residential, medical, etc.).

The proposed project would excavate to a maximum depth of 40 feet below grade (or approximately 52 feet below grade if drilled piers are used to support the foundation), over an area of approximately 16,120 square feet for a total of 19,860 cubic yards of excavation. Therefore, the project is subject to the Maher Ordinance. The Maher Ordinance requires the project sponsor to retain the services of a qualified professional to prepare a *phase 1 environmental site assessment*. The phase 1 assessment would determine the potential for site contamination and level of exposure risk associated with the project. Based on that information, the project sponsor may be required to conduct soil and/or groundwater sampling and analysis known as a *phase 2 environmental site assessment*. Where such analysis reveals the presence of hazardous substances that exceed state or federal standards, the project sponsor is required to submit a site mitigation plan to the health department or other appropriate state or federal agency(ies), and to remediate any site contamination prior to the issuance of any building permit.

In compliance with the Maher Ordinance, the project sponsor has filed an application for a Maher permit with the health department and a phase 1 site assessment[77] has been prepared to assess the potential for site contamination. The results of the Phase I Site Assessment Report indicated that there is no evidence of Recognized Environmental Conditions on the project site. Therefore, the project would not be expected to result in any significant impacts related to subsurface hazardous materials.

E.17.c) Ulloa Elementary School is a public school located at 2650 42nd Avenue within a quarter mile of the project site. In addition, there are four childcare centers located within a quarter mile of the project site: Starlight Two, located at 3155 Vicente Street; the Ark Christian Preschool, located at 3141 Vicente Street; Creative Montessori Preschool childcare center, located at 3101 Vicente Street; and Ulloa Children's Center, located at 2650 42nd Avenue.

77 ICES Innovative and Creative Environmental Solutions, *Phase I Environmental Site Assessment: 2700 45th Avenue, San Francisco, California*, October 5, 2021.

As stated above, the project proposes demolition of the existing three-story mixed-use, cultural/institutional/educational building and construction of a new six-story over two-level basement, mixed-use commercial building. Ground-disturbing activities would be limited to 12-months during the proposed construction period. The project sponsor would be required to comply with regulations described above in E.17.a) and b), which would ensure that hazardous materials are handled safely and would not be released within one-quarter mile of schools. In addition, as discussed in under Section E.16, Hydrology and Water Quality, the project would comply with requirements for the handling and disposal of contaminated groundwater. Therefore, there would be limited potential for such materials to affect schools in the vicinity, and the proposed project would have a less than significant impact with respect to the handling of hazardous materials within one-quarter mile radius of an existing or proposed school. Therefore, the proposed project would not result in new or more severe hazardous materials impacts to schools not identified in the Housing Element EIR. Impacts related to emissions from construction vehicles are discussed in Section E.7, Air Quality.

E.17.f) The proposed project, located within a city block, would not impair implementation of an emergency response or evacuation plan adopted by the City of San Francisco. Project construction and operation would not close roadways or impede access to emergency vehicles or emergency evacuation routes. Thus, the proposed project would not obstruct implementation of the city's emergency response and evacuation plans, and potential impacts would be less than significant.

Cumulative Analysis

Environmental impacts related to hazards and hazardous materials are generally site-specific. Nearby cumulative development projects would be subject to the same regulations addressing use of hazardous waste (laws regulating the disposal of hazardous materials and Article 22 of the health code), hazardous soil and groundwater (Article 22A of the health code) and building and fire codes addressing emergency response and fire safety. For these reasons, the proposed project would not combine with other projects in the project vicinity to create a significant cumulative impact related to hazards and hazardous materials.

Conclusion

Based on the above, the proposed infill project would not have a new peculiar significant impact not previously identified in the Housing Element EIR related to hazards and hazardous materials, nor a more severe adverse significant impact due to substantial new information. No project-specific mitigation measures or additional environmental review is required for this topic.

E.18 Mineral Resources

Housing Element Mineral Resources Findings

The Housing Element EIR determined that San Francisco does not contain any mineral resources. This is discussed in EIR p. 4.1-233.

Project Analysis

Topics:	Analyzed in the Prior EIR	Not Analyzed in the Prior EIR: No Impact	Substantially Mitigated by Uniformly Applicable Development Policies	Less than Significant or Less than Significant with Mitigation Incorporated	Significant Impact
Would the project:					
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☒	☐	☐	☐	☐
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☒	☐	☐	☐	☐

The project site is not located in an area with known mineral resources and would not routinely extract mineral resources. Therefore, the proposed project would have no impact on mineral resources. The proposed project would have no impact on mineral resources and therefore would not have the potential to contribute to any cumulative mineral resource impact. For the reasons stated above, the proposed project would not result in significant impacts either individually or cumulatively related to mineral resources. Therefore, the proposed project would not result in new or more severe impacts on mineral resources not identified in the Housing Element EIR.

E.19 Energy Resources

Housing Element Energy Resources Findings

The Housing Element EIR energy resources findings are discussed in the EIR on pages 4.1-229 through 4.1-233. The EIR determined that construction and operations associated with the housing element update would not encourage the use of large amounts of fuel, water, or energy or use these in a wasteful manner. Therefore, the Housing Element EIR concluded that housing element update would not result in a significant impact on energy resources. No mitigation measures were identified in the Housing Element EIR.

Project Analysis

Topics:	Analyzed in the Prior EIR	Not Analyzed in the Prior EIR: No Impact	Substantially Mitigated by Uniformly Applicable Development Policies	Less than Significant or Less than Significant with Mitigation Incorporated	Significant Impact
Would the project:					

		Not Analyzed in the Prior EIR			
Topics:	Analyzed in the Prior EIR	No Impact	Substantially Mitigated by Uniformly Applicable Development Policies	Less than Significant or Less than Significant with Mitigation Incorporated	Significant Impact
a) Result in a potentially significant environmental impact due to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation?	☒	☐	☐	☐	☐
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	☒	☐	☐	☐	☐

E.19.a) Project construction would require the use of fuel- and electric-powered equipment and vehicles. The amount of fuel used for construction workers' commute trips would be limited to the duration of construction. Project construction would not encourage activities that would result in the use of large amounts of fuel, water, or energy, or use them in a wasteful manner.

The proposed project would be required to comply with title 24 of the California Code of Regulations and the 2019 San Francisco Green Building Ordinance. The San Francisco Green Building Ordinance, which aims to reduce impacts that buildings have on the environment, was updated in 2016 to incorporate changes to California's Green Building Standards and title 24 of the Energy Efficiency Standards (part 6). New commercial buildings that are 10 stories or less, such as the proposed project, are required to install solar electric, thermal, or green roofs, and to meet San Francisco's green building requirements tied to LEED and GreenPoint building rating systems. Documentation demonstrating compliance with title 24 would be submitted with a building permit application. The title 24 standards and requirements would be enforced by the San Francisco Department of Building Inspection. The proposed project would incorporate solar photovoltaic panels on the new building's roof. The energy generated from the solar photovoltaic panels would provide a sustainable form of power for the building. The proposed project also would meet certification requirements to attain a LEED Gold rating, and would minimize the wasteful, inefficient, or unnecessary consumption of energy resources during operation. Therefore, this impact would be less than significant and would not result in new or more severe impacts related to energy resource not identified in the Housing Element EIR.

E.19.b) State plans for renewable energy and energy efficiency include California's Renewables Portfolio Standard Program (as revised by Senate Bill No. 100) [78] and the California Energy Efficiency Strategic Plan. The renewables standard program requires utilities to increase their renewable energy generation to 60 percent by 2030, and for all of the state's electricity to come from carbon-free resources by 2045. [79] The plan, which was developed in 2008, outlines goals to improve the energy efficiency of new construction within all major sectors throughout the state. Local plans include the City of San Francisco's energy efficiency requirements. The proposed project would increase energy efficiency because the new building would adhere to current energy conservation measures, including those detailed in the San Francisco Green Building Code and title 24 of the

78 California Legislative Information, 2018, SB-100 California Renewables Portfolio Standard Program: emissions of greenhouse gases.

79 California Public Utilities Commission, 2020, Renewables Portfolio Standard (RPS) Program.

California Energy Efficiency Standards. Solar photovoltaic panels would be installed on the roof of the new building, generating sustainable energy during operation. Therefore, the proposed project would not conflict with or obstruct a state or local plan for renewable energy or energy efficiency. This impact would be less than significant and would not result in new or more severe impacts related to energy resource not identified in the Housing Element EIR.

Cumulative

All development projects within San Francisco are required to comply with applicable regulations in the city's Green Building Ordinance and Title 24 of the California Code of Regulations that reduce both energy use and potable water use. The majority of San Francisco is located within a transportation analysis zone that experiences low levels of VMT per capita compared to regional VMT levels, as is the cumulative project identified at 2700 Sloat Boulevard. Therefore, the proposed project, in combination with other reasonably foreseeable cumulative projects would not encourage activities that result in the use of large amounts of fuel, water, or energy or use these in a wasteful manner.

Conclusion

For the reasons stated above, the proposed project would not result in significant impacts either individually or cumulatively related to energy resources. Therefore, the proposed project would not result in new or more severe impacts on energy resources not identified in the Housing Element EIR.

E.20 Agriculture and Forest Resources

Housing Element Agricultural and Forest Resources Findings

The Housing Element EIR determined that San Francisco does not contain any agricultural resources or forest resources. This is discussed in EIR p. 4.1-233.

Project Analysis

		Not Analyzed in the Prior EIR			
Topics:	*Analyzed in the Prior EIR*	*No Impact*	*Substantially Mitigated by Uniformly Applicable Development Policies*	*Less than Significant or Less than Significant with Mitigation Incorporated*	*Significant Impact*
Would the project:					
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance, as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	☒	☐	☐	☐	☐
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	☒	☐	☐	☐	☐

Topics:	Analyzed in the Prior EIR	Not Analyzed in the Prior EIR: No Impact	Substantially Mitigated by Uniformly Applicable Development Policies	Less than Significant or Less than Significant with Mitigation Incorporated	Significant Impact
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code Section 12220(g)) or timberland (as defined by Public Resources Code Section 4526)?	☒	☐	☐	☐	☐
d) Result in the loss of forest land or conversion of forest land to non-forest use?	☒	☐	☐	☐	☐
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland to non-agricultural use or forest land to non-forest use?	☒	☐	☐	☐	☐

E.20.a)-e) The project site is within an urbanized area that does not contain any prime farmland, unique farmland, or farmland of statewide importance; forest land; or land under Williamson Act contract. The area is not zoned for any agricultural uses. Topics 20 a through e are not applicable to the proposed project and the project would have no impact either individually or cumulatively on agricultural or forest resources.

For the above reasons, the proposed project would not result in new or more severe impacts to agricultural or forest resources not identified in the Housing Element EIR.

E.21 Wildfire

Housing Element Wildfire Findings

The Housing Element EIR determined that San Francisco is not in a wildfire hazard zone. This is discussed in EIR p. 4.1-233.

Project Analysis

Topics:	Analyzed in the Prior EIR	Not Analyzed in the Prior EIR: No Impact	Substantially Mitigated by Uniformly Applicable Development Policies	Less than Significant or Less than Significant with Mitigation Incorporated	Significant Impact
If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:					
a) Substantially impair an adopted emergency response plan or emergency evacuation plans?	☒	☐	☐	☐	☐

		Not Analyzed in the Prior EIR				
	Topics:	Analyzed in the Prior EIR	No Impact	Substantially Mitigated by Uniformly Applicable Development Policies	Less than Significant or Less than Significant with Mitigation Incorporated	Significant Impact
b)	Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	☒	☐	☐	☐	☐
c)	Require the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment?	☒	☐	☐	☐	☐
d)	Expose people or structures to significant risks including downslope or downstream flooding or landslides as a result of runoff, post-fire slope instability, or drainage changes?	☒	☐	☐	☐	☐

E.21.a)-d) The project site is not located in or near state responsibility lands for fire management or lands classified as very high fire hazard severity zones. Therefore, this topic is not applicable to the project.

F. Public Notice and Comment

A "Notification of Project Receiving Environmental Review" was mailed on August 29, 2022 to adjacent occupants and owners of properties within 300 feet of the project site, as well as Parkside and city-wide neighborhood group lists. Two comments were received. One comment letter expressed concern over the scale of the building and noise, shadow, air quality, and transportation impacts. The second raised concerns related to transportation, wind, and shadow impacts. Overall, there issues raised by the public in response to the notice were taken into consideration and incorporated in the environmental review as appropriate for CEQA analysis. The proposed project would not result in significant adverse environmental impacts associated with the issues identified by the public beyond those identified in the Housing Element EIR.

G. Determination

As summarized above:

1. The proposed project is eligible for the streamlining procedures, as: the project site has been previously developed and is located in an urban area; the proposed project satisfies the performance standards provided in Appendix M of the CEQA Guidelines; and the project is consistent with the Sustainable Communities Strategy (Plan Bay Area);

2. The effects of the proposed infill project were analyzed in a prior EIR, and no new information shows that the adverse environmental effects of the infill project are more significant than that described in the prior EIR;

3. The proposed infill project would not cause any significant effects on the environment that either have not already been analyzed in a prior EIR or that are more significant than previously analyzed, or that uniformly applicable development policies would not substantially mitigate; and

4. The project sponsor will undertake feasible mitigation measures specified in the Housing Element EIR to mitigate project-related significant impacts.

Therefore, the proposed project is exempt from further environmental review pursuant to Public Resources Code Section 21094.5 and CEQA Guidelines Section 15183.3.

Devyani Jain for Lisa Gibson — July 17, 2023

Lisa Gibson — Date

Environmental Review Officer

H. Attachments

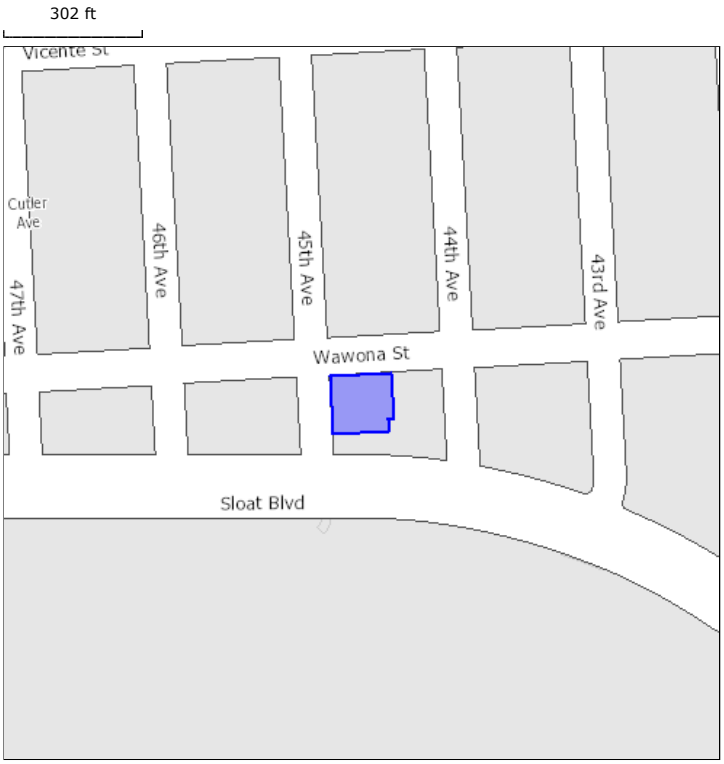
A. Figures

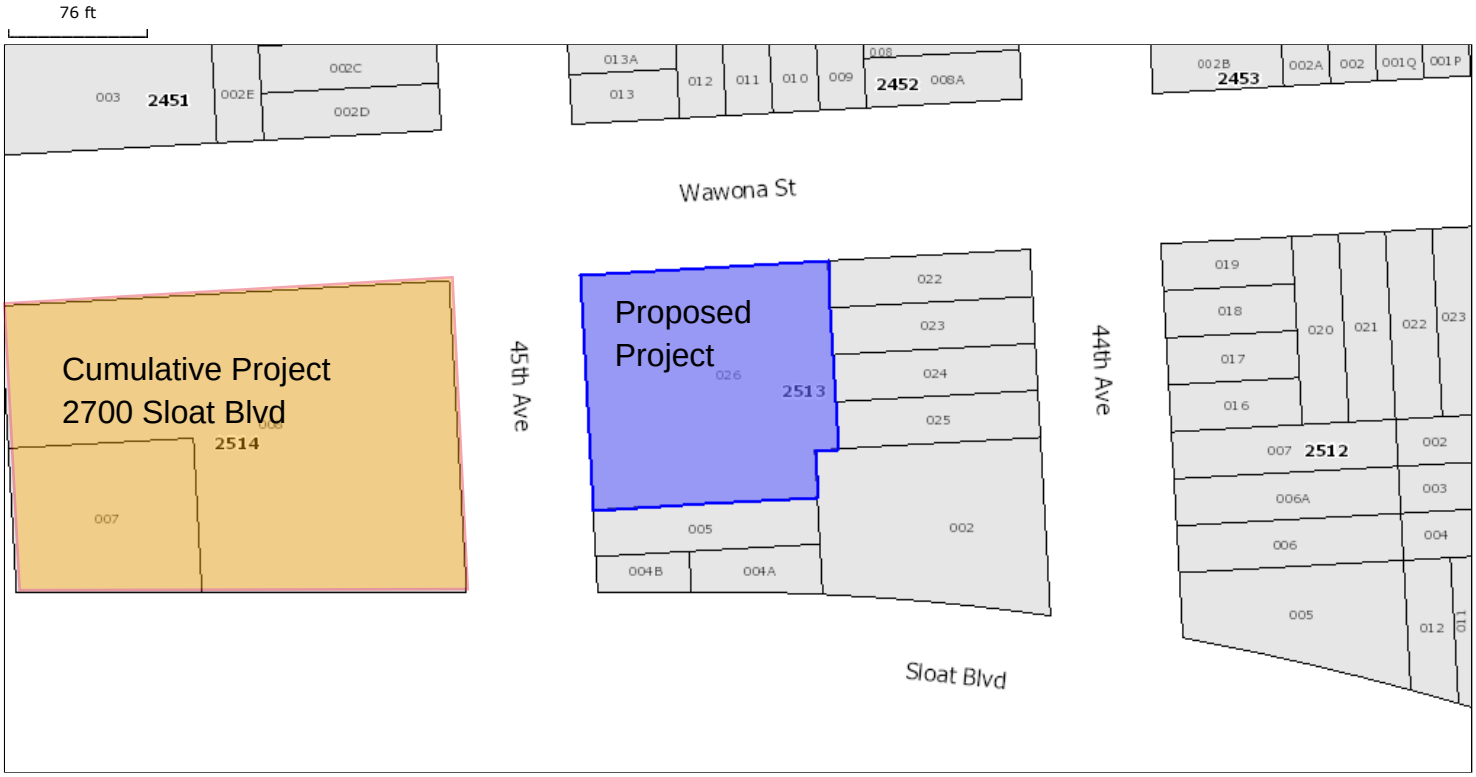
B. Mitigation Monitoring and Reporting Program

Attachment A – Figures

San Francisco Planning

United Irish Cultural Center





Printed: 6/27/2023

Attachment B – Mitigation Monitoring and Reporting Program

ATTACHMENT B

San Francisco Planning

AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

Record No.: 2022-001407ENV
Project Title: 2700 45th Avenue (United Irish Cultural Center)
BPA Nos: n/a
Zoning: NC-2 (Neighborhood Commercial) Use District
100-A Height and Bulk District

Block/Lot: 2513/026
Lot Size: 16,120 square feet
Project Sponsor: Dane Bunton, Studio BANAA,
(510) 612-7758
Lead Agency: San Francisco Planning Department
Staff Contact: Josh Pollak, josh.pollak@sfgov.org, (628) 652-7493
Ryan Shum, ryan.shum@sfgov.org, (628) 652-7542

The table below indicates when compliance with each mitigation measure must occur. Some mitigation measures span multiple phases. Substantive descriptions of each mitigation measure's requirements are provided on the following pages in the Mitigation Monitoring and Reporting Program.

Adopted Mitigation Measure	Period of Compliance			Compliance with Mitigation Measure Completed?
	Prior to the Start of Construction*	During Construction**	Post-construction or Operational	
Project Mitigation Measure M-CR-1 (implements Housing Element EIR Mitigation Measure M-CR-2a): Procedures for Discovery of Archeological Resources for Projects Involving Soil Disturbance	X	X	X	
Project Mitigation Measure M-CR-2 (implements Housing Element EIR Mitigation Measure M-CR-2c): Archeological Testing Program	X	X	X	
Project Mitigation Measure M-TCR-1 (implements Housing Element EIR Mitigation Measure M-TCR-1): Tribal Notification and Consultation	X			
Project Mitigation Measure M-TR-1 (implements Housing Element EIR Mitigation Measure M-TR-4a): Parking Maximums and Transportation Demand Management	X			
Project Mitigation Measure M-NO-1 (implements Housing Element EIR Mitigation Measure M-NO-1): Construction Noise Control	X	X		
Project Mitigation Measure M-WI-1 (implements Housing Element EIR Mitigation Measure M-WI-1a): Wind Minimization	X			X
Project Mitigation Measure M-WI-2 (implements Housing Element EIR Mitigation Measure M-WI-1b): Landscaping Maintenance	X		X	

Adopted Mitigation Measure	Period of Compliance			Compliance with Mitigation Measure Completed?
	Prior to the Start of Construction*	During Construction**	Post-construction or Operational	

NOTES:

* Prior to any ground disturbing activities at the project site.

** Construction is broadly defined to include any physical activities associated with construction of a development project including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction.

_____ I agree to implement the attached mitigation measure(s) as a condition of project approval.

DocuSigned by:
Liam Reidy
9C5A2137594B475...

Property Owner or Legal Agent Signature

7/17/2023

Date

Note to sponsor: Please contact CPC.EnvironmentalMonitoring@sfgov.org to begin the environmental monitoring process prior to the submittal of your building permits to the San Francisco Department Building Inspection.

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
CULTURAL RESOURCES				
Project Mitigation Measure M-CR-1 (implements Housing Element EIR Mitigation Measure M-CR-2a): Procedures for Discovery of Archeological Resources for Projects Involving Soil Disturbance. The project sponsor shall implement the following measures. ***ALERT sheet.*** The project sponsor shall distribute the planning department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils-disturbing activities within the project site. Prior to any soils-disturbing activities being undertaken, each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the environmental review officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) confirming that all field personnel involved in soil-disturbing activities have received copies of the "ALERT" sheet. ***Procedures Upon Discovery of a Suspected Archeological Resource.*** The following measures shall be implemented in the event of a suspected archeological discovery during project soil-disturbing activities: ***Discovery Stop Work and Environmental Review Officer Notification.*** Should any indication of an archeological resource be encountered during any soils-disturbing activity of the project, the project sponsor shall immediately notify the ERO and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery and protect the find in place until the significance of the find has been evaluated and the ERO has determined whether and what additional measures are warranted, and these measures have been implemented, as detailed below.	Project sponsor	Prior to and during soils-disturbing activities	Planning Department (ERO, cultural resources staff)	Considered complete when ERO receives the signed affidavit

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
Archeological Consultant Identification. If the preliminary archeological review did not require archeological monitoring or testing, and an archeological discovery during construction occurs prior to the identification of a project archeologist, and the ERO determines that the discovery may represent a significant archeological resource, the project sponsor shall retain the services of an archeological consultant (hereinafter "project archeologist") from a firm listed on the Qualified Archeological Consultant list maintained by the department to identify, document, and evaluate the resource, under the direction of the ERO. The project sponsor shall ensure that the project archeologist or designee is empowered, for the remainder of soil-disturbing project activity, to halt soil disturbing activity in the vicinity of potential archeological finds, and that work remains halted until the discovery has been assessed and a treatment determination made, as detailed below. ***Resource Evaluation and Treatment Determination.*** If an archeological find is encountered during construction or archeological monitoring or testing, the project archeologist shall redirect soil-disturbing and heavy equipment activity in the vicinity away from the find. If in the case of pile driving activity (e.g., foundation, shoring, etc.), the project archeologist has cause to believe that the pile driving activity may affect an archeological resource, the project sponsor shall ensure that pile driving is halted until an appropriate evaluation of the resource has been made. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions. <u>Initial documentation and assessment.</u> The project archeologist shall document the find and make a reasonable effort to assess its identity, integrity, and significance of the encountered archeological deposit through sampling or testing, as needed. The project sponsor shall make provisions to ensure that the project archeologist can safely enter the excavation, if feasible. The project sponsor shall ensure that the find is protected until the ERO has been consulted and has determined appropriate subsequent treatment in consultation with the project archeologist, and the treatment has been implemented, as detailed below. The project archeologist shall make a preliminary assessment of the significant and physical integrity of the archeological resource and shall present the findings to the ERO. If, based on this information, the ERO determines that construction would result in impacts to a significant resource, the ERO shall consult with the project sponsor	Project sponsor, archeological consultant/ project archeologist, ERO	During soils-disturbing activities if archeological resources are encountered	Planning Department (ERO, cultural resources staff)	Considered complete when archeological consultant completes additional measures as directed by the ERO as warranted

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
and other parties regarding the feasibility and effectiveness of preservation-in-place of the resource, as detailed below. Native American Archeological Deposits and Tribal Notification. All Native American archeological deposits shall be assumed to be significant unless determined otherwise in consultation with the ERO. If a Native American archeological deposit is encountered, soil disturbing work shall be halted as detailed above. In addition, the ERO shall notify any tribal representatives who, in response to the project tribal cultural resource notification, requested to be notified of discovery of Native American archeological resources in order to coordinate on the treatment of archeological and tribal cultural resources. Further the project archeologist shall offer a Native American representative the opportunity to monitor any subsequent soil disturbing activity that could affect the find. Submerged Paleosols. Should a submerged paleosol be identified, the project archeologist shall extract and process samples for dating, paleobotanical analysis, and other applicable special analyses pertinent to identification of possible cultural soils and for environmental reconstruction. Archeological Site Records. After assessment of any discovered resources, the project archeologist shall prepare an archeological site record or primary record (DPR 523 series) for each documented resource. In addition, a primary record shall be prepared for any prehistoric isolate. Each such record shall be accompanied by a map and GIS location file. Records shall be submitted to the planning department for review as attachments to the archeological resources report (see below) and once approved by the ERO, to the Northwest Information Center. Plans and Reports. All archeological plans and reports identified herein and in the subsequent measures, shall be submitted by the project archeologist directly to the ERO for review and comment and shall be considered draft reports subject to revision until final approval by the ERO. The project archeologist may submit draft reports to the project sponsor simultaneously with submittal to ERO. Limit on Construction Delays for Archeological Treatment. Archeological testing and as applicable data recovery programs required to address archeological discoveries, pursuant to this measure, could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible				

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines. Preservation-in-Place Consideration. Should an archeological resource that meets California register significance criteria be discovered during construction, archeological testing, or monitoring, preservation-in-place (i.e., permanently protect the resource from further disturbance and take actions, as needed, to preserve depositional and physical integrity) of the entire deposit or feature is the preferred treatment option. The ERO shall consult with the project sponsor and, for Native American archeological resources, with tribal representatives, if requested, to consider 1) the feasibility of permanently preserving the resource in place, feasible and effective, the project archeologist, in consultation with the ERO, shall prepare a Cultural Resources Preservation Plan. For Native American archeological resources, the project archeologist shall also consult with the tribal representatives, and the Cultural Resources Preservation Plan shall take into consideration the cultural significance of the tribal cultural resource to the tribes. Preservation options may include measures such as design of the project layout to place open space over the resource location; foundation design to avoid the use of pilings or deep excavations in the sensitive area; a plan to expose and conserve the resource and include it in an on-site interpretive exhibit; tribal representatives for review and for ERO approval. The project sponsor shall ensure that the approved plan is implemented and shall coordinate with the department to ensure that disturbance of the resource will not occur in future, such as establishing a preservation easement. If, based on this consultation, the ERO determines that preservation-in-place is infeasible or would be ineffective in preserving the significance of the resource, archeological data recovery and public interpretation of the resource shall be carried out, as detailed below. The ERO in consultation with the project archeologist shall also determine whether and what additional treatment is warranted, which may include additional testing, construction monitoring, and public interpretation of the resource, as detailed below. Coordination with Descendant Communities. On discovery of an archeological site associated with descendant Native Americans, Chinese, or other identified descendant cultural group, the project archeologist shall contact an appropriate representative of the descendant group and the ERO. The representative of the descendant group shall be offered the opportunity to monitor archeological field				

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site and data recovered from the site, and, if applicable, any interpretative treatment of the site. The project archeologist shall provide a copy of the Archeological Resources Report (ARR) to the representative of the descendant group. Compensation. Following on the initial tribal consultation, the ERO, project sponsor and project archeologist, as appropriate, shall work with the tribal representative or other descendant or descendant community representatives to identify the scope of work for a representative to fulfill the requirements of this mitigation measure, which may include participation in archeological monitoring, preparation, and review of deliverables (e.g., plans, interpretive materials, artwork). Tribal representatives or other descendant community representatives for archeological resources or tribal cultural resources, who complete tasks in the agreed upon scope of work project, shall be compensated for their work as identified in the agreed upon scope of work.				
Archeological Data Recovery Program. The project archeologist shall prepare an archeological data recovery plan if all three of the following apply: (1) a potentially significant resource is discovered, (2) preservation-in-place is not feasible, as determined by the ERO after implementation of the Preservation-in-Place Consideration procedures, and (3) the ERO determines that archeological data recovery is warranted. When the ERO makes such a determination, the project archeologist, project sponsor, ERO and, for tribal cultural archeological resources, the tribal representative, if requested by a tribe, shall consult on the scope of the data recovery program. The project archeologist shall prepare a draft archeological data recovery plan and submit it to the ERO for review and approval. If the time needed for preparation and review of a comprehensive archeological data recovery plan would result in a significant construction delay, the scope of data recovery may instead by agreed upon in consultation between the project archeologist and the ERO and documented by the project archeologist in a memo to the ERO. The archeological data recovery plan/memo shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the archeological data recovery plan/memo will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to	Project sponsor, project archeologist, ERO, tribal representative (if requested)	Upon discovery of significant cultural resource	Planning Department (ERO, cultural resources staff)	After implementation of Archeological Data Recovery Program following the approval Archeological Data Recovery report.

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resource that would not otherwise by disturbed by construction if nondestructive methods are practical. The archeological data recovery plan shall include the following elements: • Field Methods and Procedures: Descriptions of proposed field strategies, procedures, and operations • Cataloguing and Laboratory Analysis: Description of selected cataloguing system and artifact analysis procedures • Discard Policy: Description of and rationale for field and post-field discard and deaccession policies • Security Measures: Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities • Report of Data Recovery Results: Description of proposed report format and distribution of results • Public Interpretation: Description of potential types of interpretive products and locations of interpretive exhibits based on consultation with project sponsor • Curation: Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities The project archeologist shall implement the archeological data recovery program upon approval of the archeological data recovery plan/memo by the ERO. ***Coordination of Archeological Data Recovery Investigations.*** In cases in which the same resource has been or is being affected by another project, such as 2700 Sloat Blvd., for which data recovery has been conducted, is in progress, or is planned, the following measures shall be implemented to maximize the scientific and interpretive value of the data recovered from both archeological investigations:				

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
• In cases where an investigation has not yet begun, project archeologists for each project impacting the same resource and the ERO, as applicable, shall consult on coordinating and collaborating on archeological research design, data recovery methods, analytical methods, reporting, curation and interpretation to ensure consistent data recovery and treatment of the resource. • In cases where archeological data recovery investigation is under way or has been completed for a project, the project archeologist for the subsequent project shall consult with the prior project archeologist, if available; review prior treatment plans, findings and reporting; and inspect and assess existing archeological collections/inventories from the site prior to preparation of the archeological treatment plan for the subsequent discovery, and shall incorporate prior findings in the final report for the subsequent investigation. The objectives of this coordination and review of prior methods and findings shall be to identify refined research questions; determine appropriate data recovery methods and analyses; assess new findings relative to prior research findings; and integrate prior findings into subsequent reporting and interpretation.				
Treatment of Human Remains and Funerary Objects. If human remains or suspected human remains are encountered during construction, the contractor and project sponsor shall ensure that ground-disturbing work within 50 feet of the remains is halted immediately and shall arrange for the protection in place of the remains until appropriate treatment and disposition have been agreed upon and implemented in accordance with this measure. The treatment of any human remains and funerary objects discovered during any soil- disturbing activity shall comply with applicable state laws, including Health and Safety Code section 7050.5 and Public Resources Code section 5097.98. Upon determining that the remains are human, the project archeologist shall immediately notify the Medical Examiner of the City and County of San Francisco, the ERO, and the project sponsor of the find. If the remains cannot be permanently preserved in place, the landowner or designee shall consult with the most likely descendant and may consult with the project archeologist, project sponsor and the ERO on recovery of the remains and any scientific treatment alternatives. The landowner shall then make all reasonable efforts to develop a burial agreement (agreement) with the most likely descendant, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and funerary objects (as detailed in CEQA Guidelines	Project sponsor, archeological consultant in consultation with the San Francisco Medical Examiner, ERO, and Native American Heritage Commission and most likely descendant as warranted.	Discovery of human remains	Planning Department (ERO, cultural resources staff), Medical Examiner, and Native American Heritage Commission and most likely descendant as warranted.	Considered complete on finding by the ERO that all state laws regarding human remains/burial objects have been adhered to, consultation with the most likely descendant is completed as warranted, and disposition of human remains has occurred as specified in agreement

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
section 15064.5(d)). Per Public Resources Code section 5097.98(c)(1), the agreement shall address, as applicable and to the degree consistent with the wishes of the most likely descendant, the appropriate excavation, removal, recordation, scientific analysis, custodianship prior to reinternment or curation, and final disposition of the human remains and funerary objects. If the most likely descendant agrees to scientific analyses of the remains and/or funerary objects, the project archeologist shall retain possession of the remains and funerary objects until completion of any such analyses, after which the remains and funerary objects shall be reinterred or curated as specified in the agreement. If the landowner or designee and the most likely descendant are unable to reach an agreement on scientific treatment of the remains and/or funerary objects, the ERO, in consultation with the project sponsor shall ensure that the remains and/or funerary objects are stored securely and respectfully until they can be reinterred on the project site, with appropriate dignity, in a location not subject to further or future subsurface disturbance, in accordance with the provisions of state law. Treatment of historic-period human remains and/or funerary objects discovered during any soil-disturbing activity shall be in accordance with protocols laid out in the research design in the project archeological monitoring plan, archeological testing plan, archeological data recovery plan, and other relevant agreements established between the project sponsor, medical examiner, and the ERO. The project archeologist shall retain custody of the remains and associated materials while any scientific study scoped in the treatment document is conducted and the remains shall then be curated or respectfully reinterred by arrangement on a case-by case-basis.				
Cultural Resources Public Interpretation Plan and Land Acknowledgement. If a significant archeological resource (i.e., a historical resource or unique archeological resources as defined by CEQA Guidelines section 15064.5) is identified and the ERO determines that the public interpretation is warranted, the project archeologist shall prepare a Cultural Resources Public Interpretation Plan. The Cultural Resources Public Interpretation Plan shall describe the interpretive products, locations or distribution of interpretive materials or displays, the proposed content and materials, the producers or artists of the displays or installation, and a long-term maintenance program.	Archeological consultant at the direction of the ERO will prepare Cultural Resources Public Interpretation Plan in consultation with Native American	Following completion of treatment and analysis of significant archeological resource by archeological consultant	Planning Department (ERO, cultural resources staff)	Cultural Resources Public Interpretation Plan is complete on review and approval ofERO. Interpretive program is complete on notification to Environmental Review Officer from the project

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
If the archeological resource is a tribal cultural resource, the department shall notify Native American tribal representatives that public interpretation is being planned. If requested by tribal representatives, the Cultural Resources Public Interpretation Plan shall be prepared in consultation with Native American tribal representatives and the interpretive products shall be developed with the participation of Native American tribal representatives, For public projects or projects that include dedicated public spaces, the interpretive materials may include an acknowledgement that the project is located upon traditional Ohlone lands. For interpretation of a tribal cultural resource, the interpretive program may include a combination of artwork, preferably by local Native American artists, educational panels or other informational displays, a plaque, or other interpretative elements including digital products that address Native American experience and the layers of history. As feasible, and where landscaping is proposed, the interpretive effort may include the use and the interpretation of native and traditional plants incorporated into the proposed landscaping. The project archeologist shall submit the Cultural Resources Public Interpretation Plan and drafts of any interpretive materials that are subsequently prepared to the ERO for review and approval. The project sponsor shall ensure that the cultural resources public interpretation plan is implemented prior to occupancy of the project.	tribal representatives as warranted. Measures laid out in Cultural Resources Public Interpretation Plan are implemented by project sponsor			sponsor that program has been implemented
Archeological Resources Report. If significant archeological resources, as defined by CEQA Guidelines section 15064.5, are encountered, the project archeologist shall submit a confidential draft Archeological Resources Report to the ERO. This report shall evaluate the significance of any discovered archeological resource, describe the archeological and historical research methods employed in the archeological programs undertaken, the results and interpretation of analyses, and discuss curation arrangements. Once approved by the ERO, the project archeologist shall distribute the approved Archeological Resources Report as follows: copies that meet current information center requirements at the time the report is completed to the California Archeological Site Survey Northwest Information Center, and a copy of the transmittal of the approved Archeological Resources Report to the Northwest Information Center to the ERO; one bound hardcopy of the Archeological Resources Report, along with digital files that include an unlocked, searchable PDF version of	Archeological consultant at the direction of the ERO	Following completion of treatment by archeological consultant as determined by the Environmental Review Officer	Planning Department (ERO, cultural resources staff)	Complete on certification to ERO that copies of the approved Archeological Resources Report have been distributed

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
the Archeological Resources Report, GIS shapefiles of the site and feature locations, any formal site recordation forms (CA DPR 523 series), and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources, via USB or other stable storage device, to the environmental planning division of the planning department; and, if a descendant group was consulted, a digital or hard copy of the Archeological Resources Report to the descendant group, depending on their preference.				
Curation. If archeological data recovery is undertaken, the project archeologist and the project sponsor shall ensure that any significant archeological collections and paleoenvironmental samples of future research value shall be permanently curated at an established curatorial facility. The facility shall be selected in consultation with the ERO. Upon submittal of the collection for curation the project sponsor or archeologist shall provide a copy of the signed curatorial agreement to the ERO.	Project archeologist prepares collection for curation and project sponsor pays for curation costs	In the event a significant archeological resource is discovered and upon acceptance by the ERO of the Archeological Resources Report	Planning Department (ERO, cultural resources staff)	Considered complete upon acceptance of the collection by the curatorial facility

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
Project Mitigation Measure M-CR-2 (implements Housing Element EIR Mitigation Measure M-CR-2c): Archeological Testing Program The project archeologist shall develop and implement an archeological testing program as specified herein, and shall conduct an archeological monitoring and/or data recovery program if required to address archeological discoveries or the assessed potential for archeological discoveries, pursuant to this measure and Mitigation Measure M-CR-1: Procedures for Discovery of Archeological Resources for Projects Involving Soil Disturbance. ***Qualified Archeologist Identification.*** After the first project approval action or as directed by the ERO, the project sponsor shall contact the department archeologist to obtain the names and contact information for the next three qualified archeological consultants on the department's list and shall retain a qualified archeologist (hereinafter "project archeologist") from this list of three to develop and implement the archeological testing program.	Required for future development consistent with the housing element update based on the outcome of preliminary archeological review conducted by department staff Project sponsor/ archeological consultant at the direction of the ERO	After the first project approval action or as directed by the Environmental Review Officer and prior to issuance of construction permits and throughout the construction period	Planning Department (ERO, cultural resources staff)	Complete when project sponsor retains qualified archeological consultant
Construction Crew Archeological Awareness. Prior to any soils-disturbing activities being undertaken, the project archeologist shall conduct a brief on-site archeological awareness training that describes the types of resources that might be encountered and how they might be recognized, and requirements and procedures for work stoppage, resource protection and notification in the event of a potential archeological discovery. The project archeologist also shall distribute an "Alert" wallet card, based on the department's "ALERT" sheet, that summarizes stop work requirements and provides necessary contact information for the project archeologist, project sponsor and the to all field personnel involved in soil disturbing activities, including machine operators, field crew, pile drivers, supervisory personnel, etc., have received. The project archeologist shall repeat the training at intervals during construction, as determined necessary by the ERO, including when new construction personnel start work and prior to periods of soil disturbing work when the project archeologist will not be on site. ***Tribal Cultural Resources Sensitivity Training.*** In addition to and concurrently with the archeological awareness training, the project sponsor shall ensure that a local	Project archeologist for awareness training, Native American representative for Native American cultural resources sensitivity training (if requested)	Prior to any soil-disturbing activity	Planning Department (ERO, cultural resources staff)	Considered complete when project sponsor informs the ERO that all trainings were conducted

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
Native American representative is afforded the opportunity to provide a Native American cultural resources sensitivity training to all construction personnel.				
Archeological Testing Program. The project archeologist shall develop and undertake an archeological testing program as specified herein to determine to the extent possible the presence or absence of archeological resources in areas of project soil disturbance and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required to address archeological discoveries or the assessed potential for archeological discoveries, pursuant to this measure. A local Native American representative shall be present throughout the portion of the archeological investigation program that focuses on testing for Native American resources. ***Archeological Testing Plan.*** The project archeologist shall consult with the ERO reasonably prior to the commencement of any project-related soils disturbing activities to determine the appropriate scope of archeological testing. The archeological testing program shall be conducted in accordance with an approved Archeological Testing Plan, prepared by the project archeologist consistent with the approved scope of work. The Archeological Testing Plan shall be submitted first and directly to the ERO for review and comment and shall be considered a draft subject to revision until final approval by the ERO. Project-related soils disturbing activities shall not commence until the testing plan has been approved and any testing scope to occur in advance of construction has been completed. The project archeologist shall implement the testing as specified in the approved Archeological Testing Plan prior to and/or during construction. The Archeological Testing Plan shall include the following: • Project Description: Description of all anticipated soil disturbing activities, with locations and depths of disturbance, including foundation and utility demolition, hazardous soils remediation, site grading, shoring excavations, piles or soil improvements, and foundation, elevator, car stacker, utility and landscaping	Project archeologist at the direction of the ERO	Prior to issuance of construction permits and throughout the construction period	Planning Department (ERO, cultural resources staff)	After consultation with and approval by the ERO of Archeological Testing Plan and review and approval of archeological testing results memo by ERO

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
excavations, with project plans and profiles, as needed, to illustrate the locations of anticipated soil disturbance. • Site Specific Environmental and Cultural Context: Pre-contact and historic environmental and cultural setting of the project site as pertinent to potential Native American use and historic period development, any available information pertaining to past soil disturbance; soils information, such as stratigraphic and water table data from prior geotechnical testing. As appropriate based on the scale and scope of the project, the Archeological Testing Plan should include historic maps as a basis for predicting resource types that might be encountered and their potential locations. An overlay of the project site on the city's prehistoric sensitivity model mapping should be included, as should the locations of all known archeological sites within 0.25 mile of the project site. • Brief Research Design: Scientific/historical research questions applicable to the expected resource(s), what data classes potential resources may be expected to possess, and how the expected data classes would address the applicable research questions. • Anticipated Resources or Resource Types: Likely resources that might be encountered and at what locations and depths, based on known resources in the vicinity, the site's predevelopment setting and development history, and the anticipated depth and extent of project soil disturbances. • Proposed Scope of Archeological Testing and Rationale: Testing methods to be used (e.g., coring, mechanical trenching, manual excavation, or combination of methods); locations and depths of testing in relation to anticipated project soil disturbance; strata to be investigated; any uncertainties on stratigraphy that would affect locations or depths of tests and might require archeological monitoring of construction excavations subsequent to testing. • Resource Documentation and Significance Assessment Procedures: ERO and Native American consultation requirements upon making a discovery; pre-data recovery assessment process, burial treatment procedures, and reporting and curation requirements, consistent with the specifications of Mitigation Measure M-CR-2a. ***Archeological Testing Results Memo.*** Irrespective of whether archeological resources are discovered, the project archeologist shall submit a written summary of the				

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
findings to the ERO at the completion of the archeological testing program. The findings report/memo shall describe each resource, provide an initial assessment of the integrity and significance of encountered archeological deposits encountered during testing, and provide recommendations for subsequent treatment of any resources encountered.				
Resource Evaluation and Treatment Determination. Upon discovery of a suspected archeological resource during construction or archeological testing, Mitigation Measure M-CR-1's Resource Evaluation and Treatment Determination stipulations shall be implemented as specified in that measure. ***Additional Applicable Measures.*** If a significant archeological resource is identified, and data recovery is required under Mitigation Measure M-CR-2a's Resource Evaluation and Treatment Determination stipulations, the following additional measures identified in the Mitigation Measure M-CR-2a shall be implemented as specified in that measure: • Archeological Data Recovery Program • Treatment of Human Remains and Funerary Objects (as applicable) • Coordination of Archeological Data Recovery Investigations • Cultural Resources Public Interpretation Plan and Land Acknowledgement (as applicable) • Archeological Resources Report • Curation	Project archeologist at the direction of the ERO	Upon discovery of suspected archeological resource	Planning Department (ERO, cultural resources staff)	Completed when ERO concurs that the status of the additional measures identified in Mitigation Measure M-CR-2a are completed

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
TRIBAL CULTURAL RESOURCES				
Project Mitigation Measure M-TCR-1 (implements Housing Element EIR Mitigation Measure M-TCR-1): Tribal Notification and Consultation If a significant Native American archeological resource (i.e., a historical resource or unique archeological resources as defined by CEQA Guidelines section 15064.5) is identified during the course of the archeological testing program, the project sponsor shall hold an event wherein Native American representatives and the archeological consultant involved in the project mitigation effort educate the landowner, prospective tenants/occupants, and the general public about the archeology and history of the project site. This event should occur after the installation of interpretive materials associated with the archeological testing program.	Project sponsor archeological consultant, and ERO, in consultation with the affiliated Native American tribal representatives.	If a significant tribal cultural resource is identified during implementation of the project.	Planning Department (ERO, cultural resources staff).	Considered complete upon completion of tribal cultural resources public education event, if required.
TRANSPORTATION AND CIRCULATION				
Project Mitigation Measure M-TR-1 (implements Housing Element EIR Mitigation Measure M-TR-4a): Parking Maximums and Transportation Demand Management The project sponsor shall reduce vehicle trips through one of the following measures A or B: • Measure A: Reduce its parking by 50 percent or more than the planning code parking maximums for residential uses (sections 151 and 151.1) allow as of April 2022 for the project site; OR • Measure B: Increase planning code transportation demand management requirements (section 169) for residential uses or its associated program standards for residential uses by an equivalent amount to achieve the vehicle trip reduction estimated by implementation of a 50 percent reduction in planning code parking maximums, compared to parking maximums as of April 2022.	Project sponsor	Prior to the commencement of any project-related soils disturbing activities	Planning Department	Considered complete at issuance of development project's entitlement
NOISE AND VIBRATION				
Project Mitigation Measure M-NO-1 (implements Housing Element EIR Mitigation Measure M-NO-1): Construction Noise Control The project sponsor shall submit a project-specific construction noise control plan to the environmental review officer (ERO) for approval prior to issuance of any demolition or building permit. The construction noise control plan shall be prepared	Project sponsor, project sponsor's qualified acoustical consultant	Prior to issuance of demolition or building permit	Planning Department	Considered complete upon implementation of Planning Department approved project-specific construction

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
by a qualified acoustical engineer, with input from the construction contractor, and include all feasible measures to reduce construction noise. The construction noise control plan shall identify noise control measures to ensure that construction noise levels shall not exceed 90 dBA 1-hour L_{eq}, 10 dBA above the ambient noise level, nor an interior level of 45 dBA during nighttime hours at noise sensitive receptors (residences, hospitals, convalescent homes, schools, churches, hotels, and motels). The project sponsor shall ensure that requirements of the construction noise control plan are included in contract specifications. The construction noise control plan shall include the following measures to the degree feasible, or other effective measures, to reduce construction noise levels: • Use construction equipment that is in good working order, and inspect mufflers for proper functionality; • Select "quiet" construction methods and equipment (e.g., improved mufflers, use of intake silencers, engine enclosures); • Use construction equipment with lower noise emission ratings whenever possible, particularly for air compressors; • Prohibit the idling of inactive construction equipment for more than five minutes; • Locate stationary noise sources (such as compressors) as far from nearby noise sensitive receptors as possible, muffle such noise sources, and construct barriers around such sources and/or the construction site. • Avoid placing stationary noise-generating equipment (e.g., generators, compressors) within noise-sensitive buffer areas (as determined by the acoustical engineer) immediately adjacent to neighbors. • Enclose or shield stationary noise sources from neighboring noise-sensitive properties with noise barriers to the extent feasible. To further reduce noise, locate stationary equipment in pit areas or excavated areas, if feasible; and • Install temporary barriers, barrier-backed sound curtains and/or acoustical panels around working powered impact equipment and, if necessary, around the project site perimeter. When temporary barrier units are joined together, the mating surfaces shall be flush with each other. Gaps between barrier units, and between the bottom edge of the barrier panels and the ground, shall be closed				noise control plan and following completion of all construction activities

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
with material that completely closes the gaps, and dense enough to attenuate noise. The construction noise control plan shall include the following measures for notifying the public of construction activities, complaint procedures and monitoring of construction noise levels: • Designation of an on-site construction noise manager for the project; • Notification of neighboring noise sensitive receptors within 300 feet of the project construction area at least 30 days in advance of high-intensity noise-generating activities (e.g., pier drilling, pile driving, and other activities that may generate noise levels greater than 90 dBA at noise sensitive receptors) about the estimated duration of the activity; • A sign posted on-site describing noise complaint procedures and a complaint hotline number that shall always be answered during construction; • A procedure for notifying the planning department of any noise complaints within one week of receiving a complaint; • A list of measures for responding to and tracking complaints pertaining to construction noise. Such measures may include the evaluation and implementation of additional noise controls at sensitive receptors; and • Conduct noise monitoring (measurements) at the beginning of major construction phases (e.g., demolition, grading, excavation) and during high-intensity construction activities to determine the effectiveness of noise attenuation measures and, if necessary, implement additional noise control measures.				
WIND				
Project Mitigation Measure M-WI-1 (implements Housing Element EIR Mitigation Measure M-WI-1a): Wind Minimization If the screening-level assessment conducted by the department determines wind tunnel testing is required due to the potential for one or more proposed buildings to create or exacerbate a wind hazard exceedance, such testing shall be conducted by a professionally qualified firm. The proposed buildings tested in the wind tunnel may incorporate wind baffling features or landscaping. Such features must be tested in	Project sponsor, professionally qualified wind consultant	During permit review of future development project consistent with the housing element update	In coordination with San Francisco Municipal Transportation Agency and San Francisco Public Works, the	Considered complete upon approval of final demolition, building, or site permit

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
the wind tunnel and discussed in a wind report in the order of preference discussed below, with the overall intent being to reduce ground-level wind speeds such that the project shall not cause equivalent wind speeds to reach or exceed the 26-mph wind hazard criterion for a single hour of the year in areas of substantial use by people walking (e.g., sidewalks, plazas, building entries, etc.): 1. ***Building Massing***. New buildings and additions to existing buildings shall be shaped to minimize ground-level wind speeds. Examples of these shapes include setbacks, stepped façades, and vertical steps in the massing to help disrupt wind flows. 2. ***Wind Baffling Measures on the Building or on the Project Site.*** Wind baffling measures shall be included on future buildings and/or on the project site to disrupt vertical wind flows along tower façades and through the project site. Examples of these may include staggered balcony arrangements on main tower façades, screens and canopies attached to the buildings, rounded building corners, covered walkways, colonnades, art, free-standing canopies, or wind screens. Only after incorporating all feasible features to reduce wind impacts via building massing and wind baffling, and documenting any such features deemed infeasible shall the following be considered: 3. ***Landscaping on or off the Project Site and/or Wind Baffling Measures in the Public Right-of-Way***. Landscaping and/or wind baffling measures shall be installed in the public right-of-way to slow winds along sidewalks and protect places where people walking are expected to gather or linger. Landscaping and/or wind baffling measures shall be installed on the windward side (i.e., the direction from which the wind is blowing) of the areas of concern. Examples of wind baffling measures may include street art to provide a sheltered area for people to walk and free-standing canopies and wind screens in areas where people walking are expected to gather or linger. If landscaping on or off the project site or wind baffling measures in the public right-of-way are required as one of the features to mitigate wind impacts, Mitigation Measure M-WI-1b shall also apply.			Planning Department to review and approve wind testing	
Project Mitigation Measure M-WI-2 (implements Housing Element EIR Mitigation Measure M-WI-1b): Landscaping Maintenance	Project sponsor with a roof height	During the permit review of a future development project consistent with the	In coordination with San Francisco Municipal Transportation	Ongoing and in perpetuity for the lifetime of the building

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
The project sponsor shall prepare a maintenance plan for review and approval by the department to ensure maintenance of the features required pursuant to Mitigation Measure M-WI-1 in perpetuity. The maintenance plan shall also be reviewed and approved by public works for landscaping or wind baffling measures in the public right-of-way.	greater than 85 feet	housing element update	Agency and San Francisco Public Works, Planning Department to review and approve	

NOTES:

[a] Definitions of MMRP Column Headings:

Adopted Mitigation and Improvements Measures: Full text of the mitigation measure(s) copied verbatim from the final CEQA document.

Implementation Responsibility: Entity who is responsible for implementing the mitigation measure. Project sponsor for a future development project consistent with the housing element update may also include the project's sponsor's contractor/consultant.

Mitigation Schedule: Identifies milestones for when the actions in the mitigation measure need to be implemented. Occupancy permit may refer to a temporary certificate and/or a final permit.

Monitoring/Reporting Responsibility: Identifies who is responsible for monitoring compliance with the mitigation measure and any reporting responsibilities. In most cases it is the planning department that is responsible for monitoring compliance with the mitigation measure. If a department or agency other than the planning department is identified as responsible for monitoring, there should be an expressed agreement between the planning department and that other department/agency. In most cases the project sponsor of the future development project consistent with the housing element update, their contractor, or their consultant is responsible for any reporting requirements.

Monitoring Actions/Completion Criteria: Identifies the milestone at which the mitigation measure is considered complete. This may also identify requirements for verifying compliance.

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ATTACHMENT B

San Francisco Planning

AGREEMENT TO IMPLEMENT MITIGATION MONITORING AND REPORTING PROGRAM

Record No.: 2022-001407ENV
Project Title: 2700 45th Avenue (United Irish Cultural Center)
BPA Nos: n/a
Zoning: NC-2 (Neighborhood Commercial) Use District
100-A Height and Bulk District

Block/Lot: 2513/026
Lot Size: 16,120 square feet
Project Sponsor: Dane Bunton, Studio BANAA,
(510) 612-7758
Lead Agency: San Francisco Planning Department
Staff Contact: Josh Pollak, josh.pollak@sfgov.org, (628) 652-7493
Ryan Shum, ryan.shum@sfgov.org, (628) 652-7542

The table below indicates when compliance with each mitigation measure must occur. Some mitigation measures span multiple phases. Substantive descriptions of each mitigation measure's requirements are provided on the following pages in the Mitigation Monitoring and Reporting Program.

Adopted Mitigation Measure	Period of Compliance			Compliance with Mitigation Measure Completed?
	Prior to the Start of Construction*	During Construction**	Post-construction or Operational	
Project Mitigation Measure M-CR-1 (implements Housing Element EIR Mitigation Measure M-CR-2a): Procedures for Discovery of Archeological Resources for Projects Involving Soil Disturbance	X	X	X	
Project Mitigation Measure M-CR-2 (implements Housing Element EIR Mitigation Measure M-CR-2c): Archeological Testing Program	X	X	X	
Project Mitigation Measure M-TCR-1 (implements Housing Element EIR Mitigation Measure M-TCR-1): Tribal Notification and Consultation	X			
Project Mitigation Measure M-TR-1 (implements Housing Element EIR Mitigation Measure M-TR-4a): Parking Maximums and Transportation Demand Management	X			
Project Mitigation Measure M-NO-1 (implements Housing Element EIR Mitigation Measure M-NO-1): Construction Noise Control	X	X		
Project Mitigation Measure M-WI-1 (implements Housing Element EIR Mitigation Measure M-WI-1a): Wind Minimization	X			X
Project Mitigation Measure M-WI-2 (implements Housing Element EIR Mitigation Measure M-WI-1b): Landscaping Maintenance	X		X	

Adopted Mitigation Measure	Period of Compliance			Compliance with Mitigation Measure Completed?
	Prior to the Start of Construction*	During Construction**	Post-construction or Operational	

NOTES:

* Prior to any ground disturbing activities at the project site.

** Construction is broadly defined to include any physical activities associated with construction of a development project including, but not limited to: site preparation, clearing, demolition, excavation, shoring, foundation installation, and building construction.

_____ I agree to implement the attached mitigation measure(s) as a condition of project approval.

DocuSigned by:
Liam Reidy
9C5A2137594B475...

Property Owner or Legal Agent Signature

7/17/2023

Date

Note to sponsor: Please contact CPC.EnvironmentalMonitoring@sfgov.org to begin the environmental monitoring process prior to the submittal of your building permits to the San Francisco Department Building Inspection.

MITIGATION MONITORING AND REPORTING PROGRAM

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
MITIGATION MEASURES AGREED TO BY PROJECT SPONSOR				
CULTURAL RESOURCES				
Project Mitigation Measure M-CR-1 (implements Housing Element EIR Mitigation Measure M-CR-2a): Procedures for Discovery of Archeological Resources for Projects Involving Soil Disturbance. The project sponsor shall implement the following measures. ***ALERT sheet.*** The project sponsor shall distribute the planning department archeological resource "ALERT" sheet to the project prime contractor; to any project subcontractor (including demolition, excavation, grading, foundation, pile driving, etc. firms); or utilities firm involved in soils-disturbing activities within the project site. Prior to any soils-disturbing activities being undertaken, each contractor is responsible for ensuring that the "ALERT" sheet is circulated to all field personnel, including machine operators, field crew, pile drivers, supervisory personnel, etc. The project sponsor shall provide the environmental review officer (ERO) with a signed affidavit from the responsible parties (prime contractor, subcontractor(s), and utilities firm) confirming that all field personnel involved in soil-disturbing activities have received copies of the "ALERT" sheet. ***Procedures Upon Discovery of a Suspected Archeological Resource.*** The following measures shall be implemented in the event of a suspected archeological discovery during project soil-disturbing activities: ***Discovery Stop Work and Environmental Review Officer Notification.*** Should any indication of an archeological resource be encountered during any soils-disturbing activity of the project, the project sponsor shall immediately notify the ERO and shall immediately suspend any soils-disturbing activities in the vicinity of the discovery and protect the find in place until the significance of the find has been evaluated and the ERO has determined whether and what additional measures are warranted, and these measures have been implemented, as detailed below.	Project sponsor	Prior to and during soils-disturbing activities	Planning Department (ERO, cultural resources staff)	Considered complete when ERO receives the signed affidavit

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Archeological Consultant Identification. If the preliminary archeological review did not require archeological monitoring or testing, and an archeological discovery during construction occurs prior to the identification of a project archeologist, and the ERO determines that the discovery may represent a significant archeological resource, the project sponsor shall retain the services of an archeological consultant (hereinafter "project archeologist") from a firm listed on the Qualified Archeological Consultant list maintained by the department to identify, document, and evaluate the resource, under the direction of the ERO. The project sponsor shall ensure that the project archeologist or designee is empowered, for the remainder of soil-disturbing project activity, to halt soil disturbing activity in the vicinity of potential archeological finds, and that work remains halted until the discovery has been assessed and a treatment determination made, as detailed below. ***Resource Evaluation and Treatment Determination.*** If an archeological find is encountered during construction or archeological monitoring or testing, the project archeologist shall redirect soil-disturbing and heavy equipment activity in the vicinity away from the find. If in the case of pile driving activity (e.g., foundation, shoring, etc.), the project archeologist has cause to believe that the pile driving activity may affect an archeological resource, the project sponsor shall ensure that pile driving is halted until an appropriate evaluation of the resource has been made. The ERO may also require that the project sponsor immediately implement a site security program if the archeological resource is at risk from vandalism, looting, or other damaging actions. <u>Initial documentation and assessment.</u> The project archeologist shall document the find and make a reasonable effort to assess its identity, integrity, and significance of the encountered archeological deposit through sampling or testing, as needed. The project sponsor shall make provisions to ensure that the project archeologist can safely enter the excavation, if feasible. The project sponsor shall ensure that the find is protected until the ERO has been consulted and has determined appropriate subsequent treatment in consultation with the project archeologist, and the treatment has been implemented, as detailed below. The project archeologist shall make a preliminary assessment of the significant and physical integrity of the archeological resource and shall present the findings to the ERO. If, based on this information, the ERO determines that construction would result in impacts to a significant resource, the ERO shall consult with the project sponsor	Project sponsor, archeological consultant/ project archeologist, ERO	During soils-disturbing activities if archeological resources are encountered	Planning Department (ERO, cultural resources staff)	Considered complete when archeological consultant completes additional measures as directed by the ERO as warranted

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and other parties regarding the feasibility and effectiveness of preservation-in-place of the resource, as detailed below. Native American Archeological Deposits and Tribal Notification. All Native American archeological deposits shall be assumed to be significant unless determined otherwise in consultation with the ERO. If a Native American archeological deposit is encountered, soil disturbing work shall be halted as detailed above. In addition, the ERO shall notify any tribal representatives who, in response to the project tribal cultural resource notification, requested to be notified of discovery of Native American archeological resources in order to coordinate on the treatment of archeological and tribal cultural resources. Further the project archeologist shall offer a Native American representative the opportunity to monitor any subsequent soil disturbing activity that could affect the find. Submerged Paleosols. Should a submerged paleosol be identified, the project archeologist shall extract and process samples for dating, paleobotanical analysis, and other applicable special analyses pertinent to identification of possible cultural soils and for environmental reconstruction. Archeological Site Records. After assessment of any discovered resources, the project archeologist shall prepare an archeological site record or primary record (DPR 523 series) for each documented resource. In addition, a primary record shall be prepared for any prehistoric isolate. Each such record shall be accompanied by a map and GIS location file. Records shall be submitted to the planning department for review as attachments to the archeological resources report (see below) and once approved by the ERO, to the Northwest Information Center. Plans and Reports. All archeological plans and reports identified herein and in the subsequent measures, shall be submitted by the project archeologist directly to the ERO for review and comment and shall be considered draft reports subject to revision until final approval by the ERO. The project archeologist may submit draft reports to the project sponsor simultaneously with submittal to ERO. Limit on Construction Delays for Archeological Treatment. Archeological testing and as applicable data recovery programs required to address archeological discoveries, pursuant to this measure, could suspend construction of the project for up to a maximum of four weeks. At the direction of the ERO, the suspension of construction can be extended beyond four weeks only if such a suspension is the only feasible				

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means to reduce to a less than significant level potential effects on a significant archeological resource as defined in CEQA Guidelines. Preservation-in-Place Consideration. Should an archeological resource that meets California register significance criteria be discovered during construction, archeological testing, or monitoring, preservation-in-place (i.e., permanently protect the resource from further disturbance and take actions, as needed, to preserve depositional and physical integrity) of the entire deposit or feature is the preferred treatment option. The ERO shall consult with the project sponsor and, for Native American archeological resources, with tribal representatives, if requested, to consider 1) the feasibility of permanently preserving the resource in place, feasible and effective, the project archeologist, in consultation with the ERO, shall prepare a Cultural Resources Preservation Plan. For Native American archeological resources, the project archeologist shall also consult with the tribal representatives, and the Cultural Resources Preservation Plan shall take into consideration the cultural significance of the tribal cultural resource to the tribes. Preservation options may include measures such as design of the project layout to place open space over the resource location; foundation design to avoid the use of pilings or deep excavations in the sensitive area; a plan to expose and conserve the resource and include it in an on-site interpretive exhibit; tribal representatives for review and for ERO approval. The project sponsor shall ensure that the approved plan is implemented and shall coordinate with the department to ensure that disturbance of the resource will not occur in future, such as establishing a preservation easement. If, based on this consultation, the ERO determines that preservation-in-place is infeasible or would be ineffective in preserving the significance of the resource, archeological data recovery and public interpretation of the resource shall be carried out, as detailed below. The ERO in consultation with the project archeologist shall also determine whether and what additional treatment is warranted, which may include additional testing, construction monitoring, and public interpretation of the resource, as detailed below. Coordination with Descendant Communities. On discovery of an archeological site associated with descendant Native Americans, Chinese, or other identified descendant cultural group, the project archeologist shall contact an appropriate representative of the descendant group and the ERO. The representative of the descendant group shall be offered the opportunity to monitor archeological field				

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investigations of the site and to offer recommendations to the ERO regarding appropriate archeological treatment of the site and data recovered from the site, and, if applicable, any interpretative treatment of the site. The project archeologist shall provide a copy of the Archeological Resources Report (ARR) to the representative of the descendant group. Compensation. Following on the initial tribal consultation, the ERO, project sponsor and project archeologist, as appropriate, shall work with the tribal representative or other descendant or descendant community representatives to identify the scope of work for a representative to fulfill the requirements of this mitigation measure, which may include participation in archeological monitoring, preparation, and review of deliverables (e.g., plans, interpretive materials, artwork). Tribal representatives or other descendant community representatives for archeological resources or tribal cultural resources, who complete tasks in the agreed upon scope of work project, shall be compensated for their work as identified in the agreed upon scope of work.				
Archeological Data Recovery Program. The project archeologist shall prepare an archeological data recovery plan if all three of the following apply: (1) a potentially significant resource is discovered, (2) preservation-in-place is not feasible, as determined by the ERO after implementation of the Preservation-in-Place Consideration procedures, and (3) the ERO determines that archeological data recovery is warranted. When the ERO makes such a determination, the project archeologist, project sponsor, ERO and, for tribal cultural archeological resources, the tribal representative, if requested by a tribe, shall consult on the scope of the data recovery program. The project archeologist shall prepare a draft archeological data recovery plan and submit it to the ERO for review and approval. If the time needed for preparation and review of a comprehensive archeological data recovery plan would result in a significant construction delay, the scope of data recovery may instead by agreed upon in consultation between the project archeologist and the ERO and documented by the project archeologist in a memo to the ERO. The archeological data recovery plan/memo shall identify how the proposed data recovery program will preserve the significant information the archeological resource is expected to contain. That is, the archeological data recovery plan/memo will identify what scientific/historical research questions are applicable to the expected resource, what data classes the resource is expected to	Project sponsor, project archeologist, ERO, tribal representative (if requested)	Upon discovery of significant cultural resource	Planning Department (ERO, cultural resources staff)	After implementation of Archeological Data Recovery Program following the approval Archeological Data Recovery report.

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possess, and how the expected data classes would address the applicable research questions. Data recovery, in general, should be limited to the portions of the property that could be adversely affected by the proposed project. Destructive data recovery methods shall not be applied to portions of the archeological resource that would not otherwise by disturbed by construction if nondestructive methods are practical. The archeological data recovery plan shall include the following elements: • Field Methods and Procedures: Descriptions of proposed field strategies, procedures, and operations • Cataloguing and Laboratory Analysis: Description of selected cataloguing system and artifact analysis procedures • Discard Policy: Description of and rationale for field and post-field discard and deaccession policies • Security Measures: Recommended security measures to protect the archeological resource from vandalism, looting, and non-intentionally damaging activities • Report of Data Recovery Results: Description of proposed report format and distribution of results • Public Interpretation: Description of potential types of interpretive products and locations of interpretive exhibits based on consultation with project sponsor • Curation: Description of the procedures and recommendations for the curation of any recovered data having potential research value, identification of appropriate curation facilities, and a summary of the accession policies of the curation facilities The project archeologist shall implement the archeological data recovery program upon approval of the archeological data recovery plan/memo by the ERO. ***Coordination of Archeological Data Recovery Investigations.*** In cases in which the same resource has been or is being affected by another project, such as 2700 Sloat Blvd., for which data recovery has been conducted, is in progress, or is planned, the following measures shall be implemented to maximize the scientific and interpretive value of the data recovered from both archeological investigations:				

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• In cases where an investigation has not yet begun, project archeologists for each project impacting the same resource and the ERO, as applicable, shall consult on coordinating and collaborating on archeological research design, data recovery methods, analytical methods, reporting, curation and interpretation to ensure consistent data recovery and treatment of the resource. • In cases where archeological data recovery investigation is under way or has been completed for a project, the project archeologist for the subsequent project shall consult with the prior project archeologist, if available; review prior treatment plans, findings and reporting; and inspect and assess existing archeological collections/inventories from the site prior to preparation of the archeological treatment plan for the subsequent discovery, and shall incorporate prior findings in the final report for the subsequent investigation. The objectives of this coordination and review of prior methods and findings shall be to identify refined research questions; determine appropriate data recovery methods and analyses; assess new findings relative to prior research findings; and integrate prior findings into subsequent reporting and interpretation.				
Treatment of Human Remains and Funerary Objects. If human remains or suspected human remains are encountered during construction, the contractor and project sponsor shall ensure that ground-disturbing work within 50 feet of the remains is halted immediately and shall arrange for the protection in place of the remains until appropriate treatment and disposition have been agreed upon and implemented in accordance with this measure. The treatment of any human remains and funerary objects discovered during any soil- disturbing activity shall comply with applicable state laws, including Health and Safety Code section 7050.5 and Public Resources Code section 5097.98. Upon determining that the remains are human, the project archeologist shall immediately notify the Medical Examiner of the City and County of San Francisco, the ERO, and the project sponsor of the find. If the remains cannot be permanently preserved in place, the landowner or designee shall consult with the most likely descendant and may consult with the project archeologist, project sponsor and the ERO on recovery of the remains and any scientific treatment alternatives. The landowner shall then make all reasonable efforts to develop a burial agreement (agreement) with the most likely descendant, as expeditiously as possible, for the treatment and disposition, with appropriate dignity, of human remains and funerary objects (as detailed in CEQA Guidelines	Project sponsor, archeological consultant in consultation with the San Francisco Medical Examiner, ERO, and Native American Heritage Commission and most likely descendant as warranted.	Discovery of human remains	Planning Department (ERO, cultural resources staff), Medical Examiner, and Native American Heritage Commission and most likely descendant as warranted.	Considered complete on finding by the ERO that all state laws regarding human remains/burial objects have been adhered to, consultation with the most likely descendant is completed as warranted, and disposition of human remains has occurred as specified in agreement

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section 15064.5(d)). Per Public Resources Code section 5097.98(c)(1), the agreement shall address, as applicable and to the degree consistent with the wishes of the most likely descendant, the appropriate excavation, removal, recordation, scientific analysis, custodianship prior to reinternment or curation, and final disposition of the human remains and funerary objects. If the most likely descendant agrees to scientific analyses of the remains and/or funerary objects, the project archeologist shall retain possession of the remains and funerary objects until completion of any such analyses, after which the remains and funerary objects shall be reinterred or curated as specified in the agreement. If the landowner or designee and the most likely descendant are unable to reach an agreement on scientific treatment of the remains and/or funerary objects, the ERO, in consultation with the project sponsor shall ensure that the remains and/or funerary objects are stored securely and respectfully until they can be reinterred on the project site, with appropriate dignity, in a location not subject to further or future subsurface disturbance, in accordance with the provisions of state law. Treatment of historic-period human remains and/or funerary objects discovered during any soil-disturbing activity shall be in accordance with protocols laid out in the research design in the project archeological monitoring plan, archeological testing plan, archeological data recovery plan, and other relevant agreements established between the project sponsor, medical examiner, and the ERO. The project archeologist shall retain custody of the remains and associated materials while any scientific study scoped in the treatment document is conducted and the remains shall then be curated or respectfully reinterred by arrangement on a case-by case-basis.				
Cultural Resources Public Interpretation Plan and Land Acknowledgement. If a significant archeological resource (i.e., a historical resource or unique archeological resources as defined by CEQA Guidelines section 15064.5) is identified and the ERO determines that the public interpretation is warranted, the project archeologist shall prepare a Cultural Resources Public Interpretation Plan. The Cultural Resources Public Interpretation Plan shall describe the interpretive products, locations or distribution of interpretive materials or displays, the proposed content and materials, the producers or artists of the displays or installation, and a long-term maintenance program.	Archeological consultant at the direction of the ERO will prepare Cultural Resources Public Interpretation Plan in consultation with Native American	Following completion of treatment and analysis of significant archeological resource by archeological consultant	Planning Department (ERO, cultural resources staff)	Cultural Resources Public Interpretation Plan is complete on review and approval ofERO. Interpretive program is complete on notification to Environmental Review Officer from the project

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If the archeological resource is a tribal cultural resource, the department shall notify Native American tribal representatives that public interpretation is being planned. If requested by tribal representatives, the Cultural Resources Public Interpretation Plan shall be prepared in consultation with Native American tribal representatives and the interpretive products shall be developed with the participation of Native American tribal representatives, For public projects or projects that include dedicated public spaces, the interpretive materials may include an acknowledgement that the project is located upon traditional Ohlone lands. For interpretation of a tribal cultural resource, the interpretive program may include a combination of artwork, preferably by local Native American artists, educational panels or other informational displays, a plaque, or other interpretative elements including digital products that address Native American experience and the layers of history. As feasible, and where landscaping is proposed, the interpretive effort may include the use and the interpretation of native and traditional plants incorporated into the proposed landscaping. The project archeologist shall submit the Cultural Resources Public Interpretation Plan and drafts of any interpretive materials that are subsequently prepared to the ERO for review and approval. The project sponsor shall ensure that the cultural resources public interpretation plan is implemented prior to occupancy of the project.	tribal representatives as warranted. Measures laid out in Cultural Resources Public Interpretation Plan are implemented by project sponsor			sponsor that program has been implemented
Archeological Resources Report. If significant archeological resources, as defined by CEQA Guidelines section 15064.5, are encountered, the project archeologist shall submit a confidential draft Archeological Resources Report to the ERO. This report shall evaluate the significance of any discovered archeological resource, describe the archeological and historical research methods employed in the archeological programs undertaken, the results and interpretation of analyses, and discuss curation arrangements. Once approved by the ERO, the project archeologist shall distribute the approved Archeological Resources Report as follows: copies that meet current information center requirements at the time the report is completed to the California Archeological Site Survey Northwest Information Center, and a copy of the transmittal of the approved Archeological Resources Report to the Northwest Information Center to the ERO; one bound hardcopy of the Archeological Resources Report, along with digital files that include an unlocked, searchable PDF version of	Archeological consultant at the direction of the ERO	Following completion of treatment by archeological consultant as determined by the Environmental Review Officer	Planning Department (ERO, cultural resources staff)	Complete on certification to ERO that copies of the approved Archeological Resources Report have been distributed

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the Archeological Resources Report, GIS shapefiles of the site and feature locations, any formal site recordation forms (CA DPR 523 series), and/or documentation for nomination to the National Register of Historic Places/California Register of Historical Resources, via USB or other stable storage device, to the environmental planning division of the planning department; and, if a descendant group was consulted, a digital or hard copy of the Archeological Resources Report to the descendant group, depending on their preference.				
Curation. If archeological data recovery is undertaken, the project archeologist and the project sponsor shall ensure that any significant archeological collections and paleoenvironmental samples of future research value shall be permanently curated at an established curatorial facility. The facility shall be selected in consultation with the ERO. Upon submittal of the collection for curation the project sponsor or archeologist shall provide a copy of the signed curatorial agreement to the ERO.	Project archeologist prepares collection for curation and project sponsor pays for curation costs	In the event a significant archeological resource is discovered and upon acceptance by the ERO of the Archeological Resources Report	Planning Department (ERO, cultural resources staff)	Considered complete upon acceptance of the collection by the curatorial facility

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Project Mitigation Measure M-CR-2 (implements Housing Element EIR Mitigation Measure M-CR-2c): Archeological Testing Program The project archeologist shall develop and implement an archeological testing program as specified herein, and shall conduct an archeological monitoring and/or data recovery program if required to address archeological discoveries or the assessed potential for archeological discoveries, pursuant to this measure and Mitigation Measure M-CR-1: Procedures for Discovery of Archeological Resources for Projects Involving Soil Disturbance. ***Qualified Archeologist Identification.*** After the first project approval action or as directed by the ERO, the project sponsor shall contact the department archeologist to obtain the names and contact information for the next three qualified archeological consultants on the department's list and shall retain a qualified archeologist (hereinafter "project archeologist") from this list of three to develop and implement the archeological testing program.	Required for future development consistent with the housing element update based on the outcome of preliminary archeological review conducted by department staff Project sponsor/ archeological consultant at the direction of the ERO	After the first project approval action or as directed by the Environmental Review Officer and prior to issuance of construction permits and throughout the construction period	Planning Department (ERO, cultural resources staff)	Complete when project sponsor retains qualified archeological consultant
Construction Crew Archeological Awareness. Prior to any soils-disturbing activities being undertaken, the project archeologist shall conduct a brief on-site archeological awareness training that describes the types of resources that might be encountered and how they might be recognized, and requirements and procedures for work stoppage, resource protection and notification in the event of a potential archeological discovery. The project archeologist also shall distribute an "Alert" wallet card, based on the department's "ALERT" sheet, that summarizes stop work requirements and provides necessary contact information for the project archeologist, project sponsor and the to all field personnel involved in soil disturbing activities, including machine operators, field crew, pile drivers, supervisory personnel, etc., have received. The project archeologist shall repeat the training at intervals during construction, as determined necessary by the ERO, including when new construction personnel start work and prior to periods of soil disturbing work when the project archeologist will not be on site. ***Tribal Cultural Resources Sensitivity Training.*** In addition to and concurrently with the archeological awareness training, the project sponsor shall ensure that a local	Project archeologist for awareness training, Native American representative for Native American cultural resources sensitivity training (if requested)	Prior to any soil-disturbing activity	Planning Department (ERO, cultural resources staff)	Considered complete when project sponsor informs the ERO that all trainings were conducted

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Native American representative is afforded the opportunity to provide a Native American cultural resources sensitivity training to all construction personnel.				
Archeological Testing Program. The project archeologist shall develop and undertake an archeological testing program as specified herein to determine to the extent possible the presence or absence of archeological resources in areas of project soil disturbance and to identify and to evaluate whether any archeological resource encountered on the site constitutes an historical resource under CEQA. In addition, the consultant shall be available to conduct an archeological monitoring and/or data recovery program if required to address archeological discoveries or the assessed potential for archeological discoveries, pursuant to this measure. A local Native American representative shall be present throughout the portion of the archeological investigation program that focuses on testing for Native American resources. ***Archeological Testing Plan.*** The project archeologist shall consult with the ERO reasonably prior to the commencement of any project-related soils disturbing activities to determine the appropriate scope of archeological testing. The archeological testing program shall be conducted in accordance with an approved Archeological Testing Plan, prepared by the project archeologist consistent with the approved scope of work. The Archeological Testing Plan shall be submitted first and directly to the ERO for review and comment and shall be considered a draft subject to revision until final approval by the ERO. Project-related soils disturbing activities shall not commence until the testing plan has been approved and any testing scope to occur in advance of construction has been completed. The project archeologist shall implement the testing as specified in the approved Archeological Testing Plan prior to and/or during construction. The Archeological Testing Plan shall include the following: • Project Description: Description of all anticipated soil disturbing activities, with locations and depths of disturbance, including foundation and utility demolition, hazardous soils remediation, site grading, shoring excavations, piles or soil improvements, and foundation, elevator, car stacker, utility and landscaping	Project archeologist at the direction of the ERO	Prior to issuance of construction permits and throughout the construction period	Planning Department (ERO, cultural resources staff)	After consultation with and approval by the ERO of Archeological Testing Plan and review and approval of archeological testing results memo by ERO

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excavations, with project plans and profiles, as needed, to illustrate the locations of anticipated soil disturbance. • Site Specific Environmental and Cultural Context: Pre-contact and historic environmental and cultural setting of the project site as pertinent to potential Native American use and historic period development, any available information pertaining to past soil disturbance; soils information, such as stratigraphic and water table data from prior geotechnical testing. As appropriate based on the scale and scope of the project, the Archeological Testing Plan should include historic maps as a basis for predicting resource types that might be encountered and their potential locations. An overlay of the project site on the city's prehistoric sensitivity model mapping should be included, as should the locations of all known archeological sites within 0.25 mile of the project site. • Brief Research Design: Scientific/historical research questions applicable to the expected resource(s), what data classes potential resources may be expected to possess, and how the expected data classes would address the applicable research questions. • Anticipated Resources or Resource Types: Likely resources that might be encountered and at what locations and depths, based on known resources in the vicinity, the site's predevelopment setting and development history, and the anticipated depth and extent of project soil disturbances. • Proposed Scope of Archeological Testing and Rationale: Testing methods to be used (e.g., coring, mechanical trenching, manual excavation, or combination of methods); locations and depths of testing in relation to anticipated project soil disturbance; strata to be investigated; any uncertainties on stratigraphy that would affect locations or depths of tests and might require archeological monitoring of construction excavations subsequent to testing. • Resource Documentation and Significance Assessment Procedures: ERO and Native American consultation requirements upon making a discovery; pre-data recovery assessment process, burial treatment procedures, and reporting and curation requirements, consistent with the specifications of Mitigation Measure M-CR-2a. ***Archeological Testing Results Memo.*** Irrespective of whether archeological resources are discovered, the project archeologist shall submit a written summary of the				

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findings to the ERO at the completion of the archeological testing program. The findings report/memo shall describe each resource, provide an initial assessment of the integrity and significance of encountered archeological deposits encountered during testing, and provide recommendations for subsequent treatment of any resources encountered.				
Resource Evaluation and Treatment Determination. Upon discovery of a suspected archeological resource during construction or archeological testing, Mitigation Measure M-CR-1's Resource Evaluation and Treatment Determination stipulations shall be implemented as specified in that measure. ***Additional Applicable Measures.*** If a significant archeological resource is identified, and data recovery is required under Mitigation Measure M-CR-2a's Resource Evaluation and Treatment Determination stipulations, the following additional measures identified in the Mitigation Measure M-CR-2a shall be implemented as specified in that measure: • Archeological Data Recovery Program • Treatment of Human Remains and Funerary Objects (as applicable) • Coordination of Archeological Data Recovery Investigations • Cultural Resources Public Interpretation Plan and Land Acknowledgement (as applicable) • Archeological Resources Report • Curation	Project archeologist at the direction of the ERO	Upon discovery of suspected archeological resource	Planning Department (ERO, cultural resources staff)	Completed when ERO concurs that the status of the additional measures identified in Mitigation Measure M-CR-2a are completed

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TRIBAL CULTURAL RESOURCES				
Project Mitigation Measure M-TCR-1 (implements Housing Element EIR Mitigation Measure M-TCR-1): Tribal Notification and Consultation If a significant Native American archeological resource (i.e., a historical resource or unique archeological resources as defined by CEQA Guidelines section 15064.5) is identified during the course of the archeological testing program, the project sponsor shall hold an event wherein Native American representatives and the archeological consultant involved in the project mitigation effort educate the landowner, prospective tenants/occupants, and the general public about the archeology and history of the project site. This event should occur after the installation of interpretive materials associated with the archeological testing program.	Project sponsor archeological consultant, and ERO, in consultation with the affiliated Native American tribal representatives.	If a significant tribal cultural resource is identified during implementation of the project.	Planning Department (ERO, cultural resources staff).	Considered complete upon completion of tribal cultural resources public education event, if required.
TRANSPORTATION AND CIRCULATION				
Project Mitigation Measure M-TR-1 (implements Housing Element EIR Mitigation Measure M-TR-4a): Parking Maximums and Transportation Demand Management The project sponsor shall reduce vehicle trips through one of the following measures A or B: • Measure A: Reduce its parking by 50 percent or more than the planning code parking maximums for residential uses (sections 151 and 151.1) allow as of April 2022 for the project site; OR • Measure B: Increase planning code transportation demand management requirements (section 169) for residential uses or its associated program standards for residential uses by an equivalent amount to achieve the vehicle trip reduction estimated by implementation of a 50 percent reduction in planning code parking maximums, compared to parking maximums as of April 2022.	Project sponsor	Prior to the commencement of any project-related soils disturbing activities	Planning Department	Considered complete at issuance of development project's entitlement
NOISE AND VIBRATION				
Project Mitigation Measure M-NO-1 (implements Housing Element EIR Mitigation Measure M-NO-1): Construction Noise Control The project sponsor shall submit a project-specific construction noise control plan to the environmental review officer (ERO) for approval prior to issuance of any demolition or building permit. The construction noise control plan shall be prepared	Project sponsor, project sponsor's qualified acoustical consultant	Prior to issuance of demolition or building permit	Planning Department	Considered complete upon implementation of Planning Department approved project-specific construction

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	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
by a qualified acoustical engineer, with input from the construction contractor, and include all feasible measures to reduce construction noise. The construction noise control plan shall identify noise control measures to ensure that construction noise levels shall not exceed 90 dBA 1-hour L_{eq}, 10 dBA above the ambient noise level, nor an interior level of 45 dBA during nighttime hours at noise sensitive receptors (residences, hospitals, convalescent homes, schools, churches, hotels, and motels). The project sponsor shall ensure that requirements of the construction noise control plan are included in contract specifications. The construction noise control plan shall include the following measures to the degree feasible, or other effective measures, to reduce construction noise levels: • Use construction equipment that is in good working order, and inspect mufflers for proper functionality; • Select "quiet" construction methods and equipment (e.g., improved mufflers, use of intake silencers, engine enclosures); • Use construction equipment with lower noise emission ratings whenever possible, particularly for air compressors; • Prohibit the idling of inactive construction equipment for more than five minutes; • Locate stationary noise sources (such as compressors) as far from nearby noise sensitive receptors as possible, muffle such noise sources, and construct barriers around such sources and/or the construction site. • Avoid placing stationary noise-generating equipment (e.g., generators, compressors) within noise-sensitive buffer areas (as determined by the acoustical engineer) immediately adjacent to neighbors. • Enclose or shield stationary noise sources from neighboring noise-sensitive properties with noise barriers to the extent feasible. To further reduce noise, locate stationary equipment in pit areas or excavated areas, if feasible; and • Install temporary barriers, barrier-backed sound curtains and/or acoustical panels around working powered impact equipment and, if necessary, around the project site perimeter. When temporary barrier units are joined together, the mating surfaces shall be flush with each other. Gaps between barrier units, and between the bottom edge of the barrier panels and the ground, shall be closed				noise control plan and following completion of all construction activities

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
with material that completely closes the gaps, and dense enough to attenuate noise. The construction noise control plan shall include the following measures for notifying the public of construction activities, complaint procedures and monitoring of construction noise levels: • Designation of an on-site construction noise manager for the project; • Notification of neighboring noise sensitive receptors within 300 feet of the project construction area at least 30 days in advance of high-intensity noise-generating activities (e.g., pier drilling, pile driving, and other activities that may generate noise levels greater than 90 dBA at noise sensitive receptors) about the estimated duration of the activity; • A sign posted on-site describing noise complaint procedures and a complaint hotline number that shall always be answered during construction; • A procedure for notifying the planning department of any noise complaints within one week of receiving a complaint; • A list of measures for responding to and tracking complaints pertaining to construction noise. Such measures may include the evaluation and implementation of additional noise controls at sensitive receptors; and • Conduct noise monitoring (measurements) at the beginning of major construction phases (e.g., demolition, grading, excavation) and during high-intensity construction activities to determine the effectiveness of noise attenuation measures and, if necessary, implement additional noise control measures.				
WIND				
Project Mitigation Measure M-WI-1 (implements Housing Element EIR Mitigation Measure M-WI-1a): Wind Minimization If the screening-level assessment conducted by the department determines wind tunnel testing is required due to the potential for one or more proposed buildings to create or exacerbate a wind hazard exceedance, such testing shall be conducted by a professionally qualified firm. The proposed buildings tested in the wind tunnel may incorporate wind baffling features or landscaping. Such features must be tested in	Project sponsor, professionally qualified wind consultant	During permit review of future development project consistent with the housing element update	In coordination with San Francisco Municipal Transportation Agency and San Francisco Public Works, the	Considered complete upon approval of final demolition, building, or site permit

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
the wind tunnel and discussed in a wind report in the order of preference discussed below, with the overall intent being to reduce ground-level wind speeds such that the project shall not cause equivalent wind speeds to reach or exceed the 26-mph wind hazard criterion for a single hour of the year in areas of substantial use by people walking (e.g., sidewalks, plazas, building entries, etc.): 1. ***Building Massing***. New buildings and additions to existing buildings shall be shaped to minimize ground-level wind speeds. Examples of these shapes include setbacks, stepped façades, and vertical steps in the massing to help disrupt wind flows. 2. ***Wind Baffling Measures on the Building or on the Project Site.*** Wind baffling measures shall be included on future buildings and/or on the project site to disrupt vertical wind flows along tower façades and through the project site. Examples of these may include staggered balcony arrangements on main tower façades, screens and canopies attached to the buildings, rounded building corners, covered walkways, colonnades, art, free-standing canopies, or wind screens. Only after incorporating all feasible features to reduce wind impacts via building massing and wind baffling, and documenting any such features deemed infeasible shall the following be considered: 3. ***Landscaping on or off the Project Site and/or Wind Baffling Measures in the Public Right-of-Way***. Landscaping and/or wind baffling measures shall be installed in the public right-of-way to slow winds along sidewalks and protect places where people walking are expected to gather or linger. Landscaping and/or wind baffling measures shall be installed on the windward side (i.e., the direction from which the wind is blowing) of the areas of concern. Examples of wind baffling measures may include street art to provide a sheltered area for people to walk and free-standing canopies and wind screens in areas where people walking are expected to gather or linger. If landscaping on or off the project site or wind baffling measures in the public right-of-way are required as one of the features to mitigate wind impacts, Mitigation Measure M-WI-1b shall also apply.			Planning Department to review and approve wind testing	
Project Mitigation Measure M-WI-2 (implements Housing Element EIR Mitigation Measure M-WI-1b): Landscaping Maintenance	Project sponsor with a roof height	During the permit review of a future development project consistent with the	In coordination with San Francisco Municipal Transportation	Ongoing and in perpetuity for the lifetime of the building

Adopted Mitigation Measure	Monitoring and Reporting Program[a]			
	Implementation Responsibility	Mitigation Schedule	Monitoring/ Reporting Responsibility	Monitoring Actions/ Completion Criteria
The project sponsor shall prepare a maintenance plan for review and approval by the department to ensure maintenance of the features required pursuant to Mitigation Measure M-WI-1 in perpetuity. The maintenance plan shall also be reviewed and approved by public works for landscaping or wind baffling measures in the public right-of-way.	greater than 85 feet	housing element update	Agency and San Francisco Public Works, Planning Department to review and approve	

NOTES:

[a] Definitions of MMRP Column Headings:

Adopted Mitigation and Improvements Measures: Full text of the mitigation measure(s) copied verbatim from the final CEQA document.

Implementation Responsibility: Entity who is responsible for implementing the mitigation measure. Project sponsor for a future development project consistent with the housing element update may also include the project's sponsor's contractor/consultant.

Mitigation Schedule: Identifies milestones for when the actions in the mitigation measure need to be implemented. Occupancy permit may refer to a temporary certificate and/or a final permit.

Monitoring/Reporting Responsibility: Identifies who is responsible for monitoring compliance with the mitigation measure and any reporting responsibilities. In most cases it is the planning department that is responsible for monitoring compliance with the mitigation measure. If a department or agency other than the planning department is identified as responsible for monitoring, there should be an expressed agreement between the planning department and that other department/agency. In most cases the project sponsor of the future development project consistent with the housing element update, their contractor, or their consultant is responsible for any reporting requirements.

Monitoring Actions/Completion Criteria: Identifies the milestone at which the mitigation measure is considered complete. This may also identify requirements for verifying compliance.

EXHIBIT C

San Francisco Planning

49 South Van Ness Avenue, Suite 1400
San Francisco, CA 94103
628.652.7600
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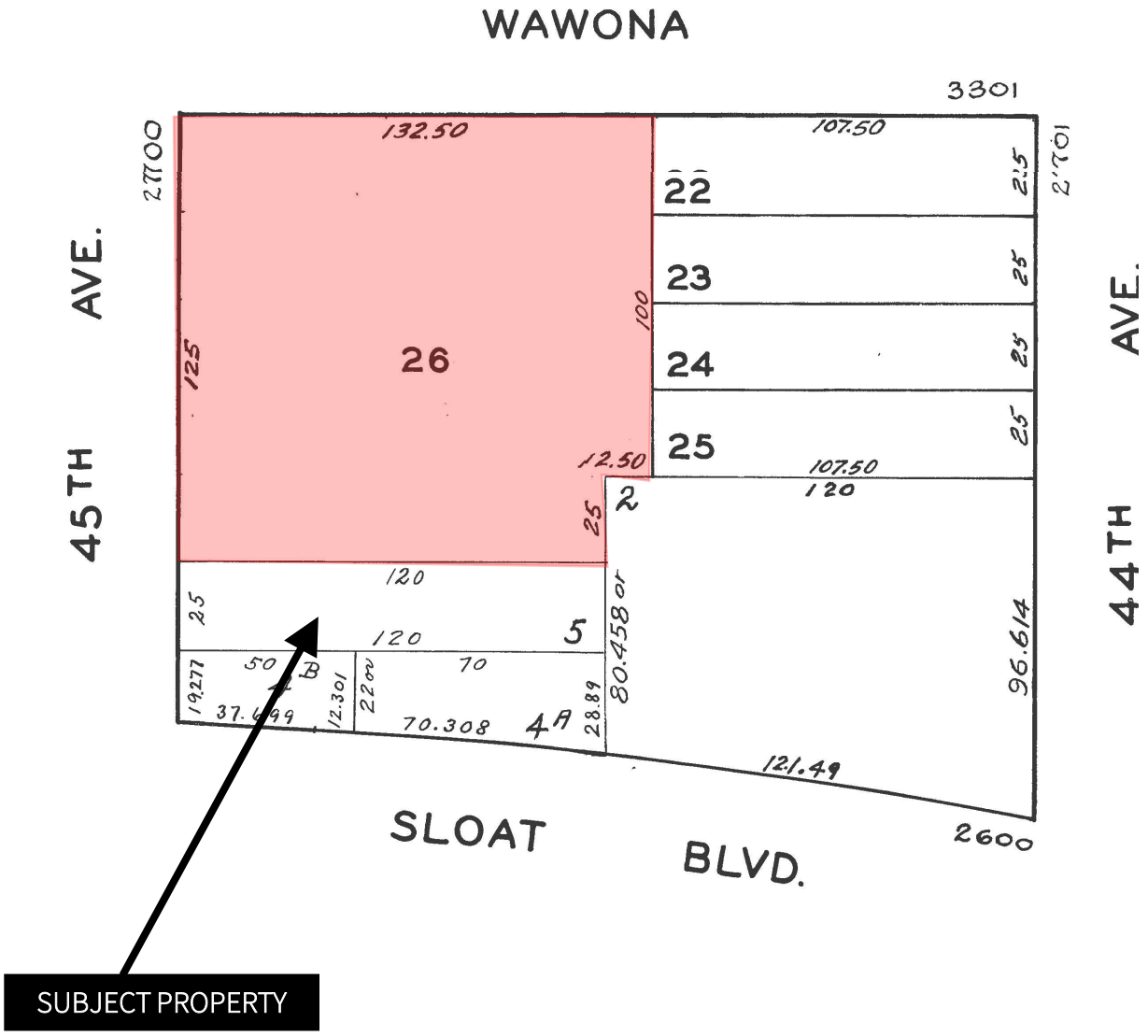
LAND USE INFORMATION

PROJECT ADDRESS: 2700 45TH AVE
RECORD NO.: 2022-001407CTZ/CUA/MAP/PCA/SHD

	EXISTING	PROPOSED	NET NEW
GROSS SQUARE FOOTAGE (GSF)			
Parking GSF	4,968	16,250	11,282
Residential GSF	0	0	0
Retail/Commercial GSF	0	18,889	18,889
Office GSF	0	8,831	8,831
Industrial/PDR GSF *Production, Distribution, & Repair*	0	0	0
CIE GSF	21,263	93,881	72,618
	EXISTING	NET NEW	TOTALS
PROJECT FEATURES (Units or Amounts)			
Number of Buildings	1	1	0
Number of Stories	3	6	3
Parking Spaces	12	54	42
Loading Spaces	0	1	1
Bicycle Spaces	0	86	86
Car Share Spaces	0	2	2

EXHIBIT D

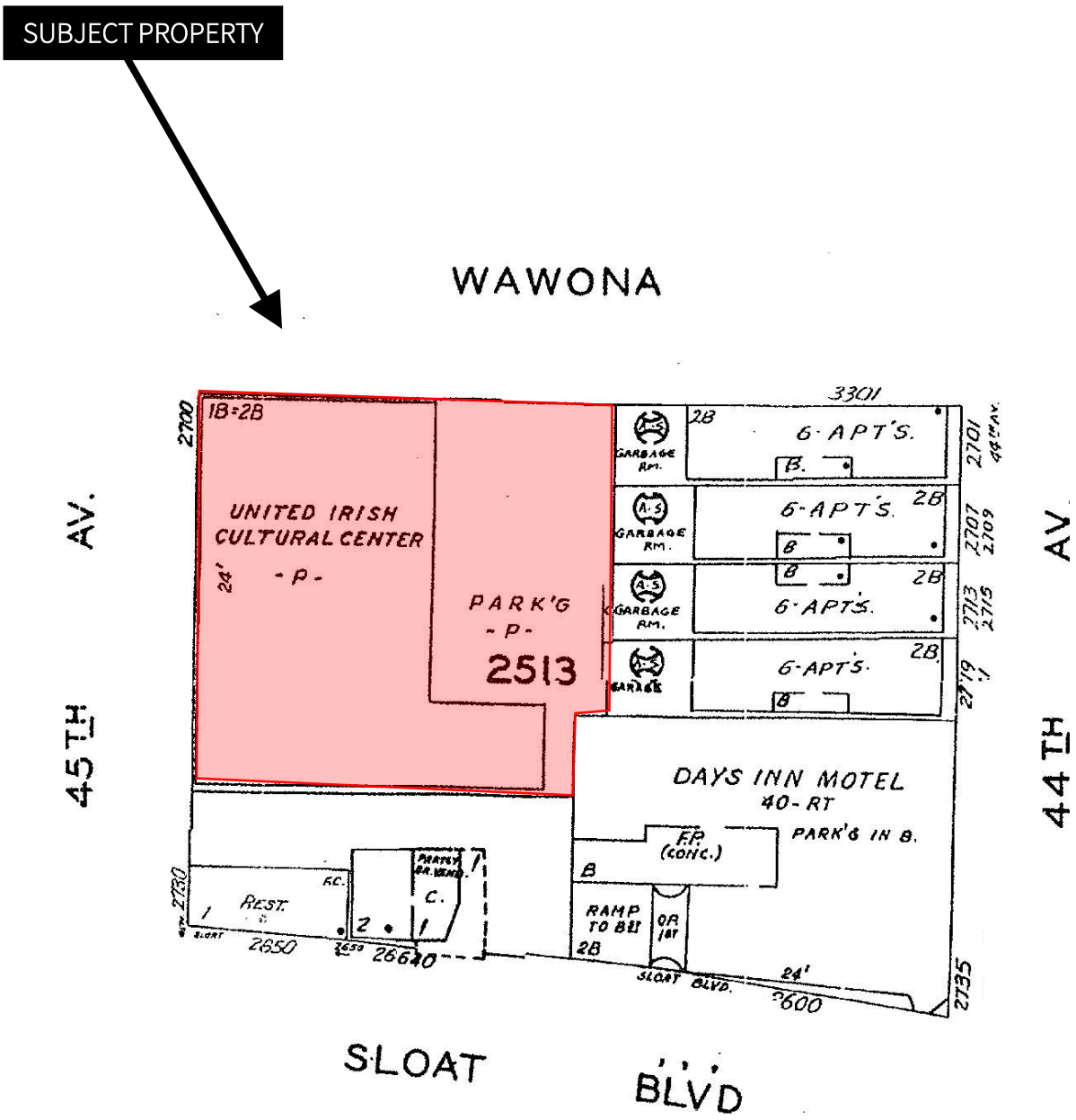
PARCEL MAP



Planning Commission Hearing
Case No. 2022-001407CTZCUAMAPPCASHD
United Irish Cultural Center
2700 45th Avenue

San Francisco Planning

SANBORN MAP*



**The Sanborn Maps in San Francisco have not been updated since 1998, and this map may not accurately reflect existing conditions.*

AERIAL PHOTO

San Francisco Planning

Planning Commission Hearing
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ZONING MAP

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HEIGHT AND BULK MAP

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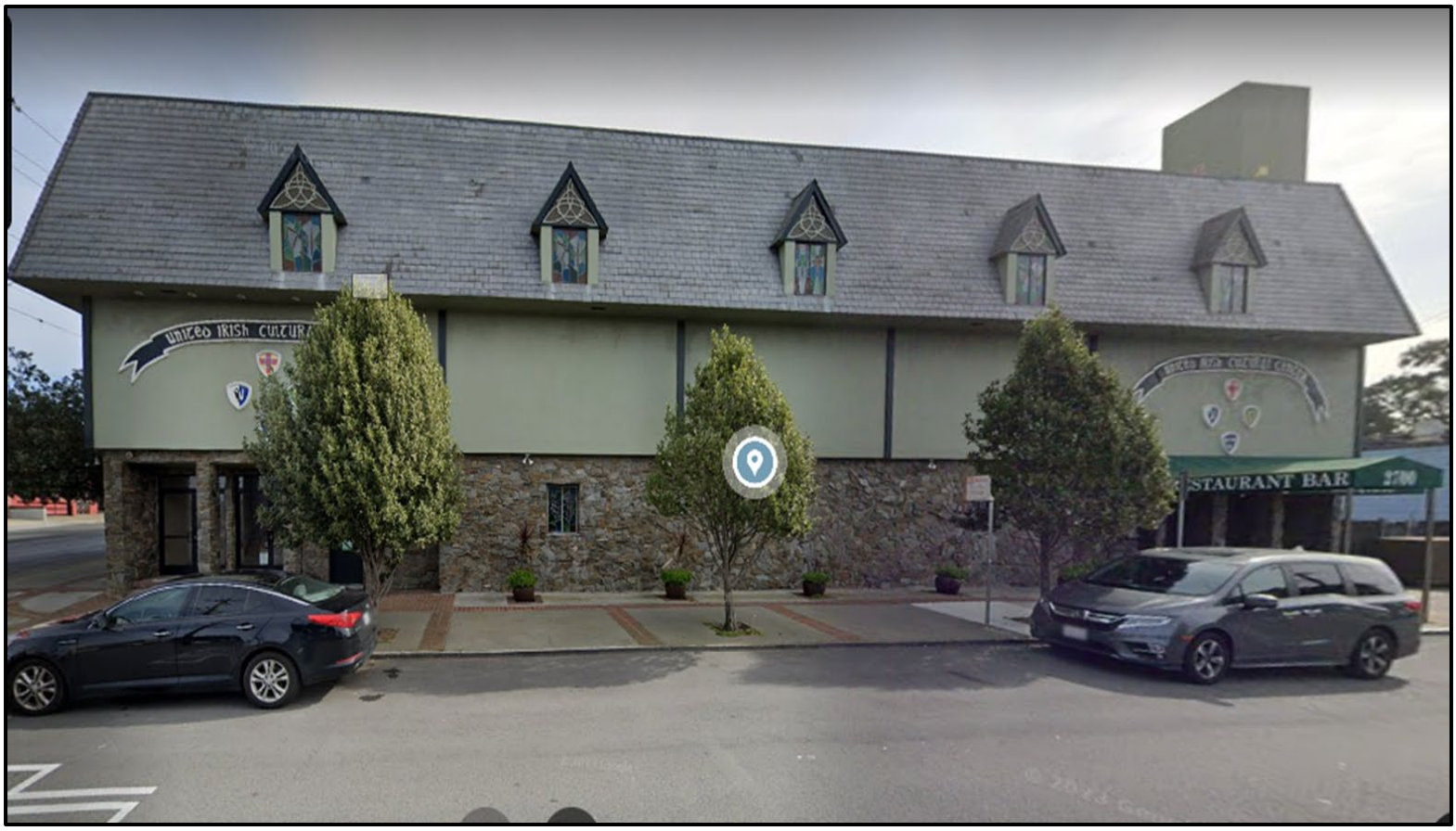
San Francisco Planning

SITE PHOTO- 45TH AVENUE



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San Francisco Planning

SITE PHOTO- WAWONA ST.