

File No. 110786

Committee Item No. 4

Board Item No. 23

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Land Use and Economic Development Date September 12, 2011

Board of Supervisors Meeting

Date September 20, 2011

Cmte Board

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| <input type="checkbox"/> | <input type="checkbox"/> | Youth Commission Report |
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OTHER (Use back side if additional space is needed)

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| <input checked="" type="checkbox"/> | <input checked="" type="checkbox"/> | <u>Planning Commission Resolution No. 18412</u> |
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Completed by: Alisa Miller Date September 9, 2011

Completed by: Alisa Miller Date September 15, 2011

An asterisked item represents the cover sheet to a document that exceeds 25 pages.
The complete document can be found in the file.

1 [Planning Code - Eastern Neighborhoods Code Cleanup]

2
3 **Ordinance amending various sections of the San Francisco Planning Code to: 1)**
4 **improve the City's ability to implement the goals, objectives, and policies of the**
5 **Eastern Neighborhoods Plan; 2) make technical corrections to the Code; 3) update land**
6 **use tables in the Eastern Neighborhoods; 4) clarify language for affordable housing**
7 **tiers and the use of historic buildings in the UMU District; 5) clarify permitted**
8 **modifications for Large Project Authorizations in the Eastern Neighborhoods; and 6)**
9 **making environmental findings, Planning Code Section 302 findings, and findings of**
10 **consistency with the General Plan and the Priority Policies of Planning Code Section**
11 **101.1.**

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

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

16 Section 1. Findings.

17 (a) The Planning Department has determined that the actions contemplated in this
18 Ordinance are in compliance with the California Environmental Quality Act (California Public
19 Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of the
20 Board of Supervisors in File No. 110786 and is incorporated herein by reference.

21 (b) On July 21, 2011, the Planning Commission, in Resolution No. 18412 approved
22 and recommended this legislation for adoption by the Board of Supervisors and adopted
23 findings that it is consistent, on balance, with the City's General Plan and eight priority policies
24 of Planning Code Section 101.1. The Board adopts these findings as its own. A copy of said
25

1 Resolution is on file with the Clerk of the Board of Supervisors in File No. 110786, and is
2 incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, this Board of Supervisors finds that this
4 legislation will serve the public necessity, convenience, and welfare for the reasons set forth in
5 Planning Commission Resolution No. 18412, and incorporates such reasons herein by
6 reference.

7
8 Section 2. The San Francisco Planning Code is hereby amended by amending Sections
9 102.5, 121.8, 134, 135, 140, 145.1, 145.5, 151.1, 157.1, 175.8, 207.1, 218, 227, 231A,
10 249.36, 249.37, 249.38, 329, 352, 401, 411.3, 419.2, 419.5, 423.5, 607.2, 726, 734, 735, 736,
11 736.1, 781.5, 803.3, 803.8, 803.9, 814.31, 814.49, 840, 841, 842, 843, 890.49, 890.54, to
12 read as follows:

13 **SEC. 102.5. DISTRICT.**

14 A portion of the territory of the City, as shown on the Zoning Map, within which certain
15 regulations and requirements or various combinations thereof apply under the provisions of
16 this Code. The term "district" shall include any use, special use, height and bulk, or special
17 sign district. The term "R District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, RH-3, RM-
18 1, RM-2, RM-3, RM-4, RTO, RTO-M, RC-1, RC-2, RC-3, RC-4 or RED District. The term "C
19 District" shall mean any C-1, C-2, C-3, or C-M District. The term "RTO District" shall be that
20 subset of R Districts which are the RTO and RTO-M District. The term "M District" shall mean
21 any M-1 or M-2 District. The term "PDR District" shall mean any PDR-1-B, PDR-1-D, PDR-1-
22 G, or PDR-2 District. The term "RH District" shall mean any RH-1(D), RH-1, RH-1(S), RH-2, or
23 RH-3 District. The term "RM District" shall mean any RM-1, RM-2, RM-3, or RM-4 District. The
24 term "RC District" shall mean any RC-1, RC-2, RC-3, or RC-4 District. The term "C-3 District"
25 shall mean any C-3-O, C-3-R, C-3-G, or C-3-S District. For the purposes of Section 128 and

1 Article 11 of this Code, the term "C-3 District" shall also include the Extended Preservation
2 District designated on Section Map 3SU of the Zoning Map. The term "NC District" shall mean
3 any NC-1, NC-2, NC-3, NC-T, NC-S, and any Neighborhood Commercial District and
4 Neighborhood Commercial Transit District identified by street or area name in Section 702.1.
5 The term "NCT" shall mean any district listed in Section 702.1(b), including any NCT-1, NCT-
6 2, NCT-3 and any Neighborhood Commercial Transit District identified by street or area name.
7 The term "Mixed Use" District shall mean all Chinatown Mixed Use, South of Market Mixed
8 Use, Eastern Neighborhoods Mixed Use, and Downtown Residential Districts. The term
9 "Chinatown Mixed Use District" shall mean any Chinatown CB, Chinatown VR, or Chinatown
10 R/NC District named in Section 802.1. The term "South of Market Mixed Use Districts" shall
11 refer to all RED, RSD, SLR, SLI, or SSO Districts named in Section 802.1. The term "Eastern
12 Neighborhoods Mixed Use Districts" shall refer to all SPD, MUG, MUO, MUR, and UMU
13 Districts named in Section 802.1. The term "DTR District" or "Downtown Residential District"
14 shall refer to any Downtown Residential District identified by street or area name in Section
15 825, 827, 828, and 829.

16 **SEC. 121.8. USE SIZE LIMITS (NON-RESIDENTIAL), PDR-1-B AND PDR-2 DISTRICTS.**

17 In order to preserve land and building space for light industrial activities, non-accessory
18 retail and office uses that exceed the square footage stated in the table below shall not be
19 permitted in PDR-1-B and PDR-2 Districts. The use area shall be measured as the occupied
20 floor area of all retail or offices activities on a lot, as defined in the land use controls for PDR
21 Districts in Section 218 (Retail Sales and Personal Services) and Section 219 (Offices) of this
22 Code. Additionally, a cumulative use size maximum applies in PDR-1-B and PDR-2 Districts,
23 such that the combined floor area of any and all uses permitted by Sections 218 and 219 may
24 not exceed the limits stated in the table below for any given lot.

25 These use size maximum limits shall not apply to accessory uses, as defined in Section 204.3

1 of this Code.

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District	Cumulative Use Size Limit, All Uses per Section 218	Cumulative Use Size Limit, All Uses per Section 219	Total Size Maximum. All Uses per Sections 218 and 219 Combined
PDR-1-B	2,500 sq. ft.	5,000 sq. ft.	7,500 sq. ft.
PDR-2	2,500 sq. ft.	5,000 sq. ft.	5,000 sq. ft.

8

9 **SEC. 134. REAR YARDS, R, NC, C, SPD, M, MUG, MUO, MUR, UMU, RSD, SLR, SLI AND**

10 **SSO DISTRICTS.**

11 The rear yard requirements established by this Section 134 shall apply to every

12 building in an R, NC-1, NC-2 District or Individual Neighborhood Commercial District as noted

13 in Subsection (a), except those buildings which contain only single room occupancy (SRO) or

14 live/work units and except in the Bernal Heights Special Use District and Residential

15 Character Districts to the extent these provisions are inconsistent with the requirements set

16 forth in Section 242 of this Code. With the exception of dwellings in the South of Market Mixed

17 Use and Eastern Neighborhoods Mixed Use Districts containing only SRO units, the rear yard

18 requirements of this Section 134 shall also apply to every dwelling in a(n) MUG, MUO, MUR,

19 UMU, SPD, RSD, SLR, SLI, SSO, NC-2, NCT-1, NCT-2, NC-3, NCT-3, Individual Area

20 Neighborhood Commercial Transit District, Individual Neighborhood Commercial District as

21 noted in Subsection (a), C or M District. Rear yards shall not be required in NC-S Districts.

22 These requirements are intended to assure the protection and continuation of established

23 midblock, landscaped open spaces, and maintenance of a scale of development appropriate

24 to each district, consistent with the location of adjacent buildings.

25

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

3 (1) **RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC-1, RC-2, RC-3, RC-4, NC, C, M, MUG,**
4 **MUO, MUR, UMU, RED, SPD, RSD, SLR, SLI and SSO Districts.** The minimum rear yard
5 depth shall be equal to 25 percent of the total depth of the lot on which the building is situated,
6 but in no case less than 15 feet. For buildings containing only SRO units in the South of
7 Market Mixed Use and Eastern Neighborhoods Mixed Use Districts, the minimum rear yard
8 depth shall be equal to 25 percent of the total depth of the lot on which the building is situated,
9 but the required rear yard of SRO buildings not exceeding a height of 65 feet shall be reduced
10 in specific situations as described in Subsection (c) below.

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

15 (B) **NC-2, NCT-2, Ocean Avenue, Castro Street, Inner Clement Street, Upper**
16 **Fillmore Street, North Beach, Union Street, Valencia Street, 24th Street-Mission**
17 **Districts.** Rear yards shall be provided at the second story, and at each succeeding story of
18 the building, and at the first story if it contains a dwelling unit.

19 [DIAGRAM: OMITTED BUT NOT TO BE DELETED]

20 (C) **RC-2, RC-3, RC-4, NC-3, NCT-3, Broadway, Hayes-Gough, Upper Market**
21 **Street, SoMa, Mission Street, Polk Street, C, M, RED, SPD, RSD, SLR, SLI, SSO, MUR,**
22 **MUG, MUO, and UMU Districts.** Rear yards shall be provided at the lowest story containing
23 a dwelling unit, and at each succeeding level or story of the building.

24 (D) **Upper Market NCT and Upper Market NCD.** Rear yards shall be provided at the
25 grade level, and at each succeeding story of the building. For buildings in the Upper Market

1 NCT that do not contain residential uses and that do not abut adjacent lots with an existing
2 pattern of rear yards or mid-block open space, the Zoning Administrator may waive or reduce
3 this rear yard requirement pursuant to the procedures of subsection (e).

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

9 [DIAGRAM: OMITTED BUT NOT TO BE DELETED]

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

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

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

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

16 (3) **Method of Measurement.** For purposes of this Subsection (c), an "adjacent
17 building" shall mean a building on a lot adjoining the subject lot along a side lot line. In all
18 cases the location of the rear building wall of an adjacent building shall be taken as the line of
19 greatest depth of any portion of the adjacent building which occupies at least ½ the width
20 between the side lot lines of the lot on which such adjacent building is located, and which has
21 a height of at least 20 feet above grade, or two stories, whichever is less, excluding all
22 permitted obstructions listed for rear yards in Section 136 of this Code. Where a lot adjoining
23 the subject lot is vacant, or contains no dwelling or group housing structure, or is located in an
24 RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RC, RED, SPD, RSD, SLR, SLI, SSO, NC, C, M or P
25 District, such adjoining lot shall, for purposes of the calculations in this Subsection (c), be

1 considered to have an adjacent building upon it whose rear building wall is at a depth equal to
2 75 percent of the total depth of the subject lot.

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

7 [DIAGRAMS: OMITTED BUT NOT TO BE DELETED]

8 (A) **Corner Lots and Lots at Alley Intersections.** On a corner lot as defined by this
9 Code, or a lot at the intersection of a street and an alley or two alleys, the forward edge of the
10 required rear yard shall be reduced to a line on the subject lot which is at the depth of the rear
11 building wall of the one adjacent building.

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

21 (C) **Through Lots Abutting Properties that Contain Two Buildings.** Where a lot is
22 a through lot having both its front and its rear lot line along streets, alleys, or a street and an
23 alley, and both adjoining lots are also through lots, each containing two dwellings or group
24 housing structures that front at opposite ends of the lot, the subject through lot may also have
25 two buildings according to such established pattern, each fronting at one end of the lot,

1 provided all the other requirements of this Code are met. In such cases the rear yard required
2 by this Section 134 for the subject lot shall be located in the central portion of the lot, between
3 the two buildings on such lot, and the depth of the rear wall of each building from the street or
4 alley on which it fronts shall be established by the average of the depths of the rear building
5 walls of the adjacent buildings fronting on that street or alley. In no case, however, shall the
6 total minimum rear yard for the subject lot be thus reduced to less than a depth equal to 25
7 percent of the total depth of the subject lot, or to less than 15 feet, whichever is greater.

8 Furthermore, in all cases in which this Subparagraph (c)(4)(C) is applied, the requirements of
9 Section 132 of this Code for front setback areas shall be applicable along both street or alley
10 frontages of the subject through lot.

11 [DIAGRAMS: OMITTED BUT NOT TO BE DELETED]

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

16 [DIAGRAM: OMITTED BUT NOT TO BE DELETED]

17 (e) **Modification of Requirements in NC and South of Market Mixed Use Districts.**
18 The rear yard requirements in NC and South of Market Mixed Use Districts may be modified
19 or waived in specific situations as described in this Subsection (e).

20 (1) **General.** The rear yard requirement in NC Districts may be modified or waived by
21 the Zoning Administrator pursuant to the procedures which are applicable to variances, as set
22 forth in Sections 306.1 through 306.5 and 308.2, in the case of NC Districts, and in
23 accordance with Section 307(g), in the case of South of Market Mixed Use Districts if all of the
24 following criteria are met for both NC and South of Market Mixed Use Districts:

25 (A) Residential uses are included in the new or expanding development and a

1 comparable amount of usable open space is provided elsewhere on the lot or within the
2 development where it is more accessible to the residents of the development; and

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

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

7 (2) **Corner Lots and Lots at Alley Intersections.** On a corner lot as defined by this
8 Code, or on a lot at the intersection of a street and an alley of at least 25 feet in width, the
9 required rear yard may be substituted with an open area equal to 25 percent of the lot area
10 which is located at the same levels as the required rear yard in an interior corner of the lot, an
11 open area between two or more buildings on the lot, or an inner court, as defined by this
12 Code, provided that the Zoning Administrator determines that all of the criteria described
13 below in this Paragraph are met.

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

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

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

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

21 The provisions of this Paragraph 2 of Subsection (e) shall not preclude such additional
22 conditions as are deemed necessary by the Zoning Administrator to further the purposes of
23 this Section.

24 (f) **Modification of Requirements in the Eastern Neighborhoods Mixed Use**
25 **Districts.** The rear yard requirement in Eastern Neighborhoods Mixed Use Districts may be

1 modified or waived by the Planning Commission pursuant to Section 329, and *modified* by the
2 Zoning Administrator pursuant to the procedures ~~and criteria~~ set forth in Section 307(h) for
3 other projects, provided that:

4 (1) ~~Residential uses are included in the new or expanding development and a comparable~~
5 ~~amount of readily accessible usable open space is provided elsewhere on the lot or within the~~
6 ~~development. A comparable, but not necessarily equal amount of square footage as would be created in~~
7 ~~a code conforming rear yard is provided elsewhere within the development;~~

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

11 (3) ~~The proposed new or expanding structure will not adversely affect the interior block open~~
12 ~~space formed by the rear yards of adjacent properties. The modification request is not combined with~~
13 ~~any other residential open space modification or exposure variance for the project, except exposure~~
14 ~~modifications in designated landmark buildings under Section 307(h)(1).~~

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

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

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

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

25 [DIAGRAMS: OMITTED BUT NOT TO BE DELETED]

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

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

7 (a) **Character of Space Provided.** Usable open space shall be composed of an
8 outdoor area or areas designed for outdoor living, recreation or landscaping, including such
9 areas on the ground and on decks, balconies, porches and roofs, which are safe and suitably
10 surfaced and screened, and which conform to the other requirements of this Section. Such
11 area or areas shall be on the same lot as the dwelling units (or bedrooms in group housing)
12 they serve, and shall be designed and oriented in a manner that will make the best practical
13 use of available sun and other climatic advantages. "Private usable open space" shall mean
14 an area or areas private to and designed for use by only one dwelling unit (or bedroom in
15 group housing). "Common usable open space" shall mean an area or areas designed for use
16 jointly by two or more dwelling units (or bedrooms in group housing).

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

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

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

1 (c) **Permitted Obstructions.** In the calculation of either private or common usable
2 open space, those obstructions listed in Sections 136 and 136.1 of this Code for usable open
3 space shall be permitted.

4 (d) **Amount Required.** Usable open space shall be provided for each building in the
5 amounts specified herein and in Tables 135A and B for the district in which the building is
6 located; *provided, however, that in the Downtown Residential (DTR) Districts, open space shall be*
7 *provided in the amounts specified in Section 825.*

8 In Neighborhood Commercial Districts, the amount of usable open space to be
9 provided shall be the amount required in the nearest Residential District, but the minimum
10 amount of open space required shall be in no case greater than the amount set forth in Table
11 135A for the district in which the building is located. The distance to each Residential District
12 shall be measured from the midpoint of the front lot line or from a point directly across the
13 street there from, whichever requires less open space.

14 (1) For dwellings other than *those specified in SRO dwellings, except as provided in*
15 *Paragraphs (d)(2) through (d)(5) below*, the minimum amount of usable open space to be
16 provided for use by each dwelling unit shall be as specified in the second column of Table
17 135A if such usable open space is all private. Where common usable open space is used to
18 satisfy all or part of the requirement for a dwelling unit, such common usable open space shall
19 be provided in an amount equal to 1.33 square feet for each one square foot of private usable
20 open space specified in the second column of Table 135A. In such cases, the balance of the
21 required usable open space may be provided as private usable open space, with full credit for
22 each square foot of private usable open space so provided.

23 (2) For group housing structures and SRO units, the minimum amount of usable open
24 space provided for use by each bedroom *or SRO unit* shall be 1/3 the amount required for a
25 dwelling unit as specified in Paragraphs (d)(1) above *and (d)(4) and (d)(5), below.* For purposes

1 of these calculations, the number of bedrooms on a lot shall in no case be considered to be
2 less than one bedroom for each two beds. Where the actual number of beds exceeds an
3 average of two beds for each bedroom, each two beds shall be considered equivalent to one
4 bedroom.

5 (3) For dwellings specifically designed for and occupied by senior citizens or physically
6 handicapped persons, as defined and regulated by Section 209.1(m) of this Code, the
7 minimum amount of usable open space to be provided for use by each dwelling unit shall be
8 $\frac{1}{2}$ the amount required for each dwelling unit as specified in Paragraph (d)(1) above.

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

23 (5) *Eastern Neighborhoods Mixed Use Districts. The minimum amount of usable open space*
24 *to be provided for use by each dwelling unit shall be as specified in Table 135B. For group housing*
25 *structures and SRO units, the minimum amount of usable open space provided for use by each bedroom*

1 shall be 1/3 the amount required for a dwelling unit as specified in Table 135B.

2
3 TABLE 135A

4 MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING OUTSIDE THE
5 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, C-M, SLR, SLI, SSO, M-1, M-2	36	1.33
C-1, C-2	Same as for the R District establishing the dwelling	

	unit density ratio for the C-1 or C-2 District property	
NC-1, NC-2, NCT-1, NCT-2, NC-S, Inner Sunset, Sacramento Street, West Portal Avenue, Ocean Avenue	100	1.33
NC-3, Castro Street, Inner Clement Street, Outer Clement Street, Upper Fillmore Street, Haight Street, Union Street, Valencia Street, 24th Street-Mission, 24th Street-Noe Valley, NCT-3, SoMa, Mission Street	80	1.33
Broadway, Hayes-Gough, Upper Market Street, North Beach, Polk Street	60	1.33
Chinatown Community Business, Chinatown Residential Neighborhood Commercial, Chinatown Visitor Retail	48	1.00
DTR	This table not applicable. 75 square feet per dwelling. See Sec. 135(d)(4).	

TABLE 135B
 MINIMUM USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP HOUSING IN THE
 EASTERN NEIGHBORHOODS MIXED USE DISTRICTS

1 2 3	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
4 5	80 square feet	54 square feet	50%

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

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

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

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

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

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

22 [DIAGRAMS: OMITTED BUT NOT TO BE DELETED]

23 (C) Areas within inner and outer courts, as defined by this Code, must either conform
24 to the standards of Subparagraph (f)(2)(B) above or be so arranged that the height of the
25 walls and projections above the court on at least three sides (or 75 percent of the perimeter,

1 whichever is greater) is such that no point on any such wall or projection is higher than one
2 foot for each foot that such point is horizontally distant from the opposite side of the clear
3 space in the court, regardless of the permitted obstruction referred to in Subsection 135(c)
4 above.

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

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

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

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

21 (2) **Use of Inner Courts.** The area of an inner court, as defined by this Code, may be
22 credited as common usable open space, if the enclosed space is not less than 20 feet in
23 every horizontal dimension and 400 square feet in area; and if (regardless of the permitted
24 obstructions referred to in Subsection 135(c) above) the height of the walls and projections
25 above the court on at least three sides (or 75 percent of the perimeter, whichever is greater) is

1 such that no point on any such wall or projection is higher than one foot for each foot that
2 such point is horizontally distant from the opposite side of the clear space in the court.

3 [DIAGRAMS: OMITTED BUT NOT TO BE DELETED]

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

9 (h) **Publicly-Accessible Usable Open Space Standards:** In DTR Districts and the
10 Eastern Neighborhoods Mixed Use Districts, any space credited as publicly-accessible usable
11 open space, where permitted or required by this Code, shall meet the following standards:

12 (1) Open space shall be of one or more of the following types:

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

15 (B) An unenclosed plaza at street grade, with seating areas and landscaping and no
16 more than 10 percent of the total floor area devoted to facilities for food or beverage service,
17 exclusive of seating areas as regulated in Subsection (2)(d), below;

18 (C) An unenclosed pedestrian pathway which complies with the standards of Section
19 270.2 and which is consistent with applicable design guidelines.

20 (D) Streetscape improvements with landscaping and pedestrian amenities that result
21 in additional pedestrian space beyond the pre-existing sidewalk width and conform to the
22 Better Streets Plan and any other applicable neighborhood streetscape plans per Section
23 138.1 or other related policies such as those associated with sidewalk widenings or building
24 setbacks, other than those intended by design for the use of individual ground floor residential
25 units; and

1 (2) Open space shall meet the following standards:

2 (A) Be in such locations and provide such ingress and egress as will make the area
3 convenient, safe, secure and easily accessible to the general public;

4 (B) Be appropriately landscaped;

5 (C) Be protected from uncomfortable winds;

6 (D) Incorporate ample seating. Any seating which is provided shall be available for
7 public use and may not be exclusively reserved or dedicated for any food or beverage
8 services located within the open space;

9 (E) Be well signed and accessible to the public during daylight hours;

10 (F) Be well lit if the area is of the type requiring artificial illumination;

11 (G) Be designed to enhance user safety and security;

12 (H) Be of sufficient size to be attractive and practical for its intended use; and

13 (I) Have access to drinking water and toilets if feasible and appropriate.

14 (3) **Maintenance:** Open spaces shall be maintained at no public expense. The owner
15 of the property on which the open space is located shall maintain it by keeping the area clean
16 and free of litter and keeping in a healthy state any plant material that is provided. Conditions
17 intended to assure continued maintenance of the open space for the actual lifetime of the
18 building giving rise to the open space requirement may be imposed by the Commission or
19 Department pursuant to applicable procedures in this Code.

20 (4) **Informational Plaque:** Prior to issuance of a permit of occupancy, a plaque shall
21 be placed in a publicly conspicuous location outside the building at street level, or at the site
22 of any publicly-accessible open space. The plaque shall identify said open space feature and
23 its location, stating the right of the public to use the space and the hours of use, describing its
24 principal required features (e.g., number of seats or other defining features) and stating the
25 name, telephone number, and address of the owner or owner's agent responsible for

1 maintenance. The plaque shall be of no less than 24 inches by 36 inches in size unless
2 specifically reduced by the Zoning Administrator in cases where the nature, size, or other
3 constraints of the open space would make the proscribed dimensions inappropriate.

4 (5) Property owners providing open space under this section will hold harmless the City
5 and County of San Francisco, its officers, agents and employees, from any damage or injury
6 caused by the design, construction, use, or maintenance of open space. Property owners are
7 solely liable for any damage or loss occasioned by any act or negligence in respect to the
8 design, construction, use, or maintenance of the open space.

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

10 (1) **Eastern Neighborhoods Mixed Use Districts.** In the Eastern Neighborhoods
11 Mixed Use Districts, the provision of off-site publicly accessible open space may be credited
12 toward the residential usable open space requirement, subject to Section 329 for projects to
13 which that Section applies and Section 307(h) for other projects. Any such space shall meet
14 the publicly accessible open space standards set forth in Section 135(h) and be provided
15 within 800 feet of the project. No more than 50 percent of a project's required usable open
16 space shall be off-site. The publicly accessible off-site usable open space shall be
17 constructed, completed, and ready for use no later than the project itself, and shall receive its
18 Certificate of Final Completion from the Department of Building Inspection prior to the
19 issuance of any Certificate of Final Completion or Temporary Certificate of Occupancy for the
20 project itself.

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

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

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

18 (3) **Ocean Avenue NCT.** In the Ocean Avenue NCT District, the provision of off-site
19 publicly accessible open space may be credited toward the residential usable open space
20 requirement subject to the procedures of Section 303. Any such open space shall meet the
21 publicly accessible open space standards set forth in Section 135(h) and be provided within
22 800 feet of the project. No more than 50 percent of a project's usable open space
23 requirement may be satisfied off-site. The publicly accessible off-site usable open space shall
24 be constructed, completed, and ready for use no later than the project itself, and shall receive
25 its certificate of final completion from the Department of Building Inspection prior to the

1 issuance of any certificate of final completion or temporary certificate of occupancy for the
2 project itself.

3 **SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE ON AN OPEN**
4 **AREA.**

5 (a) With the exception of dwelling units in single room occupancy buildings in the
6 South of Market Mixed Use Districts, in each dwelling unit in any use district, the required
7 windows (as defined by Section 504 of the San Francisco Housing Code) of at least one room
8 that meets the 120-square-foot minimum superficial floor area requirement of Section 503 of
9 the Housing Code shall face directly on an open area of one of the following types:

10 (1) A public street, public alley at least 25 feet in width, side yard at least 25 feet in
11 width, or rear yard meeting the requirements of this Code; provided, that if such windows are
12 on an outer court whose width is less than 25 feet, the depth of such court shall be no greater
13 than its width; or

14 (2) An open area (whether an inner court or a space between separate buildings on
15 the same lot) which is unobstructed (except for fire escapes not projecting more than
16 necessary for safety and in no case more than four feet six inches, chimneys, and those
17 obstructions permitted in Sections 136(c)(14), (15), (16), (19), (20) and (29) of this Code) and
18 is no less than 25 feet in every horizontal dimension for the floor at which the dwelling unit in
19 question is located and the floor immediately above it, with an increase of five feet in every
20 horizontal dimension at each subsequent floor, except for single room occupancy buildings in
21 the Eastern Neighborhoods Mixed Use Districts, which are not required to increase five feet in
22 every horizontal dimension until the fifth floor of the building.

23 (b) For historic buildings identified in Section 307(h)(~~13~~) which are located within the
24 Eastern Neighborhoods Mixed Use Districts, the requirements of this Section 140 may be
25 modified or waived *by the Zoning Administrator* pursuant to the procedures and criteria set forth

1 in Sections 307(h) *and* 329.

2 [DIAGRAM: OMITTED BUT NOT TO BE DELETED]

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

5 (a) **Purpose.** The purpose of this Section is to preserve, enhance and promote
6 attractive, clearly defined street frontages that are pedestrian-oriented, fine-grained, and
7 which are appropriate and compatible with the buildings and uses in Neighborhood
8 Commercial Districts, Commercial Districts, Residential-Commercial Districts, and Mixed Use
9 Districts.

10 (b) **Definitions.**

11 (1) **Development lot.** A "development lot" shall mean:

12 (A) Any lot containing a proposal for new construction, or

13 (B) Building alterations which would increase the gross square footage of a structure
14 by 20 percent or more, or

15 (C) In a building containing parking, a change of more than 50 percent of the building's
16 gross floor area to or from residential uses, excluding residential accessory off-street parking.

17 (2) **Active use.** An "active use", shall mean any principal, conditional, or accessory
18 use which by its nature does not require non-transparent walls facing a public street or
19 involves the storage of goods or vehicles.

20 (A) Residential uses are considered active uses above the ground floor; on the ground
21 floor, residential uses are considered active uses only if more than 50 percent of the linear
22 residential street frontage at the ground level features walk-up dwelling units which provide
23 direct, individual pedestrian access to a public sidewalk, and are consistent with the Ground
24 Floor Residential Design Guidelines, as adopted and periodically amended by the Planning
25 Commission.

1 (B) Spaces accessory to residential uses, such as fitness or community rooms, are
2 considered active uses only if they meet the intent of this section and have access directly to
3 the public sidewalk or street.

4 (C) Building lobbies are considered active uses, so long as they do not exceed 40 feet
5 or 25% of building frontage, whichever is larger.

6 (D) Public Uses described in 790.80 and 890.80 are considered active uses except
7 utility installations.

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

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

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

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

24 (A) when only one parking space is permitted, if a space is proposed it must be within
25 the

1 first 25 feet of the building;

2 (B) when two or more parking spaces are proposed, one space may be within the first
3 25
4 feet of the building;

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

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

1 whichever is greater. Removable parking ramps are excluded from this requirement.

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

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

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

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

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

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

1 interior spaces of the buildings. Such required street-facing entrances shall remain open to
2 the public during business hours.

3 (6) **Transparency and Fenestration.** Frontages with active uses that are not
4 residential or PDR must be fenestrated with transparent windows and doorways for no less
5 than 60 percent of the street frontage at the ground level and allow visibility to the inside of the
6 building. The use of dark or mirrored glass shall not count towards the required transparent
7 area.

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

15 (d) **Exceptions for Historic Buildings.** Specific street frontage requirements in this
16 Section may be modified or waived by the Planning Commission for structures designated as
17 landmarks, significant or contributory buildings within a historic district, or buildings of merit
18 when the Historic Preservation Commission advises that complying with specific street
19 frontage requirements would adversely affect the landmark, significant, contributory, or
20 meritorious character of the structure, or that modification or waiver would enhance the
21 economic feasibility of preservation of the landmark or structure.

22 **SEC. 145.5. GROUND FLOOR STANDARDS IN INDUSTRIAL DISTRICTS.**

23 All new buildings constructed in Industrial Districts, as defined in Section 201, shall
24 provide ground floor spaces with a minimum ~~floor-to-floor-clear ceiling~~ height of ~~17~~15 feet, as
25 measured from grade. In existing buildings, a minimum clear ceiling height of 15 feet shall be

1 retained where currently existing. Any building permit which seeks to reduce the *floor-to-floor*
2 *clear-ceiling* height to less than 1715 feet shall require a variance as set forth in Section 305 of
3 this Code.

4 **SEC. 151.1. SCHEDULE OF PERMITTED OFF-STREET PARKING SPACES IN**
5 **SPECIFIED DISTRICTS.**

6 (a) **Applicability.** This subsection shall apply only to DTR, NCT, Upper Market Street
7 NCD, RTO, Eastern Neighborhood Mixed Use, PDR-1-D, and PDR-1-G or C-3 Districts.

8 (b) **Controls.** Off-street accessory parking shall not be required for any use, and the
9 quantities of off-street parking specified in Table 151.1 shall serve as the maximum amount of
10 off-street parking that may be provided as accessory to the uses specified. For non-
11 residential and non-office uses in the UMU, PDR-1-D, and PDR-1-G Districts, the maximum
12 amount of off-street parking that may be provided as accessory shall be no more than 50%
13 greater than that indicated in Table 151.1. Variances from accessory off-street parking limits,
14 as described in this Section, may not be granted. Where off-street parking is provided that
15 exceeds the quantities specified in Table 151.1 or as explicitly permitted by this Section, such
16 parking shall be classified not as accessory parking but as either a principally permitted or
17 conditional use, depending upon the use provisions applicable to the district in which the
18 parking is located. In considering an application for a conditional use for any such parking due
19 to the amount being provided, the Planning Commission shall consider the criteria set forth in
20 Section 157 and 157.1 of this Code.

21 (c) **Definition.** Where a number or ratio of spaces are described in Table 151.1, such
22 number or ratio shall refer to the total number of parked cars accommodated in the project
23 proposal, regardless of the arrangement of parking, and shall include all spaces accessed by
24 mechanical means, valet, or non-independently accessible means. For the purposes of
25 determining the total number of cars parked, the area of an individual parking space, except

1 for those spaces specifically designated for persons with physical disabilities, may not exceed
 2 185 square feet, including spaces in tandem, or in parking lifts, elevators or other means of
 3 vertical stacking. Any off-street surface area accessible to motor vehicles with a width of 7.5
 4 feet and a length of 17 feet (127.5 square feet) not otherwise designated on plans as a
 5 parking space may be considered and counted as an off-street parking space at the discretion
 6 of the Zoning Administrator if the Zoning Administrator, in considering the possibility for
 7 tandem and valet arrangements, determines that such area is likely to be used for parking a
 8 vehicle on a regular basis and that such area is not necessary for the exclusive purpose of
 9 vehicular circulation to the parking or loading facilities otherwise permitted.

10 (d) **Car-share parking.** Any off-street parking space dedicated for use as a car-share
 11 parking space, as defined in Section 166, shall not be credited toward the total parking
 12 permitted as accessory in this Section.

13 **Table 151.1**

14 **OFF-STREET PARKING PERMITTED AS ACCESSORY**

Use or Activity	Number of Off-Street Car Parking Spaces or Space Devoted to Off-Street Car Parking Permitted
Dwelling units in RH-DTR Districts	P up to one car for each two dwelling units; up to one car for each dwelling unit, subject to the criteria and procedures of Section 151.1(e); NP above one space per unit.
Dwelling units in C-3 and SB-DTR, Districts, except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above 0.75 cars for each dwelling unit.
Dwelling units in C-3 and SB-DTR,	P up to one car for each four dwelling units; up to one car

1 2 3 4 5 6 7 8	Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above one car for each dwelling unit.
9 10 11 12	Dwelling units in C-3 Districts and in the Van Ness and Market Downtown Residential Special Use District	P up to one car for each four dwelling units; C up to .5 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(f); NP above two cars for each four dwelling units.
13 14 15 16	Dwelling units and SRO units in MUG, MUR, MUO, SPD Districts, except as specified below	P up to one car for each four dwelling units; up to 0.75 cars for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.
17 18 19 20	Dwelling units in MUG, MUR, MUO, SPD Districts with at least 2 bedrooms and at least 1,000 square feet of occupied floor area	P up to one car for each four dwelling units; up to one car for each dwelling unit, subject to the criteria and conditions and procedures of Section 151.1(g); NP above one car for each dwelling unit.
21 22 23	Dwelling units in NCT Districts and the Upper Market Street NCD, except as specified below	P up to one car for each two dwelling units; C up to 0.75 cars for each dwelling unit, subject to the criteria and procedures of Section 151.1(g); NP above 0.75 cars for each dwelling unit.
24 25	Dwelling units in the Ocean Avenue NCT Districts	P up to one car for each unit; NP above.
	Dwelling units in RTO Districts, except as specified below	P up to three cars for each four dwelling units; C up to one car for each dwelling unit, subject to the criteria and

1		procedures of Section 151.1(g); NP above one car for each
2		dwelling unit.
3	Dwelling units and SRO units in UMU	P up to 0.75 cars for each dwelling unit and subject to the
4	Districts, except as specified below	conditions of 151.1(g); NP above.
5		
6	Dwelling units in UMU District with at	P up to 1 car for each dwelling unit and subject to the
7	least 2 bedrooms and at least 1,000	conditions of 151.1(g); NP above.
8	square feet of occupied floor area	
9	Group housing of any kind	P up to one car for each three bedrooms or for each six
10		beds, whichever results in the greater requirement, plus
11		one for the manager's dwelling unit if any. NP above.
12	All non-residential uses in C-3 Districts	Not to exceed 7% of gross floor area of such uses. See
13		requirements in Section 204.5
14		
15	Hotel, inn, or hostel	P up to one for each 16 guest bedrooms, plus one for the
16		manager's dwelling unit, if any.
17	Motel	P up to one for each guest unit, plus one for the manager's
18		dwelling unit, if any.
19	Hospital or other inpatient medical	P up to one for each 8 guest beds excluding bassinets or
20	institution	for each 2,400 square feet of gross floor area devoted to
21		sleeping rooms, whichever results in the lesser
22		requirement.
23	Residential care facility	P up to one for each 10 residents.
24		
25	Child care facility	P up to one for each 25 children to be accommodated at

1		any one time.
2	Elementary school	P up to one for each six classrooms.
3		
4	Secondary school	P up to one for each two classrooms.
5	Post-secondary educational institution	P up to one for each two classrooms.
6	Church or other religious institutions	P up to one for each 20 seats.
7		
8	Theater or auditorium	P up to one for each eight seats up to 1,000 seats, plus one for each 10 seats in excess of 1,000.
9		
10	Stadium or sports arena	P up to one for each 15 seats.
11	Medical or dental office or outpatient clinic	P up to one for each 300 square feet of occupied floor area.
12		
13	All office uses in C-3, DTR, SPD, MUG, MUR, and MUO Districts	P up to seven percent of the gross floor area of such uses and subject to the pricing conditions of Section 155(g); NP above.
14		
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16		
17	Office uses in UMU, PDR-1-D, and PDR-1-G Districts, except as specified below	P up to one car per 1,000 square feet of gross floor area and subject to the pricing conditions of Section 155(g); NP above.
18		
19		
20	Office uses in UMU, PDR-1-D, and PDR-1-G Districts where the entire parcel is greater than ¼-mile from Market, Mission, 3rd <u>Streets</u> and 4th <u>Streets north of Berry Street</u>	P up to one car per 500 square feet of gross floor area; NP above.
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<p>Non-residential uses in RTO and RM districts permitted under Section 231.</p>	<p>None permitted.</p>
<p>All non-residential uses in NCT districts and the Upper Market Street NCD, except for retail grocery stores with over 20,000 gross square feet except as specified below</p>	<p>For uses in Table 151 that are described as a ratio of occupied floor area, P up to 1 space per 1,500 square feet of occupied floor area or the quantity specified in Table 151, whichever is less, and subject to the conditions and criteria of Section 151.1(g) NP above.</p>
<p>Retail grocery store uses in NCT districts and the Upper Market Street NCD with over 20,000 square feet of occupied floor area</p>	<p>P up 1 space per 500 square feet of occupied floor area, and subject to the conditions and criteria of Section 151.1(g) C up to 1 space per 250 square feet of occupied floor area for that area in excess of 20,000 square feet, subject to the conditions and criteria of Section 151.1(g). NP above.</p>
<p>All retail in the Eastern Neighborhoods Mixed Use Districts where any portion of the parcel is less than 1/4 mile from Market, Mission, 3rd <u>Streets</u> and 4th <u>Streets north of Berry Street</u>, except grocery stores of over 20,000 gross square feet.</p>	<p>P up to one for each 1,500 square feet of gross floor area.</p>
<p>With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other restaurant, bar,</p>	<p>P up to one for each 200 square feet of occupied floor area.</p>

1 2	nightclub, pool hall, dance hall, bowling alley or other similar enterprise	
3 4 5 6 7 8	With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other retail space devoted to the handling of bulky merchandise such as motor vehicles, machinery or furniture	P up to one for each 1,000 square feet of occupied floor area.
9 10 11 12 13	With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other greenhouse or plant nursery	P up to one for each 4,000 square feet of occupied floor area.
14 15 16	With the exception of Eastern Neighborhoods Mixed Use Districts as set forth above, all other retail space	P up to one for each 500 square feet of gross floor area up to 20,000 square feet, plus one for each 250 square feet of gross floor area in excess of 20,000.
17 18 19 20	Service, repair or wholesale sales space, including personal, home or business service space in South of Market Districts	P up to one for each 1,000 square feet of occupied floor area.
21 22	Mortuary	P up to five.
23 24 25	Storage or warehouse space, and space devoted to any use first permitted in an M-2 District	P up to one for each 2,000 square feet of occupied floor area.

1 2	Arts activities and spaces except theater or auditorium spaces	P up to one for each 2,000 square feet of occupied floor area.
3 4	Laboratory	P up to one for each 1,500 square feet of occupied floor area.
5 6	Small Enterprise Workspace Building	P up to one for each 1,500 square feet of occupied floor area.
7 8	Integrated PDR	P up to one for each 1,500 square feet of occupied floor area.
9 10	Other manufacturing and industrial uses	P up to one for each 1,500 square feet of occupied floor area.

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(e) In DTR districts, any request for accessory parking in excess of what is permitted by right shall be reviewed on a case-by-case basis by the Planning Commission, subject to the procedures set forth in Section 309.1 of this Code.

(1) In granting approval for parking accessory to residential uses above that permitted by right in Table 151.1, the Commission shall make the following affirmative findings:

(A) All parking in excess of that allowed by right is stored and accessed by mechanical means, valet, or non-independently accessible method that maximizes space efficiency and discourages use of vehicles for commuting or daily errands;

(B) Vehicle movement on or around the project site associated with the excess accessory parking does not unduly impact pedestrian spaces or movement, transit service, bicycle movement, or the overall traffic movement in the district;

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

1 (D) All parking in the project is set back from facades facing streets and alleys and
2 lined with active uses, and that the project sponsor is not requesting any exceptions or
3 variances requiring such treatments elsewhere in this Code; and

4 (E) Excess accessory parking does not diminish the quality and viability of existing or
5 planned streetscape enhancements.

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

12 (A) that the project encourages additional private-automobile use, thereby creating
13 localized transportation impacts for the neighborhood; and

14 (B) that these localized transportation impacts may be lessened for the neighborhood
15 by the provision of car-share membership to residents.

16 (f) In C-3 Districts, any request for accessory parking in excess of what is permitted by
17 right in Table 151.1, shall be reviewed on a case-by-case basis by the Planning Commission,
18 subject to the procedures set forth in Section 309 of this Code.

19 (1) In granting approval for parking accessory to residential uses above that permitted
20 by right in Table 151.1, the Planning Commission shall make the following affirmative findings:

21 (A) For projects with 50 units or more, all residential accessory parking in excess of
22 0.5 parking spaces for each dwelling unit shall be stored and accessed by mechanical
23 stackers or lifts, valet, or other space-efficient means that allows more space above-ground
24 for housing, maximizes space efficiency and discourages use of vehicles for commuting or
25 daily errands. The Planning Commission may authorize the request for additional parking

1 notwithstanding that the project sponsor cannot fully satisfy this requirement provided that the
2 project sponsor demonstrates hardship or practical infeasibility (such as for retrofit of existing
3 buildings) in the use of space-efficient parking given the configuration of the parking floors
4 within the building and the number of independently accessible spaces above 0.5 spaces per
5 unit is de minimus and subsequent valet operation or other form of parking space
6 management could not significantly increase the capacity of the parking space above the
7 maximums in Table 151.1

8 (B) For any project with residential accessory parking in excess of 0.375 parking
9 spaces for each dwelling unit, the project complies with the housing requirements of Sections
10 415 through 415.9 of this Code except as follows: the inclusionary housing requirements that
11 apply to projects seeking conditional use authorization as designated in Section 415.3(a)(2)
12 shall apply to the project.

13 (C) The findings of Section 151.1(e)(1)(B), (e)(1)(C) and (e)(1)(E) are satisfied;

14 (D) All parking meets the active use and architectural screening requirements in
15 Sections 155(s)(1)(B) and 155(s)(1)(C) and the project sponsor is not requesting any
16 exceptions or variances requiring such treatments elsewhere in this Code.

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

23 (g) In RTO and NCT districts and the Upper Market Street NCD, any request for
24 accessory parking in excess of what is principally permitted in Table 151.1, but which does
25 not exceed the maximum amount stated in Table 151.1, shall be reviewed by the Planning

1 Commission as a Conditional Use. In MUG, MUR, MUO, and SPD Districts, any project
2 subject to Section 329 and that requests residential accessory parking in excess of that which
3 is principally permitted in Table 151.1, but which does not exceed the maximum amount
4 stated in Table 151.1, shall be reviewed by the Planning Commission according to the
5 procedures of Section 329. Projects that are not subject to Section 329 shall be reviewed
6 under the procedures detailed in subsection (h), below.

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

10 (A) **Parking for all uses.**

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

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

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

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

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

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

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

2 (i) Projects that provide more than 10 spaces for non-residential uses must dedicate
3 5% of these spaces, rounded down to the nearest whole number, to short-term, transient use
4 by vehicles from certified car sharing organizations per Section 166, vanpool, rideshare, taxis,
5 or other co-operative auto programs. These spaces shall not be used for long-term storage
6 nor satisfy the requirement of Section 166, but rather to park them during trips to commercial
7 uses. These spaces may be used by shuttle or delivery vehicles used to satisfy subsection
8 (B).

9 (ii) Retail uses larger than 20,000 square feet, including but not limited to grocery,
10 hardware, furniture, consumer electronics, greenhouse or nursery, and appliance stores,
11 which sell merchandise that is bulky or difficult to carry by hand or by public transit, shall offer,
12 at minimal or no charge to its customers, door-to-door delivery service and/or shuttle service.
13 This is encouraged, but not required, for retail uses less than 20,000 square feet.

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

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

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

23 (h) Small residential projects in MUG, MUR, MUO, and SPD Districts. Any project that
24 is not subject to the requirements of Section 329 and that requests residential accessory
25 parking in excess of what is principally permitted in Table 151.1 shall be reviewed by the

1 Zoning Administrator subject to Section 307(h). The Zoning Administrator may grant parking
2 in excess of what is principally permitted in Table 151.1, not to exceed the maximum amount
3 stated in Table 151.1, only if the Zoning Administrator determines that all of the following
4 conditions are met:

5 (1A) all the conditions of subsection (f)(1) above have been met.

6 (2B) parking is not accessed from any protected Transit or Pedestrian Street
7 described in Section 155(r), and

8 (3C) where more than ten spaces are proposed at least half of them, rounded down
9 to the nearest whole number, are stored and accessed by mechanical stackers or lifts, valet,
10 or other space-efficient means that reduces space used for parking and maneuvering, and
11 maximizes other uses.

12 (i) **Transportation programs in South of Market Mixed Use Districts.** Within the
13 South of Market Mixed Use Districts, upon approval by the Zoning Administrator pursuant to
14 Section 307(g), bars, restaurants, arts, nighttime entertainment and pool halls with an area
15 greater than 10,000 gross square feet may be required to participate in a Transportation
16 Management Program approved by the Zoning Administrator which may include, but need not
17 be limited to, participation in a coordinated off-site satellite parking facilities program, shuttle
18 service, bicycle parking, projects and programs to improve parking management, specified
19 signage, and designated advertising procedures.

20 **SEC. 157.1. CONDITIONAL USE APPLICATIONS FOR NON-ACCESSORY PARKING**
21 **GARAGES IN EASTERN NEIGHBORHOODS MIXED USE DISTRICTS AND DTR**
22 **DISTRICTS.**

23 (a) In considering a Conditional Use application for a non-accessory parking garage in
24 Eastern Neighborhoods Mixed Use Districts and DTR Districts, the Planning Commission
25 shall affirmatively find that such facility meets all the criteria and standards of this Section, as

1 well as any other requirement of this Code as applicable.

2 (b) A non-accessory garage permitted with Conditional Use may not be permitted
3 under any condition to provide additional accessory parking for specific residential or non-
4 residential uses if the number of spaces in the garage, in addition to the accessory parking
5 permitted in the subject project or building, would exceed those amounts ~~Not Permitted~~ as-of-
6 right or as a Conditional Use by Section 151.1

7 (c) **Criteria.**

8 (1) Such facility shall meet all the design requirements for setbacks from facades and
9 wrapping with active uses at all levels per the requirements of Section 145.1; and

10 (2) Such parking shall not be accessed from any protected Transit or Pedestrian Street
11 described in Section 155(r); and

12 (3) Such parking garage shall be located in a building where the ratio of gross square
13 footage of parking uses to other uses that are permitted or Conditionally permitted in that
14 district is not more than 1 to 1; and

15 (4) Such parking shall be available for use by the general public on equal terms and
16 shall not be deeded or made available exclusively to tenants, residents, owners or users of
17 any particular use or building except in cases that such parking meets the criteria of
18 subsection (d) or (e) below; and

19 (5) Such facility shall provide spaces for car sharing vehicles per the requirements of
20 Section 166 and bicycle parking per the requirements of Section 155.2; and

21 (6) Such facility, to the extent open to the public per subsection (4) above, shall meet
22 the pricing requirements of Section 155(g) and shall generally limit the proposed parking to
23 short-term occupancy rather than long-term occupancy; and

24 (7) Vehicle movement on or around the facility does not unduly impact pedestrian
25 spaces or movement, transit service, bicycle movement, or the overall traffic movement in the

1 district; and

2 (8) Such facility and its access does not diminish the quality and viability of existing or
3 planned streetscape enhancements.

4 (d) **Parking of Fleet Vehicles.** Parking of fleet of commercial or governmental
5 vehicles intended for work-related use by employees and not used for parking of employees'
6 personal vehicles may be permitted with Conditional Use provided that the Commission
7 affirmatively finds all of the above criteria except criteria (4) and (6).

8 (e) **Pooled Residential Parking.** Non-accessory parking facilities limited to use by
9 residents, tenants or visitors of specific off-site development(s) may be permitted with
10 Conditional Use provided that the Commission affirmatively finds all of the above criteria
11 under (c) except criteria (4) and (6), and provided that the proposed parking on the subject lot
12 would not exceed the maximum amounts permitted by Section 151.1 with Conditional Use or
13 309.1 and 329 exception as accessory for the uses in the off-site residential development. For
14 the purpose of this subsection, an "off-site development" is a development which is existing or
15 has been approved by the Planning Commission or Planning Department in the previous 12
16 months, is located on a lot other than the subject lot, and does not include any off-street
17 parking. A Notice of Special Restrictions shall be recorded on both the off-site and subject
18 development lot indicating the allocation of the pooled parking.

19 **SEC. 175.8. SUNSET FOR INTEGRATED PDR USES.**

20 Any Integrated PDR use (as defined in Sec. 890.49) permitted by this Code will require
21 conditional use authorization five years after the effective date of Ordinance Number 298-08 in
22 order to allow for greater scrutiny of Integrated PDR uses in light of the City's Enterprise Zone
23 Payroll Tax Credit program. The Planning Commission and Board of Supervisors should
24 consider revising this control to continue permitting Integrated PDR uses if data show that 25
25 percent of all employees in areas Integrated PDR uses are eligible for the City's Enterprise

1 Zone Payroll Tax Credit.

2 **SEC. 207.1. RULES FOR CALCULATION OF DWELLING UNIT DENSITIES.**

3 The following rules shall apply in the calculation of dwelling unit densities under this
4 Code:

5 (a) The entire amount of lot area per dwelling unit specified in Sections 207.5 or 209.1
6 of this Code shall be required for each dwelling unit on the lot. Fractional numbers shall be
7 adjusted downward to the next lower whole number of dwelling units.

8 (b) Where permitted by the provisions of Sections 207.5, 209.1 and 209.2 of this Code,
9 two or more of the dwelling and other housing uses specified in said sections may be located
10 on a single lot, either in one structure or in separate structures, provided that the specified
11 density limits are not exceeded by the total of such combined uses. Where dwelling units and
12 group housing are combined, the maximum permitted density for dwelling units and for group
13 housing shall be prorated to the total lot area according to the quantities of these two uses
14 that are combined on the lot.

15 (c) Where any portion of a lot is narrower than five feet, such a portion shall not be
16 counted as part of the lot area for purposes of calculating the permitted dwelling density.

17 (d) No private right-of-way used as the principal vehicular access to two or more lots
18 shall be counted as part of the lot area of any such lot for purposes of calculating the
19 permitted dwelling unit density.

20 (e) Where a lot is divided by a use district boundary line, the dwelling unit density limit
21 for each district shall be applied to the portion of the lot in that district, and none of the
22 dwelling units attributable to the district permitting the greater density shall be located in the
23 district permitting the lesser density.

24 (f) In *the* RTO ~~and RTO M~~ Districts, dwelling units that are affordable (meeting the
25 criteria of Section ~~406(b)326.3(h)(2)(B)~~ or the requirements of Section ~~415 315~~) shall not count

1 toward density calculations or be limited by lot area.

2 **SEC. 218. RETAIL SALES AND PERSONAL SERVICES.**

3	C-	C-	C-	C-	C-	C-	M-	M-	PDR-1-G	PDR-1-D	PDR-	PDR-	
4	1	2	3-	3-	3-	3-	M	1	2		1-B	2	
5			O	R	G	S							
6													SEC. 218.
7													RETAIL
8													SALES AND
9													PERSONAL
10													SERVICES.
11													
12													The uses
13													specified in
14													this Section
15													shall not
16													include any
17													use first
18													specifically
19													listed in a
20													subsequent
21													Section of this
22													Code.
23	P	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	NA	(a) Retail
24													business or

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													personal service establishment, of a type which supplies new commodities or offers personal services primarily to residents in the immediate vicinity.
P	P	P	P	P	P	P	P	P	P under 2,500 gsf per lot; <u>C above for Grocery stores, as defined in Section 790.102(a) and Health club, fitness, gymnasium, or</u>	P under 5,000 gsf per lot; <u>C above for Grocery stores, as defined in Section 790.102(a) and Health club, fitness, gymnasium, or</u>	P	P	(b) Retail business or personal service establishment not limited to sales or services primarily for residents in the immediate

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									<u>exercise facility when including equipment and space for weight-lifting and cardiovascular activities.</u>	<u>exercise facility when including equipment and space for weight-lifting and cardiovascular activities</u>			vicinity, and not restricted to sale of new commodities.
	P	P	P	P	P	P	P	P	P under 2,500 gsf per lot; € above	P under 5,000 gsf per lot; € above	P under 2,500 gsf per lot	P under 2,500 gsf per lot*	—(c) Grocery stores, as defined in Section 790.102(a).
	P	P	P	P	P	P	P	P	P under 2,500 gsf per lot; € above	P under 5,000 gsf per lot; € above	P under 2,500 gsf per lot	P under 2,500 gsf per lot	—(d) Health club, fitness, gymnasium, or exercist facility when including equipment and space for weight lifting

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													conformity with the General Plan. Such structure or use shall not include a storage yard, incinerator, machine shop, garage or similar use.
P*	P*	C	C	P	P	P	P	P	P	P	C	P	(e) Utility installation, excluding Internet Services Exchange (see Section 227(r)); public service facility, excluding service yard; provided that operating requirements necessitate location within the district.
C*	C*	C	C	C	C	C	C	C	C	C		C	(f) Public transportation facility, whether public or privately owned or operated, when in conformity with the General Plan, and which does not require approval of the Board of

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													than as required in (f) of this Section or as in Sections 223 and 226 of this Code.
P	P	P	P	P	P	P	P	P	P	<u>P</u>	C	P	(h) Commercial wireless transmitting, receiving or relay facility, including towers, antennae, and related equipment for the transmission, reception, or relay of radio, television, or other electronic signals where:
													(1) No portion of such facility exceeds a height of 25 feet above the roof line of the building on the premises or above the ground if there is no building, or 25 feet above the height limit applicable to the subject site under Article 2.5 of this Code, whichever is the lesser

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													height; and
													(2) Such facility, if closer than 1,000 feet to any R District (except for those R Districts entirely surrounded by a C-3, M or a combination of C-3 and M Districts), does not include a parabolic antenna with a diameter in excess of three meters or a composite diameter or antennae in excess of six meters. (See also Section 204.3.)
C	C	C	C	C	C	C	C	C	C	C	C	C	(i) Commercial wireless transmitting, receiving or relay facility, as described in Subsection 227(h) above, where:
													(1) Any portion of such facility exceeds a height

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P*	P*	P	P	P	P	P	P	P	P	P	P	P	(j) Sale or lease sign, as defined and regulated by Article 6 of this Code.
	P*	P	P	P	P	P	P	P					(k) General advertising sign, as defined and regulated by Article 6 of this Code.
P*	P*	P	P	P	P	P	P	P	P	P	P	P	(l) Access driveway to property in any C or M District.
C	C					C	C	C	C#	C#	C#	C#	(m) Planned Unit Development, as defined and regulated by Section 304 and other applicable provisions of this Code.
								P					(n) 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.
SEE SECTIONS 205 THROUGH 205.2													(o) Temporary uses,

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													as specified in and regulated by Sections 205 through 205.2 of this Code. (*See Section 212(a).)	
P	P	P	P	P	P	P	P	P	P	P##	P##	P##	P##	(p) Arts activities.
	P							P	P				P	(q) 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.
C	C	C	C	C	C	C	C	C	C	C	C	C	C	(r) Internet Services Exchange as defined in Section 209.6(c).
P	P	P	P	P	P	P	P	P	P	P	P	P	P	(s) Fringe financial services, as defined in Section 249.35, and
										under	under	under	under	

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										2,500	5,000	2,500	2,500	subject to the restrictions set forth in Section 249.35, including, but not limited to, that no new fringe financial service shall be located within a ¼ miles of an existing fringe financial service.
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										per	per	per	per	
										lot;	lot;	lot;	lot	
										c	c	and	and	
												subject	subject	
										above	above	to	to	
												con-	con-	
												trols	trols	
												of	of	
												Sec.	Sec.	
												121.8	121.8	
	NA	NA	NA	NA	NA	NA	NA	NA	NA	P	P	NP	NP	(t) Small Enterprise Workspace (S.E.W.). An S.E.W. is a single building that is comprised of discrete workspace units which are independently accessed from building common areas. (1) The S.E.W. building must meet the following additional requirements: (A) Each unit may contain

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													exempt from the controls in Sec. 230 7 limiting demolition of industrial buildings.
NA	NA	NA	NA	NA	NA	NA	NA	NA	P. subject to con- trols in Sec. 890.49	P. subject to con- trols in Sec. 890.49	NP	NP	(u) Integrated PDR, as defined in Sec. 890.49
C	C	C	C	C	C	C	C	C			C	C	(v) Tobacco Paraphernalia Establishments, defined as retail uses where more than 10% of the square footage of occupied floor area, as defined in Section 102.10, or more than 10 linear feet of display area projected to the floor, whichever is less, is dedicated to the

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	[# Dwellings are not permitted as part of any Planned Unit Development in these districts.]
	## For these districts, commercial production and post production of video and digital films, including special effects production, is subject to the use size restrictions per Section 219 Offices.]
	[*See Section 212(a)]

SEC. ~~230~~ 231A. DEMOLITION OF INDUSTRIAL BUILDINGS IN PDR DISTRICTS, REPLACEMENT REQUIREMENTS.

(a) In order to preserve the existing stock of buildings suitable for industrial activities and to create new viable space for industrial operations in PDR Districts, an industrial building that is not unsound and is proposed for demolition must be replaced by a new building that complies with the criteria set forth below:

(1) If the building proposed for demolition represents greater than 0.4 FAR, then the replacement building shall include at least one square foot of industrial use for each square foot of industrial use in the building proposed for demolition.

(2) If the building proposed for demolition represents 0.4 FAR or less, then the

1 replacement building shall include at least two square feet of industrial use for each square
2 foot of industrial use in the building proposed for demolition.

3 (b) **Definitions.** For the purpose of this subsection, the following definitions shall
4 apply:

5 (1) Unsound shall refer to buildings in which rehabilitation would cost fifty percent
6 (50%) or more to construct a comparable building.

7 (2) *For purposes of this section, industrial use shall refer to any legally authorized use of*
8 *a building or portion of a building that is included in Planning Code Sections 220, ~~or 222, 223,~~*
9 *224, 225, 226, through 227(a), 227(b), 227(c), 227(t), and 227(u).*

10 (3) An industrial building shall mean any building containing any industrial use.

11 **SEC. 249.36. LIFE SCIENCE AND MEDICAL SPECIAL USE DISTRICT.**

12 (a) **Purpose.** The Life Science and Medical Special Use District is intended to support
13 uses that benefit from proximity to the University of California. San Francisco (UCSF) campus
14 at Mission Bay. These uses include medical office and life science (biotechnology) uses.

15 (b) **Geography.** The boundaries of the Life Science and Medical Special Use District
16 are shown on Sectional Map No. 8SU of the Zoning Map. Generally, the area borders
17 Mariposa St. on the north, 23rd St. on the south, I-280 to the west, and 3rd St. to the east.
18 Within this area, the Dogpatch Historic District is generally excluded.

19 (c) **Controls.** All provisions of the Planning Code currently applicable shall continue to
20 apply, except as otherwise provided in this Section:

21 (1) **Medical Services.** Medical services, including medical offices and clinics, as
22 defined in Section 890.114, are a principally permitted use and are exempted from use size
23 limitations, PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning
24 controls (Sec. ~~219.1 and~~ 803.9(h)). For the purposes of this Section, a medical service use
25 may be affiliated with a hospital or medical center as defined in 890.44

1 (2) **Life Science Offices.** Office uses that contain Life Science facilities, as defined in
2 Section 890.53, are a principally permitted use and are exempted from use size limitations,
3 PDR replacement requirements (Sec. 230), and vertical (floor-by-floor) zoning controls (Sec.
4 219.1 and 803.9(h)).

5 (3) **Life Science Laboratories.** Laboratories that engage in life science research and
6 development, as defined in Section 890.52, are a principally permitted use and are exempted
7 from use size limitation, PDR replacement requirements (Sec. 230), and vertical (floor-by-
8 floor) zoning controls (Sec. 219.1 and 803.9(h)).

9 **SEC. 249.37. INNOVATIVE INDUSTRIES SPECIAL USE DISTRICT.**

10 (a) **Purpose.** The purpose of the Innovative Industries Special Use District is to
11 provide affordable office space to small firms and organizations which are engaged in
12 innovative activities, including incubator businesses and microenterprises.

13 (b) **Geography.** The boundaries of the *Innovative Industries-Life Science* Special Use
14 District are shown on Sectional Map No. 8SU of the Zoning Map.

15 (c) **Controls.** All provisions of the Planning Code currently applicable shall continue to
16 apply, except that:

17 (1) office uses shall be principally permitted uses on all stories above the ground story.

18 (2) retail uses shall be subject to the size controls applicable in the Urban Mixed Use
19 District, as stated in Sec. 843.45.

20 **SEC. 249.38. TRANSIT-ORIENTED RETAIL SPECIAL USE DISTRICT.**

21 (a) **Purpose.** The Transit-Oriented Retail Special Use District is intended to support
22 street activity along 16th Street.

23 (b) **Geography.** The boundaries of the Transit-Oriented Retail Special Use District
24 include all parcels in PDR Districts that are along 16th St. from Mission St. to Potrero Avenue.

25 (c) **Controls.** All provisions of the Planning Code currently applicable shall continue to

1 apply, except that the amount and types of retail sales and services allowed on a parcel will
2 be controlled in the same manner as in the UMU District or the underlying zoning district,
3 whichever is greater.

4 **SEC. 329. LARGE PROJECT AUTHORIZATION IN EASTERN NEIGHBORHOODS MIXED**
5 **USE DISTRICTS.**

6 (a) **Purpose.** The purpose of this Section is to ensure that all large projects proposed
7 in the Eastern Neighborhoods Mixed Use Districts are reviewed by the Planning Commission, in
8 an effort to achieve the objectives and policies of the General Plan, the applicable Design
9 Guidelines, and the purposes of this Code.

10 (b) **Applicability.** This Section applies to all ~~new construction and proposed alterations of~~
11 ~~existing buildings projects~~ in the Eastern Neighborhoods Mixed Use ~~Buildings~~ that meet at least
12 one of the following criteria:

13 (1) The project includes the construction of a new building greater than 75 feet in
14 height (excluding any exceptions permitted per Section 260(b)), or includes a vertical addition to
15 an existing building with a height of 75 feet or less resulting in a total building height greater than
16 75 feet; or

17 (2) The project involves a net addition or new construction of more than 25,000 gross
18 square feet; ~~or~~

19 ~~(3) The project has 200 or more linear feet of contiguous street frontage on any public right of~~
20 ~~way.~~

21 (c) **Planning Commission Design Review:** As set forth in Subsection (e), below, the
22 Planning Commission shall review and evaluate all physical aspects of a proposed project at
23 a public hearing. At such hearing, the Director of Planning shall present any recommended
24 project modifications or conditions to the Planning Commission, including those which may be
25 in response to any unique or unusual locational, environmental, topographical or other

1 relevant factors. The Commission may subsequently require these or other modifications or
2 conditions, or disapprove a project, in order to achieve the objectives and policies of the
3 General Plan or the purposes of this Code. This review shall address physical design issues
4 including but not limited to the following:

5 (1) Overall building massing and scale;

6 (2) Architectural treatments, facade design and building materials;

7 (3) The design of lower floors, including building setback areas, commercial space,
8 townhouses, entries, utilities, and the design and siting of rear yards, parking and loading
9 access;

10 (4) The provision of required open space, both on- and off-site. In the case of off-site
11 publicly accessible open space, the design, location, access, size, and equivalence in quality
12 with that otherwise required on-site;

13 (5) The provision of mid-block alleys and pathways on frontages between 200 and 300
14 linear feet per the criteria of Section 270, and the design of mid-block alleys and pathways as
15 required by and pursuant to the criteria set forth in Section 270.2.

16 (6) Streetscape and other public improvements, including tree planting, street furniture,
17 and lighting;

18 (7) Circulation, including streets, alleys and mid-block pedestrian pathways;

19 (8) Bulk limits;

20 (9) Other changes necessary to bring a project into conformance with any relevant
21 design guidelines. Area Plan or Element of the General Plan.

22 (d) **Exceptions.** As a component of the review process under this Section 329,
23 projects may seek specific exceptions to the provisions of this Code as provided for below:

24 (1) Exceeding the principally permitted accessory residential parking ratio described in
25 Section 151.1 and pursuant to the criteria therein;

1 (2) Exception from residential usable open space requirements. In circumstances
2 where such exception is granted, a fee shall be required pursuant to the standards in Sections
3 135(j), pursuant to the criteria of Section 305(c).

4 (3) Modification of the horizontal massing breaks required by Section 270.1 in light of
5 any equivalent reduction of horizontal scale, equivalent volume of reduction, and unique and
6 superior architectural design, pursuant to the criteria of Section 270.1(d).

7 (4) Exception from satisfaction of loading requirements per Section 152.1 pursuant to
8 the criteria contained therein.

9 (5) Exception to height limits for vertical non-habitable architectural elements
10 described in Section 263.21 and pursuant to the criteria therein;

11 (6) Provision of the required minimum dwelling unit mix, as set forth in Section 207.6,
12 pursuant to the criteria of Section 305(c);

13 (7) Exception for rear yards, pursuant to the requirements of Section 134(f);

14 (8) The number of Designated Office Stories for projects which are subject to vertical
15 office controls pursuant to 219.1 or 803.9(h) and contain more than one building on the project
16 site, so long as

17 (A) an increase in the number of Designated Office Stories would result in a total
18 square footage of office space no greater than that which would otherwise be permitted by the
19 project.

20 (B) office uses are consolidated within a lesser number of buildings than would
21 otherwise be the case, and

22 (C) the resulting location and mix of uses increases the project's consistency with
23 nearby land uses;

24 (9) Relief from dwelling unit exposure requirements for buildings which are designated
25 landmark buildings or contributory buildings within designated historic districts under Article 10 of

1 this Code, and/or buildings recorded with the State Historic Preservation Office as eligible for the
2 California Register, when the following criteria are met:

3 (i) literal enforcement of Section 140 would result in the material impairment of the historic
4 resource; and

5 (ii) the project complies with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7
6 (2001)) and/or Section 1006 and any related Article 10 appendices of this Code.

7 (10) Modification of the accessory use provisions of Section 803.3(b)(1)(c) for dwelling units.
8 Dwelling units modified under this Subsection shall continue to be considered dwelling units for the
9 purposes of this Code and shall be subject to all such applicable controls and fees. Additionally, any
10 building which receives a modification pursuant to this Subsection shall (i) have appropriately
11 designed street frontages to accommodate both residential and modified accessory uses and (ii) obtain
12 comment on the proposed modification from other relevant agencies prior to the Planning Commission
13 hearing, including the Fire Department and Department of Building Inspection. Modifications are
14 subject to the following:

15 (i) A modification may only be granted for the ground floor portion of dwelling units that front
16 on a street with a width equal to or greater than 40 feet.

17 (ii) The accessory use may only include those uses permitted as of right at the subject property.
18 However, uses permitted in any unit obtaining an accessory use modification may be further limited by
19 the Planning Commission.

20 (iii) The Planning Commission may grant exceptions to the size of the accessory use, type and
21 number of employees, and signage restrictions of the applicable accessory use controls.

22 (11) Where not specified elsewhere in this Subsection (d), modification of other Code
23 requirements which could otherwise be modified as a Planned Unit Development (as set forth
24 in Section 304), irrespective of the zoning district in which the property is located.

25 **(e) Hearing and Decision.**

1 (1) **Hearing.** The Planning Commission shall hold a public hearing for all projects that
2 are subject to this Section.

3 (2) **Notice of Hearing.** Notice of such hearing shall be provided pursuant to the same
4 requirements for Conditional Use requests, as set forth in Section 306.3 and 306.8

5 (3) **Director's Recommendations on Modifications and Exceptions.** At the
6 hearing, the Planning Director shall review for the Commission key issues related to the
7 project based on the review of the project pursuant to Subsection (c) and recommend to the
8 Commission modifications, if any, to the project and conditions for approval as necessary.
9 The Director shall also make recommendations to the Commission on any proposed
10 exceptions pursuant to Subsection (d).

11 (4) **Decision and Imposition of Conditions.** The Commission, after public hearing
12 and, after making appropriate findings, may approve, disapprove or approve subject to
13 conditions, the project and any associated requests for exception. As part of its review and
14 decision, the Planning Commission may impose additional conditions, requirements,
15 modifications, and limitations on a proposed project in order to achieve the objectives,
16 policies, and intent of the General Plan or of this Code.

17 (5) **Appeal.** The decision of the Planning Commission may be appealed to the Board
18 of Appeals by any person aggrieved within 15 days after the date of the decision by filing a
19 written notice of appeal with that body, setting forth wherein it is alleged that there was an
20 error in the interpretation of the provisions of this Code or abuse of discretion on the part of
21 the Planning Commission.

22 (6) **Discretionary Review.** No requests for discretionary review shall be accepted by
23 the Planning Department or heard by the Planning Commission for projects subject to this
24 Section.

25 (7) **Change of Conditions.** Once a project is approved, authorization of a change in

any condition previously imposed by the Planning Commission shall require approval by the Planning Commission subject to the procedures set forth in this Section.

SEC. 352. COMMISSION AND ZONING ADMINISTRATOR HEARING APPLICATIONS.

(a) Conditional Use (Section 303), Planned Unit Development (Section 304),

Estimated Construction Cost	Initial Fee
No construction cost, excluding extension of hours	\$1,800.00
No construction cost, extension of hours	\$1,286.00
Wireless Telecommunications Services (WTS)	\$4,500.00
Estimated Construction Cost	Initial Fee
\$1.00 to \$9,999.00	\$1,286.00
\$10,000.00 to \$999,999.00	\$1,286.00 plus 0.583% of cost over \$10,000.00
\$1,000,000.00 to \$4,999,999.00	\$7,171.00 plus 0.695% of cost over \$1,000,000.00
\$5,000,000.00 to \$9,999,999.00	\$35,537.00 plus 0.583% of cost over \$5,000,000.00
\$10,000,000.00 to \$19,999,999.00	\$65,257.00 plus 0.303% of cost over \$10,000,000.00
\$20,000,000.00 or more	\$96,230.00

(b) Variance (Section 305)

Estimated Construction Cost	Initial Fee
\$0.00—\$9,999.00	\$817.00

\$10,000.00—\$19,999.00	\$1,821.00
\$20,000.00 and greater	\$,3,708.00

Variance fees are subject to additional time and material charges, as set forth in Section 350(c).

(c) Downtown (C-3) District Review (Section 309) and Coastal Zone Permit (Section 330) Applications Commission Hearing Fee Schedule:

Estimated Construction Cost	Initial Fee
\$0.00 to \$9,999.00	\$256.00
\$10,000.00 to \$999,999.00	\$261.00 plus 0.117% of cost over \$10,000.00
\$1,000,000.00 to \$4,999,999.00	\$1,442.00 plus 0.139% of cost over \$1,000,000.00
\$5,000,000.00 to \$9,999,999.00	\$7,130.00 plus 0.116% of cost over \$5,000,000.00
\$10,000,000.00 to \$19,999,999.00	\$13,050.00 plus 0.061% of cost over \$10,000,000
\$20,000,000.00 or more	\$19,268.00

(1) Applications with Verified Violations of this Code: The Planning Department shall charge \$204.00 as an initial fee, plus time and materials as set forth in Section 350(c).

(2) Where an applicant requests two or more approvals involving a conditional use, planned unit development, variance, Downtown (C-3) District Section 309 review, *Large Project Authorization in the Eastern Neighborhoods Mixed Use Districts*, certificate of appropriateness, permit to alter a significant or contributory building both within and outside of Conservation Districts, or a coastal zone permit review, the amount of the second and each subsequent initial fees of lesser value shall be reduced to 50 percent.

(3) Minor project modifications requiring a public hearing to amend conditions of

1 approval of a previously authorized project, not requiring a substantial reevaluation of the prior
2 authorization: \$955.00.

3 (4) The applicant shall be charged for any time and materials beyond the initial fee in
4 Section 352, as set forth in Section 350(c).

5 (5) An applicant proposing major revisions, as determined by the Zoning Administrator,
6 to a project application that has been inactive for more than six months and is assigned shall
7 submit a new application. An applicant proposing major revisions to a project which has not
8 been assigned and for which an application is on file with the Planning Department shall be
9 charged time and materials to cover the full costs in excess of the initial fee paid.

10 (6) For agencies or departments of the City and County of San Francisco, the initial
11 fee for applications shall be based upon the construction cost as set forth above.

12 (d) **Discretionary Review Request:** \$500.00; provided, however, that the fee shall be
13 waived if the discretionary review request is filed by a neighborhood organization that: (1) has
14 been in existence for 24 months prior to the filing date of the request, (2) is on the Planning
15 Department's neighborhood organization notification list, and (3) can demonstrate to the
16 Planning Director or his/her designee that the organization is affected by the proposed project.
17 Such fee shall be refunded to the individual or entity that requested discretionary review in the
18 event the Planning Commission denies the Planning Department's approval or authorization
19 upon which the discretionary review was requested. Mandatory discretionary reviews:
20 \$3,438.00.

21 (e) **Institutional Master Plan (Section 304.5).**

22 (1) **Full Institutional Master Plan or Substantial Revision:** \$12,259.00 plus time and
23 materials if the cost exceeds the initial fee as set forth in Section 350(c).

24 (2) **Abbreviated Institutional Master Plan:** \$2,244.00 plus time and materials if the
25 cost exceeds the initial fee as set forth in Section 350(c).

1 (f) **Land Use Amendments and Related Plans and Diagrams of the San Francisco**
2 **General Plan:** Fee based on the Department's estimated actual costs for time and materials
3 required to review and implement the requested amendment, according to a budget prepared
4 by the Director of Planning, in consultation with the sponsor of the request.

5 (g) **General Plan Referrals:** \$3,310.00 plus time and materials if the cost exceeds the
6 initial fee as set forth in Section 350(c).

7 (h) **Redevelopment Plan Review:** The Director of Planning shall prepare a budget to
8 cover actual time and materials expected to be incurred, in consultation with the
9 Redevelopment Agency. A sum equal to ½ the expected cost will be submitted to the
10 Department, prior to the commencement of the review. The remainder of the costs will be due
11 at the time the initial payment is depleted.

12 (i) **Reclassify Property or Impose Interim Zoning Controls:** \$7,052.00

13 (1) The applicant shall be charged for any time and materials as set forth in Section
14 350(c).

15 (2) **Applications with Verified Violations of this Code:** The Planning Department
16 shall charge time and materials as set forth in Section 350(c).

17 (j) **Setback Line, Establish, Modify or Abolish:** \$2,851.00

18 (k) **Temporary Use Fees:** \$409.00 as an initial fee, plus time and materials if the cost
19 exceeds the initial fee, as set forth in Section 350(c).

20 (l) **Amendments to Text of the Planning Code:** \$14,090.00 as an initial fee, plus
21 time and materials if the cost exceeds the initial fee as set forth in Section 350(c).

22 (m) **Zoning Administrator Conversion Determinations Related to Service Station**
23 **Conversions:** \$2,783.00 as an initial fee, plus time and materials if the cost exceeds the
24 initial fee. (Section 228.4).

25 (n) **Conditional Use Appeals to the Board of Supervisors:**

1 (1) \$500.00 for the appellant of a conditional used authorization decision to the Board
2 of Supervisors; provided, however, that the fee shall be waived if the appeal is filed by a
3 neighborhood organization that: (1) has been in existence for 24 months prior to the appeal
4 filing date, (2) is on the Planning Department's neighborhood organization notification list, and
5 (3) can demonstrate to the Planning Director or his/her designee that the organization is
6 substantially affected by the proposed project.

7 (2) Such fees shall be used to defray the cost of an appeal to the Planning
8 Department. At the time of filing an appeal, the Clerk of the Board of Supervisors shall collect
9 such fee and forward the fee amount to the Planning Department.

10 **SEC. 401. DEFINITIONS.**

11 (a) In addition to the specific definitions set forth elsewhere in this Article, the following
12 definitions shall govern interpretation of this Article:

13 "Affordable housing project." A housing project containing units constructed to satisfy
14 the requirements of Sections 413.5, 413.8, 415.4, or 4.5.5 of this Article, or receiving funds
15 from the Citywide Affordable Housing Fund.

16 "Affordable to a household." A purchase price that a household can afford to pay
17 based on an annual payment for all housing costs of 33 percent of the combined household
18 annual net income, a 10 percent down payment, and available financing, or a rent that a
19 household can afford to pay based on an annual payment for all housing costs of 30 percent
20 of the combined annual net income.

21 "Affordable to qualifying households":

22 (A) With respect to owned units, the average purchase price on the initial sale of all
23 affordable owned units in an affordable housing project shall not exceed the allowable
24 average purchase price. Each unit shall be sold:

25 (i) Only to households with an annual net income equal to or less than that of a

1 household of moderate income; and

2 (ii) At or below the maximum purchase price.

3 (B) With respect to rental units in an affordable housing project, the average annual
4 rent shall not exceed the allowable average annual rent. Each unit shall be rented:

5 (i) Only to households with an annual net income equal to or less than that of a
6 household of lower income;

7 (ii) At or less than the maximum annual rent.

8 "Allowable average purchase price":

9 (A) For all affordable one-bedroom units in a housing project, a price affordable to a
10 two-person household of median income as set forth in Title 25 of the California Code of
11 Regulations Section 6932 ("Section 6932") on January 1st of that year;

12 (B) For all affordable two-bedroom units in a housing project, a price affordable to a
13 three-person household of median income as set forth in Section 6932 on January 1st of that
14 year;

15 (C) For all affordable three-bedroom units in a housing project, a price affordable to a
16 four-person household of median income as set forth in Section 6932 on January 1st of that
17 year;

18 (D) For all affordable four-bedroom units in a housing project, a price affordable to a
19 five-person household of median income as set forth in Section 6932 on January 1st of that
20 year.

21 "Affordable to qualifying middle income households":

22 (A) With respect to owned units, the average purchase price on the initial sale of all
23 qualifying middle income units shall not exceed the allowable average purchase price deemed
24 acceptable for households with an annual gross income equal to or less than the qualifying
25 limits for a household of middle income, adjusted for household size. This purchase price

1 shall be based on household spending of 35% of income for housing, and shall only apply to
2 initial sale, and not for the life of the unit.

3 (B) With respect to rental units, the average annual rent - including the cost of utilities
4 paid by the tenant according to the HUD utility allowance established by the San Francisco
5 Housing Authority - for qualifying middle income units shall not exceed the allowable average
6 purchase price deemed acceptable for households with an annual gross income equal to or
7 less than the qualifying limits for a household of middle income, adjusted for household size.
8 This price restriction shall exist for the life of the unit.

9 "Allowable average annual rent":

10 (A) For all affordable one-bedroom units in a housing project, 18 percent of the median
11 income for a household of two persons as set forth in Section 6932 on January 1st of that
12 year;

13 (B) For all affordable two-bedroom units in a housing project, 18 percent of the median
14 income for a household of three persons as set forth in Section 6932 on January 1st of that
15 year;

16 (C) For all affordable three-bedroom units in a housing project, 18 percent of the
17 median income for a household of four persons as set forth in Section 6932 on January 1st of
18 that year;

19 (D) For all affordable four-bedroom units in a housing project, 18 percent of the
20 median income for a household of five persons as set forth in Section 6932 on January 1st of
21 that year.

22 "Annual gross income." Gross income as defined in CCR Title 25, Section 6914, as
23 amended from time to time, except that MOH may, in order to promote consistency with the
24 procedures of the San Francisco Redevelopment Agency, develop an asset test that differs
25 from the State definition if it publishes that test in the Procedures Manual.

1 "Annual net income." Net income as defined in Title 25 of the California Code of
2 Regulations Section 6916.

3 "Average annual rent." The total annual rent for the calendar year charged by a
4 housing project for all affordable rental units in the project of an equal number of bedrooms
5 divided by the total number of affordable units in the project with that number of bedrooms.

6 "Average purchase price." The purchase price for all affordable owned units in an
7 affordable housing project of an equal number of bedrooms divided by the total number of
8 affordable units in the project with that number of bedrooms.

9 "Balboa Park Community Improvements Fund." The fund into which all fee revenue
10 the City collects from the Balboa Park Impact Fee is deposited.

11 "Balboa Park Community Improvements Program." The program intended to
12 implement the community improvements identified in the Balboa Park Area Plan, as
13 articulated in the Balboa Park Community Improvements Program Document on file with the
14 Clerk of the Board in File No. 090179.

15 "Balboa Park Impact Fee." The fee collected by the City to mitigate impacts of new
16 development in the Balboa Park Program Area, as described in the findings in Section 422.1.

17 "Balboa Park Program Area." The Balboa Park Plan Area in Figure 1 of the Balboa
18 Park Station Area Plan of the San Francisco General Plan.

19 "Base service standard." The relationship between revenue service hours offered by
20 the Municipal Railway and the number of automobile and transit trips estimated to be
21 generated by certain non-residential uses, expressed as a ratio where the numerator equals
22 the average daily revenue service hours offered by MUNI and the denominator equals the
23 daily automobile and transit trips generated by non-residential land uses as estimated by the
24 TIDF Study or updated under Section 411.5 of this Article.

25 "Base service standard fee rate." The TIDF that would allow the City to recover the

1 estimated costs incurred by the Municipal Railway to meet the demand for public transit
2 resulting from new development in the economic activity categories for which the fee is
3 charged, after deducting government grants, fare revenue, and costs for non-vehicle
4 maintenance and general administration.

5 "Board" or "Board of Supervisors." The Board of Supervisors of the City and County of
6 San Francisco.

7 "Change of Use." A change of gross floor area from one category of use to another
8 category of use listed in the use table for the zoning district of the subject lot.

9 "Child-care facility." A child-care facility as defined in California Health and Safety
10 Code Section 1596.750.

11 "Child-care provider." A provider as defined in California Health and Safety Code
12 Section 1596.791.

13 "City" or "San Francisco." The City and County of San Francisco.

14 "Commission" or "Planning Commission." The San Francisco Planning Commission.

15 "Community apartment." As defined in San Francisco Subdivision Code Section
16 1308(b).

17 "Community facilities." All uses as defined under Section 209.4(a) and 209.3(d) of this
18 Code.

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

23 "Condominium." As defined in California Civil Code Section 783.

24 "Cultural/Institution/Education (CIE)." An economic activity category subject to the
25 TIDF that includes, but is not limited to, schools, as defined in Sections 209.3(g), (h), and (i)

1 and 217(f)-(i) of this Code; child care facilities; museums and zoos; and community facilities,
2 as defined in Sections 209.4 and 221(a)-(c) of this Code.

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

4 "Dedicated." Legally transferred to the City and County of San Francisco, including all
5 relevant legal documentation, at no cost to the City.

6 "Dedicated site." The portion of site proposed to be legally transferred at no cost to the
7 City and County of San Francisco under the requirements of this section.

8 "Department" or "Planning Department." The San Francisco Planning Department or
9 the Planning Department's designee, including the Mayor's Office of Housing and other City
10 agencies or departments.

11 "Designated affordable housing zones." For the purposes of implementing the Eastern
12 Neighborhoods Public Benefits Fund, shall mean the Mission NCT defined in Section 736 and
13 the Mixed Use Residential District defined in Section 841.

14 "Development fee." Either a development impact fee or an in-lieu fee. It shall not
15 include a fee for service or any time and material charges charged for reviewing or processing
16 permit applications.

17 "Development Fee Collection Unit" or "Unit." The Development Fee Collection Unit at
18 DBI.

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

23 "Development impact requirement." A requirement to provide physical improvements,
24 facilities or below market rate housing units imposed on a development project as a condition
25 of approval to mitigate the impacts of increased demand for public services, facilities or

1 housing caused by the development project that may or may not be governed by the
2 California Mitigation Fee Act (California Government Code Section 66000 et seq.).

3 "Development project." Any change of use within an existing structure, addition to an
4 existing structure, or new construction, which includes any occupied floor area.

5 "Development under the TIDF." Any new construction, or addition to or conversion of
6 an existing structure under a building or site permit issued on or after September 4, 2004, that
7 results in 3,000 gross square feet or more of a covered use. In the case of mixed use
8 development that includes residential development, the term "new development" shall refer to
9 only the non-residential portion of such development. "Existing structure" shall include a
10 structure for which a sponsor already paid a fee under the prior TIDF ordinance, as well as a
11 structure for which no TIDF was paid.

12 "Director." The Director of Planning or his or her designee.

13 "DPW." The Department of Public Works, or its successor.

14 "Eastern Neighborhoods Infrastructure Impact Fee." The fee collected by the City to
15 mitigate impacts of new development in the Eastern Neighborhoods Program Area, as
16 described in the Findings in Section 423.1

17 "Eastern Neighborhoods Public Benefits Fund." The fund into which all fee revenue
18 collected by the City from the Eastern Neighborhoods Impact Fee is deposited.

19 "Eastern Neighborhoods Public Benefits Program." The program intended to
20 implement the community improvements identified in the four Area Plans affiliated with the
21 Eastern Neighborhoods (Central Waterfront, East SoMa, Mission, and Showplace
22 Square/Potrero Hill), as articulated in the Eastern Neighborhoods Public Benefits Program
23 Document, on file with the Clerk of the Board in File No. 081155.)

24 "Eastern Neighborhoods Program Area." The Eastern Neighborhoods Plan Area in
25 Map 1 (Land Use Plan) of the Eastern Neighborhoods Area Plan of the San Francisco

1 General Plan.

2 "Economic activity category." Under the TIDF, one of the following six categories of
3 non-residential uses: Cultural/Institution/Education (CIE), Management, Information and
4 Professional Services (MIPS), Medical and Health Services, Production/Distribution/Repair
5 (PDR), Retail/Entertainment, and Visitor Services.

6 "Entertainment use." Space within a structure or portion thereof intended or primarily
7 suitable for or accessory to the operation of uses defined in San Francisco Planning Code
8 Sections 102.17 (Nighttime Entertainment), 790.38 and 890.37 (Other Entertainment), 790.36
9 and 890.36 (Adult Entertainment), 790.64 and 890.64 (Movie Theater), and 790.4 and 890.4
10 (Amusement Arcade), regardless of the zoning district that the use is located in.

11 "First certificate of occupancy." Either a temporary certificate of occupancy or a
12 Certificate of Final Completion and Occupancy as defined in San Francisco Building Code
13 Section 109A, whichever is issued first.

14 "First construction document." As defined in Section 107A.13.1 of the San Francisco
15 Building Code.

16 "Gross floor area." The total area of each floor within the building's exterior walls, as
17 defined in Section 102.9(b)(12) of this Code.

18 "Gross square feet of use." The meaning set forth in Section 102.9 of this Code, with
19 the exception of the TIDF. With respect to the TIDF, the total square feet of gross floor area in
20 a building and/or space within or adjacent to a structure devoted to all uses covered by the
21 TIDF, including any common areas exclusively serving such uses and not serving residential
22 uses. Where a structure contains more than one use, areas common to two or more uses,
23 such as lobbies, stairs, elevators, restrooms, and other ancillary spaces included in gross floor
24 area that are not exclusively assigned to one uses shall be apportioned among the two or
25 more uses in accordance with the relative amounts of gross floor area, excluding such space,

1 in the structure or on any floor thereof directly assignable to each use.

2 "Hotel" or "Hotel use." Space within a structure or portion thereof intended or primarily
3 suitable for or accessory to the operation of uses defined in San Francisco Planning Code
4 Sections 790.46 and 890.46, regardless of the zoning district that the use is located in.

5 "Household." Any person or persons who reside or intend to reside in the same
6 housing unit.

7 "Household of lower income." A household composed of one or more persons with a
8 combined annual net income for all adult members which does not exceed the qualifying limit
9 for a lower-income family of a size equivalent to the number of persons residing in such
10 household, as set forth for the County of San Francisco in Title 25 of the California Code of
11 Regulations Section 6932.

12 "Household of median income." A household composed of one or more persons with a
13 combined annual net income for all adult members which does not exceed the qualifying limit
14 for a median-income family of a size equivalent to the number of persons residing in such
15 household, as set forth for the County of San Francisco in Title 25 of the California Code of
16 Regulations Section 6932.

17 "Household of moderate income." A household composed of one or more persons with
18 a combined annual net income for all adult members which does not exceed the qualifying
19 limit for a moderate-income family of a size equivalent to the number of persons residing in
20 such household, as set forth for the County of San Francisco in Title 25 of the California Code
21 of Regulations Section 6932.

22 "Housing developer." Any business entity building housing units which receives a
23 payment from a sponsor for use in the construction of the housing units. A housing developer
24 may be (a) the same business entity as the sponsor, (b) an entity in which the sponsor is a
25 partner, joint venturor, or stockholder, or (c) an entity in which the sponsor has no control or

1 ownership.

2 "Housing project." Any development which has residential units as defined in the
3 Planning Code, including but not limited to dwellings, group housing, independent living units,
4 and other forms of development which are intended to provide long-term housing to
5 individuals and households. "Housing project" shall not include that portion of a development
6 that qualifies as an Institutional Use under the Planning Code. "Housing project" for purposes
7 of this Program shall also include the development of live/work units as defined by Section
8 102.13 of this Code. Housing project for purposes of this Program shall mean all phases or
9 elements of a multi-phase or multiple lot residential development.

10 "Housing unit" or "unit." A dwelling unit as defined in San Francisco Housing Code
11 Section 401.

12 "Improvements Fund." The fund into which all revenues collected by the City for each
13 Program Area's impact fees are deposited.

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

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

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

23 "Institutional use." Space within a structure or portion thereof intended or primarily
24 suitable for or accessory to the operation of uses contained in San Francisco Planning Code
25 Section 217 and 890.50, regardless of the zoning district that the use is located in.

1 "Integrated PDR use." Space within a structure or portion thereof intended or primarily
2 suitable for or accessory to the operation of uses defined in San Francisco Planning Code
3 Section 890.49, regardless of the zoning district that the use is located in.

4 "Interim Guidelines." The Office Housing Production Program Interim Guidelines
5 adopted by the City Planning Commission on January 26, 1982, as amended.

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

9 "Live/work project." A housing project containing more than one live/work unit.

10 "Live/work unit" shall be as defined in Section 102.13 of this Code.

11 "Long term housing." Housing intended for occupancy by a person or persons for 32
12 consecutive days or longer.

13 "Low income." For purposes of this Article, up to 80% of median family income for the
14 San Francisco PMSA, as calculated and adjusted by the United States Department of
15 Housing and Urban Development (HUD) on an annual basis, except that as applied to
16 housing-related purposes such as the construction of affordable housing and the provision of
17 rental subsidies with funds from the SOMA Stabilization Fund established in Section 418.7, it
18 shall mean up to 60% of median family income for the San Francisco PMSA, as calculated
19 and adjusted by HUD on an annual basis.

20 "Management, Information and Professional Services (MIPS)." An economic activity
21 category under the TIDF that includes, but is not limited to, office use; medical offices and
22 clinics, as defined in Section 890.114 of this Code; business services, as defined in Section
23 890.111 of this Code; Integrated PDR, as defined in Section 890.49 of this Code, and Small
24 Enterprise Workspaces, as defined in Section 227(t) of this Code.

25 "Market and Octavia Community Improvements Fund." The fund into which all fee

1 revenue collected by the City from the Market and Octavia Community Improvements Fee is
2 deposited.

3 "Market and Octavia Community Improvements Impact Fee." The fee collected by the
4 City to mitigate impacts of new development in the Market and Octavia Program Area, as
5 described in the findings in Section 421.1.

6 "Market and Octavia Community Improvements Program." The program intended to
7 implement the community improvements identified in the Market and Octavia Area Plan, as
8 articulated in the Market and Octavia Community Improvements Program Document on file
9 with the Clerk of the Board in File No. 071157.)

10 "Market and Octavia Program Area." The Market and Octavia Plan Area in Map 1
11 (Land Use Plan) of the Market and Octavia Area Plan of the San Francisco General Plan,
12 which includes those districts zoned RTO, NCT, or any neighborhood specific NCT, a few
13 parcels zoned RH-1 or RH-2, and those parcels within the Van Ness and Market Downtown
14 Residential Special Use District (VMDRSUD). The Program Area also includes the Upper
15 Market NCD, which includes parcels one block west of the plan area that front Market Street.

16 "Market rate housing." Housing constructed in the principal project that is not subject
17 to sales or rental restrictions.

18 "Maximum annual rent." The maximum rent that a housing developer may charge any
19 tenant occupying an affordable unit for the calendar year. The maximum annual rent shall be
20 30 percent of the annual income for a lower-income household as set forth in Section 6932 on
21 January 1st of each year for the following household sizes:

- 22 (A) For all one-bedroom units, for a household of two persons;
- 23 (B) For all two-bedroom units, for a household of three persons;
- 24 (C) For all three-bedroom units, for a household of four persons;
- 25 (D) For all four-bedroom units, for a household of five persons.

1 "Maximum purchase price." The maximum purchase price that a household of
2 moderate income can afford to pay for an owned unit based on an annual payment for all
3 housing costs of 33 percent of the combined household annual net income, a 10 percent
4 down payment, and available financing, for the following household sizes:

5 (A) For all one-bedroom units; for a household of two persons;

6 (B) For all two-bedroom units, for a household of three persons;

7 (C) For all three-bedroom units, for a household of four persons;

8 (D) For all four-bedroom units, for a household of five persons.

9 "Medical and Health Services." An economic activity category under the TIDF that
10 includes, but is not limited to, those non-residential uses defined in Sections 209.3(a) and
11 217(a) of this Code; animal services, as defined in Section 224(a) and (b) of this Code; and
12 social and charitable services, as defined in Sections 209.3(d) and 217(d) of this Code.

13 "Middle Income Household." A household whose combined annual gross income for
14 all members is between 120 percent and 150 percent of the local median income for the City
15 and County of San Francisco, as calculated by the Mayor's Office of Housing using data from
16 the United States Department of Housing and Urban Development (HUD) and adjusted for
17 household size or, if data from HUD is unavailable, as calculated by the Mayor's Office of
18 Housing using other publicly available and credible data and adjusted for household size.

19 "MOH." The Mayor's Office of Housing, or its successor.

20 "MTA." The Municipal Transportation Agency, or its successor.

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

22 "Municipal Railway; MUNI." The public transit system owned by the City and under the
23 jurisdiction of the MTA.

24 "Net addition." The total amount of gross floor area defined in Planning Code Section
25 102.9 contained in a development project, less the gross floor area contained in any structure

1 demolished or retained as part of the proposed development project.

2 "New development." Under the TIDF, any new construction, or addition to or
3 conversion of an existing structure under a building or site permit issued on or after
4 September 4, 2004 that results in 3,000 gross square feet or more of a use covered by the
5 TIDF. In the case of mixed use development that includes residential development, the term
6 "new development" shall refer to only the non-residential portion of such development.
7 "Existing structure" shall include a structure for which a sponsor already paid a fee under the
8 prior TIDF ordinance, as well as a structure for which no TIDF was paid.

9 "Nonprofit child-care provider." A child-care provider that is an organization organized
10 and operated for nonprofit purposes within the provisions of California Revenue and Taxation
11 Code Sections 23701 - 23710, inclusive, as demonstrated by a written determination from the
12 California Franchise Tax Board exempting the organization from taxes under Revenue and
13 Taxation Code Section 23701.

14 "Nonprofit organization." An organization organized and operated for nonprofit
15 purposes within the provisions of California Revenue and Taxation Code Sections 23701 -
16 23710, inclusive, as demonstrated by a written determination from the California Franchise
17 Tax Board exempting the organization from taxes under Revenue and Taxation Code Section
18 23701.

19 "Non-residential use." Space within any structure or portion thereof intended or
20 primarily suitable for or accessory to occupancy by retail, office, commercial, or other non-
21 residential uses defined in Section 209.3, 209.8, 217, 218, 219, ~~and~~ 221, and 227 of this Code,
22 except uses 227(a), (b), and (p), regardless of the zoning district that the use is located in; except
23 that residential components of uses defined in Section 209.3(a)-(c) and (g)-(i) shall be defined
24 as a "residential use" for purposes of this Article. For the purposes of this Article, non-
25 residential use shall not include PDR and publicly owned and operated community facilities.

1 "Notice of Special Restrictions." A document recorded with the San Francisco
2 Recorder's Office for any unit subject to this Program detailing the sale and resale or rental
3 restrictions and any restrictions on purchaser or tenant income levels included as a Condition
4 of Approval of the principal project relating to the unit.

5 "Office use." Space within a structure or portion thereof intended or primarily suitable
6 for or accessory to the operation of uses defined in San Francisco Planning Code Section
7 890.70, regardless of the zoning district that the use is located in.

8 "Off-site unit." A unit affordable to qualifying households constructed pursuant to this
9 Ordinance on a site other than the site of the principal project.

10 "On-site unit." A unit affordable to qualifying households constructed pursuant to this
11 Article on the site of the principal project.

12 "Owned unit." A unit affordable to qualifying households which is a condominium,
13 stock cooperative, community apartment, or detached single-family home. The owner or
14 owners of an owned unit must occupy the unit as their primary residence.

15 "Owner." The record owner of the fee or a vendee in possession.

16 "PDR use." Space within any structure or portion thereof intended or primarily suitable
17 for or accessory to the operation of uses defined in San Francisco Planning Code Sections
18 220, 222, 223, 224, 225, 226, 227(a), 227(b), and 227(p), regardless of the zoning district that
19 the use is located in.

20 "Principal project." A housing development on which a requirement to provide
21 affordable housing units is imposed.

22 "Principal site." The total site proposed for development, including the portion of site
23 proposed to be legally transferred to the City and County of San Francisco.

24 "Procedures Manual." The City and County of San Francisco Affordable Housing
25 Monitoring Procedures Manual issued by the San Francisco Department of City Planning, as

1 amended.

2 "Rent" or "rental." The total charges for rent, utilities, and related housing services to
3 each household occupying an affordable unit.

4 "Rental unit." A unit affordable to qualifying households which is not a condominium,
5 stock cooperative, or community apartment.

6 "Replacement of use." The total amount of gross floor area, as defined in Section
7 102.9 of this Code, to be demolished and reconstructed by a development project.

8 "Research and development use." Space within any structure or portion thereof
9 intended or primarily suitable for or accessory to the operation of uses defined in San
10 Francisco Planning Code Section 890.52, regardless of the zoning district that the use is
11 located in.

12 "Residential use." Space within any structure or portion thereof intended or primarily
13 suitable for or accessory to occupancy by uses defined in San Francisco Planning Code
14 Sections 209.1, 790.88, and 890.88, as relevant for the subject zoning district, or containing
15 group housing as defined in Section 209.2(a) - (c) of this Code and any residential
16 components of institutional uses as defined in Section 209.3(a) - (c) and (g) - (i) of this Code.

17 "Retail/entertainment." An economic activity category under the TIDF that includes, but
18 is not limited to, a retail use; an entertainment use; massage establishments, as defined in
19 Section 218.1 of this Code; laundering, and cleaning and pressing, as defined in Section 220
20 of this Code.

21 "Retail use." Space within any structure or portion thereof intended or primarily
22 suitable for or accessory to the operation of uses contained in San Francisco Planning Code
23 Section 218, regardless of the zoning district that the use is located in.

24 "Revenue services hours." The number of hours that the Municipal Railway provides
25 service to the public with its entire fleet of buses, light rail (including streetcars), and cable

1 cars.

2 "Rincon Hill Community Improvements Fund." The fund into which all fee revenue
3 collected by the City from the Rincon Hill Community Infrastructure Impact Fee is deposited.

4 "Rincon Hill Community Infrastructure Impact Fee." The fee collected by the City to
5 mitigate impacts of new development in the Rincon Hill Program Area, as described in the
6 findings in Section 418.1.

7 "Rincon Hill Program Area." Those districts identified as the Rincon Hill Downtown
8 Residential (RH DTR) Districts in the Planning Code and on the Zoning Maps.

9 "Section 6932." Section 6932 of Title 25 of the California Code of Regulations as such
10 section applies to the County of San Francisco.

11 "Small Enterprise Workspace use." Space within a structure or portion thereof
12 intended or primarily suitable for or accessory to the operation of uses defined in San
13 Francisco Planning Code Section 227(t), regardless of the zoning district that the use is
14 located in.

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

17 "SOMA Community Stabilization Fee." The fee collected by the City to mitigate
18 impacts on the residents and businesses of SOMA of new development in the Rincon Hill
19 Program Area, as described in the findings in Section 418.1.

20 "SOMA Community Stabilization Fund." The fund into which all fee revenue collected
21 by the City from the SOMA Community Stabilization Fee is deposited.

22 "Sponsor" or "project sponsor." An applicant seeking approval for construction of a
23 development project subject to this Article, such applicant's successor and assigns, and/or
24 any entity which controls or is under common control with such applicant.

25 "Stock cooperative." As defined in California Business and Professions Code Section

1 11003.2.

2 "Student housing." A building where 100 percent of the residential uses are affiliated
3 with and operated by an accredited post-secondary educational institution. Typically, student
4 housing is for rent, not for sale. This housing shall provide lodging or both meals and lodging,
5 by prearrangement for one week or more at a time. This definition only applies in the Eastern
6 Neighborhoods Mixed Use Districts.

7 "TIDF; Transit Impact Development Fee." The development fee that is the subject of
8 Section 411.1 et seq. of this Article.

9 "TIDF Study." The study commissioned by the San Francisco Planning Department
10 and performed by Nelson/Nygaard Associates entitled "Transit Impact Development Fee
11 Analysis - Final Report," dated May 2001, including all the Technical Memoranda supporting
12 the Final Report and the Nelson/Nygaard update materials contained in Board of Supervisors
13 File No. 040141.

14 "Total developable site area." That part of the site that can be feasibly developed as
15 residential development, excluding land already substantially developed, parks, required open
16 spaces, streets, alleys, walkways or other public infrastructure.

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

18 "Trip generation rate." The total number of automobile and Municipal Railway trips
19 generated for each 1,000 square feet of development in a particular economic activity
20 category as established in the TIDF Study, or pursuant to the five-year review process
21 established in Section 411.5 of this Article.

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

25 "Visitacion Valley." The area bounded by Carter Street and McLaren Park to the west,

1 Mansell Street to the north, Route 101 between Mansell Street and Bayshore Boulevard to the
2 northeast, Bayview Park to the north, Candlestick Park and Candlestick Point Recreation Area
3 to the east, the San Francisco Bay to the southeast, and the San Francisco County line to the
4 south.

5 "Visitor services." An economic activity category under the TIDF that includes, but is
6 not limited to, hotel use; motel use, as defined in Section 216(c) and (d); and time-share
7 projects, as defined in Section 11003.5(a) of the California Business and Professions Code.

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

11 **SEC. 411.3. APPLICATION OF TIDF.**

12 (a) **Application.** Except as provided in Subsections (1) and (2) below, the TIDF shall
13 be payable with respect to any new development in the City for which a building or site permit
14 is issued on or after September 4, 2004. In reviewing whether a development project is
15 subject to the TIDF, the project shall be considered in its entirety. A sponsor shall not seek
16 multiple applications for building permits to evade paying the TIDF for a single development
17 project.

18 (1) The TIDF shall not be payable on new development, or any portion thereof, for
19 which a TIDF has been paid, in full or in part, under the prior TIDF Ordinance adopted in 1981
20 (Ordinance No. 224-81; former Chapter 38 of the Administrative Code), except where (A)
21 gross square feet of use is being added to the building; or (B) the TIDF rate for the new
22 development is in an economic activity category with a higher fee rate than the rate set for
23 MIPS, as set forth in Section 411.3(e).

24 (2) No TIDF shall be payable on the following types of new development.

25 (A) New development on property owned (including beneficially owned) by the City,

1 except for that portion of the new development that may be developed by a private sponsor
2 and not intended to be occupied by the City or other agency or entity exempted under Section
3 411.1 et seq., in which case the TIDF shall apply only to such non-exempted portion. New
4 development on property owned by a private person or entity and leased to the City shall be
5 subject to the fee, unless the City is the beneficial owner of such new development or unless
6 such new development is otherwise exempted under this Section.

7 (B) Any new development in Mission Bay North or South to the extent application of
8 this Chapter would be inconsistent with the Mission Bay North Redevelopment Plan and
9 Interagency Cooperation Agreement or the Mission Bay South Redevelopment Plan and
10 Interagency Cooperation Agreement, as applicable.

11 (C) New development located on property owned by the United States or any of its
12 agencies to be used exclusively for governmental purposes.

13 (D) New development located on property owned by the State of California or any of
14 its agencies to be used exclusively for governmental purposes.

15 (E) New development for which a project sponsor filed an application for
16 environmental evaluation or a categorical exemption prior to April 1, 2004, and for which the
17 City issued a building permit or site permit on or before September 4, 2008; provided
18 however, that such new development may be subject to the TIDF imposed by Ordinance No.
19 224-81, as amended through June 30, 2004, except that the Department and the
20 Development Fee Collection Unit at DBI shall be responsible for the administration,
21 imposition, review and collection of any such fee consistent with the administrative procedures
22 set forth in Section 411.1 et seq. The Department shall make the text of Ordinance No. 224-
23 81, as amended through June 30, 2004, available on the Department's website and shall
24 provide copies of that ordinance upon request.

25 (F) The following types of new developments:

1 (i) Public facilities/utilities, as defined in Section 209.6 of this Code;

2 (ii) Open recreation/horticulture, as defined in Section 209.5 of this Code, including
3 private noncommercial recreation open use, as referred to in Section 221(g) of this Code;

4 (iii) Vehicle storage and access, as defined in Section 209.7 of this Code;

5 (iv) Automotive services, as defined in Section 223(l)-(v) of this Code, that are in a
6 new development;

7 (v) Wholesale storage of materials and equipment, as defined in Section 225 of this
8 Code;

9 (vi) Other Uses, as defined in Section 227(a)—(~~og~~) and (~~qs~~)—(~~rt~~) of this Code;

10 (b) **Timing of Payment.** Except for those Integrated PDR projects subject to Section
11 328 of this Code, the TIDF shall be paid prior to issuance of the first construction document,
12 with an option for the project sponsor to defer payment until prior to issuance of the first
13 certificate of occupancy upon agreeing to pay a deferral surcharge in accordance with Section
14 107A.13 of the San Francisco Building Code. Under no circumstances may any City official or
15 agency, including the Port of San Francisco, issue a certificate of final completion and
16 occupancy for any new development subject to the TIDF until the TIDF has been paid;

17 (c) **Calculation of TIDF.** The TIDF shall be calculated on the basis of the number of
18 square feet of new development, multiplied by the square foot rate in effect at the time of
19 building or site permit issuance for each of the applicable economic activity categories within
20 the new development, as provided in Subsection 411.3(e) below. An accessory use shall be
21 charged at the same rate as the underlying use to which it is accessory. Whenever any new
22 development or series of new developments cumulatively creates more than 3,000 gross
23 square feet of covered use within a structure, the TIDF shall be imposed on every square foot
24 of such covered use (including any portion that was part of prior new development below the
25 3,000 square foot threshold).

1 (d) **Credits.** In determining the number of gross square feet of use to which the TIDF
2 applies, the Department shall provide a credit for prior uses eliminated on the site. The credit
3 shall be calculated according to the following formula:

4 (1) There shall be a credit for the number of gross square feet of use being eliminated
5 by the new development, multiplied by an adjustment factor to reflect the difference in the fee
6 rate of the use being added and the use being eliminated. The adjustment factor shall be
7 determined by the Department as follows:

8 (A) The adjustment factor shall be a fraction, the numerator of which shall be the fee
9 rate which the Department shall determine, in consultation with the MTA, if necessary, applies
10 to the economic activity category in the most recent calculation of the TIDF Schedule
11 approved by the MTA Board for the prior use being eliminated by the project.

12 (B) The denominator of the fraction shall be the fee rate for the use being added, as
13 set forth in the most recent calculation of the TIDF Schedule approved by the MTA Board.

14 (2) A credit for a prior use may be given only if the prior use was active on the site
15 within five years before the date of the application for a building or site permit for the proposed
16 use.

17 (3) As of September 4, 2004, no sponsor shall be entitled to a refund of the TIDF on a
18 building for which the fee was paid under the former Chapter 38 of the San Francisco
19 Administrative Code.

20 (4) Notwithstanding the foregoing, the adjustment factor shall not exceed one.

21 (e) **TIDF Schedule.** The TIDF Schedule shall be as follows:

Economic Activity Category	TIDF Per Gross Square Foot of Development
Cultural/Institution/Education	\$10.00

1	Management, Information and Professional Services	\$10.00
2	Medical and Health Services	\$10.00
3	Production/Distribution/Repair	\$8.00
4	Retail/Entertainment	\$10.00
5	Visitor Services	\$8.00

6
7
8 **SEC. 419.2. DEFINITIONS**

9 (a) In addition to the definitions set forth in Section 401 of this Article:

10 (1) "Rental Housing Project" shall mean a project consisting solely of rental housing
11 units, as defined in Section 401 that meets the following requirements:

12 (A) The units shall be rental housing for not less than 30 years from the issuance of
13 the certificate of occupancy pursuant to an agreement between the developer and the City.
14 This agreement shall be in accordance with applicable State law governing rental housing;

15 (B) A Notice of Special Restrictions (NSR), with the City as a third party beneficiary
16 and subject to written approval of the Director, shall be recorded on the title of the property
17 prior to final map approval containing the terms of the agreement described above in
18 subsection (1). Once the agreement is recorded against the property, the NSR shall
19 terminate.

20 (2) Tier A." ~~Sites within the UMU which not receive zoning changes that increase heights, as~~
21 ~~compared to allowable height prior to the rezoning (May 2008).~~

22 (i) All development on sites within the UMU District which received a height increase of eight
23 feet or less, or received a reduction in height, as part of the Eastern Neighborhoods Plan (on file with
24 the Clerk of the Board of Supervisors in File No. 081154), and all sites within the Mission NCT District
25 utilizing the land dedication alternative specified in Section 419.5(a)(2).

1 (ii) All changes of use within existing structures.

2 (3) "Tier B." Sites within the UMU which receive zoning changes that increase heights by one
3 to two stories. All development on sites within the UMU District which received a height increase of
4 nine to 28 feet as part of the Eastern Neighborhoods Plan (on file with the Clerk of the Board of
5 Supervisors in File No. 081154).

6 (4) "Tier C." Sites within the UMU which receive zoning changes that increase heights by
7 three or more stories. All development on sites within the UMU District which received a height
8 increase of 29 feet or more as part of the Eastern Neighborhoods Plan (on file with the Clerk of the
9 Board of Supervisors in File No. 081154).

10 **SEC. 419.5. ALTERNATIVES TO THE INCLUSIONARY HOUSING COMPONENT.**

11 (a) **Alternatives to the Inclusionary Housing Component.** In addition to the
12 alternatives specified in Section 415.5(9) the project sponsor may elect to satisfy the
13 requirements of Section 415.5 by one of the alternatives specified in this Section. The project
14 sponsor has the choice between the alternatives and the Planning Commission may not
15 require a specific alternative. The project sponsor must elect an alternative before it receives
16 project approvals from the Planning Commission or Planning Department and that alternative
17 will be a condition of project approval. The alternatives are as follows:

18 (1) **Middle Income Alternative.** On sites with less than 50,000 square feet of total
19 developable area, applicants may provide units as affordable to qualifying "middle income"
20 households as follows:

21 (A) A minimum percent of the total units constructed shall be affordable to and
22 occupied affordable to qualifying "middle income" households upon initial sale, according the
23 schedule in Table 419.5A-4. If the total number of units is not a whole number, the project
24 applicant shall round up to the nearest whole number for any portion of .5 or above. Units
25 shall be affordable to households between 120 percent and 150 percent of the San Francisco

1 Area Median Income, with an average affordability level of 135 percent for all units provided
2 through this alternative.

3 (B) Where market rate sales prices exceed restricted sales prices, the difference
4 between the market rate sales prices and the restricted sales prices shall be held by the
5 Mayor's Office of Housing as a silent second mortgage according to the Procedures Manual.
6 The City shall hold a deed of trust and promissory note for the second mortgage. MOH shall
7 hold this mortgage shall release it when the original note and proportional share of the
8 appreciation are paid in full to the City.

9 (C) Units shall initially be sold at or below prices to be determined by MOH in the
10 Conditions of Approval or Notice of Special Restrictions according to the formula specified in
11 the Procedures Manual to make them affordable to middle income households. Upon resale,
12 the seller shall be permitted to sell the units at their market price. The City will waive its right
13 of first refusal to the seller when the promissory note and deed of trust are paid, along with the
14 City's share of the appreciation of the unit. The promissory note shall accrue no interest and
15 shall require no monthly payments.

16 (D) Upon first resale, the seller shall have a right to keep a percentage of the total
17 appreciation of the unit proportional to every year the original seller owns the unit as an owner
18 occupant. The remainder of the proceeds of the sale, after the first mortgage, the second
19 mortgage, and any other subordinate financing is paid off, shall be repaid to MOH. Detailed
20 resale procedures shall be specified in the Middle Income Housing Procedures Manual
21 published by MOH and approved by the Planning Commission. The Director of MOH shall
22 amend the Procedures Manual as needed with the Commission's approval.

23 (E) The City shall monitor units provided under this option during the 2- and 5-year
24 Monitoring Report specified in Section 342 of this Code and in separate resolution. Should
25 this monitoring report indicate that units constructed under this program do not meet the

1 programs stated goals of providing affordable housing to Middle Income Households, the
2 Planning Department and MOH shall consider changes to this program, including, but not
3 limited to, legislative changes.

4 (F) If the project sponsor elects to satisfy the requirements of Section 415.5 and of this
5 Section by the alternative specified above, the *dwelling unit mix required by Section 207.6*
6 *requirement that 40 percent of the total number of proposed dwelling units shall contain at least two*
7 *bedrooms* may be waived provided the minimum percent of total units affordable to qualifying
8 "middle income" as required by Table 419.5A.4 is increased by 10%.

9 (2) **Land Dedication Alternative.** Applicants may dedicate a portion of the total
10 developable area of the principal site to the City and County of San Francisco for the purpose
11 of constructing units affordable to qualifying households. A minimum percentage of
12 developable area, representing an equivalent percent of total potential units to be constructed,
13 shall be dedicated to the City according the schedule in Table 419.5A.4. To meet the
14 requirements of this alternative, the developer must convey title to land in fee simple absolute
15 to MOH according to the Procedures Manual, provided the dedicated site is deemed of
16 equivalent or greater value to the principal site per those procedures and is in line with the
17 following requirements:

18 (A) The dedicated site will result in a total amount of inclusionary units not less than
19 forty (40) units. MOH may conditionally approve and accept dedicated sites which result in no
20 less than twenty-five (25) units at its discretion.

21 (B) The dedicated site will result in a total amount of inclusionary units that is
22 equivalent or greater than the minimum percentage of the units that will be provided on the
23 principal site, as required by Table 419.5A.4. MOH may also accept dedicated sites that
24 represent the equivalent of or greater than the required percentage of units for all units *that*
25 *could* be provided on a collective of sites within a one-mile radius, provided the total amount of

1 inclusionary units provided on the dedicated site is equivalent to or greater than the total
2 requirements for all principal sites participating in the collective, according to the requirements
3 of Table 419.5A-4.

4 (C) The dedicated site is suitable from the perspective of size, configuration, physical
5 characteristics, physical and environmental constraints, access, location, adjacent use, and
6 other relevant planning criteria. The site must allow development of affordable housing that is
7 sound, safe and acceptable.

8 (D) The dedicated site includes infrastructure necessary to serve the inclusionary
9 units, including sewer, utilities, water, light, street access and sidewalks.

10 (E) The developer must submit full environmental clearance for the dedicated site
11 before the land can be considered for conveyance, and before a first site or building permit
12 may be conferred upon the principal project.

13 (F) The City may accept dedicated sites that vary from the minimum threshold
14 provided such a dedication is deemed generally equivalent to the original requirement by the
15 Mayor's Office of Housing.

16 (G) The City may accept dedicated sites that meet the above requirements in
17 accordance with the Procedures Manual, in combination with fees or on-site units, provided
18 such a combination is deemed generally equivalent by MOH to the original requirement.

19 (H) The project applicant has a letter from MOH verifying acceptance of site before it
20 receives project approvals from the Planning Commission or Planning Department, which
21 shall be used to verify dedication as a condition of approval.

22 (I) If the project sponsor elects to satisfy the requirements of Section 415.5 and of this
23 Section by the alternative specified above, the *dwelling unit mix required by Section 207.6*
24 *requirement that 40 percent of the total number of proposed dwelling units shall contain at least two*
25 *bedrooms* 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 MOH, or a successor entity, and provided the other requirements of subsection (a)(2)(A)—(I) are otherwise satisfied.

**TABLE 419.5A.4
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	18%	23%	30%	35%	30%
B	20%	25%	35%	40%	35%
C	22%	27%	40%	45%	40%

* Requirement increases by 5% if *dwelling unit mix required by Section 207.6 two-bedroom requirement* is waived.

(b) **Rental Incentive.** Qualified rental housing projects, as defined in Section 419A.2(g), are allowed a reduction in their inclusionary housing requirements as follows:

(1) If the rental housing project chooses to meet its inclusionary housing requirements through on-site construction, off-site construction, or an in-lieu fee, then the project is entitled to a 3% reduction in the requirements specified above in subsection (a).

(2) If the rental housing project chooses to meet its inclusionary housing requirements

1 through the land dedication option for projects less than 30,000 square feet, then the project is
2 entitled to a 5% reduction in the requirements specified above in the subsection (b)(2).

3 (3) In addition, a rental housing project shall receive a fee waiver from the Eastern
4 Neighborhood Public Benefit Fee as set forth in Section 427.3 in the amount of \$1.00 per
5 gross square foot.

6 (4) No rental incentive shall be provided for project that chooses the land dedication
7 alternative for projects over 30,000 square feet.

8 (c) **Adjustments to Requirements for the Inclusionary Housing Component.** This
9 Section is intended to incorporate, rather than supersede, any changes made to Planning
10 Code Section 415. In the instance that the base requirements of Section 415 are amended,
11 the above-noted requirements shall be reviewed, and if appropriate, amended and/or
12 increased accordingly.

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

14 (a) There is hereby established a separate fund set aside for a special purpose entitled
15 the Eastern Neighborhoods Public Benefits Fund ("Fund"). All monies collected by the
16 Development Fee Collection Unit at DBI pursuant to Section 423.3(b) shall be deposited in a
17 special fund maintained by the Controller. The receipts in the Fund to be used solely to fund
18 Public Benefits subject to the conditions of this Section.

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

21 (1) All monies deposited in the Fund shall be used to design, engineer, acquire, and
22 develop and improve public open space and recreational facilities; transit, streetscape and
23 public realm improvements; and community facilities including child care and library materials,
24 as defined in the Eastern Neighborhoods Nexus Studies; or housing preservation and
25 development within the Eastern Neighborhoods Plan Area. Funds may be used for childcare

1 facilities that are not publicly owned or "publicly-accessible." Funds generated for 'library
2 resources' should be used for materials in branches that directly service Eastern
3 Neighborhoods residents. Monies from the Fund may be used by the Planning Commission
4 to commission economic analyses for the purpose of revising the fee, and/or to complete an
5 updated nexus study to demonstrate the relationship between development and the need for
6 public facilities if this is deemed necessary.

7 (2) Funds may be used for administration and accounting of fund assets, for additional
8 studies as detailed in the Eastern Neighborhoods Public Benefits Program Document, and to
9 defend the Community Stabilization fee against legal challenge, including the legal costs and
10 attorney's fees incurred in the defense. Administration of this fund includes time and
11 materials associated with reporting requirements, facilitating the Eastern Neighborhoods
12 Citizens Advisory Committee meetings, and maintenance of the fund. All interest earned on
13 this account shall be credited to the Eastern Neighborhoods Public Benefits Fund.

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

18 (1) Funds collected from all zoning districts in the Eastern Neighborhoods Program
19 Area, excluding Designated Affordable Housing Zones shall be allocated to accounts by
20 improvement type according to Table 423.56.

21 (2) Funds collected in designated affordable housing zones (Mission NCT and MUR
22 (as defined in 401423.2(3)), shall be allocated to accounts by improvement type as described
23 in Table 423.56A. The revenue devoted to affordable housing preservation and development
24 shall be deposited into a specific amount to be held by the Mayor's Office of Housing.

25 A. All funds collected from projects in the Mission NCT that are earmarked for

1 affordable housing preservation and development shall be expended on housing programs
2 and projects within the Mission Area Plan boundaries.

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

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

9 (3) All funds are supported by the Eastern Neighborhoods Nexus Studies, San
10 Francisco Planning Department, Case No. 2004.0160, and monitored according to the
11 Eastern Neighborhoods Area Plans Monitoring Program required by the Administrative Code
12 Section 10E and detailed by separate resolution.

13 **TABLE 423.56**

14 **BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND**
15 **BY IMPROVEMENT TYPE***

Improvement Type	Residential	Non-residential
Open space and recreational facilities	50%	7%
Transit, streetscape and public realm improvements	42%	90%
Community facilities (child care and library materials)	8%	3%

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21 *Does not apply to Designated Affordable Housing Zones, which are addressed in Table
22 423.6A.

23 **TABLE 423.56A**

24 **BREAKDOWN OF EASTERN NEIGHBORHOODS PUBLIC BENEFIT FEE/FUND**
25 **BY IMPROVEMENT TYPE FOR DESIGNATED AFFORDABLE HOUSING ZONES**

Improvement Type	Residential	Non-residential
Affordable housing preservation and development	75%	n/a
Open space and recreational facilities	13%	7%
Transit, streetscape and public realm improvements	10%	90%
Community facilities (child care and library materials)	2%	3%

(d) With full participation by the Planning Department and related implementing agencies, the Controller's Office shall file a report with the Board of Supervisors beginning 180 days after the last day of the fiscal year of the effective date of Section 423.1 et seq. that shall include the following elements: (1) a description of the type of fee in each account or fund; (2) amount of fee collected; (3) beginning and ending balance of the accounts or funds including any bond funds held by an outside trustee; (4) amount of fees collected and interest earned; (5) identification of each public improvement on which fees or bond funds were expended and amount of each expenditure; (6) an identification of the approximate date by which the construction of public improvements will commence; (7) a description of any interfund transfer or loan and the public improvement on which the transferred funds will be expended; and (8) amount of refunds made and any allocations of unexpended fees that are not refunded.

(e) 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

1 from the Fund for acquisition and development of property acquired for park use.

2 (f) The Planning Commission shall work with other City agencies and commissions,
3 specifically the Department of Recreation and Parks, DPW, and the MTA, to develop
4 agreements related to the administration of the improvements to existing public facilities and
5 development of new public facilities within public rights-of-way or on any acquired public
6 property, using such monies as have been allocated for that purpose at a hearing of the Board
7 of Supervisors.

8 (g) The Planning Commission, based on findings from the Interagency Planning &
9 Implementation Committee (IPIC), shall make recommendations to the Board regarding
10 allocation of funds.

11 (h) Within 60 days of receiving the Eastern Neighborhoods Capital Expenditure
12 Evaluation Report as specified in Administrative Code Section 10E.2(c)7, the Office of the
13 Controller shall assess whether funds collected from the Eastern Neighborhoods Impact Fee
14 are being effectively utilized for capital projects serving the Eastern Neighborhoods, and
15 whether such projects are successfully advancing towards implementation, as set forth in the
16 abovementioned Section. Based on this assessment, the following shall occur:

17 (A) If the Controller determines that the funds have been effectively utilized as set forth
18 in Section 10E.2(c)7 of the Administrative Code, the Controller shall issue an affirmative
19 finding to the Board of Supervisors and the Planning Commission certifying that the intent of
20 this aforementioned Section is being met. No further Controller action is necessary for
21 purposes of this Subsection.

22 (B) If the Controller fails to issue the certification described in Subsection (h) (A) above
23 or if the Controller determines that the fees are not being effectively utilized as set forth in
24 Administrative Code Section 10E.2(c)7 and notifies the Board of Supervisors and Planning
25 Commission of this determination, then the following shall occur:

1 (i) Any project specified below within the Eastern Neighborhoods Area Plan that has
2 not already received final and effective approvals from the Planning Department, Zoning
3 Administrator, and/or the Planning Commission, shall require a conditional use authorization,
4 in addition to any other approvals necessary under the Planning Code:

5 (aa) Residential projects containing more than 10 new units that have not received
6 issuance of their first site or building permit; or

7 (bb) Non-residential projects containing a net new addition or new construction of
8 10,000 square feet or more that have not received issuance of their first site or building
9 permit.

10 (C) Elimination of interim conditional use requirement.

11 (i) At any time after the Controller has determined that Eastern Neighborhood impact
12 fees are not being effectively utilized as set forth in Section 423.56(h)(B) above, or fails to
13 certify that they are being effectively utilized as set forth in Section 423.56(h)(A), the Planning
14 Department may provide the Controller with a newly updated or revised Eastern
15 Neighborhoods Capital Expenditure Evaluation Report.

16 (ii) Within 60 days of receiving an updated or revised Report, the Office of the
17 Controller shall determine whether funds collected from the Eastern Neighborhoods Public
18 Benefit Fee are being effectively utilized for capital projects serving the Eastern
19 Neighborhoods consistent with the intent of the Section 10E.2(c) of the Administrative Code.

20 (iii) If, on the basis of a new, updated or revised Eastern Neighborhoods Capital
21 Expenditure Evaluation Report, the Controller determines that the development impact fees
22 collected to date are being effectively utilized as set forth in Section 423.56 (h)(A) above, any
23 projects within the Eastern Neighborhoods Plan Area that required a conditional use
24 authorization on an interim basis as set forth in Section 423.56(h)(B) shall no longer require
25 such conditional use authorization unless the underlying use requires conditional use

1 authorization independent of the requirements set forth in Section 423.56(i)(B).

2 **SEC. 607.2. MIXED USE DISTRICTS.**

3 Signs located in Mixed Use Districts shall be regulated as provided herein, except for
4 those signs which are exempted by Section 603. Signs not specifically regulated in this
5 Section 607.2 shall be prohibited. In the event of conflict between the provisions of Section
6 607.2 and other provisions of Article 6, the provisions of Section 607.2 shall prevail in Mixed
7 Use Districts.

8 (a) **Purposes and Findings.** In addition to the purposes stated in Sections 101 and
9 601 of this Code, the following purposes apply to Mixed Use Districts. These purposes
10 constitute findings that form a basis for regulations and provide guidance for their application.

11 (1) As Mixed Use Districts change, they need to maintain their attractiveness to
12 customers and potential new businesses alike. Physical amenities and a pleasant
13 appearance will profit both existing and new enterprises.

14 (2) The character of signs and other features projecting from buildings is an important
15 part of the visual appeal of a street and the general quality and economic stability of the area.
16 Opportunities exist to relate these signs and projections more effectively to street design and
17 building design. These regulations establish a framework that will contribute toward a
18 coherent appearance of Mixed Use Districts.

19 (3) Mixed Use Districts are typically mixed use areas with commercial units on the
20 ground or lower stories and residential uses on upper stories or have housing and commercial
21 and industrial activities interspersed. Although signs and other advertising devices are
22 essential to a vital commercial district, they should not be allowed to interfere with or diminish
23 the livability of residential units within a Mixed Use District or in adjacent residential districts.

24 (4) The scale of most Mixed Use Districts as characterized by building height, bulk,
25 and appearance, and the width of streets and sidewalks differs from that of other commercial

1 and industrial districts. Sign sizes should relate and be compatible with the surrounding
2 district scale.

3 (b) **Signs or Sign Features Not Permitted in Mixed Use Districts.** General
4 advertising signs are not permitted in the Eastern Neighborhoods and South of Market Mixed
5 Use districts, except in the South of Market General Advertising Special Sign District. Roof
6 signs as defined in Section 602.16 of this Code, wind signs as defined in Section 602.21 of
7 this Code, and signs on canopies, as defined in Section 136.1(b) of this Code, are not
8 permitted in Mixed Use Districts. No sign shall have or consist of any moving, rotating, or
9 otherwise physically animated part, or lights that give the appearance of animation by
10 flashing, blinking, or fluctuating. In addition, all signs or sign features not otherwise
11 specifically regulated in this Section 607.2 shall be prohibited.

12 (c) **Identifying Signs.** Identifying signs, as defined in Section 602.10, shall be
13 permitted in all Mixed Use Districts subject to the limits set forth below.

14 (1) One sign per lot shall be permitted and such sign shall not exceed 20 square feet
15 in area. The sign may be a freestanding sign, if the building is recessed from the street
16 property line, or may be a wall sign or a projecting sign. The existence of a freestanding
17 identifying sign shall preclude the erection of a freestanding business sign on the same lot. A
18 wall or projecting sign shall be mounted on the first-story level; a freestanding sign shall not
19 exceed 15 feet in height. Such sign may be nonilluminated, indirectly illuminated, or directly
20 illuminated.

21 (2) One sign identifying a shopping center or shopping mall shall be permitted subject
22 to the conditions in Paragraph (1), but shall not exceed 30 square feet in area. Such signs
23 may be nonilluminated, indirectly illuminated, or directly illuminated during the hours of
24 operation of the businesses in the shopping center or shopping mall.

25 (d) **Nameplate.** One nameplate, as defined in Section 602.12 of this Code, not

1 exceeding an area of two square feet, shall be permitted for each noncommercial use in
2 Mixed Use Districts.

3 (e) **General Advertising Signs.** General advertising signs, as defined in Section
4 602.7, shall be permitted in Mixed Use Districts as provided for below. General advertising
5 signs are not allowed in the South of Market *and Downtown Residential* Mixed Use Districts,
6 except in the Eastern Neighborhoods and South of Market General Advertising Special Sign
7 District or where a permit was approved by the City prior to January 1, 2001. In Mixed Use
8 Districts where such signs are permitted, general advertising signs may be either a wall sign
9 or freestanding, provided that the surface of any freestanding sign shall be parallel to and
10 within three feet of an adjacent building wall. In either case, the building wall shall form a
11 complete backdrop for the sign, as the sign is viewed from all points from a street or alley from
12 which it is legible. No general advertising sign shall be permitted to cover part or all of any
13 windows. Any extension of the copy beyond the rectangular perimeter of the sign shall be
14 included in the calculation of the sign area, as defined in Section 602.1(a) of this Code.

15 (1) **Chinatown Residential Neighborhood Commercial District.** No more than one
16 general advertising sign shall be permitted per lot. Such sign shall not exceed 72 square feet
17 in area nor exceed 12 feet in height. Such sign may be either nonilluminated or indirectly
18 illuminated.

19 (2) **Chinatown Visitor Retail and Chinatown Community Business Districts.** No
20 more than one general advertising sign not exceeding 300 square feet in area or two general
21 advertising signs of 72 square feet each shall be permitted per lot. The height of any such
22 wall sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height
23 of the lowest of any residential windowsills on the wall to which it is attached, whichever is
24 lower. If the advertising sign is a freestanding sign, the height shall not exceed 24 feet or the
25 height of the adjacent wall, whichever is lower.

1 (A) Signs may be either nonilluminated or indirectly or directly illuminated.

2 (3) **South of Market General Advertising Special Sign District.** Within the area
3 designated as a South of Market General Advertising Special Sign District, as described in
4 Section 821 of this Code and shown on Sectional Map SSD of the Zoning Map, the following
5 provisions shall apply to general advertising signs: (1) No more than two general advertising
6 signs not to exceed 300 square feet in area or one general advertising sign not to exceed 672
7 square feet in area shall be permitted per lot; (2) No more than one double-sided or multiple-
8 sided sign shall be permitted per lot; and (3) Roof signs shall be permitted and shall not
9 exceed the standards established by Section 607(b) of this Code for roof signs lying within M
10 Districts.

11 (f) **Business Signs.** Business signs, as defined in Section 602.3 shall be permitted in
12 all Mixed Use Districts subject to the limits set forth below.

13 (1) **Chinatown Residential Neighborhood Commercial District.**

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

17 (B) **Wall Signs.** The area of all wall signs shall not exceed one square foot per foot of
18 street frontage occupied by the business measured along the wall to which the signs are
19 attached, or 50 square feet for each street frontage, whichever is less; provided, however, that
20 in no case shall the wall sign or combination of wall signs cover more than 75 percent of the
21 surface of any wall, excluding openings. The height of any wall sign shall not exceed 15 feet
22 or the height of the wall to which it is attached. Such signs may be nonilluminated or indirectly
23 illuminated; or during business hours, may be directly illuminated.

24 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
25 business. The area of such sign or signs combined when there are multiple signs, as defined

1 in Section 602.1(a), shall not exceed 24 square feet. The height of such sign shall not exceed
2 15 feet or the height of the wall to which it is attached. No part of the sign shall project more
3 than 75 percent of the horizontal distance from the street property line to the curblin, or six
4 feet six inches, whichever is less. The sign may be nonilluminated or indirectly illuminated, or
5 during business hours, may be directly illuminated.

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

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

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

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

20 (C) **Projecting Signs.** The number of projecting signs shall not exceed one per
21 business. The area of such sign, as defined in Section 602.1(a), shall not exceed 24 square
22 feet. The height of such sign shall not exceed 24 feet, or the height of the wall to which it is
23 attached, or the height of the lowest of any residential windowsill on the wall to which the sign
24 is attached, whichever is lower. No part of the sign shall project more than 75 percent of the
25 horizontal distance from the street property line to the curblin, or six feet six inches,

1 whichever is less. Such signs may be nonilluminated or indirectly illuminated; or during
2 business hours, may be directly illuminated.

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

8 (E) **Freestanding Signs and Sign Towers.** One freestanding sign or sign tower per
9 lot shall be permitted in lieu of a projecting sign, if the building or buildings are recessed from
10 the street property line. The existence of a freestanding business sign shall preclude the
11 erection of a freestanding identifying sign on the same lot. The area of such freestanding sign
12 or sign tower, as defined in Section 602.1(a), shall not exceed 20 square feet nor shall the
13 height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the
14 horizontal distance from the street property line to the curblineline, or six feet, whichever is less.
15 Such signs may be nonilluminated or indirectly illuminated; or during business hours, may be
16 directly illuminated.

17 (3) **Chinatown Community Business District, Eastern Neighborhoods, ~~and~~ South**
18 **of Market Mixed Use Mixed Use Districts, and the Downtown Residential Districts.**

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

22 (B) **Wall Signs.**

23 (i) In districts other than the Urban Mixed Use District. The area of all wall signs shall not
24 exceed three square feet per foot of street frontage occupied by the use measured along the
25 wall to which the signs are attached, or 150 square feet for each street frontage, whichever is

1 less; provided, however, that in no case shall the wall sign or combination of wall signs cover
2 more than 75 percent of the surface of any wall, excluding openings. The height of any wall
3 sign shall not exceed 24 feet, or the height of the wall to which it is attached, or the height of
4 the lowest of any residential windowsill on the wall to which the sign is attached, whichever is
5 lower. Such signs may be nonilluminated, indirectly, or directly illuminated.

6 (ii) In the Urban Mixed Use District. The area of all wall signs shall not exceed three square
7 feet per foot of street frontage occupied by the use measured along the wall to which the signs are
8 attached for up to 50 feet of street frontage, and an additional one square foot per foot of street
9 frontage thereafter; provided, however, that in no case shall the wall sign or combination of wall signs
10 cover more than 75 percent of the surface of any wall, excluding openings. The height of any wall sign
11 shall not exceed 60 feet, or the height of the wall to which it is attached, or the height of the lowest of
12 any residential windowsill on the wall to which the sign is attached, whichever is lower. Such signs may
13 be nonilluminated, indirectly, or directly illuminated.

14 **(C) Projecting Signs.** The number of projecting signs shall not exceed one per
15 business. The area of such sign or signs combined when there are multiple signs, as defined
16 in Section 602.1(a), shall not exceed 32 square feet. The height of the sign shall not exceed
17 24 feet, or the height of the wall to which it is attached, or the height of the lowest of any
18 residential windowsill on the wall to which the sign is attached, whichever is lower. No part of
19 the sign shall project more than 75 percent of the horizontal distance from the street property
20 line to the curblin, or six feet six inches, whichever is less. Such signs may be
21 nonilluminated, indirectly, or directly illuminated.

22 **(D) Sign Copy on Awnings and Marquees.** Sign copy may be located on permitted
23 awnings or marquees in lieu of projecting signs. The area of such sign copy, as defined in
24 Section 602.1(c), shall not exceed 40 square feet. Such sign copy may be nonilluminated or
25 indirectly illuminated; except that sign copy on marquees for movie theaters or places of

1 entertainment may be directly illuminated during business hours.

2 (E) **Freestanding Signs and Sign Towers.** One freestanding sign or sign tower per
3 lot shall be permitted in lieu of a projecting sign if the building or buildings are recessed from
4 the street property line. The existence of a freestanding business sign shall preclude the
5 erection of a freestanding identifying sign on the same lot. The area of such freestanding sign
6 or sign tower, as defined in Section 602.1(a), shall not exceed 30 square feet nor shall the
7 height of the sign exceed 24 feet. No part of the sign shall project more than 75 percent of the
8 horizontal distance from the street property line to the curblineline, or six feet, whichever is less.
9 Such signs may be nonilluminated or indirectly illuminated, or during business hours, may be
10 directly illuminated.

11 (g) **Special Sign Districts.** Additional controls apply within certain Mixed Use Districts
12 that are designated as Special Sign Districts. The designations, locations, and boundaries of
13 these Special Sign Districts are provided on Sectional Map SSD of the Zoning Map of the City
14 and County of San Francisco, and are described within Sections 608.1 through 608.10 of this
15 Code.

16 (h) **Special Districts for Sign Illumination.** Signs in Mixed Use Districts shall not
17 have nor consist of any flashing, blinking, fluctuating or otherwise animated light except in the
18 following special districts, all specifically designated as "Special Districts for Sign Illumination"
19 on Sectional Map SSD of the Zoning Map of the City and County of San Francisco, and
20 described in Section 607(e) of this Code.

21 (1) **Broadway District.** Along the main commercial frontage of Broadway between
22 Wayne and Osgood.

23 (i) **Other Sign Requirements.** Within Mixed Use Districts, the following additional
24 requirements shall apply:

25 (1) **Public Areas.** No sign shall be placed upon any public street, alley, sidewalk,

1 public plaza or right-of-way, or in any portion of a transit system, except such projecting signs
2 as are otherwise permitted by this Code and signs, structures, and features as are specifically
3 approved by the appropriate public authorities under applicable laws and regulations not
4 inconsistent with this Code and under such conditions as may be imposed by such authorities
5 or posted pursuant to the Police Code.

6 (2) **Maintenance.** Every business sign pertaining to an active establishment shall be
7 adequately maintained in its appearance. When the activity for which the business sign has
8 been posted has ceased operation for more than 90 days within the Chinatown Mixed Use
9 Districts, all signs pertaining to that business activity shall be removed after that time.

10 (3) **Temporary Signs.** The provisions of Section 607.1(g) of this Code shall apply.

11 (4) **Special Standards for Automotive Gas and Service Stations.** The provisions of
12 Section 607.1(f)(4) of this Code shall apply.

13 **SEC. 726.1. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

14 The Valencia Street Commercial Transit District is located near the center of San
15 Francisco in the Mission District. It lies along Valencia Street between 14th and Cesar Chavez
16 (Army) Street, and includes a portion of 16th Street extending west toward Dolores Street.
17 The commercial area provides a limited selection of convenience goods for the residents of
18 sections of the Mission and Dolores Heights. Valencia Street also serves a wider trade area
19 with its retail and wholesale home furnishings and appliance outlets. The commercial district
20 also has several automobile-related businesses. Eating and drinking establishments
21 contribute to the street's mixed-use character and activity in the evening hours. A number of
22 upper-story professional and business offices are located in the district, some in converted
23 residential units.

24 The Valencia Street District has a pattern of large lots and businesses, as well as a
25 sizable number of upper-story residential units. Controls are designed to permit moderate-

1 scale buildings and uses, protecting rear yards above the ground story and at residential
 2 levels. New neighborhood-serving commercial development is encouraged mainly at the
 3 ground story. While offices and general retail sales uses may locate at the second story of
 4 new buildings under certain circumstances, most commercial uses are prohibited above the
 5 second story. In order to protect the balance and variety of retail uses and the livability of
 6 adjacent uses and areas, most eating and drinking and entertainment uses at the ground
 7 story are limited. Continuous retail frontage is promoted by prohibiting drive-up facilities, some
 8 automobile uses, and new nonretail commercial uses. Parking is not required, and any new
 9 parking is required to be set back or below ground. Active, pedestrian-oriented ground floor
 10 uses are required.

11 Housing development in new buildings is encouraged above the ground story. Housing
 12 density is not controlled by the size of the lot but by requirements to supply a high percentage
 13 of larger units and by physical envelope controls. Existing residential units are protected by
 14 prohibitions on upper-story conversions and limitations on demolitions, mergers, and
 15 subdivisions. Given the area's central location and accessibility to the City's transit network,
 16 accessory parking for residential uses is not required.

17 **SEC. 726. VALENCIA STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT**
 18 **ZONING CONTROL TABLE**

			Valencia Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
726.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252,	40-X, 50-X. See Zoning Map. Additional 5' Height Allowed for Ground Floor Active

1		260, 263.18, 270,	Uses in 40-X and 50-X
2		271	
3	726.11	Lot Size [Per	P up to 9,999 sq. ft. C 10,000 sq. ft. & above § 121.1
4		Development]	
5	726.12	Rear Yard	Required at the second story and above and at all residential levels § 134(a)(e)
6		§§ 130, 134, 136	
7	726.13	Street Frontage, Above-	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
8	a	Grade Parking Setback and Active Uses	
9	726.13b	Street Frontage, Required	Requirements apply. See § 145.4
10		Ground Floor Commercial	
11	726.13c	Street Frontage, Parking	Requirements apply. See § 155(r)
12		and Loading access restrictions	
13	726.14	Awning	P § 136.1(a)
14	726.15	Canopy	P § 136.1(b)
15	726.16	Marquee	P § 136.1(c)
16	726.17	Street Trees	Required § 143
17	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES		
18	726.20	Floor Area Ratio	2.5 to 1 § 124(a)(b)
19		§§ 102.9, 102.11, 123	

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726.21	Use Size [Non-Residential]	§ 790.130	P up to 2,999 sq. ft.; C 3,000 sq. ft. & above § 121.2
726.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153—157, 159—160, 166, 204.5	None required. Limits set forth in Section 151.1 §§
726.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
726.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
726.25	Drive-Up Facility	§ 790.30	
726.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
726.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m. C 2 a.m.—6 a.m.
726.30	General Advertising Sign	§§ 262, 602—604, 608, 609	
726.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f) 2
726.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c) (d) (g)

No.	Zoning Category	§ References	Valencia Street		
			Controls by Story		
		§ 790.118	1st	2nd	3 rd +
726.37	Residential Conversion	§§ 790.84, 207.7	C		
726.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
726.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
726.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	C	
726.41	Bar	§ 790.22	C		
726.42	Full-Service Restaurant	§ 790.92	P		
726.43	Large Fast Food Restaurant	§ 790.90	C		
726.44	Small Self-Service Restaurant	§ 790.91	P		
726.45	Liquor Store	§ 790.55			
726.46	Movie Theater	§ 790.64	P		
726.47	Adult Entertainment	§ 790.36			
726.48	Other Entertainment	§ 790.38	C		

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726.49	Financial Service	§ 790.110	P		
726.50	Limited Financial Service	§ 790.112	P		
726.51	Medical Service	§ 790.114	P	C	
726.52	Personal Service	§ 790.116	P	C	
726.53	Business or Professional Service	§ 790.108	P	C	
726.54	Massage Establishment	§ 790.60 § 1900 Health Code	C		
726.55	Tourist Hotel	§ 790.46	C	C	
726.56	Automobile Parking	§§ 790.8, 156, 158.1, 160, 166	C	C	C
726.57	Automotive Gas Station	§ 790.14			
726.58	Automotive Service Station	§ 790.17			
726.59	Automotive Repair	§ 790.15	C		
726.60	Automotive Wash	§ 790.18			
726.61	Automobile Sale or Rental	§ 790.12			
726.62	Animal Hospital	§ 790.6	C		
726.63	Ambulance Service	§ 790.2			
726.64	Mortuary	§ 790.62	C	C	
726.65	Trade Shop	§ 790.124	P	C	

1	726.66	Storage	§ 790.117			
2	726.67	Video Store	§ 790.135	C	C	
3	726.68	Fringe Financial Service	§ 790.111	#	#	#
4	726.69	Tobacco Paraphernalia	§ 790.123	C		
5		Establishments				
6	726.69A	Self-Service Specialty Food	§ 790.93	P		
7	726.69B	Amusement Game Arcade	§ 790.04			
8		(Mechanical Amusement				
9		Devices)				
10	726.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
11	726.69D	Large-Scale Urban	§ 102.35(b)	C	C	C
12		Agriculture				
13	Institutions and Non-Retail Sales and Services					
14	726.70	Administrative Service	§ 790.106			
15	726.80	Hospital or Medical Center	§ 790.44			
16	726.81	Other Institutions, Large	§ 790.50	P	C	C
17	726.82	Other Institutions, Small	§ 790.51	P	P	P
18	726.83	Public Use	§ 790.80	C	C	C
19	726.84	Medical Cannabis	§ 790.141	P		
20		Dispensary				

1 RESIDENTIAL STANDARDS AND USES

2 3 4 5 6 7	726.90	Residential Use	§§ 145.4, 790.88	P, except NP for frontages listed in 145.4	P	P
8 9	726.91	Residential Density, Dwelling Units	§§ 207, 207.1, 207.4, 207.6, 790.88(a)	No density limit § 207.4		
10 11	726.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No density limit		
12 13 14 15	726.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft if private, or 100 sq. ft. if common § 135(d)		
16 17 18 19 20 21 22	726.94	Off-Street Parking, Residential	§§ 145.1, 150, 151.1, 153—157, 159—160, 166, 167, 204.5	Non required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1		
23 24	726.95	Community Residential Parking	§§ 145.1, 151.1(f), 155(r), 166, 790.10	C	C	C

25 SPECIFIC PROVISIONS FOR THE VALENCIA STREET DISTRICT

Article 7 Code Section	Other Code Section	Zoning Controls
§ 726.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its ¼ mile buffer includes, but is not limited to, the Valencia Street Neighborhood Commercial District. Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).

SEC. 734.1. NCT-2 — SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

NCT-2 Districts are transit-oriented mixed-use neighborhoods with small scale commercial uses near transit services. The NCT-2 Districts are mixed use districts that support neighborhood-serving commercial uses on lower floors and housing above. These Districts are well-served by public transit and aim to maximize residential and commercial opportunities on or near major transit services. The District's form is generally linear along transit-priority corridors, though may be concentric around transit stations or in broader areas where multiple transit services criss-cross the neighborhood. Housing density is limited not by lot area, but by the regulations on the built envelope of buildings, including height, bulk, setbacks, and lot coverage, and standards for residential uses, including open space and exposure, and urban design guidelines. There are prohibitions on access (e.g., driveways, garage entries) to off-street parking and loading on critical stretches of commercial and transit street frontages to preserve and enhance the pedestrian-oriented character and transit

1 function. Residential parking is not required and generally limited. Commercial establishments
 2 are discouraged from building excessive accessory off-street parking in order to preserve the
 3 pedestrian-oriented character of the district and prevent attracting auto traffic.

4 NCT-2 Districts are intended to provide convenience goods and services to the
 5 surrounding neighborhoods as well as limited comparison shopping goods for a wider market.
 6 The range of comparison goods and services offered is varied and often includes specialty
 7 retail stores, restaurants, and neighborhood-serving offices. The small-scale district controls
 8 provide for mixed-use buildings, which approximate or slightly exceed the standard
 9 development pattern. Rear yard requirements above the ground story and at residential levels
 10 preserve open space corridors of interior blocks.

11 Most new commercial development is permitted at the ground and second stories.
 12 Neighborhood-serving businesses are strongly encouraged. Eating and drinking and
 13 entertainment uses, however, are confined to the ground story. The second story may be
 14 used by some retail stores, personal services, and medical, business and professional offices.
 15 Parking and hotels are monitored at all stories. Limits on late-night activity, drive-up facilities,
 16 and other automobile uses protect the livability within and around the district, and promote
 17 continuous retail frontage.

18 Housing development in new buildings is encouraged above the ground story. Existing
 19 residential units are protected by limitations on demolition and upper-story conversions.

20 **SEC. 734. SMALL-SCALE NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT NCT-2**

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 22 **ZONING CONTROL TABLE**

			NCT-2
No.	Zoning Category	§ References	Controls

1 BUILDING STANDARDS

2 734.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 263.18, 270, 271	See Zoning Map. Additional 5' Height Allowed for Ground Floor. Active Uses in 40-X and 50-X
6 734.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
8 734.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
11 734.13	Street Frontage	§§ 145.1, 145.4	Required §§ 145.1, 145.4
13 734.13a	Street Frontage, Above-Grade Parking Setback and Active Uses	§ 145.1	Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
15 734.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply Geneva Avenue
17 734.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply NP: Geneva Avenue
19 734.14	Awning	§ 790.20	P § 136.1(a)
21 734.15	Canopy	§ 790.26	P § 136.1(b)
22 734.16	Marquee	§ 790.58	P § 136.1(c)
23 734.17	Street Trees		Required § 143

24 COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

1	734.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a) and (b)
2	734.21	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq.
3				ft. & above § 121.2
4	734.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153- 157, 159-160, 204.5	None required. Limits set forth in Section 151.1
5	734.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
6	734.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
7	734.25	Drive-Up Facility	§ 790.30	
8	734.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
9	734.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
10	734.30	General Advertising Sign	§§ 262, 602—604, 608, 609	NP § 607.1(e)(1)
11	734.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)(2)
12	734.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c), (d), (g)

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No.	Zoning Category	§ References	NCT-2		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
734.37	Residential Conversion	§§ 790.84, 207.7	C	C	
734.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
731.39	Residential Division	§ 207.8	P	P	P
Non-Retail Sales and Services					
734.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	
734.41	Bar	§ 790.22	P		
734.42	Full-Service Restaurant	§ 790.92	P		
734.43	Large Fast Food Restaurant	§ 790.90	C		
734.44	Small Self-Service Restaurant	§ 790.91	P		

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734.45	Liquor Store	§ 790.55	P		
734.46	Movie Theater	§ 790.64	P		
734.47	Adult Entertainment	§ 790.36			
734.48	Other Entertainment	§ 790.38	P		
734.49	Financial Service	§ 790.110	P	C	
734.50	Limited Financial Service	§ 790.112	P		
734.51	Medical Service	§ 790.114	P	P	
734.52	Personal Service	§ 790.116	P	P	
734.53	Business or Professional Service	§ 790.108	P	P	
734.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
734.55	Tourist Hotel	§ 790.46	C	C	C
734.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C
734.57	Automotive Gas	§ 790.14	C		

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734.58	Automotive Service Station	§ 790.17	C		
734.59	Automotive Repair	§ 790.15	C		
734.60	Automotive Wash	§ 790.18			
734.61	Automobile Sale or Rental	§ 790.12			
734.62	Animal Hospital	§ 790.6	C		
734.63	Ambulance Service	§ 790.2			
734.64	Mortuary	§ 790.62			
734.65	Trade Shop	§ 790.124	P	C	
734.66	Storage	§ 790.117			
734.67	Video Store	§ 790.135	C	C	
<u>734.69</u>	<u>Tobacco</u> <u>Paraphernalia</u> <u>Establishments</u>	<u>§ 790.123</u>	<u>C</u>		
<u>734.69A</u>	<u>Self-Service</u> <u>Specialty Food</u>	<u>§ 790.93</u>	<u>P</u>		
<u>734.69B</u>	<u>Amusement Game</u> <u>Arcade (Mechanical</u>	<u>§ 790.04</u>			

	<u>Amusement Devices</u>				
734.69C	Neighborhood Agriculture	§ 102.35(a)	P		
734.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
Institutions and Non-Retail Sales and Services					
734.70	Administrative Service	§ 790.106			
734.80	Hospital or Medical Center	§ 790.44			
734.81	Other Institutions, Large	§ 790.50	P	C	C
734.82	Other Institutions, Small	§ 790.51	P	P	P
734.83	Public Use	§ 790.80	C	C	C
734.84	Medical Cannabis Dispensary	§ 790.141	P #		
RESIDENTIAL STANDARDS AND USES					
734.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P	P
734.91	Residential	§§ 207,	No residential density limit by lot area. Density restricted		

1		Density, Dwelling Units	207.1, 790.88(a)	by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department: §§ 207.4, 207.6		
2	734.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208		
3	734.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 100 sq. ft. if private, or 133 sq. ft. if common § 135(d)		
4	734.94	Off-Street Parking, Residential	§§ 150, 153— 157, 159— 160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit., §§ 151.1, 166, 167, 145.1		
5	734.95	Community Residential Parking	§ 790.10	C	C	C

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2 **SPECIFIC PROVISIONS FOR NCT-2 DISTRICTS**

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Article 7 Code Section	Other Code Section	Zoning Controls
§§ 734.84, 790.141	Health Code § 3308	Medical cannabis dispensaries in NCT-2 District may only operate between the hours of 8 a.m. and 10 p.m.

8 **SEC. 735.1. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

9 The SoMa Neighborhood Commercial Transit District (SoMa NCT) is located along the
10 6th Street and Folsom Street corridors in the South of Market. The commercial area provides
11 a limited selection of convenience goods for the residents of the South of Market. Eating and
12 drinking establishments contribute to the street's mixed-use character and activity in the
13 evening hours. A number of upper-story professional and business offices are located in the
14 district, some in converted residential units.

15 The SoMa NCT has a pattern of ground floor commercial and upper story residential
16 units. Controls are designed to permit moderate-scale buildings and uses, protecting rear
17 yards above the ground story and at residential levels. Active, neighborhood-serving
18 commercial development is required at the ground story, curb cuts are prohibited and ground
19 floor transparency and fenestration adds to the activation of the ground story. While offices
20 and general retail sales uses may locate on the second story or above of new buildings, most
21 commercial uses are prohibited above the second story. In order to protect the balance and
22 variety of retail use, bars and liquor stores are allowed with a conditional use. Continuous
23 retail frontage is promoted by prohibiting drive-up facilities, some automobile uses, and new
24 non-retail commercial uses. Above-ground parking is required to be setback or below ground.
25 Active, pedestrian-oriented ground floor uses are required.

Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot or by density controls, but by bedroom counts. Given the area's central location and accessibility to the City's transit network, parking for residential and commercial uses is not required.

**SEC. 735. SOMA NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT
ZONING CONTROL TABLE**

			SoMa
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			
735.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250—252, 260, 270, 271	See Zoning Map.
735.11	Lot Size [Per Development]	§§ 790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above § 121.1
735.12	Rear Yard	§§ 130, 134, 136	Required at the second story and above and at all residential levels § 134(a)(e)
735.13	Street Frontage	§§ 145.1, 145.4	Required §§ 145.1, 145.4
735.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floors above § 145.1
735.13b	Street Frontage, Required Ground Floor Commercial	§ 145.4	Requirements apply

1	735.13c	Street Frontage, Parking and Loading access restrictions	§ 155(r)	Requirements apply
2				
3	735.14	Awning	§ 790.20	P § 136.1(a)
4				
5	735.15	Canopy	§ 790.26	P § 136.1(b)
6	735.16	Marquee	§ 790.58	P § 136.1(c)
7	735.17	Street Trees		Required § 143
8	COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES			
9				
10	735.20	Floor Area Ratio	§§ 102.9, 102.11, 123	2.5 to 1 § 124(a), (b);
11				
12	735.21	Use Size [Non-Residential]	§ 790.130	P up to 3,999 sq. ft.; C 4,000 sq. ft. & above § 121.2
13				
14	735.22	Off-Street Parking, Commercial/Institutional	§§ 150, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1
15				
16	735.23	Off-Street Freight Loading	§§ 150, 153—155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
17				
18	735.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
19				
20	735.25	Drive-Up Facility	§ 790.30	
21				
22	735.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
23				
24				
25				

1	735.27	Hours of Operation	§ 790.48	P 6 a.m.—2 a.m.; C 2 a.m.—6 a.m.
2				
3	735.30	General Advertising Sign	§§ 262, 602—604, 608, 609	NP § 607.1(e)(1)
4				
5	735.31	Business Sign	§§ 262, 602—604, 608, 609	P § 607.1(f)(2)
6				
7	735.32	Other Signs	§§ 262, 602—604, 608, 609	P § 607.1(c), (d), (g)
8				
9				

11	12	No.	Zoning Category	§ References	SoMa		
					Controls by Story		
13	14				1st	2nd	3rd+
				§ 790.118			
15	735.37	Residential Conversion	§§ 790.84, 207.7	C		C	-
16	735.38	Residential Demolition	§§ 790.86, 207.7	C		C	C
17	731.39	Residential Division	§ 207.8	P		P	P
18	Retail Sales and Services						
19	735.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P		P	
20							
21	735.41	Bar	§ 790.22	C			
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735.42	Full-Service Restaurant	§ 790.92	P		
735.43	Large Fast Food Restaurant	§ 790.90	C		
735.44	Small Self-Service Restaurant	§ 790.91	P		
735.45	Liquor Store	§ 790.55	C		
735.46	Movie Theater	§ 790.64	P		
735.47	Adult Entertainment	§ 790.36			
735.48	Other Entertainment	§ 790.38	NP		
735.49	Financial Service	§ 790.110	P	C	
735.50	Limited Financial Service	§ 790.112	P		
735.51	Medical Service	§ 790.114	P	P	
735.52	Personal Service	§ 790.116	P	P	
735.53	Business or Professional Service	§ 790.108	P	P	
735.54	Massage Establishment	§ 790.60, § 1900 Health Code	C		
735.55	Tourist Hotel	§ 790.46	C	C	C
735.56	Automobile Parking	§§ 790.8, 156, 160	C	C	C

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735.57	Automotive Gas Station	§ 790.14	C		
735.58	Automotive Service Station	§ 790.17	C		
735.59	Automotive Repair	§ 790.15	C		
735.60	Automotive Wash	§ 790.18			
735.61	Automobile Sale or Rental	§ 790.12			
735.62	Animal Hospital	§ 790.6	C		
735.63	Ambulance Service	§ 790.2			
735.64	Mortuary	§ 790.62			
735.65	Trade Shop	§ 790.124	P	C	
735.66	Storage	§ 790.117			
735.67	Video Store	§ 790.135	P	P	
<u>735.69</u>	<u>Tobacco Paraphernalia Establishments</u>	<u>§ 790.123</u>	<u>C</u>		
<u>735.69A</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>P</u>		
<u>735.69B</u>	<u>Amusement Game Arcade (Mechanical Amusement Devices)</u>	<u>§ 790.04</u>			
735.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
735.69D	Large-Scale Urban	§ 102.35(b)	C	C	C

1		Agriculture				
2	Institutions and Non-Retail Sales and Services					
3	735.70	Administrative Service	§ 790.106			
4	735.80	Hospital or Medical Center	§ 790.44			
5	735.81	Assembly and Social Service	§ 790.50(a)	P	P	P
6	735.82	Other Institutions, Large, except Assembly and Social Service	§ 790.50(b) — (e)	C	C	C
7	735.83	Other Institutions, Small	§ 790.51	P	P	P
8	735.84	Public Use	§ 790.80	P	P	P
9	735.85	Medical Cannabis Dispensary	§ 790.141	P #		
10	RESIDENTIAL STANDARDS AND USES					
11	735.90	Residential Use	§ 790.88	P, except C for frontages listed in 145.4	P	P
12	735.90A	Single-Room Occupancy (SRO) Unit	§ 890.88	P	P	P
13	735.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No density limit.		

735.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No density limit		
735.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
735.94	Off-Street Parking, Residential	§§ 150, 153— 157, 159—160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1		
735.95	Community Residential Parking	§ 790.10	C	C	C

SPECIFIC PROVISIONS FOR SOMA NCT-2 DISTRICTS

Article Code Section	7 Other Code Section	Zoning Controls
§§ 735.84, 790.141	Health Code § 3308	Medical cannabis dispensaries in the SoMa NCT District may only operate between the hours of 8 a.m. and 10 p.m.

SEC. 736.1. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

The Mission Street Commercial Transit District is located near the center of San Francisco in the Mission District. It lies along Mission Street between 15th and Cesar Chavez (Army) Street, and includes adjacent portions of 17th Street, 21st Street, 22nd Street, and Cesar Chavez Street. The commercial area of this District provides a selection of goods serving the day-to-day needs of the residents of the Mission District. Additionally, this District serves a wider trade area with its specialized retail outlets. Eating and drinking establishments contribute to the street's mixed-use character and activity in the evening hours.

The District is extremely well-served by transit, including regional-serving BART stations at 16th Street and 24th Street, major buses running along Mission Street, and both cross-town and local-serving buses intersecting Mission along the length of this district. Given the area's central location and accessibility to the City's transit network, accessory parking for residential uses is not required. Any new parking is required to be set back or be below ground.

This District has a mixed pattern of larger and smaller lots and businesses, as well as a sizable number of upper-story residential units. Controls are designed to permit moderate-scale buildings and uses, protecting rear yards above the ground story and at residential levels. New neighborhood-serving commercial development is encouraged mainly at the ground story. While offices and general retail sales uses may locate at the second story of new buildings under certain circumstances, most commercial uses are prohibited above the second story. Continuous retail frontage is promoted by requiring ground floor commercial uses in new developments and prohibiting curb cuts. Housing development in new buildings is encouraged above the ground story. Housing density is not controlled by the size of the lot but by requirements to supply a high percentage of larger units and by physical envelope controls. Existing residential units are protected by prohibitions on upper-story conversions and limitations on demolitions, mergers, and subdivisions.

SEC. 736. MISSION NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT

ZONING CONTROL TABLE

			Mission Street
No.	Zoning Category	§ References	Controls
BUILDING STANDARDS			

1	736.10	Height and Bulk Limit	§§ 102.12, 105, 106, 250-252, 260, 261.1, 263.18, 270, 271	Varies See Zoning Map Height Sculpting on Alleys; § 261.1 Additional 5' Height Allowed for Ground Floor Active Uses in 40-X and 50-X; § 263.18
2	736.11	Lot Size [Per Development]	§§790.56, 121.1	P up to 9,999 sq. ft.; C 10,000 sq. ft. & above §121.1
3	736.12	Rear Yard	§§130, 134, 136	Required at residential levels only § 134(a)(e)
4	736.13	Street Frontage		Required § 145.1
5	736.13a	Street Frontage, Above-Grade Parking Setback and Active Uses		Minimum 25 feet on ground floor, 15 feet on floor above § 145.1(c), (e)
6	736.13b	Street Frontage, Required Ground Floor Commercial		Required along Mission St. § 145.1 (d)
7	736.13c	Street Frontage, Parking and Loading access restrictions		NP along Mission St. § 155(r)
8	736.14	Awning	§ 790.20	P § 136.1(a)
9	736.15	Canopy	§ 790.26	P § 136.1(b)
10	736.16	Marquee	§ 790.58	P § 136.1(c)
11	736.17	Street Trees		Required § 143

1 COMMERCIAL AND INSTITUTIONAL STANDARDS AND USES

2	736.20	Floor Area Ratio	§§ 102.9, 102.11, 123	3.6 to 1 § 124(a) (b)
3				
4	736.21	Use Size [Non-Residential]	§ 790.130	P up to 5,999 sq. ft.; C 6,000 sq. ft. & above § 121.2
5				
6	736.22	Off-Street Parking, Commercial/Institutional	§§ 150, 151.1, 153-157, 159-160, 204.5	None required. Limits set forth in Section 151.1 §§ 151.1, 166, 145.1
7				
8	736.23	Off-Street Freight Loading	§§ 150, 153-155, 204.5	Generally, none required if gross floor area is less than 10,000 sq. ft. §§ 152, 161(b)
9				
10	736.24	Outdoor Activity Area	§ 790.70	P if located in front; C if located elsewhere § 145.2(a)
11				
12	736.25	Drive-Up Facility	§ 790.30	NP
13				
14	736.26	Walk-Up Facility	§ 790.140	P if recessed 3 ft.; C if not recessed § 145.2(b)
15				
16	736.27	Hours of Operation	§ 790.48	No Limit
17				
18	736.30	General Advertising Sign	§§ 262, 602-604, 608, 609	P § 607.1(e)2
19				
20	736.31	Business Sign	§§ 262, 602-604, 608, 609	P § 607.1(f)3
21				
22	736.32	Other Signs	§§ 262, 602-604,	P § 607.1(c), (d), (g)
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		608, 609	
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No.	Zoning Category	§ References	Mission Street		
			Controls by Story		
		§ 790.118	1st	2nd	3rd+
736.37	Residential Conversion	§§ 790.84, 207.7	C	C	C
736.38	Residential Demolition	§§ 790.86, 207.7	C	C	C
736.39	Residential Division	§ 207.8	P	P	P
Retail Sales and Services					
736.40	Other Retail Sales and Services [Not Listed Below]	§ 790.102	P	P	P
736.41	Bar	§ 790.22	P	P	
736.42	Full-Service Restaurant	§ 790.92	P	P	
736.43	Large Fast Food Restaurant	§ 790.90			
736.44	Small Self-Service	§ 790.91	C		

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	Restaurant				
736.45	Liquor Store	§ 790.55			
736.46	Movie Theater	§ 790.64	P	P	
736.47	Adult Entertainment	§ 790.36	C	C	
736.48	Other Entertainment	§ 790.38	P	P	
736.49	Financial Service	§ 790.110	P	P	
736.50	Limited Financial Service	§ 790.112	P	P	
736.51	Medical Service	§ 790.114	P	P	P
736.52	Personal Service	§ 790.116	P	P	P
736.53	Business or Professional Service	§ 790.108	P	P	P
736.54	Massage Establishment	§ 790.60, § 2700 Code	C	C	
736.55	Tourist Hotel	§ 790.46	C	C	C
736.56	Automobile Parking	§§ 790.8, 156, 158.1, 160	NP	NP	NP

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736.57	Automotive Gas Station	§ 790.14	C		
736.58	Automotive Service Station	§ 790.17	C		
736.59	Automotive Repair	§ 790.15	C	C	
736.60	Automotive Wash	§ 790.18	C		
736.61	Automobile Sale or Rental	§ 790.12	C		
736.62	Animal Hospital	§ 790.6	C	C	
736.63	Ambulance Service	§ 790.2	C		
736.64	Mortuary	§ 790.62	C	C	C
736.65	Trade Shop	§ 790.124	P	C	C
736.66	Storage	§ 790.117	NP	NP	NP
736.67	Video Store	§ 790.135	C	C	C
736.68	Fringe Financial	§ 790.111	#	#	#
<u>736.69</u>	<u>Tobacco Paraphernalia Establishments</u>	<u>§ 790.123</u>	<u>C</u>		
<u>736.69A</u>	<u>Self-Service Specialty Food</u>	<u>§ 790.93</u>	<u>C</u>		

1	736.69B	<u>Amusement Game</u>	§ 790.04	C		
2		<u>Arcade (Mechanical</u>				
3		<u>Amusement Devices)</u>				
4	736.69C	Neighborhood Agriculture	§ 102.35(a)	P	P	P
5						
6	736.69D	Large-Scale Urban Agriculture	§ 102.35(b)	C	C	C
7						
8						
9	Institutions and Non-Retail Sales and Services.					
10	736.70	Administrative Service	§ 790.106	C	C	C
11						
12	736.80	Hospital or Medical Center	§ 790.44	C	C	C
13						
14	736.81	Other Institutions, Large	§ 790.50	P	P	P
15						
16	736.82	Other Institutions, Small	§ 790.51	P	P	P
17						
18	736.83	Public Use	§ 790.80	C	C	C
19						
20	736.84	Medical Cannabis Dispensary	§ 790.141	P #		
21						
22						
23	RESIDENTIAL STANDARDS AND USES					
24	736.90	Residential Use	§ 790.88	P, except C for frontages listed in	P	P
25						

			145.4		
736.91	Residential Density, Dwelling Units	§§ 207, 207.1, 790.88(a)	No residential density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 207.4, 207.6		
736.92	Residential Density, Group Housing	§§ 207.1, 790.88(b)	No group housing density limit by lot area. Density restricted by physical envelope controls of height, bulk, setbacks, open space, exposure and other applicable controls of this and other Codes, as well as by applicable design guidelines, applicable elements and area plans of the General Plan, and design review by the Planning Department. § 208		
736.93	Usable Open Space [Per Residential Unit]	§§ 135, 136	Generally, either 80 sq. ft. if private, or 100 sq. ft. if common § 135(d)		
736.94	Off-Street Parking, Residential	§§ 150, 151.1, 153-157, 159- 160, 204.5	None required. P up to 0.5 parking spaces per unit; C up to 0.75 parking spaces per unit. §§ 151.1, 166, 167, 145.1		
736.95	Community Residential	§ 790.10, 145.1, 166	C	C	C

	Parking				
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SPECIFIC PROVISIONS FOR THE MISSION NCT DISTRICT

Article Code Section	7 Other Code Section	Zoning Controls
§736.68	§ 249.35	FRINGE FINANCIAL SERVICE RESTRICTED USE DISTRICT (FFSRUD) Boundaries: The FFSRUD and its ¼ mile buffer includes, but is not limited to, the Mission Street Neighborhood Commercial Transit District. Controls: Within the FFSRUD and its ¼ mile buffer, fringe financial services are NP pursuant to Section 249.35. Outside the FFSRUD and its ¼ mile buffer, fringe financial services are P subject to the restrictions set forth in Subsection 249.35(c)(3).
§ 736.84 § 790.141	Health Code 3308	§ Medical cannabis dispensaries in the Mission NCT District may only operate between the hours of 8 am and 10 pm.

SEC. 781.5. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.

In order to preserve the mix and variety of goods and services provided to the Mission neighborhood and City residents and prevent further proliferation of fast-food restaurant uses, and prevent further aggravation of parking and traffic congestion in this district, there shall be a Mission Street Fast-Food Subdistrict, generally applicable for the NC-3-zoned portion of Mission Street between Cesar Chavez 14th and Randall Streets, as designated on Sectional Map 7SU of the Zoning Map. The following provisions shall apply within such subdistrict:

(a) A small self-service restaurant, as defined in Section 790.91 of this Code, is permitted as a conditional use on the first story and below only.

1 (b) A large fast-food restaurant, as defined in Section 790.90 of this Code, shall not be
2 permitted in this subdistrict.

3 (c) The provisions of Sections 180 through 186.1 of this Code shall govern large fast-
4 food restaurants which existed lawfully at the effective date of this Code in this subdistrict.

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

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

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

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

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

23 (B) **Conditional Uses.** Conditional uses are permitted in an Eastern Neighborhood
24 Mixed Use District and South of Market Mixed Use District, when authorized by the Planning
25 Commission; whether a use is conditional in a given district is generally indicated in Sections

1 813 through 818 and 840 through 843 of this Code. Conditional uses are subject to the
2 applicable provisions set forth in Sections 178, 179, 263.11, 303, 316.8, and 803.5 through
3 803.9 of this Code.

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

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

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

14 (C) **Accessory Uses.** Subject to the limitations set forth below and in Sections 204.1
15 (Accessory Uses for Dwelling Units in R and NC Districts), 204.2 (Accessory Uses for Uses
16 Other Than Dwellings in R Districts); 204.4 (Dwelling Units Accessory to Other Uses), and
17 204.5 (Parking and Loading as Accessory Uses) of this Code, an accessory use is a related
18 minor use which is either necessary to the operation or enjoyment of a lawful principal use or
19 conditional use, or is appropriate, incidental and subordinate to any such use, and shall be
20 permitted as an accessory use in an Eastern Neighborhoods Mixed Use District and South of
21 Market Mixed Use District. In order to accommodate a principal use which is carried out by
22 one business in multiple locations within the same general area, such accessory use need not
23 be located in the same structure or lot as its principal use provided that (1) the accessory use
24 is located within 1,000 feet of the principal use; and (2) the multiple locations existed on April
25 6, 1990 (the effective date of this amendment). Accessory uses to non-office uses (as defined

1 in Section 890.70) may occupy space which is non-contiguous or on a different story as the
2 principal use so long as the accessory use is located in the same building as the principal use
3 and complies with all other restrictions applicable to such accessory uses. Any use which
4 does not qualify as an accessory use shall be classified as a principal use.

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

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

11 (ii) A hotel, motel, inn, hostel, nighttime entertainment, adult entertainment, massage
12 establishment, large fast food restaurant, or movie theater use in a RED, SPD, RSD, SLR,
13 SLI, SSO, DTR, MUG, MUR, MUO, or UMU District;

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

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

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

22 **SEC. 803.8. HOUSING IN MIXED USE DISTRICTS.**

23 (a) **Demolition or Conversion of Group Housing or Dwelling Units in South of**
24 **Market Mixed Use Districts.** Demolition, or conversion to any other use, of a group housing
25 unit or dwelling unit or any portion thereof, in any South of Market Mixed Use District shall be

1 allowed only subject to Section 233(a) and only if approved as a conditional use pursuant to
2 Sections 303 and 316 of this Code, notwithstanding any other provision of this Code. This
3 provision shall extend to any premises whose current use is, or last use prior to a proposed
4 conversion or demolition was, in fact as a group housing unit or dwelling unit as well as any
5 premises whose legal use as shown in the records of the Bureau of Building Inspection is that
6 of a group housing or dwelling unit.

7 **(b) Low-Income Affordable Housing Within the Service/Light Industrial District.**

8 Dwelling units and SRO units may be authorized in the SLI District as a conditional use
9 pursuant to Sections 303, 316, 817.14, and 817.16 of this Code provided that such dwellings
10 units shall be rented, leased or sold at rates or prices affordable to a household whose
11 income is no greater than 80 percent of the median income for households in San Francisco
12 ("lower income household"), as determined by Title 25 of the California Code of Regulations
13 Section 6932 and implemented by the Mayor's Office of Housing.

14 (1) "Affordable to a household" shall mean a purchase price that a lower income
15 household can afford to pay based on an annual payment for all housing costs of 33 percent
16 of the combined household annual net income, a 10-percent down payment, and available
17 financing, or a rent that a household can afford to pay, based on an annual payment for all
18 housing costs of 30 percent of the combined annual net income.

19 (2) The size of the dwelling unit shall determine the size of the household in order to
20 calculate purchase price or rent affordable to a household, as follows:

- 21 (A) For a one-bedroom unit, a household of two persons;
22 (B) For a two-bedroom unit, a household of three persons;
23 (C) For a three-bedroom unit, a household of four persons;
24 (D) For a four-bedroom unit, a household of five persons.

25 (3) No conditional use permit will be approved pursuant to this Subsection 803.8(b)

1 unless the applicant and City have agreed upon enforcement mechanisms for the provisions
2 of this Subsection which are acceptable to the City Attorney. Such enforcement mechanisms
3 may include, but not be limited to, a right of first refusal in favor of the City, or a promissory
4 note and deed of trust.

5 (4) The owner(s) of dwelling units authorized pursuant to this Subsection shall submit
6 an annual enforcement report to the City, along with a fee whose amount shall be determined
7 periodically by the City Planning Commission to pay for the cost of enforcement of this
8 Subsection. The fee shall not exceed the amount of such costs. The annual report shall
9 provide information regarding rents, mortgage payments, sales price and other housing costs,
10 annual household income, size of household in each dwelling unit, and any other information
11 the City may require to fulfill the intent of this Subsection.

12 (c) **Housing Requirement in the Residential/Service District.**

13 (1) **Amount Required.** Nonresidential uses subject to Sections 815.26, 815.28,
14 815.30, 815.31 through 815.47, and 815.59 through 815.65, of this Code shall be permitted in
15 new construction in the Residential/Service District only if the ratio between the amount of
16 occupied floor area for residential use to the amount of occupied floor area of the above-
17 referenced nonresidential use is three to one or greater.

18 (2) **Means of Satisfying the Housing Requirement.** (A) Live/work units may satisfy
19 the residential requirement pursuant to this Subsection and, when applicable, shall be subject
20 to Sections 124(j) and/or 263.11(c)(3) of this Code; or (B) The residential space required
21 pursuant to this Subsection may be satisfied by payment of a one-time in-lieu fee equal to \$30
22 per square foot of residential space required by this Subsection and not provided on-site
23 payable to the City's Affordable Housing Fund administered by the Mayor's Office of Housing;
24 or (C) The residential space requirement may be satisfied by providing the required residential
25 space elsewhere within the South of Market Mixed Use District where housing is permitted or

1 conditional and is approved as a conditional use.

2 (d) **Housing Requirement in the Mixed Use — Residential (MUR) District.** In *new*
3 *construction in* the MUR District, three square feet of gross floor area for residential use is
4 required for every one gross square foot of permitted nonresidential use, subject to Section
5 841 of this Code.

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

7 (a) **Preservation of Landmark Buildings, Significant or Contributory Buildings**
8 **Within the Extended Preservation District and/or Contributory Buildings Within**
9 **Designated Historic Districts within the South of Market Mixed Use Districts.** Within the
10 South of Market Mixed Use District, any use which is permitted as a principal or conditional
11 use within the SSO District, excluding nighttime entertainment use, may be permitted as a
12 conditional use in (a) a landmark building located outside a designated historic district, (b) a
13 contributory building which is proposed for conversion to office use of an aggregate gross
14 square footage of 25,000 or more per building and which is located outside the SSO District
15 yet within a designated historic district, or (c) a building designated as significant or
16 contributory pursuant to Article 11 of this Code and located within the Extended Preservation
17 District. For all such buildings the following conditions shall apply: (1) the provisions of
18 Sections 316 through 318 of this Code must be met; (2) in addition to the conditional use
19 criteria set out in Sections 303(c)(6) and 316 through 316.8, it must be determined that
20 allowing the use will enhance the feasibility of preserving the landmark, significant or
21 contributory building; and (3) the landmark, significant or contributory building will be made to
22 conform with the San Francisco Building Code standards for seismic loads and forces which
23 are in effect at the time of the application for conversion of use.

24 A contributory building which is in a designated historic district outside the SSO District
25 may be converted to any use which is a principal use within the SSO District provided that: (1)

1 such use does not exceed an aggregate square footage of 25,000 per building; and (2) prior
2 to the issuance of any necessary permits the Zoning Administrator (a) determines that
3 allowing the use will enhance the feasibility of preserving the contributory building; and (b) the
4 contributory building will be made to conform with the San Francisco Building Code standards
5 for seismic loads and forces which are in effect at the time of the application for conversion of
6 use.

7 **(b) Preservation of Historic Buildings within the MUG, MUO, and MUR Districts.**

8 The following controls are intended to support the economic viability of buildings of historic
9 importance within the MUG, MUO, and MUR Districts.

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

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

15 (A) The project does not contain ~~office uses of 25,000 square foot or more per lot, or~~
16 nighttime entertainment.

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

20 (C) Residential uses meet the affordability requirements of the Residential Inclusionary
21 Affordable Housing Program set forth in Section 315.1 through 315.9

22 ~~(3) Projects containing office use of 25,000 square foot or more per lot may be permitted as a~~
23 ~~conditional use. In addition to the conditional use criteria set forth in Section 303, and with the advice~~
24 ~~of the Landmarks Preservation Advisory Board, the Planning Commission must find that allowing the~~
25 ~~use will enhance the feasibility of preserving the building.~~

1 (3)(4) The Landmarks Preservation Advisory Board shall review the proposed project
2 for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and
3 any applicable provisions of the Planning Code.

4 (c) **Preservation of Historic Buildings within and UMU Districts.** The following
5 rules are intended to support the economic viability of buildings of historic importance within
6 the UMU District.

7 (1) This subsection applies only to buildings that are a designated landmark building,
8 or a building listed on or determined eligible for the California Register of Historical Resources
9 by the State Office of Historic Preservation.

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

11 (A) The project does not contain ~~office uses of 25,000 square foot or more per lot, or~~
12 nighttime entertainment.

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

16 (C) Residential uses meet the affordability requirements of the Residential Inclusionary
17 Affordable Housing Program set forth in Section 315.1 through 315.9

18 ~~(3) Projects containing office use of 25,000 square foot or more per lot may be permitted as a~~
19 ~~conditional use. In addition to the conditional use criteria set forth in Section 303, with the advice of~~
20 ~~the Landmarks Preservation Advisory Board, the Planning Commission must find that allowing the use~~
21 ~~will enhance the feasibility of preserving the building.~~

22 (3)(4) The Landmarks Preservation Advisory Board shall review the proposed project
23 for compliance with the Secretary of the Interior's Standards, (36 C.F.R. § 67.7 (2001)) and
24 any applicable provisions of the Planning Code.

25 (d) **Automated Bank Teller Machines Within South of Market Districts.** All

1 automated bank teller machines (ATMs), whether freestanding structures or walk-up facilities
2 associated with retail banking operations, shall have adequate lighting, waste collection
3 facilities and parking resources and shall be set back three feet from the front property line.

4 (e) **Open Air Sales.** Flea markets, farmers markets, crafts fairs and all other open air
5 sales of new or used merchandise except vehicles, within South of Market Mixed Use and
6 Eastern Neighborhoods Mixed Use Districts, where permitted, shall be subject to the following
7 requirements: (1) the sale of goods and the presence of booths or other accessory
8 appurtenances shall be limited to weekend and/or holiday daytime hours; (2) sufficient
9 numbers of publicly-accessible toilets and trash receptacles shall be provided on-site and
10 adequately maintained; and (3) the site and vicinity shall be maintained free of trash and
11 debris.

12 (f) **Legal and Government Office Uses in the Vicinity of the Hall of Justice.** Within
13 an approximately 300-foot radius of the 800 Bryant Street entrance to the Hall of Justice, and
14 Assessor's Block 3780, Lots 1 and 2, as shown on Sectional Map 8SU of the Zoning Map, the
15 offices of attorneys, bail and services, government agencies, union halls, and other criminal
16 justice activities and services directly related to the criminal justice functions of the Hall of
17 Justice shall be permitted as a principal use. There shall be a Notice of Special Restriction
18 placed on the property limiting office activities to uses permitted by this Subsection.

19 (g) **Work Space of Design Professionals.** The work space of design professionals,
20 as defined in Section 890.28 of this Code, shall be permitted as a principal use within the
21 SLR, RSD and SLI Districts provided that, as a condition of issuance of any necessary
22 permits, the owner(s) of the building shall agree to comply with the following provisions: (1)
23 The occupied floor area devoted to this use per building is limited to the third story or above;
24 (2) The gross floor area devoted to this use per building does not exceed 3,000 square feet
25 per design professional establishment; (3) The space within the building subject to this

1 provision has not been in residential use within a legal dwelling unit at any time within a five-
2 year period prior to application for conversion under this Subsection; and (4) The owner(s) of
3 the building comply with the following enforcement and monitoring procedures; (i) The
4 owner(s) of any building with work space devoted to design professional use as authorized
5 pursuant to this Subsection shall submit an annual enforcement report to the Department of
6 City Planning with a fee in an amount to be determined periodically by the City Planning
7 Commission to pay for the cost of enforcement of this Subsection. The fee shall not exceed
8 the amount of such costs. The report shall provide information regarding occupants of such
9 space, the amount of square footage of the space used by each design professional
10 establishment, amount of vacant space, compliance with all relevant City codes, and any
11 other information the Zoning Administrator may require to fulfill the intent of this Subsection;
12 (ii) The owner(s) of any building containing work space of design professionals authorized
13 pursuant to this Subsection shall permit inspection of the premises by an authorized City
14 official to determine compliance with the limitations of this Subsection. The City shall provide
15 reasonable notice to owners prior to inspecting the premises; (iii) The owner(s) of any building
16 containing work space of design professionals authorized pursuant to this Subsection shall
17 record a Notice of Special Restriction, approved by the City Planning Department prior to
18 recordation, on the property setting forth the limitations required by this Subsection. The
19 Department of City Planning shall keep a record available for public review of all space for
20 design professionals authorized by this Subsection.

21 (h) **Vertical Controls for Office Uses.**

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

1 (2) **Applicability.** This Section shall apply to all office uses in the MUG and UMU
2 Districts, where permitted.

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

4 (4) **Controls.**

5 (A) **Designated Office Story or Stories.** Office uses are not permitted on the ground
6 floor, except as specified in Sections 840.65A and 843.65A. Office uses may be permitted on
7 stories above the ground floor if they are designated as office stories. On any designated
8 office story, office uses are permitted, subject to any applicable use size limitations. On any
9 story not designated as an office story, office uses are not permitted. When an office use is
10 permitted on the ground floor per Sections 840.065A and 843.65A, it shall not be considered a
11 designated office story for the purposes of Subsection D below.

12 (B) **Timing of designation.** In the case of new construction, any designated office
13 story or stories shall be established prior to the issuance of a first building permit or along with
14 any associated Planning Commission action, whichever occurs first. In the case of buildings
15 that were constructed prior to the effective date of this Section, any such story or stories shall
16 be designated prior to the issuance of any building permit for new or expanded office uses or
17 along with any associated Planning Commission action, whichever occurs first.

18 (C) **Recordation of designation.** Notice of the designation of office stories shall be
19 recorded as a restriction on the deed of the property along with plans clearly depicting the
20 designated story or stories in relation to the balance of the building. A designated office story
21 may only be re-allocated when the designated office story is first returned to a permitted non-
22 office use and associated building modifications to the designated office story are verified by
23 the Zoning Administrator.

24 (D) **Maximum Number of Designated Stories.** The maximum number of designated
25 office stories shall correspond to the total number of stories in a given building, as set forth in

1 the table below. The designation of a particular story shall apply to the total floor area of that
 2 story and no partial designation, split designation, or other such subdivision of designated
 3 floors shall be permitted. For the purposes of the following table, the total number of stories in
 4 a given building shall be counted from grade level at curb and shall exclude any basements or
 5 below-grade stories.

7 **Table 803.9(h)**

Total Number of Stories	Maximum Number of Designated Office Stories
1-story	0 stories (office use NP)
2—4 stories	1-story
5—7 stories	2-stories
8 or more stories	3-stories

16 (E) For projects with multiple buildings, consolidation of permitted office stories may be
 17 permitted, pursuant to the controls set forth in 329(d)(8).

18 (i) **Retail Controls in the MUG, MUO, and UMU Districts.** In the MUG, MUO, and
 19 UMU District, up to 25,000 gross square feet of retail use (as defined in Section 890.14~~04~~ of
 20 this Code) is permitted per lot. Above 25,000 gross square feet, three gross square feet of
 21 other uses permitted in that District are required for every one gross square foot of retail. In
 22 the UMU District, gyms, as defined in Sec. 218(d), are exempt from this requirement.

23 **SEC. 814. SPD — SOUTH PARK DISTRICT.**

24 South Park is an attractive affordable mixed-use neighborhood. The South Park District
 25 (SPD) is intended to preserve the scale, density and mix of commercial and residential

1 activities within this unique neighborhood. The district is characterized by small-scale,
 2 continuous-frontage warehouse, retail and residential structures built in a ring around an oval-
 3 shaped, grassy park. Retention of the existing structures is encouraged, as is a continued mix
 4 of uses, family-sized housing units, and in-fill development which contributes positively to the
 5 neighborhood scale and use mix.

6 Most retail, general commercial, office, service/light industrial, arts, live/work and
 7 residential activities are permitted. Group housing, social services, and other institutional uses
 8 are conditional uses. Hotels, motels, movie theaters, adult entertainment and nighttime
 9 entertainment are not permitted.

10 **Table 814**

11 **SPD — SOUTH PARK DISTRICT ZONING CONTROL TABLE**

			South Park District
No.	Zoning Category	§ References	Controls
814.01	Height	§§ 260 - 263	See Sectional Zoning Map 1
814.02	Bulk	§§ 270 - 272	See Sectional Zoning Map 1
814.03	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit
814.04	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
814.05	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally 1.8 to 1 floor area ratio

1	814.06	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq. ft. per unit, 54 sq. ft. per unit if publicly accessible
2				
3	814.07	Usable Open Space for Other Uses	§ 135.3	Required; amount varies based on use; may also pay in-lieu fee
4				
5	814.08	Setbacks	§§ 136, 136.2, 144, 145.1	Generally required
6				
7	814.09	Outdoor Activity Area	§ 890.71	P
8				
9	814.10	Off-Street Parking, Residential	§ 151.1	None required. Limits set forth in Section 151.1
10				
11	814.11	Off-Street Parking, Non-Residential	150, 151, 151.1, 153-157, 204.5	None required. Limits set forth in Section 151.1
12				
13				
14				
15	814.12	Residential Conversion	§ 803.8(a)	C
16	814.13	Residential Demolition	§ 803.8(a)	C
17	Residential Use			
18	814.14	Dwelling Units	§ 102.7	P
19	814.15	Group Housing	§ 890.88(b)	C
20	814.16	SRO Units	§ 890.88(c)	P
21	814.16	Student Housing	§ 315.1(38)	C
22	(a)			
23	Institutions			
24				
25				

1	814.17	Hospital, Medical Centers	§ 890.44	NP
2	814.18	Residential Care	§ 890.50(e)	C
3	814.19	Educational Services	§ 890.50(c)	NP
4	814.20	Religious Facility	§ 890.50(d)	C
5	814.21	Assembly and Social Service, except Open Recreation and Horticulture	§ 890.50(a)	C
6	814.22	Child Care	§ 890.50(b)	P
7	814.23	Medical Cannabis Dispensary	§ 890.133	P #
8	Vehicle Parking			
9	814.25	Automobile Parking Lot, Community Residential	§ 890.7	NP
10	814.26	Automobile Parking Garage, Community Residential	§ 890.8	NP
11	814.27	Automobile Parking Lot, Community Commercial	§ 890.9	NP
12	814.28	Automobile Parking Garage, Community Commercial	§ 890.10	NP
13	814.29	Automobile Parking Lot, Public	§ 890.11	NP
14	814.30	Automobile Parking Garage, Public	§ 890.12	NP
15	Retail Sales and Services			
16				
17				
18				
19				
20				
21				
22				
23				
24				
25				

1	814.31	All Retail <u>Sales and Services</u> , Except for Bars and Liquor Stores-	§§ 890.104 <u>890.116</u>	P up to 5,000 sf per lot
2				
3	814.32	Bars	§ 890.22	C up to 5,000 sf per lot
4				
5	814.33	Liquor Stores	§ 790.55	C up to 5,000 sf per lot
6	Assembly, Recreation, Arts and Entertainment			
7	814.37	Nighttime Entertainment	§ 102.17, 803.5(b)	NP
8				
9	814.38	Meeting Hall, not falling within Category 814.21	§ 221(c)	C
10				
11	814.39	Recreation Building, not falling within Category 814.21	§ 221(e)	C
12				
13	814.40	Pool Hall, Card Club, not falling within Category 890.50(a)	§ 221(f)	NP
14				
15				
16	Home and Business Service			
17	814.42	Trade Shop	§ 890.124	P
18				
19	814.43	Catering Services	§ 890.25	P
20				
21	814.45	Business Goods and Equipment Repair Service	§ 890.23	P
22				
23	814.46	Arts Activities, other than Theaters	§ 102.2	P
24				
25	814.47	Business Services	§ 890.111	P

Office			
814.49	Offices in historic buildings	§ 803.9(ba)	P
814.50	All Other Office Uses	§§ 890.70, 890.118	P
Live/Work Units			
814.55	All types of Live/Work Units	§§ 102.2, 102.13, 209.9(f), (g)	NP
Automotive			
814.57	Vehicle Storage—Open Lot	§ 890.131	NP
814.58	Vehicle Storage—Enclosed Lot or Structure	§ 890.132	NP
814.59	Motor Vehicle Service Station, Automotive Washing	§§ 890.18, 890.20	NP
814.60	Motor Vehicle Repair	§ 890.15	NP
814.61	Motor Vehicle Tow Service	§ 890.19	NP
814.62	Non-Auto Vehicle Sales or Rental	§ 890.69	P
814.63	Public Transportation Facilities	§ 890.80	NP
Industrial			
814.64	Wholesale Sales	§ 890.54(b)	P

1	814.65	Light Manufacturing	§ 890.54(a)	P
2	814.66	All Other Wholesaling, Storage,	§§ 225, 226	NP
3		Distribution and Open Air Handling of		
4		Materials and Equipment, and		
5		Manufacturing and Processing Uses		
6	814.67	Storage	§ 890.54(c)	NP
7	814.67	Laboratory	§ 890.52	NP
8	(a)			
9	Other Uses			
10	814.68	Animal Services	§ 224	NP
11	814.69	Open Air Sales	§§ 803. 9(e), 890.38	P
12	814.70	Ambulance Service	§ 890.2	NP
13	814.71	Open Recreation and Horticulture	§ 209.5	P
14	814.72	Public Use, except Public Transportation Facility	§ 890.80	C
15	814.73	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
16	814.74	Greenhouse or Plant Nursery	§ 227(a)	NP
17	814.75	Mortuary Establishment	§ 227(c)	NP
18	814.76	General Advertising Sign	§ 607.2(b) &	NP

		(e) and 611	
814.78	Walk-Up Facility, except Automated Bank Teller Machine	§ 890.140	P
814.79	Automated Bank Teller Machine	§ 803.9(d)	NP
814.80	Integrated PDR	§ 890.49	P in applicable buildings

SPECIFIC PROVISIONS FOR SPD DISTRICTS

Article Code Section	Other Code Section	Zoning Controls
§ 814.23 § 890.133		— Only those medical cannabis dispensaries that can demonstrate to the Planning Department they were in operation as of April 1, 2005 and have remained in continuous operation or that were not in continuous operation since April 1, 2005, but can demonstrate to the Planning Department that the reason for their lack of continuous operation was not closure due to an actual violation of Federal, State or local law, may apply for a medical cannabis dispensary permit in a South Park District.
814.33	§§ 249.35, 890.113	Fringe Financial Services are P subject to the restrictions set forth in Section 249.35, including, but not limited to, the proximity restrictions set forth in Subsection 249.35(c)(3).

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

The Mixed Use — General (MUG) District is largely comprised of the low-scale, production, distribution, and repair uses mixed with housing and small-scale retail. The MUG is designed to maintain and facilitate the growth and expansion of small-scale light industrial,

1 wholesale distribution, arts production and performance/exhibition activities, general
 2 commercial and neighborhood-serving retail and personal service activities while protecting
 3 existing housing and encouraging the development of housing at a scale and density
 4 compatible with the existing neighborhood.

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

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

13 **Table 840**
 14 **MUG — MIXED USE — GENERAL**
 15 **DISTRICT ZONING CONTROL TABLE**

			Mixed Use — General District
No.	Zoning Category	§ References	Controls
Building and Siting Standards			
840.01	Height Limit	See Zoning Map, §§ 260-261.1, 263.20	As shown on Sectional Maps 1 and 7 of the Zoning Map Height sculpting required on narrow streets, §261.1 Non-habitable vertical projections permitted, § 263.20

1	840.02	Bulk Limit	See Zoning Map. §§ 270, 270.1, 270.2	As shown on Sectional Maps 1 and 7 of the Zoning Map Horizontal mass reduction required, § 270.1 Mid-block alleys required, §270.2
2	840.03	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally contingent upon permitted height, per Section 124
3	840.04	Setbacks	§§ <u>134</u> , 136, 136.2, 144, 145.1	Generally required
4	840.05	Awnings and Canopies	§§ 136, 136.1, 136.2	P
5	840.06	Parking and Loading Access: Prohibition	§ 155(r)	None
6	840.07	Parking and Loading Access: Siting and Dimensions	§§ 145.1, 151.1, 152.1, 155	Requirements apply
7	840.08	Off-Street Parking, Residential	§ 151.1	None required. Limits set forth in Section 151.1
8	840.09	Residential to non-residential ratio	§ 803.8(e)	None
9	840.10	Off-Street Parking, Non-Residential	§§ 150, 151, 151.1, 153-157, 204.5	None required. Limits set forth in Section 151.1

1	840.11	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq. ft. per unit; 54 sq. ft. per unit if publicly accessible
2				
3	840.12	Usable Open Space for Non-Residential	§ 135.3	Required; amount varies based on use; may also pay in-lieu fee
4				
5	840.13	Outdoor Activity Area	§ 890.71	P
6				
7	840.14	General Advertising Sign	§§ 607.2(b) & (e) and 611	NP
8				
9	Residential Uses			
10	840.20	Dwelling Units	§ 102.7	P
11				
12	840.21	Group Housing	§ 890.88(b)	P
13				
14	840.22	SRO Units	§ 890.88(c)	P
15				
16	840.23	Student Housing	§ 315.1(38)	C
17				
18	840.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit
19				
20	840.25	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
21				
22	840.26	Affordability Requirements	§ 315	15% onsite/20% off-site
23				
24	840.27	Residential Demolition or Conversion	§ 317	Restrictions apply; see criteria of Section 317
25				

1 Institutions			
2	840.30	Hospital, Medical Centers	§ 890.44 NP
3	840.31	Residential Care	§ 890.50(e) C
4	840.32	Educational Services	§ 890.50(c) C for post-secondary institutions; P for 6 all other
7	840.33	Religious Facility	§ 890.50(d) C
8	840.34	Assembly and Social Service	§ 890.50(a) P
9	840.35	Child Care	§ 890.50(b) P
10	840.36	Medical Cannabis Dispensary	§ 890.133 NP
11	12 Vehicle Parking		
12	840.40	Automobile Parking Lot	§§ 890.7 890.9, NP 15 890.11
13	840.41	Automobile Parking Garage	§§ 890.8, C; subject to criteria of Sec. 157.1 17 890.10, 890.12, 18 157.1
14	19 Retail Sales and Services		
15	840.45	All Retail Sales and Services which 22 are not listed below	§§ 890.104, P up to 25,000 gross sq.ft. per lot; 23 <u>890.116</u> , above 25,000 gross sq. ft. permitted 24 803.9(i), 121.6 only if the ratio of other permitted uses to retail is at least 3:1.
16	840.46	Formula Retail	§ 803.6 C. If approved, subject to size controls

			in Section 840.45.
840.47	Bar	§ 890.22	C. If approved, subject to size controls in Section 840.45.
840.48	Liquor Store	§ 790.55	C. If approved, subject to size controls in Section 840.45.
840.49	Ambulance Service	§§ 890.2, 840.45	C. If approved, subject to size controls in Section 840.45.
840.50	Self-Storage	§ 890.54(d)	NP
840.51	Tourist Hotel	890.46	C
840.52	Services, Professional; Services Financial; Services Medical	§§ 890.108, 890.110, 890.114	P. when primarily open to the general public on a retail basis; subject to the use size limits in Section 840.45.

Assembly, Recreation, Arts and Entertainment

840.55	Arts Activity	§ 102.2	P
840.56	Nighttime Entertainment	§§ 102.17, 181(f) 803.5(b)	NP
840.57	Adult Entertainment	§ 890.36	NP
840.58	Amusement Arcade	§ 890.4	NP
840.59	Massage Establishment	§ 890.60	NP
840.60	Movie Theater	§ 890.64	P, up to three screens

1	840.61	Pool Hall not falling within Category 890.50(a)	§221 (f)	C
2				
3	840.62	Recreation Building, not falling within Category 840.3421	§ 221(e)	P
4				
5				
6	Office			
7	840.65	Office Uses in Landmark Buildings in Historic Districts	§§ 890.70, 803.9(ba)	P
8				
9	840.65A	Services, Professional; Services Financial; Services Medical	§§ 890.108, 890.110, 890.114	Subject to vertical control of Sec. 803.9(h). P on the ground floor when primarily open to the general public on a client-oriented basis.
10				
11				
12				
13				
14	840.66	All Other Office Uses	§§ 803.9(h), 890.70, 890.118	Subject to vertical control of Sec. 803.9(h)
15				
16				
17	840.67	Live/Work Units	§ 233	NP
18	Motor Vehicle Services			
19	840.70	Vehicle Storage—Open Lot	§ 890.131	NP
20				
21	840.71	Vehicle Storage—Enclosed Lot or Structure	§ 890.132, 157.1	C; subject to criteria of Sec. 157.1
22				
23	840.72	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
24				
25				

1	840.73	Motor Vehicle Repair	§ 890.15	P
2	840.74	Automobile Tow Service	§ 890.19	C
3	840.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
4	Industrial, Home, and Business Service			
5	Industrial, Home, and Business Service			
6	840.78	Wholesale Sales	§ 890.54(b)	P
7	840.79	Light Manufacturing	§ 890.54(a)	P
8	840.80	Trade Shop	§ 890.124	P
9	840.81	Catering Service	§ 890.25	P
10	840.82	Business Goods and Equipment Repair Service	§ 890.23	P
11	840.83	Business Service	§ 890.111	P
12	840.84	Commercial Storage	§ 890.54(c)	P
13	840.85	Laboratory, life science	§ 890.53(a)	NP
14	840.86	Laboratory, not including life science laboratory	§§ 890.52, 890.53(a)	P
15	840.87	Non-Retail Greenhouse or Plant Nursery	§ 227(a)	P
16	840.88	Integrated PDR	§ 890.49	P in applicable buildings
17	Other Uses			
18	840.90	Mortuary Establishment	§ 227(c)	NP
19	Other Uses			
20	840.90	Mortuary Establishment	§ 227(c)	NP
21	Other Uses			
22	840.90	Mortuary Establishment	§ 227(c)	NP
23	Other Uses			
24	840.90	Mortuary Establishment	§ 227(c)	NP
25	Other Uses			

1	840.91	Animal Services	§ 224	NP
2	840.92	Public Use, except Public	§§ 890.80,	P
3		Transportation Facility, Internet	209.6(c), 227(h)	
4		Service Exchange, and Commercial		
5		Wireless Transmitting, Receiving or		
6		Relay Facility		
7	840.93	Commercial Wireless Transmitting,	§ 227(h)	C
8		Receiving or Relay Facility		
9	840.94	Internet Services Exchange	§ 209.6(c)	NP
10	840.95	Public Transportation Facilities	§ 890.80	P
11	840.96	Open Air Sales	§§ 803.9(c),	P
12			890.38	
13	840.97	Open Recreation and Horticulture	§ 209.5	P
14	840.98	Walk-up Facility, including	§§ 890.140,	P
15		Automated Bank Teller Machine	803.9(b)	
16				
17				
18				

19 **SEC. 841. MUR—MIXED USE—RESIDENTIAL DISTRICT.**

20 The Mixed Use — Residential District (MUR) serves as a buffer between the higher-
 21 density, predominantly commercial area of Yerba Buena Center to the east and the lower-
 22 scale, mixed use service/industrial and housing area west of Sixth Street.

23 The MUR serves as a major housing opportunity area within the eastern portion of the
 24 South of Market. The district controls are intended to facilitate the development of high-
 25 density, mid-rise housing, including family-sized housing and residential hotels. The district is

1 also designed to encourage the expansion of retail, business service and commercial and
 2 cultural arts activities.

3 Continuous ground floor commercial frontage with pedestrian-oriented retail activities
 4 along major thoroughfares is encouraged. Hotels, nighttime entertainment, *movie theaters,*
 5 adult entertainment and heavy industrial uses are not permitted. Office is *limited by residential-*
 6 *to-non residential ratio in new construction restricted to the upper floors of multiple story buildings.*

7 Table 841

8 MUR — MIXED USE — RESIDENTIAL DISTRICT
 9 ZONING CONTROL TABLE

			Mixed Use — Residential District
No.	Zoning Category	§ References	Controls
Building and Siting Standards			
841.01	Height Limit	See Zoning Map, §§ 260-261.1, 263.20	As shown on Sectional Maps 1 and 7 of the Zoning Map Height sculpting required on narrow streets, § 261.1 Non-habitable vertical projections permitted, § 263.20
841.02	Bulk Limit	See Zoning Map. §§ 270, 270.1, 270.2	As shown on Sectional Maps 1 and 7 of the Zoning Map Horizontal mass reduction required, § 270.1 Mid-block alleys required, § 270.2
841.03	Non-residential density limit	§§ 102.9, 123,	Generally contingent upon permitted

		124, 127	height, per Section 124
841.04	Setbacks	§§ 134, 136, 136.2, 144, 145.1	Generally required
841.05	Awnings and Canopies	§§ 136, 136.1, 136.2	P
841.06	Parking and Loading Access: Prohibition	§ 155(r)	None
841.07	Parking and Loading Access: Siting and Dimensions	§§ 145.1, 151.1, 152.1, 155	Requirements apply
841.08	Off-Street Parking, Residential	§ 151.1	None required. Limits set forth in Section 151.1
841.09	Residential to non-residential ratio	§ 803.8(<i>de</i>)	3 sq.ft. of residential for every 1 sq.ft. of other permitted use
841.10	Off-Street Parking, Non- Residential	§§ 150, 151, 151.1, 153-157, 204.5	None required. Limits set forth in Section 151.1
841.11	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq.ft. per unit; 54 sq.ft. per unit if publicly accessible
841.12	Usable Open Space for Non- Residential	§ 135.3	Required; amount varies based on use; may also pay in-lieu fee
841.13	Outdoor Activity Area	§ 890.71	P

1	841.14	General Advertising Sign	§ 607.2(b) & (e) and 611	NP
2	Residential Uses			
3				
4	841.20	Dwelling Units	§ 102.7	P
5	841.21	Group Housing	§ 890.88(b)	P
6	841.22	SRO Units	§ 890.88(c)	P
7	841.23	Student Housing	§ 315.1(38)	C
8	841.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit within
9	841.25	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
10	841.26	Affordability Requirements	§ 315	15% onsite/20% off-site
11	841.27	Residential Demolition or Conversion	§ 317	Restrictions apply; see criteria of Section 317
12	Institutions			
13	841.30	Hospital, Medical Centers	§ 890.44	NP
14	841.31	Residential Care	§ 890.50(e)	C
15	841.32	Educational Services	§ 890.50(c)	C for post-secondary institutions; P

			for all other
841.33	Religious Facility	§ 890.50(d)	P
841.34	Assembly and Social Service	§ 890.50(a)	P
841.35	Child Care	§ 890.50(b)	P
841.36	Medical Cannabis Dispensary	§ 890.133	NP
Vehicle Parking			
841.40	Automobile Parking Lot	§§ 890.7, 890.9, 890.11	NP
841.41	Automobile Parking Garage	§§ 145.1, 145.4, 155(r), 890.8, 890.10, 890.12, 157.1	C; subject to criteria of Sec. 157.1
Retail Sales and Services			
841.45	All Retail Sales and Services which are not listed below	§§ 890.104, <u>890.116</u> , 121.6	P
841.46	Formula Retail	§ 803.6	P
841.47	Ambulance Service	§ 890.2	C
841.48	Self-Storage	§ 890.54(d)	NP
841.49	Tourist Hotel	890.46	NP
Assembly, Recreation, Arts and Entertainment			

1	841.55	Arts Activity	§ 102.2	P
2	841.56	Nighttime Entertainment	§§ 102.17, 181(f)	NP
3			803.5(b)	
4	841.57	Adult Entertainment	§ 890.36	NP
5	841.58	Amusement Arcade	§ 890.4	NP
6	841.59	Massage Establishment	§ 890.60	NP
7	841.60	Movie Theater	§ 890.64	P, up to three screens
8	841.61	Pool Hall not falling within	§221 (f)	P
9		Category 890.50(a)		
10	841.62	Recreation Building, not falling	§ 221(e)	P
11		within Category 841.3421		
12	Office			
13	841.65	Office Uses in Landmark Buildings	§§ 890.70,	P
14		or Contributory Buildings in Historic	803.9(<u>ba</u>)	
15		Districts		
16	841.66	All Other Office Uses	§§ 890.70,	P
17			890.118	
18	841.67	Live/Work Units	§ 233	NP
19	Motor Vehicle Services			
20	841.70	Vehicle Storage—Open Lot	§ 890.131	NP

1	841.71	Vehicle Storage—Enclosed Lot or Structure	§ 890.132, 157.1	C; subject to criteria of Sec. 157.1
2				
3	841.72	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
4				
5	841.73	Motor Vehicle Repair	§ 890.15	P
6				
7	841.74	Automobile Tow Service	§ 890.19	C
8				
9	841.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
10	Industrial, Home, and Business Service			
11	841.78	Wholesale Sales	§ 890.54(b)	P
12				
13	841.79	Light Manufacturing	§ 890.54(a)	P
14				
15	841.80	Trade Shop	§ 890.124	P
16				
17	841.81	Catering Service	§ 890.25	P
18				
19	841.82	Business Goods and Equipment Repair Service	§ 890.23	P
20				
21	841.83	Business Service	§ 890.111	P
22				
23	841.84	Commercial Storage	§ 890.54(c)	P
24				
25	841.85	Laboratory, life science	§ 890.53(a)	NP
	841.86	Laboratory, not including life science laboratory	§§ 890.52, 890.53(a)	P
	841.87	Non-Retail Greenhouse or Plant	§ 227(a)	P

	Nursery		
841.88	Integrated PDR	§ 890.49	P in applicable buildings
Other Uses			
841.90	Mortuary Establishment	§ 227(c)	NP
841.91	Animal Services	§ 224	P
841.92	Public Use, except Public Transportation Facility, Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility	§§ 890.80, 209.6(c), 227(h)	P
841.93	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
841.94	Internet Services Exchange	209.6(c)	NP
841.95	Public Transportation Facilities	§ 890.80	P
841.96	Open Air Sales	§§ 803.9(c), 890.38	P
841.97	Open Recreation and Horticulture	§ 209.5	P
841.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.9(b)	P

SEC. 842. MUO — MIXED USE — OFFICE DISTRICT.

The Mixed Use — Office (MUO) runs predominantly along the 2nd Street corridor in the

1 South of Market area. The MUO is designed to encourage office uses and housing, as well as
 2 small-scale light industrial and arts activities. Nighttime entertainment is permitted as a
 3 conditional use. Dwelling units and group housing are permitted, while demolition or
 4 conversion of existing dwelling units or group housing requires conditional use authorization.
 5 Family-sized housing is encouraged.

6 Office, general commercial, most retail, production, distribution, and repair uses are
 7 also principal permitted uses. Large hotel, adult entertainment and heavy industrial uses are
 8 not permitted.

9 **Table 842**
 10 **MUO — MIXED USE — OFFICE DISTRICT**
 11 **ZONING CONTROL TABLE**

			Mixed Use — Office District
No.	Zoning Category	§ References	Controls
Building and Siting Standards			
842.01	Height Limit	See Zoning Map, §§ 260-261.1, 263.20	As shown on Sectional Maps 1 and 7 of the Zoning Map Height sculpting required on narrow streets, § 261.1 Non-habitable vertical projections permitted, § 263.20
842.02	Bulk Limit	See Zoning Map, §§ 270, 270.1, 270.2	As shown on Sectional Maps 1 and 7 of the Zoning Map Horizontal mass reduction required, § 270.1 Mid-block alleys required, § 270.2

1	842.03	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally contingent upon permitted height, per Section 124
2				
3	842.04	Setbacks	§§ <u>134</u> , 136, 136.2, 144, 145.1	Generally required
4				
5				
6	842.05	Awnings and Canopies	§§ 136, 136.1, P 136.2	
7				
8				
9	842.06	Parking and Loading Access: Prohibition	§ 155(r)	4th Street between Bryant and Townsend Streets
10				
11	842.07	Parking and Loading Access: Siting and Dimensions	§§ 145.1, 151.1, 152.1, 155	Requirements apply
12				
13				
14				
15	842.08	Off-Street Parking, Residential	§ 151.1	None required. Limits set forth in Section 151.1
16				
17	842.09	Residential to non-residential ratio	§ 803.8(e)	None
18	842.10	Off-Street Parking, Non-Residential	§§ 150, 151, 151.1, 153-157, 204.5	None required. Limits set forth in Section 151.1
19				
20				
21	842.11	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq.ft. per unit; 54 sq.ft. per unit if publicly accessible
22				
23				
24	842.12	Usable Open Space for Non- Residential	§ 135.3	Required; amount varies based on use; may also pay in-lieu fee
25				

1	842.13	Outdoor Activity Area	§ 890.71	P
2	842.14	General Advertising Sign	§§ 607.2(b) & (e) and 611	NP
3	Residential Uses			
4				
5	842.20	Dwelling Units	§ 102.7	P
6	842.21	Group Housing	§ 890.88(b)	P
7	842.22	SRO Units	§ 890.88(c)	P
8	842.23	Student Housing	§ 315.1(38)	C
9	842.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit
10	842.25	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
11	842.26	Affordability Requirements	§ 315	15% onsite/20% off-site
12	842.27	Residential Demolition or Conversion	§ 317	Restrictions apply; see criteria of Section 317
13	Institutions			
14	842.30	Hospital, Medical Centers	§ 890.44	P
15	842.31	Residential Care	§ 890.50(e)	C

1	842.32	Educational Services	§ 890.50(c)	P
2	842.33	Religious Facility	§ 890.50(d)	P
3	842.34	Assembly and Social Service	§ 890.50(a)	P
4	842.35	Child Care	§ 890.50(b)	P
5	842.36	Medical Cannabis Dispensary	§ 890.133	NP
6	Vehicle Parking			
7				
8	842.40	Automobile Parking Lot	§§ 890.7, 890.9, 890.11	NP
9	842.41	Automobile Parking Garage	§§ 890.8, 890.10, 890.12, 157.1	C; subject to criteria of Sec. 157.1
10	Retail Sales and Services			
11	842.45	All Retail Sales and Services which are not listed below	§§ 890.104, <u>890.116</u> , 803.9(i), 121.6	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq.ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1.
12	842.46	Formula Retail	§ 803.6	P
13	842.47	Ambulance Service	§ 890.2	C
14	842.48	Self-Storage	§ 890.54(d)	NP
15	842.49	Tourist Hotel	§ 890.46	C if less than 75 rooms

1 Assembly, Recreation, Arts and Entertainment

2	842.55	Arts Activity	§ 102.2	P
3	842.56	Nighttime Entertainment	§§ 102.17, 181(f), 803.5(b)	C
4	842.57	Adult Entertainment	§ 890.36	NP
5	842.58	Amusement Arcade	§ 890.4	NP
6	842.59	Massage Establishment	§ 890.60	NP
7	842.60	Movie Theater	§ 890.64	P, up to three screens
8	842.61	Pool Hall not falling within Category 890.50(a)	§221(f)	P
9	842.62	Recreation Building, not falling within Category 842.3421	§ 221(e)	P

10 Office

11	842.65	Office Uses in Landmark Buildings or Contributory Buildings in Historic Districts	§§ 890.70, 803.9(ba)	P
12	842.66	All Other Office Uses	§ 890.70	P
13	842.67	Live/Work Units	§ 233	NP

14 Motor Vehicle Services

15	842.70	Vehicle Storage—Open Lot	§ 890.131	NP
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1	842.71	Vehicle Storage—Enclosed Lot or Structure	§ 890.132, 157.1	C; subject to criteria of Sec. 157.1
2				
3	842.72	Motor Vehicle Service Station, Automotive Wash	§§ 890.18, 890.20	P
4				
5	842.73	Motor Vehicle Repair	§ 890.15	P
6				
7	842.74	Automobile Tow Service	§ 890.19	C
8	842.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
9				
10	Industrial, Home, and Business Service			
11	842.78	Wholesale Sales	§ 890.54(b)	P
12	842.79	Light Manufacturing	§ 890.54(a)	P
13	842.80	Trade Shop	§ 890.124	P
14	842.81	Catering Service	§ 890.25	P
15	842.82	Business Goods and Equipment Repair Service	§ 890.23	P
16				
17	842.83	Business Service	§ 890.111	P
18	842.84	Commercial Storage	§ 890.54(c)	P
19	842.85	Laboratory, life science	§ 890.53(a)	P
20	842.86	Laboratory, not including life science laboratory	§§ 890.52, 890.53(a)	P
21				
22	842.87	Non-Retail Greenhouse or Plant	§ 227(a)	P
23				
24				
25				

1		Nursery		
2	842.88	Integrated PDR	§ 890.49	P in applicable buildings.
3	Other Uses			
4				
5	842.90	Mortuary Establishment	§ 227(c)	NP
6	842.91	Animal Services	§ 224	P
7	842.92	Public Use, except Public Transportation Facility, Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility	§§ 890.80, 209.6(c), 227(h)	P
8				
9				
10				
11				
12				
13	842.93	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
14				
15	842.94	Internet Services Exchange	§ 209.6(c)	C
16				
17	842.95	Public Transportation Facilities	§ 890.80	P
18	842.96	Open Air Sales	§§ 803.9(c), 890.38	P
19				
20	842.97	Open Recreation and Horticulture	§ 209.5	P
21	842.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.9(b)	P
22				
23				

SEC. 843. UMU — URBAN MIXED USE DISTRICT.

The Urban Mixed Use (UMU) District is intended to promote a vibrant mix of uses while

1 maintaining the characteristics of this formerly industrially-zoned area. It is also intended to
 2 serve as a buffer between residential districts and PDR districts in the Eastern
 3 Neighborhoods. Within the UMU, allowed uses include production, distribution, and repair
 4 uses such as light manufacturing, home and business services, arts activities, warehouse,
 5 and wholesaling. Additional permitted uses include retail, educational facilities, and nighttime
 6 entertainment. Housing is also permitted, but is subject to higher affordability requirements.
 7 Family-sized dwelling units are encouraged. Within the UMU, office uses are restricted to the
 8 upper floors of multiple story buildings. In considering any new land use not contemplated in
 9 this District, the Zoning Administrator shall take into account the intent of this District as
 10 expressed in this Section and in the General Plan.

11 **Table 843**
 12 **UMU — URBAN MIXED USE DISTRICT**
 13 **ZONING CONTROL TABLE**

Urban Mixed Use District			
No.	Zoning Category	§ References	Controls
Building and Siting Standards			
843.01	Height Limit	See Zoning Map, §§ 260-261.1, 263.20	As shown on Sectional Maps 1 and 7 of the Zoning Map Height sculpting required on narrow streets, § 261.1 Non-habitable vertical projections permitted, § 263.20
843.02	Bulk Limit	See Zoning	As shown on Sectional Maps 1 and 7 of

		Map, §§ 270, 270.1, 270.2	the Zoning Map Horizontal mass reduction required, § 270.1 Mid-block alleys required, §270.2
843.03	Non-residential density limit	§§ 102.9, 123, 124, 127	Generally contingent upon permitted height, per Section 124
843.04	Setbacks	§§ <u>134</u> , 136, 136.2, 144, 145.1	Generally required
843.05	Awnings and Canopies	§§ 136, 136.1, 136.2	P
843.06	Parking and Loading Access: Prohibition	§ 155(r)	None
843.07	Parking and Loading Access: Siting and Dimensions	§§ 145.1, 151.1, 152.1, 155	Requirements apply
843.08	Off-Street Parking, Residential	§ 151.1	None required. Limits set forth in Section 151.1
843.09	Residential to non-residential ratio	§ 803.8(e)	None
843.10	Off-Street Parking, Non-Residential	§§ 150, 151, 151.1, 153-	None required. Limits set forth in Section 151.1

		157, 204.5	
843.11	Usable Open Space for Dwelling Units and Group Housing	§ 135	80 sq.ft. per unit; 54 sq.ft. per unit if publicly accessible
843.12	Usable Open Space for Non-Residential	§ 135.3	Required; amount varies based on use; may also pay in-lieu fee
843.13	Outdoor Activity Area	§ 890.71	P
843.14	General Advertising Sign	§§ 607.2(b) & (e) and 611	NP
Residential Uses			
843.20	Dwelling Units	§ 102.7	P
843.21	Group Housing	§ 890.88(b)	P
843.22	SRO Units	§ 890.88(c)	NP
843.23	Student Housing	§ 315.1(38)	C
843.24	Dwelling Unit Density Limit	§§ 124, 207.5, 208	No density limit
843.25	Dwelling Unit Mix	§ 207.6	At least 40% of all dwelling units must contain two or more bedrooms or 30% of all dwelling units must contain three or more bedrooms.
843.26	Affordability Requirements	§ 319	Varies- see Section 319
843.27	Residential Demolition or	§ 317	Restrictions apply; see criteria of Section

1		Conversion		317
2	Institutions			
3	843.30	Hospital, Medical Centers	§ 890.44	NP
4	843.31	Residential Care	§ 890.50(e)	C
5	843.32	Educational Services	§ 890.50(c)	C for post-secondary institutions; P for all other
6	843.33	Religious Facility	§ 890.50(d)	P
7	843.34	Assembly and Social Service	§ 890.50(a)	P
8	843.35	Child Care	§ 890.50(b)	P
9	843.36	Medical Cannabis Dispensary	§ 890.133	NP
10	Vehicle Parking			
11	843.40	Automobile Parking Lot	§§ 890.7, 890.9, 890.11	NP
12	843.41	Automobile Parking Garage	§§ 890.8, 890.10, 890.12, 157.1	C; subject to criteria of Sec. 157.1
13	Retail Sales and Services			
14	843.45	All Retail Sales and Services which are not listed below	§§ 890.104, 890.116, 803.9(i), 121.6	P up to 25,000 gross sq.ft. per lot; above 25,000 gross sq.ft. per lot permitted only if the ratio of other permitted uses to retail is at least 3:1. P up to 3,999 gross

			sq.ft. per use; C over 4,000 gross sq.ft. per use.
843.46	Formula Retail	§§ 803.6, 843.45	C. If approved, subject to size controls in Section 843.45.
843.47	Ambulance Service	§ 890.2	C
843.48	Self-Storage	§ 890.54(d)	NP
843.49	Tourist Hotel	§ 890.46	NP
843.50	Services, Professional; Services Financial; Services Medical	§§ 890.108, 890.110, 890.114	P. when primarily open to the general public on a retail basis; subject to the use size limits in Section 843.45.
843.51	Gyms	§§ 218(d), 803.9(i)	P up to 3,999 gross sq.ft. per use; C over 4,000 gross sq.ft. per use. Not subject to 3:1 ratio, per Sec. 803.9(i).
Assembly, Recreation, Arts and Entertainment			
843.55	Arts Activity	§ 102.2	P
843.56	Nighttime Entertainment	§§ 102.17, 181(f), 803.5(b)	P
843.57	Adult Entertainment	§ 890.36	C
843.58	Amusement Arcade	§ 890.4	P
843.59	Massage Establishment	§ 890.60	NP

1	843.60	Movie Theater	§ 890.64	P, up to three screens
2	843.61	Pool Hall not falling within Category 890.50(a)	§221(f)	P
3	843.62	Recreation Building, not falling within Category 843.3421	§ 221(e)	P
4	Office			
5	843.65	Office Uses in Landmark Buildings	§§ 890.70, 803.9(ca)	P
6	<u>843.65A</u>	<u>Services, Professional; Services Financial; Services Medical</u>	<u>§§ 890.108, 890.110, 890.114</u>	<u>Subject to vertical control of Sec. 803.9(h). P on the ground floor when primarily open to the general public on a client-oriented basis.</u>
7	843.66	All Other Office Uses	§§ 803.9(h), 890.70, 890.118	Subject to vertical control of Sec. 803.9(h)
8	843.67	Live/Work Units	§ 233	NP
9	Motor Vehicle Services			
10	843.70	Vehicle Storage—Open Lot	§ 890.131	NP
11	843.71	Vehicle Storage—Enclosed Lot or Structure	§ 890.132, 157.1	C; subject to criteria of Sec. 157.1
12	843.72	Motor Vehicle Service Station	§ 890.18	P
13	843.73	Motor Vehicle Repair	§ 890.15	P

1	843.74	Automobile Tow Service	§ 890.19	C
2	843.75	Non-Auto Vehicle Sales or Rental	§ 890.69	P
3				
4	843.76	Automobile Sale or Rental	§ 890.13	P; subject to size controls in Section 843.45.
5				
6	843.77	Automotive Wash	§ 890.20	C
7				
8	Industrial, Home, and Business Service			
9	843.78	Wholesale Sales	§ 890.54(b)	P
10				
11	843.79	Light Manufacturing	§ 890.54(a)	P
12				
13	843.80	Trade Shop	§ 890.124	P
14				
15	843.81	Catering Service	§ 890.25	P
16				
17	843.82	Business Goods and Equipment Repair Service	§ 890.23	P
18				
19	843.83	Business Service	§ 890.111	P
20				
21	843.84	Commercial Storage	§ 890.54(c)	P
22				
23	843.85	Laboratory, life science	§890.53 (a)	NP
24	843.86	Laboratory, not including life science laboratory	§§ 890.52, 890.53 (a)	P
25	843.87	Non-Retail Greenhouse or Plant Nursery	§ 227(a)	P

1	843.88	Integrated PDR	§ 890.49	P in applicable buildings
2	Other Uses			
3	843.90	Mortuary Establishment	§ 227(c)	NP
4	843.91	Animal Services	§ 224	P
5	843.92	Public Use, except Public Transportation Facility, Internet Service Exchange, and Commercial Wireless Transmitting, Receiving or Relay Facility	§§ 890.80, 209.6(c), 227(h)	P
6	843.93	Commercial Wireless Transmitting, Receiving or Relay Facility	§ 227(h)	C
7	843.94	Internet Services Exchange	209.6(c)	NP
8	843.95	Public Transportation Facilities	§ 890.80	P
9	843.96	Open Air Sales	§§ 803. 9(c), 890.38	P
10	843.97	Open Recreation and Horticulture	§ 209.5	P
11	843.98	Walk-up Facility, including Automated Bank Teller Machine	§§ 890.140, 803.9(b)	P

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SEC. 890.49. INTEGRATED PDR.

(a) Integrated PDR is a land use that meets the following requirements:

(1) Contains at least the following amount of PDR activities:

(A) For uses of 2,000 gross square feet or greater, at least 1/3 of the total space shall contain PDR activities; or

(B) For uses of less than 2,000 gross square feet, at least 20% of the total space shall contain PDR activities;

(2) Does not include residential activities;

(3) The remaining space may contain any non-residential use permitted in the MUO

District as long as:

(A) Retail space is limited to 1/3 of the total space; and

(B) All uses in the space are conducted as integral and related parts of a single business activity or enterprise;

(4) For purposes of this definition, PDR activities are those that:

(A) Are generally consistent with Code Sections 220, *and* 222, 223, 224, 225, 226, *through* 227(a), 227(b), *and* 227(p) or involve the fabrication, testing, distribution, maintenance, or repair of physical goods;

(B) Are not:

(i) Residential (as defined in Section 890.88);

(ii) Retail *and personal services* (as defined in Sections 890.102, *and* 890.104, *and* 890.116);

(iii) Institutional (as defined in Section 890.50);

(iv) Office (as defined in Section 890.70);

(v) Laboratory (as defined in Section 890.52); or

1 (vi) Storage (as defined in Sec. 890.54(c));

2 (C) May include any non-office uses that integrate multimedia, information technology,
3 or software development functions;

4 (D) Do not include typical office support functions; and

5 (E) Occur in space specifically designed to accommodate the industrial nature of the
6 PDR activities.

7 (5) Any retail space contained within the Integrated PDR use shall not count against
8 any per-parcel retail limits of the subject zoning district.

9 (b) Integrated PDR uses are subject to the following requirements:

10 (1) These uses are only permitted in buildings:

11 (A) That were constructed before 1951 which were at least three stories in height
12 above grade, excluding those building features listed in Section 260(b) and related structures,
13 as of the effective date of Ordinance Numbers 0297-08, 0298-08, 0299-08 and 0300-08; or

14 (B) For which a first certificate of occupancy was issued after the effective date of
15 Ordinance Numbers 0297-08, 0298-08, 0299-08, and 0300-08;

16 (2) A Notice of Special Restriction (NSR) shall be recorded on the title of any property
17 containing an Integrated PDR use. The Planning Department shall forward a copy of each
18 NSR to the Mayor's Office of Economic and Workforce Development, or a successor office,
19 for purposes of record keeping and monitoring. This NSR shall include a copy of the use
20 provisions of this Section and also require that the property owner:

21 (A) Ensure that all new Integrated PDR tenants and/or occupants register with the
22 Office of Economic and Workforce Development's PDR Program. The purpose of this
23 registration is to confirm the accuracy of each tenant's or occupant's NAICS code on their
24 Business Registration and Payroll Tax forms, collect basic information on the nature of each
25 tenant's or occupant's business, including the total number of employees to inform the tenant

1 or occupant of available tax credits and other benefits of the state and local Enterprise Zone
2 program; and to determine, to the extent possible, the total number of employees that reside
3 within the City and are eligible to receive State Enterprise Zone tax credits ("IPDR
4 Disadvantaged Employees"); and

5 (B) Report annually to the Planning Department staff on any reallocation of space
6 within an Integrated PDR space.

7 (c) Integrated PDR uses are not subject to the annual office limit controls of Sections
8 320-324.

9 **SEC. 890.54. LIGHT MANUFACTURING, WHOLESALE SALES, STORAGE.**

10 A commercial use, including light manufacturing, wholesale sales, and storage, as
11 defined in Subsections (a), (b), (c), and (d) below.

12 (a) **Light Manufacturing.** A nonretail use which provides for the fabrication or
13 production of goods, by hand or machinery, for distribution to retailers or wholesalers for
14 resale off the premises, primarily involving the assembly, packaging, repairing, or processing
15 of previously prepared materials, when conducted in an enclosed building having no openings
16 other than fixed windows or exits required by law located within 50 feet of any R District. Light
17 manufacturing uses include production and custom activities usually involving individual or
18 special design, or handiwork, such as the following fabrication or production activities defined
19 by the Standard Industrial Classification Code Manual as light manufacturing uses:

20 (1) Food processing, not including mechanized assembly line production of canned or
21 bottled goods;

22 (2) Apparel and other garment products;

23 (3) Furniture and fixtures;

24 (4) Printing and publishing of books or newspaper;

25 (5) Leather products;

- 1 (6) Pottery;
2 (7) Glass blowing;
3 (8) Measuring, analyzing, and controlling instruments; photographic, medical and
4 optical goods; watches and clocks.

5 It shall not include the chemical processing of materials or the use of any machine that
6 has more than five horsepower capacity, nor shall the mechanical equipment required for the
7 use, together with related floor space used primarily by the operators of such equipment, in
8 aggregate occupy more than ¼ of the total gross floor area of the use.

9 It shall be not include a trade shop, as defined in Section 890.124 of this Code, or a
10 heavy industrial use subject to Section 226(e) through (w) of this Code. It shall not include
11 general or heavy manufacturing uses, not described in this Subsection (a).

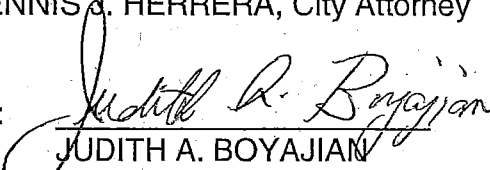
12 (b) **Wholesale Sales.** A nonretail use which exclusively provides goods or
13 commodities for resale or business use, including accessory storage. It shall not include a
14 nonaccessory storage warehouse.

15 (c) **Commercial Storage.** A commercial use which stores, within an enclosed
16 building, ~~household goods~~, contractors' equipment, building materials or goods or materials
17 used by other businesses at other locations. This use shall not include the storage of waste,
18 salvaged materials, automobiles, inflammable or highly combustible materials, and wholesale
19 goods or commodities.

20 (d) **Self-Storage.** Retail facilities for the storage of household and personal goods.

21 APPROVED AS TO FORM:
22 DENNIS J. HERRERA, City Attorney

23 By:

24 
25 JUDITH A. BOYAJIAN
Deputy City Attorney

LEGISLATIVE DIGEST

[Planning Code - Eastern Neighborhoods Code Cleanup]

Ordinance amending various sections of the San Francisco Planning Code to: 1) improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan; 2) make technical corrections to the Code; 3) update land use tables in the Eastern Neighborhoods; 4) clarify language for affordable housing tiers and the use of historic buildings in the UMU District; 5) clarify permitted modifications for large project authorizations in the Eastern Neighborhoods; and 6) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan, and the Priority Policies of Planning Code Section 101.1.

[Administrative Code - Eastern Neighborhoods Code Cleanup]

Ordinance amending the San Francisco Administrative Code Section 10E.2 to: 1) clarify the requirements for the Controller's assessment in order to improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan; and 2) making environmental findings.

[Zoning Map Amendments - Eastern Neighborhoods Code Cleanup]

Ordinance amending San Francisco Zoning Map Sheets ZN01, ZN07, ZN08, and SU08 to: 1) correct technical errors made in Ordinance No. 299-08; and 2) making environmental findings, Planning Code Section 302 findings, and findings of consistency with the General Plan and the Priority Policies of Planning Code Section 101.1.

Existing Law

There are three ordinances for the Eastern Neighborhoods Code Cleanup: (1) amendments to various sections of the Planning Code, (2) amendments to the City's Zoning Map to rezone a number of properties within the Eastern Neighborhoods, and (3) amendments to Section 10E.2 of the Administrative Code regarding the Controller's Assessment of the Eastern Neighborhoods Capital Expenditure Evaluation Report.

The following Planning Code Sections are amended: Section 102.5 (definition of "District"), Section 121.8 (Non-Residential Use Size Limits for PDR Districts), Section 134 (Rear Yards in R, NC, C, SPD, M, MUG, MUO, MUR, UMU, RSD, SLR, SLI and SSO Districts), Section 135 (Usable Open Space for Dwelling Units and Group Housing in R, NC, Mixed Use, C, and M Districts), Section 140 (All Dwelling Units in All Use Districts to Face on an Open Area), Section 145.1 (Street Frontages in Neighborhood Commercial, Residential-Commercial, Commercial, and Mixed Use Districts), Section 145.5 (Ground Floor Standards in Industrial

Districts), Section 151.1 (Schedule of Permitted Off-Street Parking Spaces in Specified Districts), Section 157.1 (Conditional Use Applications for Non-Accessory Parking Garages in Eastern Neighborhoods Mixed Use Districts and DTR Districts), Section 175.8 (Sunset for Integrated PDR Uses), Section 207.1 (Rules for Calculation of Dwelling Unit Densities), Sections 218 and 217 (Use District Tables for certain uses in Commercial, Industrial, and PDR Districts), Section 231A (Demolition of Industrial Buildings in PDR Districts, Replacement Requirements), Section 249.36 (Life Science and Medical Special Use District), Section 249.37 (Innovative Industries Special Use District), Section 249.38 (Transit-Oriented Retail Special Use District), Section 329 (Large Project Authorization in Eastern Neighborhoods Mixed Use Districts), Section 352 (Commission and Zoning Administrator Hearing Applications), Section 401 (Article 4 Definitions), Section 411.3 (Application of TIDF), Sections 419.2 and 419.5 (Additional Definitions and Alternatives to the Inclusionary Housing Component for Residential Development Housing Requirements in the Eastern Neighborhoods UMU Zoning Districts and the Land Dedication Alternative in the Mission NCT Districts), Section 423.5 (the Eastern Neighborhoods Public Benefits Fund), Section 607.2 (Signs in Mixed Use Districts), Section 726 (Zoning Control Table for the Valencia Street Neighborhood Commercial District), Section 734 (Zoning Control Table for NCT-2 Districts), Section 735 (Section Zoning Control Table for the SOMA Neighborhood Commercial District), Section 736 (Zoning Control Table for the Mission Street Neighborhood Commercial Transit District), Section 781.5 (Mission Street Neighborhood Commercial Transit District), Section 803.3 (Uses Permitted in Eastern Neighborhoods Mixed Use Districts and South of Market Mixed Use Districts), Section 803.8 (Housing in Mixed Use Districts), Section 803.9 (Commercial Uses in Mixed Use Districts), Section 814 (Zoning Control Table for the SPD – South Park District), Section 840 (MUG – Mixed Use General District), Section 841 (MUR – Mixed Use – Residential District), Section 842 (Zoning Control Table for the MUO – Mixed Used – Office District), Section 843 (Zoning Control Table for the UMU – Urban Mixed Use District), Section 890.49 (Definition of Integrated PDR), and Section 890.54 (Definition of Light Manufacturing, Whole Sales, Storage).

Amendments to Current Law

Zoning Map. The majority of the proposed Zoning Map amendments ensure that all individual condominiums have the same zoning as the property on which they are located; these rezonings do not affect the allowed use or height of the building or the individual condominiums. Other amendments correct the zoning of parcels that were incorrectly rezoned in the original Eastern Neighborhoods Zoning Map amendments.

Administrative Code. The proposed amendments update the language so that 80 percent of Eastern Neighborhood development impact fees will be allocated to priority projects within each improvement category, or until all the priority projects are funded.

Planning Code. The majority of the proposed amendments involve technical corrections and nonsubstantive clarifications of Code language. However, the following substantive policy changes are proposed: (1) amending and clarifying the Zoning Administrator's criteria for

administrative rear yard modifications for Eastern Neighborhoods projects; (2) amending land use tables in the Mixed Use, Neighborhood Commercial, and PDR Districts that fall in the Eastern Neighborhoods plan area to provide controls for Internet Service Exchange, Tobacco Paraphernalia, Specialty Food – Self Service, and Amusement Arcades; (3) amending Large Project Authorizations in Eastern Neighborhoods to allow and provide criteria for the Planning Commission's modification of accessory use provisions for certain dwelling units in Eastern Neighborhood Mixed Use Districts; (4) amending the affordable housing Tier language in the UMU District so that any change of use in an existing space from non-residential to residential is subject only to the lowest affordability tier for the adaptive reuse of existing buildings; and (5) amending the office controls in the UMU District so that office uses greater than 25,000 square feet in historic buildings do not require a Conditional Use Authorization.

Background Information

The proposed Zoning Map amendments will correct the following oversights contained in the original Eastern Neighborhoods Zoning Map amendments: (1) Condominium conversions that occurred near the time of the Eastern Neighborhood's adoption were not included in the reclassification to the new zoning, height, and Special Use Districts (SUDs). (2) The new Innovative Industries SUD was only intended for the parcels that include the American Industrial Center on 3rd Street. However, the map ordinance for the SUD unintentionally included much of the property in the Eastern Neighborhoods zoned for PDR. (3) Due to technical errors, several individual properties were incorrectly zoned and thus stand out from the properties that surround them.

The Administrative Code currently requires that 80 percent of all Eastern Neighborhood development impact fees be allocated to one or more of the projects identified in the Eastern Neighborhoods Priority Capital Projects list. However, this is in conflict with Planning Code Section 423.5, which requires specific percentages of those fees to be allocated toward certain improvement types (affordable housing, open, space, etc.). The proposed amendments to the Administrative Code update the language to avoid the conflict between the Planning and Administrative Codes while still allowing priority projects to be funded.

The amendments to the Planning Code's land use tables will provide controls for Internet Services Exchange, Tobacco Paraphernalia, Special Food – Self Service, and Amusement Arcades for certain zoning districts that fall in the Eastern Neighborhood plan area that were either inadvertently excluded in the original Eastern Neighborhoods code language or inadvertently removed by subsequent legislation. Amending Large Project Authorizations in Eastern Neighborhoods to allow the Planning Commission to modify accessory use provisions for certain dwelling units will provide greater flexibility of uses on the ground floors of new projects. The amendments to the affordable housing Tier language in the UMU District are consistent with recently updated development impact fee policy. Amending the office controls in the UMU District will make them consistent with the intent to help preserve historic buildings by permitting a larger range of uses as of right.



SAN FRANCISCO
PLANNING DEPARTMENT

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2011 JUL 22 AM 11:59

BY AK

July 22, 2011

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

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

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415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

Re: Transmittal of Planning Case Number 2011.0559TZ:
Eastern Neighborhoods Code Cleanup
Board File Nos. ~~110700~~ (Pending)
110707
110700

Recommendation: Approval

Dear Ms. Calvillo,

On June 23, 2011, the San Francisco Planning Commission (hereinafter "Commission") initiated the proposed Ordinance. On July 21, 2011, the Commission conducted a duly noticed public hearings at a regularly scheduled meeting to consider the proposed Ordinance.

At the July 21st Hearing, the Commission voted 4-0 to recommend approval of the proposed Ordinance which would 1) improve Code readability and ease of application with regard to Eastern Neighborhoods; 2) correct technical errors such as incorrect section references, punctuation errors, and similar typos; 3) update criteria for rear yard modifications in the Eastern Neighborhoods; 4) update land use tables in the Eastern Neighborhoods to include omitted and/or deleted land uses; 5) add provisions to modify accessory use criteria for Large Project Authorizations in Eastern Neighborhoods Mixed Use Districts; 6) update affordable housing tiers for existing buildings in the UMU District; 7) and clarify language regulating the use of historic buildings in the UMU District.

The attached resolution and exhibits provide more detail about the Commission's action. If you have any questions or require further information please do not hesitate to contact me.

Sincerely,

AnMarie Rodgers
Manager of Legislative Affairs

cc: City Attorney Judith Boyajian
Steve Wertheim and Corey Teague, Planning Department staff

Attachments (one copy of the following):
Planning Commission Resolution No. 18412

Department Executive Summary
Guide to the Draft Ordinance
Draft Ordinance Amending the Planning Code
Draft Ordinance Amending the Administrative Code
Draft Ordinance Amending the Zoning Map



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 18412

HEARING DATE: JULY 21, 2011

Case No.: 2011.0559TZ

Project: Eastern Neighborhoods Code Cleanup

Staff Contact: Steve Wertheim – (415) 558-6612
steve.wertheim@sfgov.org

Corey Teague – (415) 575-9081
corey.teague@sfgov.org

Recommendation: Approval

APPROVING AMENDMENTS TO THE PLANNING CODE, ADMINISTRATIVE CODE, AND ZONING MAP SHEETS ZN01, ZN07, ZN08, AND SU08 TO IMPROVE THE CITY'S ABILITY TO IMPLEMENT THE GOALS, OBJECTIVES, AND POLICIES OF THE EASTERN NEIGHBORHOODS PLAN, MAKE TECHNICAL CORRECTIONS TO THE PLANNING CODE, UPDATE LAND USE TABLES IN THE EASTERN NEIGHBORHOODS, CLARIFY LANGUAGE FOR AFFORDABLE HOUSING TIERS AND THE USE OF HISTORIC BUILDINGS IN THE UMU DISTRICT, AND TO CLARIFY PERMITTED MODIFICATIONS FOR LARGE PROJECT AUTHORIZATIONS IN THE EASTERN NEIGHBORHOODS.

PREAMBLE

WHEREAS, the City adopted the Eastern Neighborhoods Plan and associated Planning Code, Administrative Code, and Zoning Map amendments, which became effective January 19, 2009; and

WHEREAS, some Planning Code sections contained technical errors making it difficult for the public to comprehend and staff to consistently implement the Code; and

WHEREAS, the Zoning Map contained technical errors that were not intended as part of the Eastern Neighborhoods plan; and

WHEREAS, amendments to the Planning Code and Administrative Code are needed to better implement the goals and objectives of the Eastern Neighborhoods Plan; and

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

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Resolution No.
Hearing Date: July 21, 2011

Case No 2011.0559TZ
Eastern Neighborhoods Code Cleanup

WHEREAS, the Commission conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 23, 2011; and

Whereas, it has been determined that the Eastern Neighborhoods Final EIR covers the CEQA review of the proposed Ordinance; and

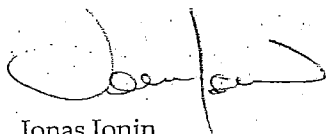
WHEREAS, the Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, the all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Commission has reviewed the proposed Ordinances:

MOVED, that the Commission hereby recommends that the Board of Supervisors recommends approval of the proposed Ordinance and adopts this Resolution to that effect.

I hereby certify that the foregoing Resolution was ADOPTED by the San Francisco Planning Commission on July 21, 2011.



Jonas Ionin
Acting Commission Secretary

AYES: Antonini, Borden, Miguel, Sugaya,

NOES:

ABSENT: Fong, Moore, Olague



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code, Administrative Code, and Zoning Map Amendments

HEARING DATE: JULY 21, 2011; INITIATION HEARING DATE: JUNE 23, 2011

Case No.: 2011.0559TZ

Project: Eastern Neighborhoods Code Cleanup

Staff Contact: Steve Wertheim – (415) 558-6612
steve.wertheim@sfgov.org

Corey Teague – (415) 575-9081
corey.teague@sfgov.org

Recommendation: Approval

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The action before the Commission is approval of the Planning Code, Administrative Code, and Zoning Map amendments described below. These amendments were Initiated by the Planning Commission on June 23, 2011, and were duly noticed in a newspaper ad on June 29, 2011.

PLANNING CODE AMENDMENT

The proposed Ordinances will amend the Planning Code (hereinafter "Code") to achieve the following: 1) improve Code readability and ease of application with regard to Eastern Neighborhoods; 2) correct technical errors such as incorrect section references, punctuation errors, and similar typos; 3) update criteria for rear yard modifications in the Eastern Neighborhoods; 4) update land use tables in the Eastern Neighborhoods to include omitted and/or deleted land uses; 5) add provisions to modify accessory use criteria for Large Project Authorizations in Eastern Neighborhoods Mixed Use Districts; 6) update affordable housing tiers for existing buildings in the UMU District; 7) and clarify language regulating the use of historic buildings in the UMU District.

The majority of this proposed legislation involves technical corrections and clarifications of Code language, which do not amount to substantive changes to the Code. However, there are some proposed substantive policy changes of note, including the following:

- Amending and clarifying the criteria for administrative rear yard modifications by the Zoning Administrator for Eastern Neighborhood projects.
- Amending land use tables in Eastern Neighborhood Mixed Use, Neighborhood Commercial, and PDR Districts that fall in the Eastern Neighborhoods plan area to provide controls for Internet Services Exchange, Tobacco Paraphernalia, Specialty Food – Self Service, and Amusement

Arcades where they had been inadvertently excluded in the original Eastern Neighborhoods code language or inadvertently removed by subsequent legislation.

- Amending Large Project Authorizations in Eastern Neighborhoods to allow and provide criteria for the modification of accessory use provisions for certain dwelling units in Eastern Neighborhood Mixed Use Districts by the Planning Commission in order to provide greater flexibility of uses on the ground floors of new projects.
- Amending affordable housing Tier language in the UMU District so that any change of use in an existing space from non-residential to residential shall be subject only to the lowest affordability tier, which is consistent with recently updated development impact fee policy to use the lowest fee tier for the adaptive reuse of existing buildings.
- Amending office controls in the UMU District so that office uses greater than 25,000 square feet in historic buildings do not require a Conditional Use Authorization to be consistent with the intent to help preserve historic buildings by permitting a larger range of uses as of right.

ADMINISTRATIVE CODE AMENDMENT

The Administrative Code currently requires that 80 percent of all Eastern Neighborhood impact fees be allocated to one or more of the projects identified in the Eastern Neighborhoods Priority Capital Projects list. However, this is in conflict with Planning Code Section 423.5, which requires specific percentages of Eastern Neighborhood impact fees to be allocated toward certain improvement types (affordable housing, open space, etc.).

The Administrative Code amendment updates the language so that 80 percent of Eastern Neighborhood impact fees will be allocated to priority projects within each improvement category, or until all the priority projects are funded, which will avoid the conflict between the Planning and Administrative Codes while still allowing priority projects to be funded.

ZONING MAP AMENDMENT

The original Eastern Neighborhoods Zoning Map Amendment included several unintended oversights. Specifically, the proposed Zoning Map Amendment will correct the following issues:

- Condominium conversions that occurred near the time of Eastern Neighborhood's adoption were not included. Therefore, some properties were rezoned to new Eastern Neighborhoods district while the new condos were not reclassified to the new zoning, height, and Special Use Districts.
- The Innovative Industries Special Use District (SUD) created through the Eastern Neighborhoods process was only intended for the parcels that include the American Industrial Center on 3rd Street. However, the map ordinance for the SUD unintentionally included much of the property in Eastern Neighborhoods zoned for PDR.

- Due to technical errors, several individual properties were incorrectly zoned and thus stand out from the properties that surround them.

REQUIRED COMMISSION ACTION

The proposed Resolution is before the Commission so that it may recommend approval or disapproval of the Planning Code, Administrative Code, and Zoning Map amendments.

RECOMMENDATION

The Department recommends that the Commission recommend *approval* of the proposed Ordinances and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

A portion of the proposed changes can be classified as "good government" measures meant to improve the City's ability to implement the goals, objectives, and policies of the Eastern Neighborhoods Plan. Other changes can be classified as technical errors that need to be corrected to improve the ability of decision makers, Department staff, and the public to understand, interpret, and implement the requirements of the Code.

ENVIRONMENTAL REVIEW

Eastern Neighborhoods Final EIR. No subsequent environmental review required.

PUBLIC COMMENT

As of the date of this report, the Planning Department received one comment regarding this proposed legislation. This comment did not express a position on the legislation.

RECOMMENDATION: Approval to initiate
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Attachments

- Exhibit A: Draft Planning Commission Resolution to approve the Draft Ordinances
- Exhibit B: Guide to the Draft Ordinances
- Exhibit C: Errata – Changes made since Planning Commission Initiation on June 23, 2011
- Exhibit D: Environmental Review
- Exhibit E: Certificate of Final Environmental Impact Report from the Eastern Neighborhoods Plan, August 7, 2008
- Exhibit F: Map of the Proposed Amendments to the Zoning Map
- Exhibit G: Draft Ordinance Amending the Planning Code
- Exhibit H: Draft Ordinance Amending the Administrative Code
- Exhibit I: Draft Ordinance Amending the Zoning Map

CT: I:\Board of Supervisors\Legislation\Eastern Neighborhoods Code Cleanup\PC Materials\Executive Summary.doc

Guide to the Eastern Neighborhoods Clean-Up Legislation – July 14, 2011

We recognize that the Planning Code is not easy to navigate. Even more difficult is trying to negotiate all the strikethroughs, underlines, and moving text that are part of any proposed Code amendment. The table below is intended to distill the proposed changes and provide as a synopsis of both the proposed changes and the underlying rationale – while providing more detail than an “Executive Summary.”

Proposed Changes to the Planning Code

Sec.	Topic	Issue	Proposed Change
102.5	District definition	Grammatical issue.	At the end, after list of EN MUD, added “Districts” after UMU
121.8	Use Size Limits PDR	Title and text implies this applies to all PDR districts, but table makes clear that it does not. This is a vestige from the Bayview Code, which EN didn’t amend.	Made clear that this only applies to PDR-1-B and PDR-2, in the title and text.
134(f)	Rear yards	Language conflates rear yard and open space issues, sets too low a bar for modifications combined with other changes to the rear yard, and incorrectly refers to criteria in 307(h) which is in fact in this section.	Clarified that the criteria is in this section. Clarified the concept of providing comparable rear yards without conflating with open space. Disallowed modifications if other changes to the rear yard are sought – although the option for a Variance is maintained.
135	Residential open space	It isn’t clear how much open space should be required for SROs in the EN Mixed Use Districts.	Change so that SROs should have 1/3 of otherwise required open space, in keeping with other districts.
135(d)	Residential open space	Section inappropriate cites Sec. 825 for open space controls, when they are actually in subsection (d)(4) of Sec. 135.	Made correct reference
135(d)(1) through (5)	Residential open space	Subsections are not clear as to controls in EN Mixed Use and DTR Districts.	Language added to clarify and more closely adhere to the tables.
140(b)	Dwelling units – open area	Section references 307(h)(3), although such a section does not exist.	Made correct reference
140(b)	Dwelling units – open area	Section conveys that modification can occur for small projects in historic buildings (through 307(h)), but not large projects. There isn’t a policy reason for this restriction on large projects.	Included in 140(b) and 329 that this is something that can be modified.
145.1	Street Frontages	South Park not on the list of districts with ground floor height requirements	South Park added to the list of districts with ground floor height requirements
145.5	Ground floor	Ceiling heights still measured floor-to-ceiling, whereas	Made 17 ft. floor-to-floor instead of 15 floor-to-ceiling.

Sec.	Topic	Issue	Proposed Change
	in industrial districts	floor-to-floor determined to be best practice, and used elsewhere.	
151.1	Parking maximums	We limit parking within ¼ mile of 4 th St., but this should only be the transit-rich part of 4 th St north of Berry, not the mellow part that winds through Mission Bay.	Clarified that this applies to SoMa portion of 4 th St.
151.1	Parking maximums	In the Table, residential in UMU shouldn't reference 151.1(g), as parking in the UMU is as-of-right.	Removed reference to 151.1(g).
151.1(g)	Parking maximums	Incorrect reference to subsection (g)	Changed to subsection (h)
151.1(h)(A)(B)(C)	Parking maximums	Outline format is incorrect	Changed to (1)(2)(3).
157.1(b)	Parking garages	Language lacked clarity as to when these controls apply.	Revised to provide additional clarity
157.1(e)	Parking garages	There is a lack of clarity as to how we'll effectively enforce pooled residential parking.	Added language that we require NSRs to be placed on both properties regarding the use-the parking.
157.1(e)	Parking garages	Section incorrectly referenced 309 as the section for which an Exception could be granted, and did not cite 309.1 (DTR) and 329 (EN Mixed Use Districts).	Revised language to clarify.
175.8	Sunset for Integrated PDR Uses	Section missing correct reference to the Eastern Neighborhoods Ordinance.	Added correct reference.
207.1(f)	Dwelling unit densities	This should not apply to RTO-M, as RTO-M doesn't have any of the dwelling unit density issues that RTO does. Included references not updated by legislation that created Article 4.	Removed RTO-M. Updated references.
218(b)(c) and (d)	Retail	As written, the Code implies that you could do 2,500 sf of retail, 2,500 sf of grocery, and 2,500 sf of gym.	Nested grocery and gym under retail, so that the max is 2,500 per parcel across all three – unless there's a CU for gyms or grocery.
227	Other Uses	The “##” clause was appropriate when added as part of the Bayview project, because the definition of office was archaic. With EN, the definition was improved, making this clause obsolete and confusing.	Delete the ## clause.
227(c)	Other Uses	Incorrect reference to Internet Service Exchange	Changed reference.
227(h)	Other Uses - Wireless	Unlike every other C-M-PDR district, PDR-1-D doesn't allow wireless.	Changed to allow it
227(i)	Other Uses - Wireless	This use is “Conditional” everywhere but the PDR-1-D District. There isn't a clear rationale for this restriction.	Change to make it Conditional in the PDR-1-D District.
227(r)	Other Uses -	Internet Service Exchange is, at the most restrictive, a	Changed to make it Conditional in these districts.

Sec.	Topic	Issue	Proposed Change
	Internet Service Exchange	Conditional Use everywhere in the City but PDR-1-D and -G.	
227(f)(1)(E)	Other Uses - SEW	The definition of uses that can be considered PDR includes Section 227. However, many of these uses do not meet the understanding of what is PDR.	Changed to reflect definition of PDR already utilized in Article 4.
227(f)(1)(E)	Other Uses - SEW	For SEW It says that all workspaces must be accessed from building common areas. However, the larger PDR spaces shouldn't have to be accessed from a common space	Change to allow larger PDR spaces to be accessed from the street, for truck loading purposes.
231A	PDR replacement	Numbering the Section 231A was an administrative mix-up made when the Eastern Neighborhoods were adopted.	Change to 230. Code elsewhere refers to 230.
231A(b)(2)	PDR replacement	The definition of uses that can be considered PDR includes Section 227. However, many of these uses do not meet the understanding of what is PDR.	Changed to reflect definition of PDR already utilized in Article 4.
231A	PDR replacement	When updating in this Section the definition of what constitutes PDR, it removes IPDR and SEW from being used to replace PDR. However, these are uses intended to be OK in the Eastern Neighborhoods' PDR districts.	Add IPDR and SEW as things that can replace PDR.
249.36(c)(1)	Life Science SUD	Reference to 219.1 should have been removed during EN process (we made, then removed, that section in that plan)	Removed reference to 219.1
249.37(b)	Innovative Industries SUD	We say "Life Science" instead of "Innovative Industries"	Added correct reference
249.38	Retail in PDR Special Use	In PDR Districts, groceries stores and gyms can be as large as they want, with a Conditional Use. In the UMU, they need to conform with per-parcel limitations. Thus, in this SUD, grocery stores and gyms actually are more restrictive.	Made sure that grocery stores and gyms can exceed UMU levels in this SUD, in keeping with intent of the SUD.
329(b)(1) and (3)	EN Large Project Authorization	As written, the street frontage criteria for warranting an X case wouldn't capture any new large projects, but could capture things like adding an awning on a building on a long parcel. The height threshold is also unclear as to whether buildings that are already taller than 75 feet would trigger an X case for vertical additions.	Eliminated street frontage criteria, and revised language for clarity.
329(d)(9)	EN Large Project Authorization	Section conveys that modification can occur for small projects in historic buildings (through 307(h)), but not large projects. There isn't a policy reason for this restriction on large projects.	Included in 140(b) and 329 that this is something that can be modified.
329(d)(10)	EN Large Project	We've started allowing exceptions for accessory uses, i.e. "flexible occupancy units". However, we haven't clarified	Allowed this through a modification of accessory uses for large projects. Clarified that these units are foremost

Sec.	Topic	Issue	Proposed Change
	Authorization	the standards.	residential (and subject to appropriate controls and fees), that they must be on the ground floor, that they must be on a street (and not an alley), and that they are coordinated with other agencies which might have additional controls for such a hybrid use.
352(c)(2)	Hearing Fees	The intent is for 329 cases to pay akin to a CU.	Added 329 to the list of cases for which the 2 nd case can be 50% off
401	Definition of Non-residential	The definition of PDR has been revised to remove all uses from Section 227 except subsections (a), (b), and (p). However, these uses have not been added anywhere else, meaning that it is unclear what fees they would pay.	Add all subsections except (a), (b), and (p) to the definition of Non-residential.
411.3(a)(2)(F)(vi)	TIDF application	The sections that are absolved from TIDF are incorrect, reflecting changes to Section 227 that were not also made to Section 411 (which was in the Administrative Code until 2010).	Revised the section to absolve only uses as originally intended in TIDF. The original intent seems to have been to absolve in Subsection F(vi) uses with little transportation impact, and thus the choice to charge the fee to "arts activities" ("p"). To this was added fringe financial ("s"), SEW ("w"), IPDR ("u"), tobacco shops ("v").
419.2	UMU housing definitions	Changes to residential use within existing buildings could be any fee Tier. This is in conflict with the direction taken with fees, which was to support existing buildings by making changes of use the lowest fee tier.	Changed to make housing in existing buildings Tier A
419.2	UMU housing definitions	Not clear what Tier land dedication in the Mission should be.	Made Tier A, recognizing that such parcels are still subject to fee tiers.
419.2	UMU housing definitions	It's unclear what Tier projects fall into, given lack of definition of a "story". Also, incorrect reference made to EN Plan.	Revised language to mirror that made in the Area Plan Impact Fee Leg (Ord 270-10). Added correct reference.
419.5(a)(1)(F)	UMU housing alternatives	Should refer also to the option for 30% 3-bedrooms	Cited relevant Code section.
419.5(a)(2)(B)	UMU housing alternatives	The 2 nd sentence is grammatically challenged. Probably should add "that could" before "be provided on a collective".	Added language.
419.5(a)(2)(I)	UMU housing alternatives	References two-bedroom rule. Should be expanded to discuss 3-bedroom option as well.	Cited relevant Code section.
419.5, Table 419A.4	UMU housing alternatives	Table should be "419.5"	Corrected reference.
419.5,	UMU housing	Asterisk under table says % increases if "two-bedroom"	Cited relevant Code section.

Sec.	Topic	Issue	Proposed Change
Table 419A.4	Topic alternatives	Requirement is waived". It's confusing, because the rule is more of a bedroom mix requirement than a two-bedroom rule.	
423.5	EN Fund	References Section 423.6 and Admin Code 10E.7 quite a bit, but really it's referencing 423.5 and 10E.2(c).	Corrected references
607.2(e)	Signs: mixed use districts	No reference made to controls in the DTR Districts.	Added DTR to list of districts where General Advertising is not allowed.
607.2(f)(3)(B)	Signs: mixed use districts	Parcels in UMU went from unrestricted business signs (when they were industrially zoned) to highly restricted – no bigger than 150 sf. Since signs can't be grandparented from one business to the next, this is causing consternation.	Changed policy to create sign capacity appropriate for the UMU, which balances the districts historic nature with its classification as a mixed use district.
607.2(f)(3)	Signs: mixed use districts	It's not clear which controls apply to business signs in the DTR Districts	Reference added that clarifies that the controls are the same as all other mixed use districts
726, 734	Valencia NCT and NCT-2	District name not updated in table.	At top of use table, add "Transit" to the name of the district.
734.69, 735.69, 736.69	NCT-2, SoMa NCT, and Mission NCT	Controls for Tobacco Paraphernalia were not added to new EN NC Districts (NCT-2, SoMa, Mission St.) because of overlapping timing of Ord 244-08.	Made all districts C, in keeping with the legislation that created these controls (244-08).
734.69A, 735.69A, 736.69A	NCT-2, SoMa NCT, and Mission NCT	Controls for Specialty Food – Self-Service was not added to new EN NC Districts (NCT-2, SoMa, Mission St.) because of overlapping timing of Ord 245-08.	Added controls in keeping with the legislation that created these controls (245-08). <ul style="list-style-type: none"> In NCT-2, made P, like NC-2. In SoMa, made P, since small self-service restaurant is P. Mission – made C, since small self-service is C and it's C in the other parts of the Mission as well.
734.69B, 735.69B, 736.69B	NCT-2, SoMa NCT, and Mission NCT	Controls for Amusement Arcades was not added to new EN NC Districts (NCT-2, SoMa, Mission St.) because of overlapping timing of Ord 51-09.	Ord 51-09 explicitly made arcades NP except in NC-3 and NCT-3. As such, changed as follows: <ul style="list-style-type: none"> In NCT-2, made NP, like NC-2 In SoMa, made NP, like other NC districts. In Mission NCT, made Conditional Use like NC-3.
735.1	SOMA NCT	Mis-reference in the "Specific Provisions" table	Corrected reference
736.39	Mission NCT	Mis-reference in Code section	Corrected reference
781.5	Mission Alcohol SUD	Portion of this district in which large fast food is NP has been incorporated into the Mission NCT. Thus, need not reference the whole strip.	Changed reference to be from Cesar Chavez to Randall
803.3(b)(1)(B)	Permitted uses in EN Mixed Use	Ref to 316.8 should just be 316, as this refers to all CUs (and there is no 316.8)	Changed reference
803.8(d)	Housing in	The section seems to require a 3:1 ratio of housing in all	Clarified that this is only for new construction, as in similar

Sec.	Topic	Issue	Proposed Change
803.9(b) and (c)	mixed use districts Non-residential uses in mixed use districts	projects. This is problematic for existing buildings. 803.9(b) and (c) say that office over 25,000 sf requires a CU; whereas the use tables in 840, 841, 842, and 843 just say "P" for historic buildings. This is an internal conflict. Because UMU allows certain floors of office as of right, but in historic buildings it's a CU over 25,000, it means it may be even MORE restrictive in for historic buildings – not our intent.	RSD District. In historic buildings, permitted office as-of-right beyond 25,000, recognizing that at that size the project would still require authorization from the Planning Commission.
803.9(h)	Vertical office controls in MUG and UMU	This section prohibits ground floor office space in MUG and UMU. However, there is an exception for certain "retail-like" office uses to be permitted on the ground floor in the land use tables.	Updated language to reference land use tables that permit certain ground floor office uses, and make it clear that such ground floor office use is not considered a "designated office-story."
803.9(i)	Retail MUG, MUO, and UMU	Ref to 890.114 (Services, Medical) should be to 890.104 (Sales and Services, Retail)	Changed reference
814.49, 840.65, 841.65, 842.65, 843.65	Office in South Park, MUG, MUR, MUO, and UMU	The reference is wrong for all of these sections. For South Park, we don't even need the distinction between historic and non-historic buildings, as office is P.	Changed reference to 803.9(b) for MUG, MUR, and MUO, and 803.9(c) for UMU.
814.31, 840-843.45	Retail in South Park, MUG, MUR, MUO, and UMU	Retail definition and reference exclude personal service, although this is understood as an acceptable use in these districts	Added reference.
840	MUG	Intro incorrectly states that movie theaters and hotels are permitted.	Updated intro.
840.04-843.04	Setbacks in MUG, MUR, MUO, and UMU	In setbacks, lacking reference to Sec 134	Added reference.
840-843.62	Recreation buildings in MUG, MUR, MUO, and UMU	Refers to recreation buildings in 843.21, but really should be 843.34.	Updated references.
840-843.85 and 86	Labs in MUG, MUR, MUO, and UMU	Refers to 890.53(a), but there is no (a).	Updated references.

Sec.	Topic	Issue	Proposed Change
840.50 and 843.50	MUG and UMU services	It is unclear whether medical, financial, and professional services are a subset of office, retail, or both.	Clarified that these are generally office uses, and that the exception can only be for retail-oriented services.
841	MUR	Intro incorrectly states that movie theaters are not permitted, and that offices are restricted to upper floors.	Updated intro
841.09	MUR	Change reference from 803.8(e) to 803.8(d)	Updated reference
890.49(a)(4)(A)	IPDR	The definition of uses that can be considered PDR includes Section 227. However, many of these uses do not meet the understanding of what is PDR.	Changed to reflect definition of PDR already utilized in Article 4.
890.49(a)(4)(B)(ii)	IPDR	Lacked clarity that personal services are also not permitted to count as PDR	Clarified reference
890.54(c)	Light manufacturing	Still lists household goods under this definition, though we created 890.54(d) to specifically deal with household goods. Therefore, delete household goods from (c).	Deleted reference

* Unless otherwise noted, Code Sections were downloaded on May 1, 2011.

Proposed Changes to the Administrative Code

Sec.	Topic	Issue	Proposed Change
10E.2(c)	Eastern Neighborhoods	Priority projects require 80% of EN Impact Fee money spent a certain way. But 423.5 says that \$ must be spent according to percentages. And the two are in conflict. Plus, if all the priority projects are funded, but there's still remaining money, that currently wouldn't count as being "effectively utilized."	80% should be spent on priority projects within each category, or until all the priority projects are paid for. That would avoid the conflict and still get them built.

* Unless otherwise noted, Code Sections were downloaded on May 8, 2011.

Proposed Changes to the Zoning Map

Sec.	Topic	Issue	Proposed Change
Zoning, Height, and SUD Map	Condo Lots Zoning	Condos that converted near the time of the adoption of the Eastern Neighborhoods were not captured in the process. Thus, the zoning of the land will reflect the EN, but the individual condos will have the old zoning and height, and not be included in new Special Use Districts created during the Eastern Neighborhoods process.	Correct mistakes.
Zoning Map	Innovative Industries SUD	During the Eastern Neighborhoods process, an Innovative Industries SUD was created to cover much of the PDR Districts. During the process, this SUD was reduced only to the American Industrial Center buildings, in return for the creation of IPDR, the Amnesty Program, and older measures. However, this change was not made in the Map	Correct mistake.

Sec.	Topic	Issue	Proposed Change
Zoning Map	Rezoning Error	Legislation itself. In the Eastern Neighborhoods process, Parcel 3949 001A was mistakenly zoned MUR with a 40 foot height limit. This 47 square foot parcel is surrounded by parcels zoned UMU at 68ft.	Rezone parcel to UMU and 68 ft.
Zoning Map	Rezoning Error	Ordinance 69-87 changed the zoning of 771 Capp St. (Block 3637, Lot 18) to NC-3. However, this change never appeared in the Planning Departments records, and it remained RM-2. Subsequently, the Eastern Neighborhoods changed this parcel from RM-2 to RTO Mission. As such, the previous mistake cannot be administratively corrected.	Correct mistake. Recognizing that all NC-3 parcels in the Mission were rezoned Mission NCT, rezone this parcel Mission NCT.
Zoning, Height, and SUD Map	Lot Merger Error	In 2007, Lots 001, 001A, 002, and 002A of Block 4044 were merged into one Lot - 52. The Eastern Neighborhoods Map Legislation changed the zoning and heights on the former parcels, but did not include Lot 52.	Rezone parcel 4044 052 to reflect the changes made to the former parcels (4044 001, 001A, 002, and 002A) by the Eastern Neighborhoods Map legislation.

