

1 [Planning Code, Zoning Map - Housing Production]

2

3 **Ordinance amending the Planning Code to encourage housing production by (1)**  
4 **exempting, under certain conditions, specified housing projects from the notice and**  
5 **review procedures of Section 311 and the Conditional Use requirement of Section 317,**  
6 **in areas outside of Priority Equity Geographies, which are identified in the Housing**  
7 **Element as areas or neighborhoods with a high density of vulnerable populations; (2)**  
8 **removing the Conditional Use requirement for several types of housing projects,**  
9 **including housing developments on large lots in areas outside the Priority Equity**  
10 **Geographies Special Use District, projects to build to the allowable height limit,**  
11 **projects that build additional units in lower density zoning districts, and senior housing**  
12 **projects that seek to obtain double density; (3) amending rear yard, front setback, lot**  
13 **frontage, minimum lot size, and residential open space requirements in specified**  
14 **districts; (4) allowing additional uses on the ground floor in residential buildings,**  
15 **homeless shelters, and group housing in residential districts, and administrative**  
16 **review of reasonable accommodations; (5) expanding the eligibility for the Housing**  
17 **Opportunities Mean Equity – San Francisco (HOME – SF) program and density**  
18 **exceptions in residential districts; (6) exempting certain affordable housing projects**  
19 **from certain development fees; (7) authorizing the Planning Director to approve State**  
20 **Density Bonus projects, subject to delegation from the Planning Commission; and (8)**  
21 **making conforming amendments to other sections of the Planning Code; amending the**  
22 **Zoning Map to create the Priority Equity Geographies Special Use District; affirming the**  
23 **Planning Department’s determination under the California Environmental Quality Act;**  
24 **and making public necessity, convenience, and welfare findings under Planning Code,**  
25

1     **Section 302, and findings of consistency with the General Plan and the eight priority**  
2     **policies of Planning Code, Section 101.1.**

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

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

11            Section 1. Environmental and Land Use Findings.

12            (a) The Planning Department has determined that the actions contemplated in this  
13            ordinance comply with the California Environmental Quality Act (California Public Resources  
14            Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
15            Supervisors in File No. 230446 and is incorporated herein by reference. The Board affirms  
16            this determination.

17            (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_,  
18            adopted findings that the actions contemplated in this ordinance are consistent, on balance,  
19            with the City’s General Plan and eight priority policies of Planning Code Section 101.1. The  
20            Board adopts these findings as its own. A copy of said Resolution is on file with the Clerk of  
21            the Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

22            (c) Pursuant to Planning Code Section 302, this Board finds that these Planning Code  
23            amendments will serve the public necessity, convenience, and welfare for the reasons set  
24            forth in Planning Commission Resolution No. \_\_\_\_\_, and the Board adopts such  
25            reasons as its own. A copy of said resolution is on file with the Clerk of the Board of  
Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

1           Section 2. General Background and Findings.

2           (a) California faces a severe crisis of housing affordability and availability, prompting  
3 the Legislature to declare, in Section 65589.5 of the Government Code, that the state has “a  
4 housing supply and affordability crisis of historic proportions. The consequences of failing to  
5 effectively and aggressively confront this crisis are hurting millions of Californians, robbing  
6 future generations of a chance to call California home, stifling economic opportunities for  
7 workers and businesses, worsening poverty and homelessness, and undermining the state’s  
8 environmental and climate objectives.”

9           (b) This crisis of housing affordability and availability is particularly severe in San  
10 Francisco. It is characterized by dramatic increases in rent and home sale prices over recent  
11 years.

12           (c) According to the Planning Department’s 2020 Housing Inventory, the cost of  
13 housing in San Francisco has increased dramatically since the Great Recession of 2008-  
14 2009, with the median sale price for a two-bedroom house more than tripling from 2011 to  
15 2021, from \$493,000 to \$1,580,000. This includes a 9% increase from 2019 to 2020 alone,  
16 even in the face of the COVID-19 pandemic. The median rental price for a two-bedroom  
17 apartment saw similar although slightly smaller increases, nearly doubling from \$2,570 to  
18 \$4,500 per month, from 2011 to 2019, before declining in 2020 due to the pandemic.

19           (d) These housing cost trends come after decades of underproduction of housing in  
20 the Bay Area, according to the Planning Department’s 2019 Housing Affordability Strategies  
21 Report. The City’s Chief Economist has estimated that approximately 5,000 new market-rate  
22 housing units per year would be required to keep housing prices in San Francisco constant  
23 with the general rate of inflation.

24           (e) Moreover, San Francisco will be challenged to meet increased Regional Housing  
25 Needs Allocation (“RHNA”) goals in this 2023-2031 Housing Element cycle, which total 82,069

1 units over eight years, (46,598 of which must be affordable to extremely-low, very-low, low-,  
2 and moderate-income households), more than 2.5 times the goal of the previous eight-year  
3 cycle. The importance of meeting these goals to address housing needs is self-evident. In  
4 addition, under relatively new State laws like Senate Bill 35 (2017), failure to meet the 2023-  
5 2031 RHNA housing production goals would result in limitations on San Francisco's control  
6 and discretion over certain projects.

7 (f) On January 31, 2023, the City adopted the 2022 Update of the Housing Element of  
8 the General Plan ("2022 Housing Element"), as required by state law. The 2022 Housing  
9 Element is San Francisco's first housing plan that is centered on racial and social equity. It  
10 articulates San Francisco's commitment to recognizing housing as a right, increasing housing  
11 affordability for low-income households and communities of color, opening small and mid-rise  
12 multifamily buildings across all neighborhoods, and connecting housing to neighborhood  
13 services like transportation, education, and economic opportunity.

14 (g) The 2022 Housing Element includes goals, objectives, policies and implementing  
15 programs that seek to guide development patterns and the allocation of resources to San  
16 Francisco neighborhoods. Generally, it intends to shift an increased share of the San  
17 Francisco's projected future housing growth to transit corridors and low-density residential  
18 districts within "Well-Resourced Neighborhoods" (which are areas identified by the state as  
19 neighborhoods that provide strong economic, health, and educational outcomes for its  
20 residents), while aiming to prevent the potential displacement and adverse racial and social  
21 equity impacts of zoning changes, planning processes, or public and private investments for  
22 populations and in areas that may be vulnerable to displacement, such as "Priority Equity  
23 Geographies" (identified in the Department of Public Health's Community Health Needs  
24 Assessment as Areas of Vulnerability).

(h) Among other policies, the 2022 Housing Element commits the City to remove governmental constraints on housing development, maintenance and improvement, specifically in Well-Resourced Neighborhoods and in areas outside of Priority Equity Geographies, as well as to reduce costs and administrative processes for affordable housing projects, small and multifamily housing, and to simplify and standardize processes and permit procedures. Among many other obligations, the 2022 Housing Element requires that the City remove Conditional Use Authorization requirements for code compliant projects, eliminate hearing requirements, and modify standards and definitions to permit more types of housing across the City, in Well-Resourced Neighborhoods and outside of Priority Equity Geographies. This ordinance advances those goals.

Section 3. The Planning Code is hereby amended by deleting Sections 121.1, 121.3, 132.2, 253, 253.1, 253.2, and 253.3, revising Sections 102, 121, 121.7, 132, 134, 135, 140, 145.1, 202.2, 204.1, 206.3, 206.6, 207, 209.1, 209.2, 209.3, 209.4, 210.3, 305.1, 311, 317, 406, 713, 714, 754, 810, 811, and 812, and adding new Sections 121.1 and 121.3, and Section 249.97, to read as follows:

#### **SEC. 102.DEFINITIONS.**

\* \* \* \*

**Dwelling Unit.** A Residential Use defined as a room or suite of two or more rooms that is designed for, or is occupied by, one family doing its own cooking therein and having only one kitchen. A Dwelling Unit shall also include “employee housing” when providing accommodations for six or fewer employees, as provided in State Health and Safety Code §17021.5. A housekeeping room as defined in the Housing Code shall be a Dwelling Unit for purposes of this Code. For the

purposes of this Code, a Live/Work Unit, as defined in this Section, shall not be considered a Dwelling Unit.

\* \* \* \*

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

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

- It is individually designated as a landmark under Article 10;*
- It is listed as a contributor to an historic district listed in Article 10;*
- It is a Significant or Contributory Building under Article 11, with a Category I, II, III or IV rating;*
- It has been listed or has been determined eligible for listing in the California Register of Historical Resources; or,*
- It has been listed or has been determined eligible for listing in the National Register of Historic Places.*

\* \* \* \*

**SEC. 121. MINIMUM LOT WIDTH AND AREA.**

\* \* \* \*

(b) **Subdivisions and Lot Splits.** Subdivisions and lot splits shall be governed by the Subdivision Code of the City and County of San Francisco and by the Subdivision Map Act of California. In all such cases the procedures and requirements of said Code and said Act shall be followed, including the requirement for consistency with the General Plan of the City and

County of San Francisco. ~~Where the predominant pattern of residential development in the immediate vicinity exceeds the minimum standard for lot width or area, or the minimum standards for both lot width and area, set forth below in this Section, any new lot created by a subdivision or lot split under the Subdivision Code shall conform to the greater established standards, provided that in no case shall the required lot width be more than 33 feet or the required lot area be more than 4,000 square feet.~~

\* \* \* \*

(d) **Minimum Lot Width.** The minimum lot width shall be 20 feet. ~~as follows:~~

~~(1) In RH-1(D) Districts: 33 feet;~~

~~(2) In all other zoning use districts: 25 feet.~~

(e) **Minimum Lot Area.** The minimum lot area shall be 1,200 sq. ft. ~~as follows:~~

~~(1) In RH-1(D) Districts: 4,000 square feet;~~

~~(2) In all other zoning use districts: 2,500 square feet; except that the minimum lot area for any lot having its street frontage entirely within 125 feet of the intersection of two streets that intersect at an angle of not more than 135 degrees shall be 1,750 square feet.~~

~~(f) Conditional Uses. Notwithstanding the foregoing requirements of this Section 121 as to lot width, lot area and width of lot frontage, in any zoning use district other than an RH-1(D) District the City Planning Commission may permit one or more lots of lesser width to be created, with each lot containing only a one-family dwelling and having a lot area of not less than 1,500 square feet, according to the procedures and criteria for conditional use approval in Section 303 of this Code.~~

## **~~SEC. 121.1. DEVELOPMENT OF LARGE LOTS, NEIGHBORHOOD COMMERCIAL DISTRICTS.~~**

~~(a) Purpose. In order to promote, protect, and maintain a scale of development that is appropriate to each district and compatible with adjacent buildings, new construction or significant~~

enlargement of existing buildings on lots of the same size or larger than the square footage stated in the table below shall be permitted only as Conditional Uses.

<i>District</i>	<i>Lot Size Limits</i>
<i>North Beach</i>	<i>2,500 sq. ft.</i>
<i>Pacific Avenue</i>	
<i>Polk Street</i>	
<i>NC-1, NCT-1</i>	<i>5,000 sq. ft.</i>
<i>24th Street Mission</i>	
<i>24th Street Noe Valley</i>	
<i>Broadway</i>	
<i>Castro Street</i>	
<i>Cole Valley</i>	
<i>Glen Park</i>	
<i>Haight Street</i>	
<i>Inner Clement Street</i>	
<i>Inner Sunset</i>	
<i>Irving Street</i>	
<i>Judah Street</i>	
<i>Lakeside Village</i>	
<i>Noriega Street</i>	
<i>Outer Clement Street</i>	



1	<i>Sacramento Street</i>	
2	<i>Taraval Street</i>	
3	<i>Union Street</i>	
4	<i>Upper Fillmore Street</i>	
5	<i>West Portal Avenue</i>	
6		
7	<i>NC 2, NCT 2</i>	<i>10,000-sq. ft.</i>
8	<i>NC 3, NCT 3</i>	
9	<i>Bayview</i>	
10	<i>Cortland Avenue</i>	
11	<i>Divisadero Street</i>	
12	<i>Excelsior Outer Mission Street</i>	
13	<i>Fillmore Street</i>	
14	<i>Folsom Street</i>	
15	<i>Geary Boulevard</i>	
16	<i>Hayes Gough</i>	
17	<i>Inner Balboa Street</i>	
18	<i>Inner Taraval Street</i>	
19	<i>Japantown</i>	
20	<i>Lower Haight Street</i>	
21	<i>Lower Polk Street</i>	
22	<i>Mission Bernal</i>	
23		
24		
25		

1	<i>Mission Street</i>	
2	<i>Ocean Avenue</i>	
3	<i>Outer Balboa Street</i>	
4	<i>Regional Commercial District</i>	
5	<i>San Bruno Avenue</i>	
6	<i>SoMa</i>	
7	<i>Upper Market Street</i>	
8	<i>Valencia Street</i>	
9	<i>NC S</i>	<i>Not Applicable</i>

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

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

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

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

**SEC. 121.1. DEVELOPMENT OF LARGE LOTS IN NEIGHBORHOOD  
COMMERCIAL DISTRICTS LOCATED IN THE PRIORITY EQUITY GEOGRAPHIES  
SPECIAL USE DISTRICT.**

**(a) Purpose.** In order to promote, protect, and maintain a scale of development that is appropriate to each district and compatible with adjacent buildings, new construction or significant enlargement of existing buildings on lots of the same size or larger than the square footage stated in the Neighborhood Commercial Districts located in the Priority Equity Geographies Special Use District established under Section 249.97 shown in the table below shall be permitted only as Conditional Uses.

<u>District</u>	<u>Lot Size Limits</u>
<u>North Beach (*)</u>	<u>2,500 sq. ft.</u>
<u>Polk Street (*)</u>	
<u>NC-1, NCT-1 (*)</u>	<u>5,000 sq. ft.</u>
<u>24th Street-Mission</u>	
<u>NC-2, NCT-2 (*)</u>	<u>10,000 sq. ft.</u>
<u>NC-3, NCT-3 (*)</u>	
<u>Bayview</u>	
<u>Divisadero Street (*)</u>	
<u>Excelsior Outer Mission Street</u>	
<u>Fillmore Street (*)</u>	
<u>Folsom Street</u>	
<u>Hayes-Gough</u>	
<u>Lower Polk Street</u>	
<u>Mission Street</u>	

<u>San Bruno Avenue</u>	
<u>SoMa</u>	
<u>Upper Market Street</u>	
<u>Valencia Street (*)</u>	

(\*) These districts are located at least partially in the Priority Equity Geographies Special Use District established under Section 249.97. The controls in this Section 121.1 shall apply to those areas of these districts that are within the Priority Equity Geographies SUD. The controls in this Section 121.1 shall not apply to portions of any Neighborhood Commercial District that are outside the Priority Equity Geographies SUD.

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

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

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

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

**SEC. 121.3. DEVELOPMENT OF LARGE LOTS, CHINATOWN MIXED USE DISTRICTS.**

*In order to promote, protect, and maintain a scale of development which is appropriate to each Mixed Use District and complementary to adjacent buildings, new construction or enlargement of*

existing buildings on lots larger than the square footage stated in the table below shall be permitted as conditional uses subject to the provisions set forth in Section 303.

District	Lot Size Limits
Chinatown Community Business	5,000 sq. ft.
Chinatown Residential/Neighborhood Commercial	
Chinatown Visitor Retail	

In addition to the criteria of Section 303(c), the Planning Commission shall consider the following criteria:

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

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

**SEC. 121.3. DEVELOPMENT OF LARGE LOTS, CHINATOWN MIXED USE DISTRICTS.**

(a) In order to promote, protect, and maintain a scale of development which is appropriate to each Mixed Use District and complementary to adjacent buildings, new construction or enlargement of existing buildings on lots larger than the square footage stated in the table below shall be permitted as conditional uses subject to the provisions set forth in Section 303.

<u>District</u>	<u>Lot Size Limits</u>
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<u>Chinatown Community Business</u>	<u>5,000 sq. ft.</u>
<u>Chinatown Residential/Neighborhood Commercial</u>	
<u>Chinatown Visitor Retail</u>	

(b) In addition to the criteria of Section 303(c), the Planning Commission shall consider the following criteria:

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

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

## **SEC. 121.7. RESTRICTION OF LOT MERGERS IN CERTAIN DISTRICTS AND ON PEDESTRIAN-ORIENTED STREETS.**

\* \* \* \*

(b) **Controls.** Merger of lots is regulated as follows:

~~(1) **RTO Districts.** In RTO Districts, merger of lots creating a lot greater than 5,000 square feet shall not be permitted except according to the procedures and criteria in subsection (d) below.~~

(1) **RTO Districts.** In RTO Districts within the Priority Equity Geographies Special Use District established under Section 249.97, merger of lots creating a lot greater than 5,000 square feet shall not be permitted except according to the procedures and criteria in subsection (d) below.

(2) **NCT, NC, and Mixed-Use Districts.** In those NCT, NC, and Mixed Use Districts listed below, merger of lots resulting in a lot with a single street frontage greater than

1 that stated in the table below on the specified streets or in the specified Districts is prohibited  
2 except according to the procedures and criteria in subsections (c) and (d) below.

3 (~~323~~) **WMUO District.** Merger of lots in the WMUO zoning district resulting in a  
4 lot with a street frontage between 100 and 200 feet along Townsend Street is permitted so  
5 long as a publicly-accessible through-block pedestrian alley at least 20 feet in width and  
6 generally conforming to the design standards of Section 270.2(e)(5)-(12) of this Code is  
7 provided as a result of such merger.

8 (~~434~~) **Mission Street NCT District.** In the Mission Street NCT District, projects  
9 that propose lot mergers resulting in street frontages on Mission Street greater than 50 feet  
10 shall provide at least one non-residential space of no more than 2,500 square feet on the  
11 ground floor fronting Mission Street.

12 (~~545~~) **Ocean Avenue NCT District.** In the Ocean Avenue NCT District,  
13 projects that propose lot mergers resulting in street frontages greater than 50 feet are  
14 permitted to create corner lots only, and shall require a conditional use authorization.

15 \* \* \* \*

16  
17 **SEC. 132. FRONT SETBACK AREAS IN RTO, RH, AND RM DISTRICTS AND FOR**  
18 **REQUIRED SETBACKS FOR PLANNED UNIT DEVELOPMENTS.**

19 The following requirements for minimum front setback areas shall apply to every  
20 building in all RH, RTO, and RM Districts, in order to relate the setbacks provided to the  
21 existing front setbacks of adjacent buildings. Buildings in RTO Districts which have more than  
22 75 feet of street frontage are additionally subject to the Ground Floor Residential Design  
23 Guidelines, as adopted and periodically amended by the Planning Commission. Planned Unit  
24 Developments or PUDs, as defined in Section 304, shall also provide landscaping in required  
25 setbacks in accord with Section 132(g).

1           (a) **Basic Requirement.** Where one or both ~~of the~~ buildings adjacent to the subject  
2 property have front setbacks along a Street or Alley, any building or addition constructed,  
3 reconstructed, or relocated on the subject property shall be set back no less than the depth of the  
4 adjacent building with the shortest front setback, except as provided in subsection (c). ~~the average of~~  
5 ~~the two adjacent front setbacks. If only one of the adjacent buildings has a front setback, or if there is~~  
6 ~~only one adjacent building, then the required setback for the subject property shall be equal to one half~~  
7 ~~the front setback of such adjacent building.~~ In any case in which the lot constituting the subject  
8 property is separated from the lot containing the nearest building by an undeveloped lot or lots  
9 for a distance of 50 feet or less parallel to the Street or Alley, such nearest building shall be  
10 deemed to be an “adjacent building,” but a building on a lot so separated for a greater  
11 distance shall not be deemed to be an “adjacent building.” [Note to publisher: Delete diagram  
12 that follows this text].

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



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

5           (c~~d~~) **Applicability to Special Lot Situations.**

6           \* \* \* \*

7           (d~~e~~) **Maximum Requirements.** The maximum required front setback in any of the  
8 cases described in this Section 132 shall be ~~15~~ 10 feet from the property line along the Street  
9 or Alley, except in cases where more than 75% of the properties on the subject block face  
10 have a setback of 15 feet or greater, and both parcels adjacent to the parcel property have a  
11 front setback of 15 feet or greater, in which case the maximum front setback shall be 15 feet.  
12 ~~or 15% of the average depth of the lot from such Street or Alley, whichever results in the lesser~~  
13 ~~requirement. Where a lot faces on a Street or Alley less than or equal to 40 feet in width, the maximum~~  
14 ~~required setback shall be ten feet from the property line or 15% of the average depth of the lot from~~  
15 ~~such Street or Alley, whichever results in the lesser requirement.~~ The required setback for lots  
16 located within the Bernal Heights Special Use District is set forth in Section 242 of this Code.

17           \* \* \* \*

18  
19           **~~SEC. 132.2. SETBACKS IN THE NORTH OF MARKET RESIDENTIAL SPECIAL USE~~**  
20 **~~DISTRICT.~~**

21           (a) ~~**General.** In order to maintain the continuity of a predominant street wall along the street,~~  
22 ~~setbacks of the upper portion of a building which abuts a public sidewalk may be required of buildings~~  
23 ~~located within the boundaries of the North of Market Residential Special Use District, as shown on~~  
24 ~~Sectional Map 1Sub of the Zoning Map, as a condition of approval of conditional use authorization~~

1 ~~otherwise required by Section 253 of this Code for building in RC Districts which exceed 50 feet in~~  
2 ~~height.~~

3 ~~(b) **Procedures.** A setback requirement may be imposed in accordance with the provisions set~~  
4 ~~forth below pursuant to the procedures for conditional use authorization set forth in Section 303 of this~~  
5 ~~Code.~~

6 ~~(c) **Setback Requirement.** In order to maintain the continuity of the prevailing streetwall along~~  
7 ~~a street or alley, a setback requirement may be imposed as a condition of approval of an application~~  
8 ~~for conditional use authorization for a building in excess of 50 feet in height, as required by Section~~  
9 ~~253 of this Code. If the applicant can demonstrate that the prevailing streetwall height on the block on~~  
10 ~~which the proposed project is located, as established by existing cornice lines, is in excess of 50 feet,~~  
11 ~~then the Commission may impose a maximum setback of up to 20 feet applicable to the portion of the~~  
12 ~~building which exceeds the established prevailing streetwall height; provided, however, that if the~~  
13 ~~applicant demonstrates that the prevailing streetwall height is in excess of 68 feet, the maximum~~  
14 ~~setback requirement which may be imposed is 16 feet. If the applicant can demonstrate that a building~~  
15 ~~without a setback would not disrupt the continuity of the prevailing streetwall along the street, then the~~  
16 ~~Planning Commission may grant approval of the conditional use authorization without imposing a~~  
17 ~~setback requirement as a condition thereof.~~

18  
19 **SEC. 134. REAR YARDS IN R, RC, NC, C, SPD, M, MUG, WMUG, MUO, MUR, UMU,**  
20 **RED, AND RED-MX DISTRICTS.**

21 \* \* \* \*

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

1 (1) In RH, RM-1, RM-2, RTO, RTO-M Zoning Districts, the basic rear yard shall be  
2 equal to 30% of the total depth of the lot on which the building is situated, but in no case less than 15  
3 feet.

4 (2) In all other Zoning Districts not listed in subsection (c)(1), the rear yard shall be  
5 equal to 25% of the total depth of the lot on which the building is situated, but in no case less than 15  
6 feet.

7 **(d) Rear Yard Location Requirements.**

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

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

19 ~~(A) For buildings containing only SRO Units in the Eastern Neighborhoods~~  
20 ~~Mixed Use Districts, the minimum rear yard depth shall be equal to 25% of the total depth of the lot on~~  
21 ~~which the building is situated, but the required rear yard of SRO buildings not exceeding a height of 65~~  
22 ~~feet shall be reduced in specific situations as described in subsection (e) below.~~

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

1                   (~~E1~~) ~~RH-1(D), RH-1, RH-1(S), RM-3, RM-4, RTO,~~ **NC-1, NCT-1, Inner Sunset,**  
2 **Outer Clement Street, Cole Valley, Haight Street, Lakeside Village, Sacramento Street,**  
3 **24th Street-Noe Valley, Pacific Avenue, and West Portal Avenue Districts.** Rear yards shall  
4 be provided at grade level and at each succeeding level or story of the building.

5                   (~~D2~~) **NC-2, NCT-2, Ocean Avenue, Inner Balboa Street, Outer Balboa**  
6 **Street, Castro Street, Cortland Avenue, Divisadero Street NCT, Excelsior-Outer Mission**  
7 **Street, Inner Clement Street, Upper Fillmore Street, Lower Haight Street, Judah Street,**  
8 **Noriega Street, North Beach, San Bruno Avenue, Taraval Street, Inner Taraval Street,**  
9 **Union Street, Valencia Street, 24th Street-Mission, Glen Park, Regional Commercial**  
10 **District and Folsom Street Districts.** Rear yards shall be provided at the second story, and  
11 at each succeeding story of the building, and at the First Story if it contains a Dwelling Unit.

12 \* \* \* \*

13                   (~~E3~~) **RC-3, RC-4, NC-3, NCT-3, Bayview, Broadway, Fillmore Street, Geary**  
14 **Boulevard, Hayes-Gough, Japantown, SoMa NCT, Mission Bernal, Mission Street, Polk**  
15 **Street, Lower Polk Street, Pacific Avenue, C, M, SPD, MUR, MUG, MUO, and UMU**  
16 **Districts.** Rear yards shall be provided at the lowest story containing a Dwelling Unit, and at  
17 each succeeding level or story of the building. In the Hayes-Gough NCT, lots fronting the east  
18 side of Octavia Boulevard between Linden and Market Streets (Central Freeway Parcels L, M,  
19 N, R, S, T, U, and V) are not required to provide rear yards at any level of the building,  
20 provided that the project fully meets the usable open space requirement for Dwelling Units  
21 pursuant to Section 135 of this Code, the exposure requirements of Section 140, and gives  
22 adequate architectural consideration to the light and air needs of adjacent buildings given the  
23 constraints of the project site.

24                   (~~F4~~) **Upper Market Street NCT.** Rear yards shall be provided at the grade  
25 level, and at each succeeding story of the building. For buildings in the Upper Market Street

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 (h).

4 **(G5) RED, RED-MX and WMUG Districts.** Rear yards shall be provided at the  
5 ground level for any building containing a Dwelling Unit, and at each succeeding level or story  
6 of the building.

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

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

18 ~~(e) Reduction of Requirements in RH-2, RH-3, RTO, RTO-M, RM-1,2 and RM-2 Districts.~~  
19 ~~The rear yard requirement stated in subsection subsection2 (e)(3) above and as stated in subsection~~  
20 ~~subsection2 (e)(2)(A) above for SRO buildings located in the Eastern Neighborhoods Mixed Use~~  
21 ~~Districts not exceeding a height of 65 feet, shall be reduced in specific situations as described in this~~  
22 ~~subsection (e), based upon conditions on adjacent lots. Except for those SRO buildings referenced~~  
23 ~~above in this subsection (e) whose rear yard can be reduced in the circumstances described in~~  
24 ~~subsection (e) to a 15-foot minimum, under no circumstances shall the minimum rear yard be thus~~

1 ~~reduced to less than a depth equal to 25% of the total depth of the lot on which the building is situated,~~  
2 ~~or to less than 15 feet, whichever is greater.~~

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

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

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

1 ~~lot shall, for purposes of the calculations in this subsection (e), be considered to have an adjacent~~  
2 ~~building upon it whose rear building wall is at a depth equal to 75% 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 subsection (e)(1) above shall be applied as provided in this subsection (e)(4), and~~  
5 ~~the required rear yard shall be reduced if conditions on the adjacent lot or lots so indicate and if all~~  
6 ~~other requirements of this Section 134 are met.~~ [Note to publisher: delete the three diagrams that  
7 follow this text]

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

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

21 (f) **Second Building on Corner Lots and Through Lots** ~~Abutting Properties with~~  
22 ~~Buildings Fronting on Both Streets~~ in RH, RTO, RTO-M, RM-1, and RM-2 Districts. Where a  
23 lot is a Corner Lot, or is a through lot having both its front and its rear lot line along Streets,  
24 Alleys, or a Street and an Alley, ~~and where an adjoining lot contains a residential or other lawful~~  
25 ~~structure that fronts at the opposite end of the lot,~~ the subject ~~through~~-lot may ~~also~~ have two

1 buildings ~~according to such established pattern~~, each fronting at one end of the lot, provided that  
2 all the other requirements of this Code are met. In such cases, the rear yard required by this  
3 Section 134 for the subject lot shall be located in the central portion of the lot, between the  
4 two buildings on such lot, ~~and the depth of the rear wall of each building from the Street or Alley on~~  
5 ~~which it fronts shall be established by the average of the depths of the rear building walls of the~~  
6 ~~adjacent buildings fronting on that Street or Alley, or where there is only one adjacent building, by the~~  
7 ~~depth of that building.~~ In no case shall the total minimum rear yard for the subject lot be thus  
8 reduced to less than a depth equal to 30% of the total depth of the subject lot or to less than  
9 15 feet, whichever is greater; provided, however, that the Zoning Administrator may reduce  
10 the total depth to 20% pursuant to Section 307(I) of this Code if the reduction is for the sole  
11 purpose of constructing an Accessory Dwelling Unit under Section 207(c)(4), and provided  
12 further that the reduction/waiver is in consideration of the property owner entering into a  
13 Regulatory Agreement pursuant to Section 207(c)(4)(H) subjecting the ADU to the San  
14 Francisco Rent Stabilization and Arbitration Ordinance. For buildings fronting on a Narrow  
15 Street as defined in Section 261.1 of this Code, the additional height limits of Section 261.1  
16 shall apply. Furthermore, in all cases in which this subsection (f) is applied, the requirements  
17 of Section 132 of this Code for front setback areas shall be applicable along both Street or  
18 Alley frontages of the subject through lot.

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

24 \* \* \* \*



1           (h) **Corner Lots and Lots at Alley Intersections.** On a Corner Lot as defined in Section 102 of  
2 this Code, or on a lot at the intersection of a Street and an Alley of at least 25 feet in width, the  
3 required rear yard may be substituted with an open area equal to the basic rear yard requirement  
4 outlined in subsection (c) above at the same levels as the required rear yard in an interior corner of the  
5 lot, an open area between two or more buildings on the lot, or an inner court, as defined by this Code,  
6 provided that the Zoning Administrator determines that all of the criteria described below in this  
7 Section 134 are met.

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

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

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

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

15                    The provisions of this subsection (h) shall not restrict the discretion of the Zoning Administrator  
16 from imposing such additional conditions as the Zoning Administrator deems necessary to further the  
17 purposes of this Section 134.

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

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 forth in~~  
22 ~~Sections 306.1 through 306.5 and 308.2, if all of the following criteria are met:~~

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

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

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

5                   ~~(2) **Corner Lots and Lots at Alley Intersections.** On a Corner Lot as defined in Section~~  
6 ~~102 of this Code, or on a lot at the intersection of a Street and an Alley of at least 25 feet in width, the~~  
7 ~~required rear yard may be substituted with an open area equal to 25% of the lot area which is located~~  
8 ~~at the same levels as the required rear yard in an interior corner of the lot, an open area between two~~  
9 ~~or more buildings on the lot, or an inner court, as defined by this Code, provided that the Zoning~~  
10 ~~Administrator determines that all of the criteria described below in this subsection (h)(2) are met.~~

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

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

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

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

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

20 \* \* \* \*

21  
22                   **SEC. 135. USABLE OPEN SPACE FOR DWELLING UNITS AND GROUP**  
23 **HOUSING, R, NC, MIXED USE, C, AND M DISTRICTS.**

24 \* \* \* \*

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

1                   (1) **Minimum Dimensions and Minimum Area.** Any space credited as private  
2 usable open space shall have a minimum horizontal dimension of three ~~six~~ feet and a  
3 minimum area of ~~36~~ 27 square feet if located on a deck, balcony, porch or roof, and shall have  
4 a minimum horizontal dimension of 10 feet and a minimum area of 100 square feet if located  
5 on open ground, a terrace or the surface of an inner or outer court.

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

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

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

14 \* \* \* \*

15                              (C) Areas within inner and outer courts, as defined by this Code, must  
16 either conform to the standards of ~~Subparagraph~~ Subsection (f)(2)(B) ~~above~~ or Subsection  
17 (g)(2). ~~be so arranged that the height of the walls and projections above the court on at least three~~  
18 ~~sides (or 75 percent of the perimeter, whichever is greater) is such that no point on any such wall or~~  
19 ~~projection is higher than one foot for each foot that such point is horizontally distant from the opposite~~  
20 ~~side of the clear space in the court, regardless of the permitted obstruction referred to in Subsection~~  
21 ~~135(e) above.~~

22 \* \* \* \*

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

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

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

13 \* \* \* \*

14  
15                   **SEC. 140. ALL DWELLING UNITS IN ALL USE DISTRICTS TO FACE ON AN OPEN**  
16 **AREA.**

17                   (a) Requirements for Dwelling Units. In each Dwelling Unit in any use district, the  
18 required windows (as defined by Section 504 of the San Francisco Housing Code) of at least  
19 one room that meets the 120-square-foot minimum superficial floor area requirement of  
20 Section 503 of the Housing Code shall face directly onto an open area of one of the following  
21 types:

22                   (1) A public street, public alley at least 20 feet in width, side yard at least 25  
23 feet in width, or rear yard meeting the requirements of this Code; provided, that if such  
24 windows are on an outer court whose width is less than 25 feet, the depth of such court shall  
25 be no greater than its width; or

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

\* \* \* \*

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

\* \* \* \*

### **(b) Definitions.**

\* \* \* \*

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

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

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

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

7 (D) Public Uses defined in Section 102 are considered active uses  
8 except utility installations.

9 \* \* \* \*

## 11 SEC. 202.2. LOCATION AND OPERATING CONDITIONS.

12 \* \* \* \*

13 (f) **Residential Uses.** The Residential Uses listed below shall be subject to the  
14 corresponding conditions:

15 (1) **Senior Housing.** ~~In order to~~ To qualify as Senior Housing, as defined in  
16 Section 102 of this Code, the following definitions shall apply and shall have the same  
17 meaning as the definitions in California Civil Code Sections 51.2, 51.3, and 51.4, as amended  
18 from time to time. These definitions shall apply as shall all of the other provisions of Civil Code  
19 Sections 51.2, 51.3, and 51.4. Any Senior Housing must also be consistent with the Fair  
20 Housing Act, 42 U.S.C. §§ 3601-3631 and the Fair Employment and Housing Act, California  
21 Government Code Sections 12900-12996.

22 \* \* \* \*

23 (D) **Requirements.** ~~In order to~~ To qualify as Senior Housing, the  
24 proposed project must meet all of the following conditions:

25 \* \* \* \*

1                                    ~~(iv) **Location.** The proposed project must be within a 1/4 of a mile from a~~  
2 ~~NC-2 (Small-Scale Neighborhood Commercial District) zoned area or higher, including named~~  
3 ~~Neighborhood Commercial districts, and must be located in an area with adequate access to services,~~  
4 ~~including but not limited to transit, shopping, and medical facilities;~~

5                                    **(iv) Recording.** The project sponsor must record a Notice of  
6 Special Restriction with the Assessor-Recorder that states all of the above restrictions and  
7 any other conditions that the Planning Commission or Department places on the property; and

8                                    **(vi) Covenants, Conditions, and Restrictions.** If the property  
9 will be condominiumized, the project sponsor must provide the Planning Department with a  
10 copy of the Covenants, Conditions, and Restrictions ("CC&R") that will be filed with the State.

11 \* \* \* \*

12  
13                                    **SEC. 204.1. ACCESSORY USES FOR DWELLINGS IN ALL DISTRICTS.**

14                                    No use shall be permitted as an accessory use to a dwelling unit in any District that  
15 involves or requires any of the following:

16                                    (a) Any construction features or alterations not residential in character;

17                                    (b) The use of more than one-third of the total floor area of the dwelling unit, except  
18 in the case of accessory off-street parking and loading or Neighborhood Agriculture as defined  
19 by Section 102;

20                                    (c) The employment of more than two people who do ~~any person not resident~~ in the  
21 dwelling unit, excluding other than a domestic worker ~~servant~~, gardener, or janitor, ~~or other person~~  
22 ~~concerned in the operation or maintenance of the dwelling unit except in the case of a Cottage Food~~  
23 ~~Operation, which allows the employment of one employee, not including a family member or household~~  
24 ~~members of the Cottage Food Operation;~~

25 \* \* \* \*

1  
2           **SEC. 206.3. HOUSING OPPORTUNITIES MEAN EQUITY - SAN FRANCISCO**  
3 **PROGRAM.**

4   \*   \*   \*   \*

5           **(c) HOME-SF Project Eligibility Requirements.** To receive the development  
6 bonuses granted under this Section 206.3, a HOME-SF Project must meet all of the following  
7 requirements:

8           (1) Except as limited in application by subsection (f): Provide 30% of units in  
9 the HOME-SF Project as HOME-SF Units, as defined herein. The HOME-SF Units shall be  
10 restricted for the Life of the Project and shall comply with all of the requirements of the  
11 Procedures Manual authorized in Section 415 except as otherwise provided herein. Twelve  
12 percent of HOME-SF Units that are Owned Units shall have an average affordable purchase  
13 price set at 80% of Area Median Income; 9% shall have an average affordable purchase price  
14 set at 105% of Area Median Income; and 9% shall have an average affordable purchase price  
15 set at 130% of Area Median Income. Twelve percent of HOME-SF Units that are rental units  
16 shall have an average affordable rent set at 55% of Area Median Income; 9% shall have an  
17 average affordable rent set at 80% of Area Median Income; and 9% shall have an average  
18 affordable rent set at 110% of Area Median Income. All HOME-SF Units must be marketed at  
19 a price that is at least 20% less than the current market rate for that unit size and  
20 neighborhood, and MOHCD shall reduce the Area Median Income levels set forth herein in  
21 order to maintain such pricing. As provided ~~for~~ in subsection (e), the Planning Department and  
22 MOHCD shall amend the Procedures Manual to provide policies and procedures for the  
23 implementation, including monitoring and enforcement, of the HOME-SF Units;

24           ~~(2) Demonstrate to the satisfaction of the Environmental Review Officer that the~~  
25 ~~HOME-SF Project does not:~~



1                   ~~(A) cause a substantial adverse change in the significance of an historic~~  
2 ~~resource as defined by California Code of Regulations, Title 14, Section 15064.5;~~

3                   ~~(B) create new shadow in a manner that substantially affects outdoor recreation~~  
4 ~~facilities or other public areas; and~~

5                   ~~(C) alter wind in a manner that substantially affects public areas;~~

6                   (32) All HOME-SF units shall be no smaller than the minimum unit sizes set  
7 forth by the California Tax Credit Allocation Committee as of May 16, 2017. In addition,  
8 notwithstanding any other provision of this Code, HOME-SF projects shall provide a minimum  
9 dwelling unit mix of (A) at least 40% two and three bedroom units, including at least 10% three  
10 bedroom units, or (B) any unit mix which includes some three bedroom or larger units such  
11 that 50% of all bedrooms within the HOME-SF Project are provided in units with more than  
12 one bedroom. Larger units should be distributed on all floors, and prioritized in spaces  
13 adjacent to open spaces or play yards. Units with two or three bedrooms are encouraged to  
14 incorporate family friendly amenities. Family friendly amenities shall include, but are not  
15 limited to, bathtubs, dedicated cargo bicycle parking, dedicated stroller storage, open space  
16 and yards designed for use by children. HOME-SF Projects are not eligible to modify this  
17 requirement under Planning Code Section 328 or any other provision of this Code;

18                   (43) Does not demolish, remove or convert ~~any~~ more than one residential units;  
19 and

20                   (54) Includes at the ground floor level active uses, as defined in Section 145.1,  
21 at the same square footages as any neighborhood commercial uses demolished or removed,  
22 unless the Planning Commission has granted an exception under Section 328.

23 \* \* \* \*

24  
25                   **SEC. 206.6. STATE DENSITY BONUS PROGRAM: INDIVIDUALLY REQUESTED.**

1 \* \* \* \*

2 (c) **Development Bonuses.** Any Individually Requested Density Bonus Project shall,  
3 at the project sponsor's request, receive any or all of the following:

4 \* \* \* \*

5 (3) **Request for Concessions and Incentives.** In submitting a request for  
6 Concessions or Incentives that are not specified in §subsection 206.5(c)(4), an applicant for an  
7 Individually Requested Density Bonus Project must provide documentation described in  
8 subsection (d) below in its application. Provided that the Planning Commission delegates authority  
9 to review and approve applications for Individually Requested Density Bonus projects, ~~t~~The Planning  
10 Director Commission shall hold a hearing and shall approve the Concession or Incentive  
11 requested unless ~~it~~ the Director makes written findings, based on substantial evidence that:

12 \* \* \* \*

13 (e) **Review Procedures.** Except as provided in Section 317 or where a Conditional Use  
14 Authorization is required to permit a non-residential use, an application for any Individually Requested  
15 Density Bonus project shall not be subject to any other underlying entitlement approvals related to the  
16 proposed housing, such as a Conditional Use Authorization or a Large Project Authorization. If an  
17 entitlement is otherwise required, Aan application for a Density Bonus, Incentive, Concession, or  
18 waiver shall be acted upon concurrently with the application for the required entitlement ~~other~~  
19 ~~permits related to the Housing Project.~~

20 (1) Before approving an application for a Density Bonus, Incentive,  
21 Concession, or waiver, for any Individually Requested Density Bonus Project, the Planning  
22 Commission or Director shall make the following findings as applicable.

23 \* \* \* \*

24 (2) If the findings required by subsection ~~(a)~~ (1) of this Section cannot be  
25 made, the Planning Commission or Director may deny an application for a Concession,

Incentive, waiver or modification only if ~~it~~ the Director makes one of the following written findings, supported by substantial evidence:

\* \* \* \*

## SEC. 207. DWELLING UNIT DENSITY LIMITS.

\* \* \* \*

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

\* \* \* \*

### (3) **Double Density for Senior Housing in RH, RM, RC, and NC**

**Districts.** Senior Housing, as defined in and meeting all the criteria and conditions defined in Section 102 of this Code, is permitted up to twice the dwelling unit density otherwise permitted for the District.

~~(A) Projects in RC Districts or within one-quarter of a mile from an RC or NC-2 (Small Scale Neighborhood Commercial District) zoned area or higher, including Named Commercial Districts, and located in an area with adequate access to services including but not limited to transit, shopping and medical facilities, shall be principally permitted.~~

~~(B) Projects in RH and RM Districts located more than one-quarter of a mile from an RC or NCD-2 (Small Scale Neighborhood Commercial District) zoned area or higher, including Named Commercial Districts, shall require Conditional Use authorization.~~

\* \* \* \*

### (8) **Residential Density Exception in RH Districts.**

**(A) Density Exception.** Projects located in RH Districts that are not seeking or receiving a density bonus under the provisions of Planning Code Section~~s~~ 206.5 or 206.6 shall receive an exception from residential density limits in the

1 ~~following amounts for up to four dwelling units per lot, excluding Corner Lots, or up to six dwelling~~  
2 ~~units per lot in Corner Lots,~~ not inclusive of any Accessory Dwelling Units as permitted under  
3 this Section 207, provided that the project dwelling units meets the requirements set forth in this  
4 subsection (c)(8):

5 (i) Up to four units per lot, excluding Corner Lots.

6 (ii) Up to six units for Corner Lots

7 (iii) Up to one Group Housing Room per 415 sq. ft. of lot area in RH-1,  
8 RH-1(D), and RH-1(S) zoning districts.

9 **(B) Eligibility of Historic Resources.** To receive the density exception  
10 authorized under this subsection (c)(8), a project must demonstrate to the satisfaction of the  
11 Environmental Review Officer that it does not cause a substantial adverse change in the  
12 significance of an historic resource as defined by California Code of Regulations, Title 14,  
13 Section 15064.5, as may be amended from time to time. Permit fees for pre-application  
14 Historic Resource Assessments shall be waived for property owners who apply to obtain a  
15 density exception under this subsection (c)(8), if they sign an affidavit stating their intent to  
16 reside on the property for a period of three years after the issuance of the Certificate of Final  
17 Completion and Occupancy for the new dwelling units. Permit fees for Historic Resource  
18 Determinations shall not be waived.

19 **(C) Applicable Standards.** ~~Projects utilizing the density exception of this~~  
20 ~~subsection (c)(8) and that provide at least four dwelling units shall be subject to a minimum Rear Yard~~  
21 ~~requirement of the greater of 30% of lot depth or 15 feet. All other~~ building standards shall apply in  
22 accordance with the applicable zoning district as set forth in Section 209.1.

23 **(D) Unit Replacement Requirements.** Projects utilizing the density  
24 exception of this subsection (c)(8) shall comply with the requirements of Section 66300(d) of  
25 the California Government Code, as may be amended from time to time, including but not

1 limited to requirements to produce at least as many dwelling units as the projects would  
2 demolish; to replace all protected units; and to offer existing occupants of any protected units  
3 that are lower income households relocation benefits and a right of first refusal for a  
4 comparable unit, as those terms are defined therein. In the case of Group Housing, projects  
5 utilizing this density exception shall provide at least as many bedrooms as the project would demolish.

6 **(E) Applicability of Rent Ordinance; Regulatory Agreements.** Project  
7 sponsors of projects utilizing the density exception of this subsection (c)(8) shall enter into a  
8 regulatory agreement with the City, subjecting the new units or Group Housing rooms created  
9 pursuant to the exception to the San Francisco Residential Rent Stabilization and Arbitration  
10 Ordinance (Chapter 37 of the Administrative Code), as a condition of approval of the density  
11 exception ("Regulatory Agreement"). At a minimum, the Regulatory Agreement shall contain  
12 the following: (i) a statement that the new units created pursuant to the density exception are  
13 not subject to the Costa-Hawkins Rental Housing Act (California Civil Code Sections  
14 1954.50 *et seq.*) because, under Section 1954.52(b), the property owner has entered into and  
15 agreed to the terms of this agreement with the City in consideration of an exception from  
16 residential density limits of up to four dwelling units per lot, or up to six units per lot in Corner  
17 Lots, or other direct financial contribution or other form of assistance specified in California  
18 Government Code Sections 65915 *et seq.*; (ii) a description of the exception of residential  
19 density or other direct financial contribution or form of assistance provided to the property  
20 owner; and (iii) a description of the remedies for breach of the agreement and other provisions  
21 to ensure implementation and compliance with the agreement. The property owner and the  
22 Planning Director (or the Director's designee), on behalf of the City, will execute the  
23 Regulatory Agreement, which shall be reviewed and approved by the City Attorney's Office.  
24 The Regulatory Agreement shall be executed prior to the City's issuance of the First  
25 Construction Document for the project, as defined in Section 107A.13.1 of the San Francisco

1 Building Code. Following execution of the Regulatory Agreement by all parties and approval  
2 by the City Attorney, the Regulatory Agreement or a memorandum thereof shall be recorded  
3 to the title records in the Office of the Assessor-Recorder against the property and shall be  
4 binding on all future owners and successors in interest.

5 **(F) Unit Sizes.** At least one of the dwelling units resulting from the  
6 density exception shall have two or more bedrooms or shall have a square footage equal to  
7 no less than 1/3 of the floor area of the largest unit on the lot. This provision does not apply to  
8 projects where all of the units qualify as Group Housing.

9 ~~**(G) Eligibility.** To receive the density exception authorized under this~~  
10 ~~subsection (c)(8), property owners must demonstrate that they have owned the lot for which they are~~  
11 ~~seeking the density exception for a minimum of one year prior to the time of the submittal of their~~  
12 ~~application. For the purposes of establishing eligibility to receive a density exception according to~~  
13 ~~subsection (c)(8)(B), a property owner who has inherited the subject lot, including any inheritance in~~  
14 ~~or through a trust, from a blood, adoptive, or step family relationship, specifically from either (i) a~~  
15 ~~grandparent, parent, sibling, child, or grandchild, or (ii) the spouse or registered domestic partner of~~  
16 ~~such relations, or (iii) the property owner's spouse or registered domestic partner (each an "Eligible~~  
17 ~~Predecessor"), may add an Eligible Predecessor's duration of ownership of the subject lot to the~~  
18 ~~property owner's duration of ownership of the same lot.~~

19 **(HG) Annual Report on Housing Affordability, Racial Equity, and**  
20 **Language Access Goals.** To help the City evaluate whether the implementation of this  
21 Section 207(c)(8) comports with the City's housing affordability, racial equity, and language  
22 access goals, each year the Planning Department, in consultation with other City departments  
23 including the Department of Building Inspection, the Rent Board, and the Office of the  
24 Assessor-Recorder, shall prepare a report addressing the characteristics and demographics  
25 of the applicants to and participants in the program established in said section; the number of

units permitted and constructed through this program; the geographic distribution, affordability, and construction costs of those units; and the number of tenants that vacated or were evicted from properties as a result of the permitting or construction of units through this program (“Affordability and Equity Report”). The Affordability and Equity Report shall be included and identified in the annual Housing Inventory Report. The Planning Department shall prepare the report utilizing applicant data that has been provided by program applicants voluntarily and anonymously, and separate from the submittal of an application for a density exception. An applicant’s decision to provide or decline to provide the information requested by the Planning Department in order to prepare the report shall have no bearing on the applicant’s receipt of a density exception.

\* \* \* \*

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

\* \* \* \*

**Table 209.1**

**ZONING CONTROL TABLE FOR RH DISTRICTS**

<b>Zoning Category</b>	<b>§ References</b>	<b>RH-1(D)</b>	<b>RH-1</b>	<b>RH-1(S)</b>	<b>RH-2</b>	<b>RH-3</b>
<b>BUILDING STANDARDS</b>						
<b>Massing and Setbacks</b>						
* * * *						
Front Setback	§§ 130, 131, 132	Required. Based on average of adjacent properties or if subject property has a Legislated Setback. When front				

		setback is based on adjacent properties, in no case shall the required setback be greater than <del>15</del> <u>10</u> feet.				
<del>Rear Yard (10)</del>	<del>§§ 130, 134</del>	<del>30% of lot depth, but in no case less than 15 feet.</del>	<del>45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% or 15 feet, whichever is greater.</del>			
<u>Rear Yard</u>	<u>§§ 130, 134</u>	<u>30% of lot depth, but in no case less than 15 feet.</u>				
* * * *						
Miscellaneous						
<del>Large Project Review</del>	<del>§ 253</del>	<del>C required for projects over 40 feet in height.</del>				
* * * *						
RESIDENTIAL STANDARDS AND USES						
* * * *						
Residential Uses						
Residential Density, Dwelling Units (6) (11)	§§ 102, 207	<u>P up to one unit per lot, or one unit per 3,000 square feet of lot area, with no more than three units per lot.</u>	P up to one unit per lot, <u>or</u> € up to one unit per 3,000 square feet of lot area, <del>with no more than three</del>	P up to two units per lot, if the second unit is 600 sq. ft. or less, <u>or</u> € up to one unit per 3,000 square feet of lot area, with no more than three	P up to two units per lot, <u>or</u> € up to one unit per 1,500 square feet of lot area.	P up to three units per lot, <u>or</u> € up to one unit per 1,000 square feet of lot area.



			<del>units per lot.</del>	units per lot.		
* * * *						
Residential Density, Group Housing	§ 208	NP(10)	NP(10)	NP(10)	EP, up to one bedroom for every 415 square feet of lot area.	EP, up to one bedroom for every 275 square feet of lot area.
Homeless Shelter	§§ 102, 208	NP	NP	NP	EP	EP
* * * *						

(10)—~~Projects utilizing the density exception of Section 207(c)(8) and that provide at least four dwelling units shall be subject to a minimum Rear Yard requirement of 30% of lot depth, but in no case less than 15 feet. Group Housing permitted at one room per 415 sq. ft. of lot area according to the provisions in Planning Code Section 207(c)(8).~~

\* \* \* \*

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

\* \* \* \*

Table 209.2

### ZONING CONTROL TABLE FOR RM DISTRICTS

Zoning Category	§ Reference s	RM-1	RM-2	RM-3	RM-4
<b>BUILDING STANDARDS</b>					
<b>Massing and Setbacks</b>					
* * * *					

Front Setback	§§ 130, 131, 132	Based on average of adjacent properties or if subject property has a Legislated Setback. When front setback is based on adjacent properties, in no case shall the required setback be greater than <del>45</del> <u>10</u> feet.	
Rear Yard	§§ 130, 134	<del>45</del> <u>30</u> % of lot depth <u>but in no case less than 15 feet.</u> <del>or average of adjacent neighbors. If averaged, no less than 25% of lot depth or 15 feet, whichever is greater.</del>	25% of lot depth, but in no case less than 15 feet.
* * * *			
<b>Miscellaneous</b>			
<i>Large Project Review</i>	<del>§ 253</del>	<del>C required for buildings over 50 feet in height.</del>	
* * * *			

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

\* \* \* \*

**Table 209.3**

### **ZONING CONTROL TABLE FOR RESIDENTIAL-COMMERCIAL DISTRICTS**

Zoning Category	§ References	RC-3	RC-4
<b>BUILDING STANDARDS</b>			
<b>Massing and Setbacks</b>			

* * * *			
<i>Upper Floor Setbacks</i>	<del>§§ 132.2, 253.2</del>	<i>Upper floor setbacks may be required in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2).</i>	
* * * *			
Miscellaneous			
<i>Large Project Review Buildings Over 50 Feet in Height</i>	<del>§ 253</del>	<del>€</del>	<i>€ Additional conditions apply in the North of Market Residential SUD (§ 132.2) and the Van Ness SUD (§ 253.2)</i>
* * * *			

#### SEC. 209.4. RTO (RESIDENTIAL TRANSIT ORIENTED) DISTRICTS.

\* \* \* \*

Table 209.4

#### ZONING CONTROL TABLE FOR RTO DISTRICTS

Zoning Category	§ References	RTO	RTO-M
<b>BUILDING STANDARDS</b>			
<b>Massing and Setbacks</b>			
* * * *			

Rear Yard	§§ 130, 134	<i>45% of lot depth or average of adjacent neighbors. If averaged, no less than 25% <u>30%</u> of lot depth <u>but in no case less than 15 feet</u> <del>or 15 feet, whichever is greater.</del></i>
* * * *		
<b>Miscellaneous</b>		
* * * *		
<i>Restriction of Lot Mergers</i>	<i>§ 121.7</i>	<i>Merger of lots creating a lot greater than 5,000 square feet requires Conditional Use authorization.</i>
* * * *		

### SEC. 210.3. PDR DISTRICTS.

\* \* \* \*

**Table 210.3**

#### **ZONING CONTROL TABLE FOR PDR DISTRICTS**

<b>Zoning Category</b>	<b>§ References</b>	<b>PDR-1-B</b>	<b>PDR-1-D</b>	<b>PDR-1-G</b>	<b>PDR-2</b>
* * * *					
<b>RESIDENTIAL STANDARDS AND USES</b>					
* * * *					
<b>Residential Uses</b>					
* * * *					

Homeless Shelter	§§ 102, 208	<del>C (19) P</del>	<del>C (19) P</del>	<del>C (19) P</del>	<del>C (19) P</del>
* * * *					

~~(19) During a declared shelter crisis, Homeless Shelters that satisfy the provisions of California Government Code Section 8698.4(a)(1) shall be P, principally permitted and may be permanent. Otherwise, Homeless Shelter uses are permitted only with Conditional Use authorization and only if each such use (a) would operate for no more than four years, and (b) would be owned or leased by, operated by, and/or under the management or day-to-day control of the City and County of San Francisco. If such a use is to be located within a building or structure, the building or structure must be either (a) preexisting, having been completed and previously occupied by a use other than a Homeless Shelter, or (b) temporary. Other than qualifying Homeless Shelters constructed during a declared shelter crisis, construction of a permanent structure or building to be used as a Homeless Shelter is not permitted.~~

**SEC. 249.97. PRIORITY EQUITY GEOGRAPHIES SPECIAL USE DISTRICT.**

**(a) General.** A Special Use District entitled the Priority Equity Geographies Special Use District (SUD) is hereby established, the boundaries of which are designated on Sectional Maps SU01, SU02, SU07, SU08, SU09, SU10, SU11, SU12, and SU13, of the Zoning Maps of the City and County of San Francisco.

**(b) Purpose.** The Priority Equity Geographies SUD is comprised of areas or neighborhoods with a higher density of vulnerable populations. The 2022 Update of the Housing Element of the General Plan (2022 Housing Element) identifies several neighborhoods in the City that qualify as Priority Equity Geographies, based on the Department of Public Health's Community Health Needs

1 Assessment. The 2022 Housing Element encourages targeted direct investment in these areas, and  
2 identifies them as requiring improved access to well-paid jobs and business ownership; where the City  
3 needs to expand permanently affordable housing investment; where zoning changes must be tailored to  
4 serve the specific needs of the communities that live there; and where programs that stabilize  
5 communities and meet community needs need to be prioritized. The purpose of the Priority Equity  
6 Geographies SUD is to help implement the goals and policies outlined in the 2022 Housing Element.

7 (c) Controls. In addition to all other applicable provisions of the Planning Code, the specific  
8 controls applicable in the Priority Equity Geographies SUD are set forth in Sections 311 and 317.

9  
10 **~~SEC. 253. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES EXCEEDING A~~**  
11 **~~HEIGHT OF 40 FEET IN RH DISTRICTS, OR MORE THAN 50 FEET IN RM AND RC~~**  
12 **~~DISTRICTS.~~**

13 ~~(a) Notwithstanding any other provision of this Code to the contrary, in any RH, RM, or RC~~  
14 ~~District, established by the use district provisions of Article 2 of this Code, wherever a height limit of~~  
15 ~~more than 40 feet in a RH District, or more than 50 feet in a RM or RC District, is prescribed by the~~  
16 ~~height and bulk district in which the property is located, any building or structure exceeding 40 feet in~~  
17 ~~height in a RH District, or 50 feet in height in a RM or RC District, shall be permitted only upon~~  
18 ~~approval by the Planning Commission according to the procedures for conditional use approval in~~  
19 ~~Section 303 of this Code; provided, however, that a building over 40 feet in height in a RM or RC~~  
20 ~~District with more than 50 feet of street frontage on the front façade is subject to the conditional use~~  
21 ~~requirement.~~

22 **~~(b) Commission Review of Proposals.~~**

23 ~~(1) In reviewing any such proposal for a building or structure exceeding 40 feet in~~  
24 ~~height in a RH District, 50 feet in height in a RM or RC District, or 40 feet in a RM or RC District~~  
25 ~~where the street frontage of the building is more than 50 feet the Planning Commission shall consider~~

1 ~~the expressed purposes of this Code, of the RH, RM, or RC Districts, and of the height and bulk~~  
2 ~~districts, set forth in Sections 101, 209.1, 209.2, 209.3, and 251 hereof, as well as the criteria stated in~~  
3 ~~Section 303(c) of this Code and the objectives, policies and principles of the General Plan, and may~~  
4 ~~permit a height of such building or structure up to but not exceeding the height limit prescribed by the~~  
5 ~~height and bulk district in which the property is located.~~

6 (2) ~~In reviewing a proposal for a building exceeding 50 feet in RM and RC districts, the~~  
7 ~~Planning Commission may require that the permitted bulk and required setbacks of a building be~~  
8 ~~arranged to maintain appropriate scale on and maximize sunlight to narrow streets (rights-of-way 40~~  
9 ~~feet in width or narrower) and alleys.~~

10  
11 **~~SEC. 253.1. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE~~**  
12 **~~BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.~~**

13 (a) ~~In the 65-A-1 Height and Bulk District, as designated on Sectional Map HT-01 of the~~  
14 ~~Zoning Map, any new or expanding building or structure exceeding 40 feet in height shall be permitted~~  
15 ~~as a Conditional Use only upon approval by the Planning Commission. The height of the building or~~  
16 ~~structure so approved by the Planning Commission shall not exceed 65 feet.~~

17 (b) ~~In authorizing any such proposal for a building or structure exceeding 40 feet in height, the~~  
18 ~~City Planning Commission shall find, in addition to the criteria of Section 303(c), that the proposal is~~  
19 ~~consistent with the expressed purposes of this Code, of the Broadway Neighborhood Commercial~~  
20 ~~District, and of the height and bulk districts, set forth in Sections 101, 714, and 251 of this Code, and~~  
21 ~~that the following criteria are met:~~

22 (1) ~~The height of the new or expanding development will be compatible with the~~  
23 ~~individual neighborhood character and the height and scale of the adjacent buildings.~~

24 (2) ~~The height and bulk of the new or expanding development will be designed to allow~~  
25 ~~maximum sun access to nearby parks, plazas, and major pedestrian corridors.~~

1                   ~~(3) The architectural and cultural character and features of existing buildings shall be~~  
2 ~~preserved and enhanced. The Historic Preservation Commission or its staff shall review any proposed~~  
3 ~~alteration of historic resources and must determine that such alterations comply with the Secretary of~~  
4 ~~Interior's Standards for the Treatment of Historic Properties before the City approves any permits to~~  
5 ~~alter such buildings. For purposes of this section, "historic resources" shall include Article 10~~  
6 ~~Landmarks and buildings located within Article 10 Historic Districts, buildings and districts identified~~  
7 ~~in surveys adopted by the City, buildings listed or potentially eligible for individual listing on the~~  
8 ~~National or California Registers, and buildings located within listed or potentially eligible National~~  
9 ~~Register or California Register historic districts. The Planning Department shall also consult materials~~  
10 ~~available through the California Historical Resources Information System (CHRIS) and Inventory to~~  
11 ~~determine eligibility.~~

12  
13                   **~~SEC. 253.2. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES IN THE VAN~~**  
14 **~~NESS SPECIAL USE DISTRICT.~~**

15                   ~~(a) Setbacks. In the Van Ness Special Use District, as designated on Sectional Map 2SU of the~~  
16 ~~Zoning Map, any new construction exceeding 50 feet in height or any alteration that would cause a~~  
17 ~~structure to exceed 50 feet in height shall be permitted only as a conditional use upon approval by the~~  
18 ~~Planning Commission according to Section 303 of this Code. When acting on any conditional use~~  
19 ~~application pursuant to this Section, the City Planning Commission may impose the following~~  
20 ~~requirements in addition to any others deemed appropriate:~~

21                   ~~(1) On Van Ness Avenue. The Planning Commission may require a setback of up to 20~~  
22 ~~feet at a height of 50 feet or above for all or portions of a building if it determines that this requirement~~  
23 ~~is necessary in order to maintain the continuity of the prevailing street wall height established by the~~  
24 ~~existing buildings along Van Ness Avenue within two blocks of the proposed building.~~



1                   (2) ~~On Pine, Sacramento, Clay, Washington and California Streets. The Planning~~  
2 ~~Commission may require a setback of up to 15 feet for all or a portion of a building on any lot abutting~~  
3 ~~Pine, Sacramento, Clay, California and Washington Streets which lot is located within the Van Ness~~  
4 ~~Special Use District in order to preserve the existing view corridors.~~

5                   (3) ~~On Narrow Streets and Alleys. The Planning Commission may require that the~~  
6 ~~permitted bulk and required setbacks of a building be arranged to maintain appropriate scale on and~~  
7 ~~maximize sunlight to narrow streets (rights-of-way 40 feet in width or narrower) and alleys.~~

8  
9                   **~~SEC. 253.3. REVIEW OF PROPOSED BUILDINGS AND STRUCTURES ABOVE 26~~**  
10 **~~FEET NOT EXCEEDING 40 FEET IN THE NC-S/LAKESHORE PLAZA SPECIAL USE~~**  
11 **~~DISTRICT.~~**

12                   (a) ~~In the 26-40-X Height and Bulk District, as designated on Sectional Map HT13 of the~~  
13 ~~Zoning Map, any new or expanding building or structure exceeding 26 feet in height shall be permitted~~  
14 ~~as a Conditional Use only upon approval by the Planning Commission. The height of any building or~~  
15 ~~structure so approved by the Planning Commission shall not exceed 40 feet.~~

16                   (b) ~~In authorizing any such proposal for a building or structure exceeding 26 feet in height, the~~  
17 ~~Planning Commission shall find that, in addition to the criteria of Section 303(c), the proposal is~~  
18 ~~consistent with the expressed purposes of this Code, the NC-S District, the Lakeshore Plaza Special~~  
19 ~~Use District, and the height and bulk districts as set forth respectively in Sections 101, 713, 780 and~~  
20 ~~251 of this Code.~~

21  
22                   **SEC. 305.1. REQUESTS FOR REASONABLE MODIFICATION – RESIDENTIAL**  
23 **USES.**

24                   \* \* \* \*

1           (d) **Request for Administrative Review Reasonable Modification—No Hearing.** ~~In an~~  
2 ~~effort to~~ To expedite the processing and resolution of reasonable modification requests, any  
3 request ~~under Section 305.1 that is consistent with the criteria in this section~~ may receive  
4 administrative review and approval and ~~Requests for modifications that meet the requirements for~~  
5 ~~administrative review does~~ not require public notice under Section 306 of this Code.

6           ~~(1) **Parking, Where No Physical Structure Is Proposed.** One parking space may be~~  
7 ~~considered for an administrative reasonable modification provided that the parking space is necessary~~  
8 ~~to achieve the accommodation and that property does not already include a parking space. Exceptions~~  
9 ~~may be considered from rear yard and the front setback requirements if necessary to accommodate the~~  
10 ~~parking space. In reviewing an administrative reasonable modification request for parking, the Zoning~~  
11 ~~Administrator is authorized to allow the parking space for up to five years, at the end of which period~~  
12 ~~the applicant may renew the temporary use for additional five-year periods.~~

13           ~~(2) **Access Ramps.** One or more access ramps, defined in Building Code Section 1114A~~  
14 ~~may be considered for an administrative reasonable modification provided that the access ramp is~~  
15 ~~designed and constructed to meet the accessibility provisions in either the California Building Code or~~  
16 ~~the California Historical Building Code and is easily removable when the ramp(s) are no longer~~  
17 ~~needed for the requested modification.~~

18           ~~(3) **Elevators.** One elevator, with dimensions defined in Building Code Section 1124A,~~  
19 ~~may be considered for an administrative reasonable modification provided that the elevator structure is~~  
20 ~~not visible from the public right of way and is set back a minimum of 10 feet from the property line, and~~  
21 ~~that the elevator is necessary to access residential uses of the building and to achieve the~~  
22 ~~accommodation requested.~~

23           ~~(4) **Additional Habitable Space.** Additional habitable space may be considered for an~~  
24 ~~administrative reasonable modification provided that the additional habitable space does not result in~~  
25 ~~the addition of a new dwelling unit or require expansion beyond the permitted building envelope.~~

1           ~~(e) All Other Requests for Reasonable Modification—Zoning Administrator Review and~~  
2   ~~Approval.~~

3           ~~(1) Standard Variance Procedure—With Hearing. Requests for reasonable~~  
4   ~~modifications that do not fall within subsection (d) shall be considered by the Zoning Administrator,~~  
5   ~~who will make the final decision through the existing variance process described in Section 305.~~

6           ~~(2) Public Notice of a Request for Reasonable Modification. Notice for reasonable~~  
7   ~~modifications that fall with subsection (e)(1) are subject to the notice requirements of Section 333 of~~  
8   ~~this Code. If the request for reasonable modification is part of a larger application, then the noticing~~  
9   ~~can be combined.~~

10        **(f) Determination.**

11           (1) **Zoning Administrator Authority.** The Zoning Administrator is authorized  
12 to consider and act on requests for reasonable modification, ~~whether under Subsection (d) or~~  
13 ~~Subsection (e).~~ The Zoning Administrator may conditionally approve or deny a request. In  
14 considering requests for reasonable modification under this Section 305.1, the Zoning  
15 Administrator shall consider the factors in ~~§~~subsection ~~(f)~~(2).

16           (2) **Criteria for Modification.** When reviewing a request for reasonable  
17 modification, the Zoning Administrator shall consider whether:

18                   (A) the requested modification is requested by or on the behalf of one or  
19 more individuals with a disability protected under federal and state fair housing laws;

20                   (B) the requested modification will directly enable the individual to  
21 access the individual's residence;

22                   (C) the requested modification is necessary to provide the individual with  
23 a disability an equal opportunity to use and enjoy a dwelling;

24                   (D) there are alternatives to the requested modification that would  
25 provide an equivalent level of benefit;

1 (E) the requested modification will not impose an undue financial or  
2 administrative burden on the City as "undue financial or administrative burden" is defined  
3 under federal and state fair housing laws.

4 (F) the requested modification will, under the specific facts of the case,  
5 result in a fundamental alteration in the nature of the Planning Code or General Plan, as  
6 "fundamental alteration" is defined under federal and state fair housing laws.

7 (G) the requested modification will, under the specific facts of the case,  
8 result in a direct threat to the health or safety of others or cause substantial physical damage  
9 to the property of others.

10 (3) **Residential Design Guideline Review.** If the proposed project is in a zoning  
11 district that requires residential design guideline review, the Department shall complete the  
12 design review and make appropriate recommendations, while also accommodating the  
13 reasonable modification. Approvals are subject to compliance with all other applicable zoning  
14 or building regulations.

15 (4) **Historic Resource Review.** If the proposed project would affect a building that  
16 is listed in or eligible for listing in a local, state, or federal historic resource register, then the  
17 modifications, either through the administrative reasonable modification process or the  
18 standard reasonable modification variance procedure, will be reviewed by the Planning  
19 Department's Historic Preservation Technical Specialists to ensure conformance with the  
20 Secretary of the Interior Standards for the Rehabilitation of Historic Properties.

21 (5) **Written Decision.** Upon issuing a written decision either granting or denying the  
22 requested modification in whole or in part, the Zoning Administrator shall forthwith transmit a  
23 copy thereof to the applicant. The action of the Zoning Administrator shall be final and shall  
24 become effective 10 days after the date of the written decision except upon the filing of a valid  
25 appeal to the Board of Appeals as provided in Section 308.2.

1 (g) **Fees.** The Department may charge time and materials costs incurred if required  
2 to recover the Department's costs for providing services. The fee for a reasonable  
3 ~~modification request is the fee for a variance set forth in Section 352(b) of this Code.~~ If an  
4 applicant can demonstrate financial hardship, the Department may waive or reduce the fee  
5 pursuant to Section 350(j) ~~352(e)(2)~~ of this Code.

## 6 **SEC. 311. PERMIT REVIEW PROCEDURES.**

7 (a) Purpose. The purpose of this Section 311 is to establish procedures for reviewing  
8 building permit applications within the Priority Equity Geographies SUD to determine  
9 compatibility of the proposal with the neighborhood and for providing notice to property  
10 owners and residents on the site and neighboring the site of the proposed project and to  
11 interested neighborhood organizations, so that concerns about a project may be identified and  
12 resolved during the review of the permit.

13 (b) Applicability. Within the Priority Equity Geographies SUD ~~Except as indicated in this~~  
14 ~~subsection (b),~~ all building permit applications in Residential, NC, NCT, and Eastern  
15 Neighborhoods Mixed Use Districts for ~~a change of use; establishment of a Micro Wireless~~  
16 ~~Telecommunications Services Facility; establishment of a Formula Retail Use;~~ demolition, new  
17 construction, or alteration of buildings; ~~and the removal of an authorized or unauthorized~~  
18 ~~residential unit,~~ shall be subject to the notification and review procedures required by this  
19 Section 311. ~~In addition, with the exception of Grandfathered MCDs converting to Cannabis Retail~~  
20 ~~use pursuant to Section 190(a), all building permit applications that would establish Cannabis Retail or~~  
21 ~~Medical Cannabis Dispensary uses, regardless of zoning district, shall be subject to the notification~~  
22 ~~and review procedures required by this Section 311. Notwithstanding the foregoing or any other~~  
23 ~~requirement of this Section 311, a change of use to a Child Care Facility, as defined in Section 102,~~  
24 ~~shall not be subject to the review requirements of this Section 311.~~ Notwithstanding the foregoing or  
25 any other requirement of this Section 311, building permit applications to construct an

1 Accessory Dwelling Unit pursuant to Section 207(c)(6) shall not be subject to the notification  
2 or review requirements of this Section 311. ~~Notwithstanding the foregoing or any other~~  
3 ~~requirement of this Section 311, a change of use to a principally permitted use in an NC or NCT~~  
4 ~~District, or in a limited commercial use or a limited corner commercial use, as defined in Sections 186~~  
5 ~~and 231, respectively, shall not be subject to the review or notice requirements of this Section 311.~~  
6 ~~Notwithstanding the foregoing or any other requirement of this Section 311, building permit~~  
7 ~~applications to change any existing Automotive Use to an Electric Vehicle Charging Location shall not~~  
8 ~~be subject to the review or notification requirements of this Section 311.~~

9 (1) ~~Change of Use. Subject to the foregoing provisions of subsection (b), for the~~  
10 ~~purposes of this Section 311, a change of use is defined as follows:~~

11 (A) ~~Residential, NC, and NCT Districts. For all Residential, NC, and NCT~~  
12 ~~Districts, a change of use is defined as a change to, or the addition of, any of the following land uses as~~  
13 ~~defined in Section 102 of this Code: Adult Business, Bar, Cannabis Retail, General Entertainment,~~  
14 ~~Group Housing, Limited Restaurant, Liquor Store, Massage Establishment, Medical Cannabis~~  
15 ~~Dispensary, Nighttime Entertainment, Outdoor Activity Area, Post-Secondary Educational Institution,~~  
16 ~~Private Community Facility, Public Community Facility, Religious Institution, Residential Care~~  
17 ~~Facility, Restaurant, School, Tobacco Paraphernalia Establishment, Trade School, and Wireless~~  
18 ~~Telecommunications Facility. A change of use from a Restaurant to a Limited Restaurant shall not be~~  
19 ~~subject to the provisions of this Section 311. Any accessory massage use in the Ocean Avenue~~  
20 ~~Neighborhood Commercial Transit District shall be subject to the provisions of this Section 311. A~~  
21 ~~change of use to a principally permitted use in an NC or NCT District, or in a limited commercial use~~  
22 ~~or a limited corner commercial use, as defined in Sections 186 and 231, respectively, shall not be~~  
23 ~~subject to the provisions of this Section 311.~~

24 (i) ~~Exception. Notwithstanding subsection 311(b)(1)(A), in the~~  
25 ~~geographic areas identified in subsection 311(b)(1)(A)(ii), building permit applications for a change of~~

1 ~~use to the following uses shall be excepted from the provisions of subsections 311(d) and 311(e): Bar,~~  
2 ~~General Entertainment, Limited Restaurant, Liquor Store, Massage Establishment, Nighttime~~  
3 ~~Entertainment, Outdoor Activity Area, Private Community Facility, Public Community Facility,~~  
4 ~~Restaurant, and Tobacco Paraphernalia Establishment.~~

5 ~~(ii) Subsection 311(b)(1)(A)(i) shall apply to Neighborhood Commercial~~  
6 ~~Districts and Limited Commercial Uses in the following geographic areas:~~

7 ~~Area 1: shall comprise all of that portion of the City and County~~  
8 ~~commencing at the point of the intersection of the shoreline of the Pacific Ocean and a straight line~~  
9 ~~extension of Lincoln Way, and proceeding easterly along Lincoln Way to 17th Avenue, and proceeding~~  
10 ~~southerly along 17th Avenue to Judah Street, and proceeding westerly along Judah Street to 19th~~  
11 ~~Avenue, and proceeding southerly along 19th Avenue to Sloat Boulevard, and proceeding westerly~~  
12 ~~along Sloat Boulevard, and following a straight line extension of Sloat Boulevard to the shoreline of~~  
13 ~~the Pacific Ocean and proceeding northerly along said line to the point of commencement.~~

14 ~~Area 2: shall comprise all of that portion of the City and County~~  
15 ~~commencing at the point of the intersection of Junipero Serra Boulevard and Brotherhood Way, and~~  
16 ~~proceeding northerly along the eastern edge of Junipero Serra Boulevard to Garfield Street, and~~  
17 ~~proceeding easterly along Garfield Street to Grafton Avenue, and continuing easterly along Grafton~~  
18 ~~Avenue to Mount Vernon Avenue, and proceeding easterly along Mount Vernon Avenue to Hawth~~  
19 ~~Street, and proceeding northerly along Hawth Street to Geneva Avenue, and proceeding easterly along~~  
20 ~~Geneva Avenue to Interstate 280, and proceeding northerly along Interstate 280 to the straight line~~  
21 ~~extension of Tingley Street, and proceeding southerly along said line to Tingley Street, and proceeding~~  
22 ~~southerly along Tingley Street to Alemany Boulevard, and proceeding easterly along Alemany~~  
23 ~~Boulevard to Congdon Street, and proceeding southerly along Congdon Street to Silver Avenue, and~~  
24 ~~proceeding easterly along Silver Avenue to Madison Street, and proceeding southerly along Madison~~  
25 ~~Street to Burrows Street, and proceeding westerly along Burrows Street to Prague Street, and~~

1 ~~proceeding southerly along Prague Street to Persia Avenue, and proceeding westerly along Persia~~  
2 ~~Avenue to Athens Street, and proceeding southerly along Athens Street to Geneva Avenue, and~~  
3 ~~proceeding easterly along Geneva Avenue to the intersection of Geneva Avenue and Carter Street, and~~  
4 ~~proceeding westerly along the southeastern boundary of Census Tract 0263.02, Block 3005 to the San~~  
5 ~~Francisco/San Mateo county border, and proceeding westerly along the San Francisco/San Mateo~~  
6 ~~county border to Saint Charles Avenue, and proceeding northerly along Saint Charles Avenue to~~  
7 ~~Interstate 280, and proceeding northeasterly along Interstate 280 to a northerly straight line extension~~  
8 ~~to Orizaba Avenue, and proceeding northerly along said line to Alemany Boulevard, and proceeding~~  
9 ~~westerly along Alemany Boulevard to Brotherhood Way, and proceeding westerly along Brotherhood~~  
10 ~~Way to the point of commencement.~~

11 ~~(iii) Exception for the Ocean Avenue Neighborhood Commercial Transit~~  
12 ~~District. Notwithstanding subsection 311(b)(1)(A), building permit applications in the Ocean Avenue~~  
13 ~~Neighborhood Commercial Transit District for a change of use to the following uses shall be excepted~~  
14 ~~from the provisions of subsections 311(d) and 311(e): General Entertainment, Limited Restaurant,~~  
15 ~~Nighttime Entertainment, Outdoor Activity Area, Private Community Facility, Public Community~~  
16 ~~Facility, Restaurant, and Tobacco Paraphernalia Establishment.~~

17 ~~(B) Eastern Neighborhood Mixed Use Districts. In all Eastern Neighborhood~~  
18 ~~Mixed Use Districts a change of use shall be defined as a change in, or addition of, a new land use~~  
19 ~~category. A "land use category" shall mean those categories used to organize the individual land uses~~  
20 ~~that appear in the use tables, immediately preceding a group of individual land uses, including but not~~  
21 ~~limited to the following: Residential Use; Institutional Use; Retail Sales and Service Use; Assembly;~~  
22 ~~Recreation, Arts and Entertainment Use; Office Use; Live/Work Units Use; Motor Vehicle Services~~  
23 ~~Use; Vehicle Parking Use; Industrial Use; Home and Business Service Use; or Other Use.~~

24 (2) **Alterations.** For the purposes of this Section 311, an alteration shall be  
25 defined as an increase to the exterior dimensions of a building except those features listed in



Section 136(c)(1) through ~~Section 136(c)(24) and~~ 136(c)(26), regardless of whether the feature is located in a required setback. ~~In addition, an alteration in RH, RM, and RTO Districts shall also include the removal of more than 75% of a residential building's existing interior wall framing or the removal of more than 75% of the area of the existing framing.~~

~~(3) Micro Wireless Telecommunications Services Facilities. Building permit applications for the establishment of a Micro Wireless Telecommunications Services Facility, other than a Temporary Wireless Telecommunications Services Facility, shall be subject to the review procedures required by this Section. Pursuant to Section 205.2, applications for Temporary Wireless Telecommunications Facilities to be operated for commercial purposes for more than 90 days shall also be subject to the review procedures required by this Section.~~

\* \* \* \*

## SEC. 317. LOSS OF RESIDENTIAL AND UNAUTHORIZED UNITS THROUGH DEMOLITION, MERGER, AND CONVERSION.

\* \* \* \*

### (c) Applicability; Exemptions.

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

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

(A) The units to be demolished are not tenant occupied and are without a history of evictions under Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) within the last five years, and have not been vacated within the past five years pursuant to a Buyout

1 Agreement, as defined in Administrative Code Section 37.9E, as it may be amended from  
2 time to time;

3 (B) No more than two units that are required to be replaced per subsection  
4 (E) of this Section 317 would be removed or demolished that are;

5 (i) subject to a recorded covenant, ordinance, or law that restricts  
6 rents to levels affordable to persons and families of lower- or very low-income within the past  
7 five years; or

8 (ii) subject to limits on rent increases under the Residential Rent  
9 Stabilization and Arbitration Ordinance (Chapter 37 of the Administrative Code) within the past  
10 five years; or

11 (iii) rented by lower- or very low-income households within the  
12 past five years;

13 (C) The building proposed for demolition is not an Historic Building as defined  
14 in Section 102;

15 (D) The proposed project is adding at least one more unit than would be  
16 demolished; and

17 (E) The proposed project complies with the requirements of Section 66300(d) of  
18 the California Government Code, as may be amended from time to time, including but not limited to  
19 requirements to replace all protected units, and to offer existing occupants of any protected units that  
20 are lower income households relocation benefits and a right of first refusal for a comparable unit, as  
21 those terms are defined therein;

22 (F) The project sponsor certifies under penalty of perjury that any units to  
23 be demolished are not tenant occupied and are without a history of evictions under  
24 Administrative Code Sections 37.9(a)(8)-(12) or 37.9(a)(14)-(16) within last five years, and  
25 have not been vacated within the past five years pursuant to a Buyout Agreement, as defined

1 in Administrative Code Section 37.9E, as it may be amended from time to time, regardless of  
2 whether the Buyout Agreement was filed with the Rent Board pursuant to Administrative Code  
3 Section 37.9E(h);

4 (G) The project sponsor has conducted one pre-application meeting prior  
5 to filing a development application. The Planning Department shall not accept a development  
6 application without confirmation that the project sponsor has held at least one pre-application  
7 meeting conforming to the requirements of this subsection (c)(2)(G) and any additional  
8 procedures the Planning Department may establish. The project sponsor shall provide mailed  
9 notice of the pre-application meeting to the individuals and neighborhood organizations  
10 specified in Planning Code Section 333(e)(2)(A) and (C); and

11 (H) If the proposed project is located in a Residential, House (RH) zoning  
12 district, the project's resulting units will meet the unit configuration requirements of Section  
13 249.94(c)(4).

14 ~~(37)~~ For Unauthorized Units, this Conditional Use authorization will not be  
15 required for Removal if the Zoning Administrator has determined in writing that the unit cannot  
16 be legalized under any applicable provision of this Code. The application for a replacement  
17 building or alteration permit shall also be subject to Conditional Use requirements.

18 ~~(42)~~ The Conditional Use requirement of ~~Subsections~~ (c)(1) and (c)(2) shall  
19 apply to (A) any building or site permit issued for Removal of an Unauthorized Unit on or after  
20 March 1, 2016, and (B) any permit issued for Removal of an Unauthorized Unit prior to March  
21 1, 2016 that has been suspended by the City or in which the applicant's rights have not  
22 vested.

23 ~~(53)~~ The Removal of a Residential Unit that has received approval from the  
24 Planning Department through administrative approval or the Planning Commission through a  
25 Discretionary Review or Conditional Use authorization prior to the effective date of the

1 Conditional Use requirement of § subsections (c)(1) or (c)(2) is not required to apply for an  
2 additional approval under this Section 317. Subsection (c)(1).

3 (64) Exemptions for Unauthorized Dwelling Units. The Removal of an  
4 Unauthorized Unit does not require a Conditional Use authorization pursuant to § subsections  
5 (c)(1) or (c)(2) if the Department of Building Inspection has determined that there is no path for  
6 legalization under Section 106A.3.1.3 of the Building Code.

7 (75) Exemptions for Single-Family Residential Buildings. The Demolition of a  
8 Single-Family Residential Building that meets the requirements of § subsection (d)(3) below  
9 may be approved by the Department without requiring a Conditional Use authorization  
10 pursuant to in subsection (c)(1) or (c)(2).

11 (86) **Exception for Certain Permits Filed Before February 11, 2020.** An  
12 application to demolish a Single-Family Residential Building on a site in a RH-1 or RH-1(D)  
13 District that is demonstrably not affordable or financially accessible housing, meaning housing  
14 that has a value greater than 80% than the combined land and structure values of single-  
15 family homes in San Francisco as determined by a credible appraisal made within six months  
16 of the application to demolish, is exempt from the Conditional Use authorization requirement  
17 of § subsections (c)(1) or (c)(2), provided that a complete Development Application was  
18 submitted prior to February 11, 2020.

19  
20 \* \* \* \*

21  
22 **SEC. 406. WAIVER, REDUCTION, OR ADJUSTMENT OF DEVELOPMENT**  
23 **PROJECT REQUIREMENTS.**

24 \* \* \* \*

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

1 (1) An affordable housing unit shall receive a waiver from the Rincon Hill  
2 Community Infrastructure Impact Fee, the Market and Octavia Community Improvements  
3 Impact Fee, the Eastern Neighborhoods Infrastructure Impact Fee, the Balboa Park Impact  
4 Fee, the Visitacion Valley Community Facilities and Infrastructure Impact Fee, the  
5 Transportation Sustainability Fee, the Residential Child Care Impact Fee, the Central South of  
6 Market Infrastructure Impact Fee, and the Central South of Market Community Facilities Fee if  
7 ~~the affordable housing unit~~.

8 (A) the affordable housing unit is affordable to a household earning up to  
9 120% at or below 80% of the Area Median Income (as published by HUD), including units that  
10 qualify as replacement Section 8 units under the HOPE SF program;

11 (B) the affordable housing unit will maintain its affordability for a term of no  
12 less than 55 years, as evidenced by a restrictive covenant recorded on the property's title;

13 (C) the Project sponsor demonstrates to the Planning Department staff that a  
14 governmental agency will be enforcing the term of affordability and reviewing performance and service  
15 plans as necessary, and

16 (D) all construction workers employed in the construction of the development  
17 that includes the affordable housing unit are paid at least the general prevailing rate of per diem wages  
18 for the type of work and geographic location of the development, as determined by the Director of  
19 Industrial Relations pursuant to Sections 1773 and 1773.9 of the Labor Code, except that apprentices  
20 registered in programs approved by the Chief of the Division of Apprenticeship Standards may be paid  
21 at least the applicable apprentice prevailing rate under the terms and conditions of Labor Code Section  
22 1777.5.

23 ~~(B) is subsidized, MOHCD, the San Francisco Housing Authority, the~~  
24 ~~Department of Homelessness and Supportive Housing, and/or the Office of Community Investment and~~  
25 ~~Infrastructure or any future successor agency to those listed herein; and~~

~~(C) is subsidized in a manner which maintains its affordability for a term no less than 55 years, whether it is a rental or ownership opportunity. Project sponsors must demonstrate to the Planning Department staff that a governmental agency will be enforcing the term of affordability and reviewing performance and service plans as necessary.~~

\* \* \* \*

(5) This waiver clause shall not be applied to units built as part of a developer's efforts to meet the requirements of the Inclusionary Affordable Housing Program, Sections 415 or 419 of this Code ~~or any units that trigger a Density Bonus under California Government Code Sections 65915-65918.~~

\* \* \* \*

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

\* \* \* \*

**Table 710. NEIGHBORHOOD COMMERCIAL CLUSTER DISTRICT NC-1  
ZONING CONTROL TABLE**

		NC-1
Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
* * * *		
<b>Miscellaneous</b>		
<del>Lot Size (Per Development)</del>	<del>§§ 102, 121.1</del>	<del>P up to 4,999 square feet; C 5,000 square feet and above</del>
<u>Lot Size (Per Development)</u>	<u>§§ 102, 121.1</u>	<u>P(2)</u>

\* \* \* \*

\* \* \* \*

(2) ~~[Note deleted.]~~ C for 5,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

\* \* \* \*

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

**ZONING CONTROL TABLE**

		NC-2
Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
* * * *		
<b>Miscellaneous</b>		
<i>Lot Size (Per Development)</i> <u>Lot Size (Per Development)</u>	<u>§§ 102, 121.1</u> <u>§§ 102, 121.1</u>	<i>P up to 9,999 square feet; C 10,000 square feet and above</i> <u>P(2)</u>
* * * *		

\* \* \* \*

(2) ~~[Note deleted.]~~ C for 10,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

\* \* \* \*

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

\* \* \* \*

**Table 713. NEIGHBORHOOD COMMERCIAL SHOPPING CENTER DISTRICT**

**NC-S**

**ZONING CONTROL TABLE**

		<b>NC-S</b>
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
<b>BUILDING STANDARDS</b>		
<b>Massing and Setbacks</b>		
Height and Bulk Limits.	§§ 102, 105, 106, 250–252, <del>253.3</del> , 260, 261.1, 270, 271. See also Height and Bulk District Maps	Varies, but generally 40-X. <del>Lakeshore Plaza SUD requires C for buildings above 26 feet (1).</del> See Height and Bulk Map Sheets HT02-05, HT07, and HT10-13 for more information. Height sculpting required on Alleys per § 261.1.
* * * *		

**SEC. 714. BROADWAY NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*



**Table 714. BROADWAY NEIGHBORHOOD COMMERCIAL**

**DISTRICT**

**ZONING CONTROL TABLE**

		<b>Broadway NCD</b>
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
<b>BUILDING STANDARDS</b>		
<b>Massing and Setbacks</b>		
Height and Bulk Limits.	§§ 102, 105, 106, 250–252, <del>253.1</del> , 260, 261.1, 270, 271. See also Height and Bulk District Maps	40-X and 65-A. <del>In 65-A Districts, P up to 40 ft., C 40 to 65 feet</del> See Height and Bulk Map Sheet HT01 for more information. Height sculpting required on Alleys per § 261.1.
* * * *		

**SEC. 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

**Table 722. NORTH BEACH NEIGHBORHOOD COMMERCIAL DISTRICT**

**ZONING CONTROL TABLE**

		<b>North Beach NCD</b>
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>

<b>BUILDING STANDARDS</b>		
* * * *		
<b>Miscellaneous</b>		
Lot Size (Per Development)	§§ 102, 121.1	P up to 2,499 square feet; C 2,500 square feet and above <u>(16)</u>

\* \* \* \*

(15) P where existing use is any Automotive Use.

(16) C for 2,500 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.

# **SEC. 723. POLK STREET NEIGHBORHOOD COMMERCIAL DISTRICT.**

\* \* \* \*

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

		<b>Polk Street NCD</b>
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
<b>BUILDING STANDARDS</b>		
* * * *		
<b>Miscellaneous</b>		
Lot Size (Per Development)	§§ 102, 121.1	P up to 2,499 square feet; C 2,500 square feet and above <u>(12)</u>

\* \* \* \*

(11) P where existing use is any Automotive Use.

(12) C for 2,500 square feet and above if located within the Priority Equity Geographies  
Special Use District established under Section 249.97.

**SEC. 750. NCT-1 – NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT.**

\* \* \* \*

**Table 750. NEIGHBORHOOD COMMERCIAL TRANSIT CLUSTER DISTRICT NCT-1**  
**ZONING CONTROL TABLE**

		NCT-1
Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
* * * *		
<b>Miscellaneous</b>		
Lot Size (Per Development)	§§ 102, 121.1	<del>P up to 4,999 square feet; C 5,000 square feet and above</del> <u>(12)</u>

\* \* \* \*

(11) P where existing use is any Automotive Use.  
(12) C for 5,000 square feet and above if located within the Priority Equity Geographies  
Special Use District established under Section 249.97.

**SEC. 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT DISTRICT.**

\* \* \* \*

**Table 754. MISSION STREET NEIGHBORHOOD COMMERCIAL TRANSIT  
DISTRICT**

**ZONING CONTROL TABLE**

		Mission Street NCT
Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
<b>Massing and Setbacks</b>		
Height and Bulk Limits.	§§ 102, 105, 106, 250–252, <del>253.4</del> , 260, 261.1, 270, 271. See also Height and Bulk District Maps	Varies. See Height and Bulk Map Sheet HT07 for more information. <i>Buildings above 65 feet require C.</i> Height sculpting required on Alleys per § 261.1.
* * * *		

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

\* \* \* \*

**Table 810**

**CHINATOWN COMMUNITY BUSINESS DISTRICT ZONING CONTROL TABLE**

		Chinatown Community Business District
Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
* * * *		

Miscellaneous		
<i>Lot Size (Per Development)</i>	<i><del>§ 121.3</del></i>	<i>P up to 5,000 sq. ft.; C 5,001 sq. ft. &amp; above (1)</i>
<u>Lot Size (Per Development)</u>	<u>§ 121.3</u>	<u>P up to 5,000 sq. ft.; C 5,001 sq. ft. &amp; above (1)</u>
* * * *		

## SEC. 811. CHINATOWN VISITOR RETAIL DISTRICT.

\* \* \* \*

Table 811

### CHINATOWN VISITOR RETAIL DISTRICT ZONING CONTROL TABLE

		Chinatown Visitor Retail District
Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
* * * *		
<b>Miscellaneous</b>		
<i>Lot Size (Per Development)</i>	<i><del>§ 121.3</del></i>	<i>P up to 5,000 sq. ft.; C 5,001 sq. ft. &amp; above</i>
<u>Lot Size (Per Development)</u>	<u>§ 121.3</u>	<u>P up to 5,000 sq. ft.; C 5,001 sq. ft. &amp; above</u>
* * * *		

## SEC. 812. CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT.

\* \* \* \*

**Table 812**  
**CHINATOWN RESIDENTIAL NEIGHBORHOOD COMMERCIAL DISTRICT**  
**ZONING CONTROL TABLE**

		<b>Chinatown Residential Neighborhood Commercial District</b>
<b>Zoning Category</b>	<b>§ References</b>	<b>Controls</b>
<b>BUILDING STANDARDS</b>		
* * * *		
<b>Miscellaneous</b>		
<i>Lot Size (Per Development)</i> <u>Lot Size (Per Development)</u>	<del>§ 121.3</del> <u>§ 121.3</u>	<del>P up to 5,000 sq. ft.; C 5,001 sq. ft. &amp; above</del> <u>P up to 5,000 sq. ft.; C 5,001 sq. ft. &amp; above</u>
* * * *		

Section 4. Amendment to Specific Zoning Control Tables. Zoning Controls Tables 714, 715, 716, 717, 718, 719, 724, 725, 727, 728, 729, 730, 742, and 756 are hereby amended identically to the amendment of Zoning Control Table 710 in Section 3 of this ordinance, to remove the zoning control under Miscellaneous, Lot Size (Per Development) as follows:

\* \* \* \*

## ZONING CONTROL TABLE

Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
* * * *		
<b>Miscellaneous</b>		
<i>Lot Size (Per Development)</i>	<i>§§ 102, 121.1</i>	<i>P up to 4,999 square feet; C 5,000 square feet and above</i>
* * * *		

Section 5. Amendment to Specific Zoning Control Tables. Zoning Controls Tables ~~712, 720, 721, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 743, 744, 745, 751, 752, 753, 754, 755, 757, and 758, 759, 760, 761, 762, and 764~~ are hereby amended identically to the amendment of Zoning Control Table 711 in Section 3 of this ordinance, to remove the zoning control under Miscellaneous, Lot Size (Per Development), as follows:

\* \* \* \*

## ZONING CONTROL TABLE

Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
* * * *		
<b>Miscellaneous</b>		

<i>Lot Size (Per Development)</i>	<i>§§ 102, 121.1</i>	<i>P up to 9,999 square feet; C 10,000 square feet and above</i>
* * * *		

Section 6. Amendment to Specific Zoning Control Tables. Zoning Controls Tables 712, 751, 752, 759, 760, and 762 are hereby amended identically to the amendment of Zoning Control Table 711 in Section 3 of this ordinance, to amend the zoning control under Miscellaneous, Lot Size (Per Development) to identify “P” as the zoning control and include the note (“C for 10,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.”), as shown below, provided that the note shall be numbered as appropriate for each table, as follows:

#### ZONING CONTROL TABLE

Zoning Category	§ References	Controls
<b>BUILDING STANDARDS</b>		
* * * *		
<b>Miscellaneous</b>		
Lot Size (Per Development)	§§ 102, 121.1	P(1)
* * * *		

(1) C for 10,000 square feet and above if located within the Priority Equity Geographies Special Use District established under Section 249.97.



<b>Zoning Control Table</b>	<b>Note #</b>
712	14
751	10
752	11
759	11
760	7
762	10

Section 76. Pursuant to Sections 106 and 302(c) of the Planning Code, Sheets SU01, SU02, SU07, SU08, SU09, SU10, SU11, SU12SU13 of the Zoning Map of the City and County of San Francisco are hereby amended, as follows:

Description of Property	Special Use District Hereby Approved
Area 1 of the SUD is comprised of the following boundaries: Starting at the southwestern corner of the City and County of San Francisco heading north along the Pacific Ocean to Sloat Blvd.; Sloat Blvd. to Skyline Blvd.; Skyline Blvd. to Lake Merced Blvd.; Lake Merced Blvd. to Middlefield <del>Dr.</del> ; Middlefield <del>Dr.</del> to Eucalyptus Dr.; Eucalyptus Dr. to 19th Ave.; 19th Ave. south until the intersection of Cardenas Ave and Cambon Dr., then flowing Cambon Dr. south to Felix Ave.; following a straight line from	Priority Equity Geographies Special Use District

1	Felix Ave. to 19th Ave. and then following a	
2	line north to Junipero Serra Blvd.; Junipero	
3	Serra Blvd to Holloway Ave.; Holloway Ave.	
4	to Ashton Ave.; Ashton Ave. to Lake View	
5	Ave.; Lake View Ave. to Capitola Ave.;	
6	Capitola Ave. to Grafton Ave.; Grafton Ave.	
7	to Mt. Vernon Ave.; Mt. Vernon Ave. to	
8	Howth St.; Howth St. to Ocean Ave.; Ocean	
9	Ave. to Alemany Blvd.; the northern most	
10	portion of Alemany Blvd. until Industrial St.;	
11	Industrial St. to Oakdale Ave.; Oakdale Ave.	
12	to Phelps St.; Phelps St. to Jerrold Ave.;	
13	Jerrold Ave. to 3rd St.; 3rd St. to Evans Ave.;	
14	Evans Ave. to Newhall St.; Newhall St. to	
15	Fairfax Ave.; Fairfax Ave. to Keith St.; Keith	
16	St. to Evans Ave.; Evan Ave. to Jennings	
17	St.; following Jennings St. in a north easterly	
18	direction to its end and then a straight line to	
19	the shoreline; following the shoreline south	
20	until Arelious Walker Dr.; Arelious Walker Dr.	
21	to Gilman Ave.; Gilman Ave. to Bill Walsh	
22	Way; Bill Walsh Way to Ingerson Ave.;	
23	Ingerson Ave. to Hawes St.; Hawes St. to	
24	Jamestown Ave.; Jamestown Ave. to 3rd.	
25	St.; 3rd St. to Bayshore Blvd.; Bayshore	

Blvd. to southernmost boundary of the City and County of San Francisco. The above area shall exclude the following area:  
Starting at the intersection of Harvard St. and Burrow St. heading east to Cambridge St.; Cambridge St. to Felton St.; Felton St. to Hamilton St.; Hamilton St. to Woolsey St.; Woolsey St. to Goettingen St.; Goettingen St. to Mansell St.; Mansell St. to Brussels St.; Brussels St. to Ward St.; Ward St. to Ankeny St.; Ankeny St. to Hamilton St.; Hamilton St. to Mansell St.; Mansell St. to University St.; University St. to Wayland St.; Wayland St. to Yale St.; Yale St. to McLaren Park; a straight line from Yale St. to Cambridge St.; Cambridge St. to Wayland St.; Wayland St. to Oxford St.; Oxford St. to Bacon St.; Bacon St. to Harvard St.; Harvard St. to Burrows St.

Area 2 of the SUD is comprised of the following boundaries: Starting on Cesar Chavez St. at the intersection of Valencia Street, heading eastward to ~~Harrison St.~~; ~~Harrison St. to 23rd St.~~; ~~23rd St. to Highway~~

1	<del>101; following Highway 101 south to Cesar</del>	
2	<del>Chaves St.; Cesar Chavez St. to Vermont</del>	
3	St.; Vermont St. to 26th St.; 26th St. to	
4	Connecticut St.; Connecticut St. to 25th St.;	
5	25th St. to Highway 280; following Highway	
6	280 north to 20th St.; 20th St. to Arkansas	
7	St.; Arkansas St. to 22nd St.; 22nd St to the	
8	western side of Highway 101; following the	
9	western side of Highway 101 north to 17th	
10	St.; 17th St. to Vermont St.; Vermont St. to	
11	Division St.; Division St. to Townsend St.;	
12	Townsend St. to 6th St.; 6th St. to Brannan	
13	St.; Brannan St. to 5th St.; 5th St. to	
14	Townsend St.; Townsend St. to 3rd St.; 3rd	
15	St. to Howard St.; Howard St. to 4th St.; 4th	
16	St. to Market St.; Market St. to Drumm St.;	
17	Drumm St. to Sacramento St.; Sacramento	
18	St. to Battery St.; Battery St. to Pacific	
19	<u>Ave</u> St.; Pacific <u>Ave</u> St. to Sansome St.;	
20	Sansome St. to Vallejo St.; Vallejo St. to	
21	Kearny St.; Kearny St. to Filbert St.; Filbert	
22	St. to Columbus Ave.; Columbus Ave. to	
23	Mason St.; Mason St. to Washington St.;	
24	Washington St. to Powell St.; Powell St. to	
25	California St.; California St. to Stockton St.;	

1	Stockton St. to Bush St.; Bush St. to Van	
2	Ness Ave.; Van Ness Ave. to O'Farrell	
3	St./Starr King Way; Starr King Way to Geary	
4	Blvd.; Geary Blvd. to Laguna St.; Laguna St.	
5	to Bush St.; Bush St. to Webster St.;	
6	Webster St. to Post St.; Post St. Filmore St.;	
7	Filmore St. to Geary Blvd.; Geary Blvd. to St	
8	Joseph's Ave.; St. Joseph's Ave. to Turk	
9	Blvd.; Turk Blvd. to Scott St.; Scott St. to	
10	McAllister St.; McAllister St. to Steiner St.;	
11	Steiner St. to Fulton St.; Fulton St. to Gough	
12	St.; Gough St. to McAllister St.; Mc Allister	
13	St. to Van Ness Ave.; Van Ness Ave. to	
14	Market St.; Market St. to Dolores St.;	
15	Dolores St. to 17th St.; 17th St. to Valencia	
16	St.; Valencia St. to Cesar Chavez St.	
17		
18	Area 3 of the SUD is comprised of the	
19	following boundaries: Starting on Chestnut	
20	St. at the intersection of Columbus <u>Ave</u> ,	
21	heading eastward to the Embarcadero; The	
22	Embarcadero to Taylor St.; Taylor St. to	
23	Jefferson St.; Jefferson St. to Leavenworth	
24	St.; Leavenworth St. to North Point St.; North	

1 Point St. to Columbus AveSt.; Columbus  
2 AveSt. to Chestnut St.

3 Section 87. Effective Date. This ordinance shall become effective 30 days after  
4 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
5 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
6 of Supervisors overrides the Mayor's veto of the ordinance.

7 Section 98. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
8 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
9 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
10 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
11 additions, and Board amendment deletions in accordance with the "Note" that appears under  
12 the official title of the ordinance.

13 Section 10. Clarification of existing law. The amendments to Planning Code Section  
14 305.1(g) in Section 3 of this ordinance do not constitute a change in, but are declaratory of,  
15 existing law with regard to the Planning Department's authorization to collect fees for time and  
16 materials spent reviewing application materials.

17 APPROVED AS TO FORM:  
18 DAVID CHIU, City Attorney

19 By: /s/ Andrea Ruiz-Esquide  
20 ANDREA RUIZ-ESQUIDE  
Deputy City Attorney

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